



CITY OF GOLDSBORO

PERSONNEL POLICY

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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 City under the supervision of the City Manager. This policy is established under authority of Chapter 160A, Article 7, of the General Statutes of North Carolina.

Section 2. At Will Employment

The employment relationship between the City of Goldsboro and the employee is terminable at the will of either at any time and with or without cause and with or without notice. No employee, officer, agent or representative of the City 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. Any exception to this policy of at-will employment must be expressly authorized in writing, approved by the Council and executed by the officers designated by the Council.

None of the benefits or policies set forth in these policies are intended, because of their publication, to confer any rights or privileges upon employees or to entitle them to be or remain employed by the City. The contents of this document are presented as a matter of information only. Although the City believes wholeheartedly in the plans, policies, and procedures described herein, they are not conditions of employment.

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

Notwithstanding any of the provisions within these policies, employment may be terminated at any time, either by the employee or by the City, with or without cause.

Section 3. Merit Principle

All appointments and promotions shall be made solely on the basis of merit. No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected because of such individual's race, color, religion, sex, national origin, genetics, sexual orientation, political affiliation, non-disqualifying disability, marital status, veteran status or age.

Section 4. Responsibilities of the City Council

The City Council shall be responsible for, or may delegate to the City Manager, the authority to establish and approve personnel policies, the position classification and pay plan, and may change the policies and benefits as necessary. They also shall make and confirm appointments when so specified by the General Statutes. Any changes made or recommended by the City Manager requiring the obligation of City funding shall first be approved by the City Council.

Section 5. Responsibilities of the City Manager

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

The City Manager shall:

- 1) Make rules and revisions to the personnel system and advise the City Council;
- 2) Make changes as necessary to maintain an up to date and accurate position classification plan;
- 3) Perform such other duties as may be assigned by the City Council not inconsistent with this Policy;
- 4) Appoint an employee to the role of Human Resources Director; in the absence of a Human Resources Director, the City Manager shall appoint an interim or fulfill the role;
- 5) Any changes made or recommended by the City Manager requiring the obligation of City funding shall first be approved by the City Council.

Section 6. Responsibilities of the Human Resources Director

The responsibilities of the Human Resources Director are to make recommendations to the City Manager on the following:

- 1) Recommend rules and revisions to the personnel system to the City Manager for consideration;

- 2) Recommend changes as necessary to maintain an up to date and accurate position classification plan;
- 3) Recommend necessary revisions to the pay plan;
- 4) Determine which employees shall be subject to the overtime provisions of FLSA;
- 5) Maintain a roster of all persons in the municipal service
- 6) Establish and maintain a list of authorized positions in the municipal service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- 7) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City;
- 8) Develop and coordinate training and educational programs for City employees;
- 9) Investigate periodically the operation and effect of the personnel provisions of this policy; and,
- 10) Perform such other duties as may be assigned by the City Manager not inconsistent with this Policy.

Section 7. Application of Policies, Plan, Rules and Regulations

The personnel policy and all rules and regulations adopted pursuant thereto shall apply to all City employees. The City Manager, City Attorney, members of City 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 8. Departmental Rules and Regulations

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

supplement to this Policy. Any such departmental policies approved by the City Manager shall have a copy placed on file with the Human Resources Department and shall be available to all departmental employees.

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:

Compensatory Time (Comp Time). Fair Labor Standards Act (FLSA) approved method of compensating employees with time off rather than payment for overtime hours worked in the employees designated work week or work period.

Continuous Service. Years of regular service with the City of Goldsboro without a termination and rehire of employment. This does not include Family and Medical leaves of absence or eligible Military Leave under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Demotion. Demotion is a move from one position class to another position class which is assigned to a lower salary grade.

Dismissal. Dismissal is a disciplinary action taken by the City whereby the offending employee is relieved of all duties and responsibilities and is discharged from the employ of the City.

Full-time employee. An employee who is in a position that is authorized for an average work week of 32 or more hours and budgeted for at least 12 months.

Grievance. A claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment expectations.

Immediate Family. Immediate family for purposes of these policies means employee's spouse, guardian, children, brother, sister, parent(s), in-laws of the employee, grandparents, grandchildren, step-parents, step-children, and anyone living as a part of the household of the employee.

Military Training Leave. The annual two-week military training absence from work for members of the National Guard or Reserves. Regular status employees shall receive their regularly scheduled work-week pay during that time.

Part-time employee. An employee who is in a position that is authorized for an average work week of at least 20 hours but less than 30 hours and budgeted for at least 12 months, unless covered by other insurance.

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

Probationary Period. The initial six months of employment or promotion representing the period of observable work performance to determine the suitability and ability of the employee to satisfactorily perform the duties and responsibilities of the position. The Probationary Period may be extended up to an additional six (6) months but shall not exceed eighteen (18) months. Employees must satisfactorily complete probation before they are eligible for promotional opportunities.

Promotion. Promotion is a move from one position class to another position class that is assigned to a higher salary grade.

Reclassification. When, due to substantial and permanent changes, the majority of job duties, complexities and/or knowledge and skills required in a position are determined to be at a higher (or lower) classification level than the current level of the position, the position may be eligible for reclassification review. Changes in the nature, variety and complexity of job duties, the supervision received or supervision exercised, or the responsibility for staff and/or resources, may justify a reclassification review. Changes in the volume of work assigned, or an employee's performance, are not considered justification for a reclassification.

Reduction in Force. A separation from employment resulting from an organizational change, lack of work, lack of funds or other reasons that reflect no discredit upon the affected employee(s).

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

Regular position. A position authorized for the budget year for a full twelve months and budgeted for 32 or more hours per week. All City positions are subject to budget review and approval each year by the City Council and all employees' work and conduct must meet City standards.

Reinstatement. An action taken by the City whereby a former employee, who had been laid off or otherwise left the service in good standing, is re-employed within one year of the date of separation upon approval of the City Manager or their designee.

Seasonal Employee. An employee who works for six months, or less, and whose employment begins at approximately the same time of year (example: Summer, Winter, Holiday Season).

Suspension. Suspension is an action taken by the City whereby the employee's pay is discontinued while they are temporarily relieved of all duties and responsibilities.

Temporary employee. An employee appointed to a position for which either the average work week required by the City over the course of a year is less than 20 hours, or continuous employment required by the City is less than 12 months.

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

Transfer. Transfer occurs when an employee is moved from one position class to another position class in the same pay grade. If an employee moves to a different classification, (s)he will be placed on probation for a minimum of six months.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose.

The position classification plan provides a complete inventory of all authorized regular positions in the City 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:

- 1) 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;
- 2) Class titles descriptive of the work of the class;
- 3) Written specifications for each class of positions; and,
- 4) 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:

- 1) As a guide in recruiting and examining applicants for employment;
- 2) In determining lines of promotion and in developing employee training programs;
- 3) In determining salary to be paid for various types of work;
- 4) In determining personnel service items in departmental budgets; and
- 5) In providing uniform job terminology.

Section 4. Administration of the Position Classification Plan

The City Manager, assisted by the Human Resources Director, 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 City Manager shall periodically review portions of the classification plan and make appropriate revisions to ensure that classifications accurately reflect current job duties and responsibilities. The City Manager shall also periodically review the entire classification plan and, when needed, recommend major changes to the City Council.

Section 5. Authorization of New Positions and the Position Classification Plan

New positions shall be established upon recommendation of the City Manager and approval of the City Council. The Department Director shall submit the request, along with the recommended title, pay grade assignment and job description to the Human Resources Director and Finance Director. The Human Resources staff shall be responsible for reviewing the request and submitting a final job description and pay grade assignment. The Human Resources Director and Department Director shall then recommend the appropriate classification title and pay grade assignment to the City Manager for Council approval. The position classification plan, along with any new positions or classifications, shall be retained in the Human Resources Department and copies made available to all City employees for review upon request.

Section 6. Request for Reclassification

Any employee who considers the position in which he/she is classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request through the department head to the Human Resources Director. Upon receipt of such request, the Human Resources Director shall study the request, determine the merit of the reclassification, and recommend any necessary revisions to the classification and pay plan to the City Manager. The City Manager will respond to this request with a plan of action within ten working days.

Department heads are responsible for identifying changes in job duties that may result in a position being reviewed and submitting recommendations to make the Human Resources Director and City Manager aware of the need for a position reclassification.

The determination of the reclassification request shall be based on substantial and permanent changes in the nature, variety and complexity of job duties, the supervision received or supervision exercised, or the responsibility for staff and/or resources. Changes in the volume of work assigned, or an employee's performance, are not considered justification for a reclassification.

ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the basic salary schedule and the "List of Classes Arranged by Grades" adopted by the City Council. The salary schedule consists of minimum or beginning, maximum, and intervening rates of pay for all classes of positions.

Section 2. Administration and Maintenance

The City Manager, assisted by the Human Resources Director, 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. Each year, the City Manager shall recommend a cost of living or market adjustment amount based on an analysis of the consumer price increase and of the increases in other local governments. When cost of living or market adjustments are approved by the Council, the salary plan should adjust by that amount so that minimum rates and maximum rates of pay remain competitive in the market.

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 City, and other factors. To this end, from time to time, the City Manager shall request the Human Resources Director to make comparative studies of all factors affecting the level of salary ranges and may make minor adjustments in the allocation of positions to salary grades. Approximately every three to five years the City will conduct a comprehensive classification and pay study to update the plan ensuring internal equity and external competitiveness. When major adjustments encompassing numerous positions are needed, or when a general adjustment is needed to the pay plan, the City Manager shall recommend such changes in salary ranges as appear to be warranted to the City Council. The City Council shall adopt the "Assignment of Classes to Grades and Ranges," including any recommended adjustments made by the City Manager during the previous budget year, annually as part of the budget process.

Section 3. Starting Salaries

All persons hired or promoted into positions approved in the position classification plan shall be compensated at the minimum rate for the classification in which they are employed; however, exceptionally well qualified applicants may be paid above the

minimum rate of the established salary range based upon recommendation of the hiring department head and Human Resources Director and approval of the City Manager.

Section 4. Trainee Designation and Provisions

Applicants being considered for employment or City 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 to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the department head. "Trainee" salaries shall be one or (no more than) two grades below the minimum rate established for the position for which the person is being trained. A new employee designated as "trainee" shall concurrently serve a probationary period. However, probationary periods shall be at least 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 City, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the hiring rate established for the position for which the employee was trained.

Section 5. Probationary Pay Increases

Employees who satisfactorily complete probation may receive an increase. The percentage, or amount, shall be approved by the City Manager prior to the employee's appointment or acceptance of employment offer.

Section 6. Performance Pay

An annual performance evaluation shall be scheduled for all full-time employees. Consultation between the employee and supervisor regarding performance at times other than the annual performance evaluation is anticipated and encouraged under this policy and shall be considered to supplement rather than replace the annual performance evaluation. Advancement within the established salary range for an employee is not automatic but rather based upon specific performance-related reasons. Employees may be considered for advancement within the established salary range based on the quality of their overall performance. Procedures for determining performance levels and performance pay increases shall be established in procedures approved by the City Manager. Performance pay is subject to annual appropriation. See Appendix A for details.

Section 7. Performance Pay Bonus

Employees who are at the maximum of the salary range for their position classification are eligible to be considered for a performance bonus at their regular performance evaluation time. Performance bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and shall be the same percentage of annual salary as employees within the salary range with the same performance level. Performance bonuses do not become part of base pay and shall be awarded in a lump sum payment.

Section 8. Salary Effect of Promotions, Demotions, Transfers and Reclassifications

Promotions. Employees who successfully complete probation are eligible to apply for promotional opportunities. When an employee is promoted, the employee's salary shall be advanced to the minimum rate of the new position, or 10 % over the employee's salary before the promotion, whichever is greater; provided, however, that the new salary may not exceed the maximum rate of the new salary range.

Where a promotion moves an employee more than 2 salary grades, the City Manager may allow the Department Head to consider an increase of not more than 5% per pay grade at the time of the promotion or at a later date as part of the promotion; if discussed and documented at the time of the promotion.

The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility.

Demotions. Employees demoted for disciplinary or performance reasons should expect to have their salary reduced at least 5% per pay grade. The adjusted salary must be within the range of the new grade. The amount of the reduction will be determined by the supervisor and the department head and will be contingent on the severity of the offense or deficiency and approved by the Human Resources Director and the City Manager.

Employees who request a voluntary demotion should also expect to have their salary reduced to a salary within the pay range of the new position. The amount of reduction would be determined by the supervisor and the department head based on consideration of several factors such as internal equity and the employee's qualifications compared to the qualifications of the job, the final salary reduction must be approved by the Human Resources Director and the City Manager. Exceptions may exist where the employee retains his/her salary. Requests for such events will require approval by the City Manager. Factors, such as maintaining internal equity within the department, as well as the employee's value in the position will be taken into consideration.

For employees involuntarily demoted for reasons other than discipline or performance **(Example: Reduction in Force or reorganization)** may have their salary reduced or maintained at the same rate as approved by the Human Resources Director and the City Manager.

Transfers. When a lateral transfer occurs, the salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment. An employee transferred because of performance, disciplinary reasons or voluntarily is considered a demotion.

Reclassifications. An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of 5% or an increase to the hiring rate of the new pay range, whichever is higher, if the employee's salary is below midpoint of the new range. If the employee has completed probation, the employee's salary shall be advanced to at least the minimum (probation completion) amount in the new range. If the employee's salary is above the midpoint of the new range, the employee shall receive an increase of 2.5%. 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 9. Salary Effect of Salary Range Revisions

When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least 5%, or to the minimum rate of the new range, whichever is higher, if the employee's current salary is below the midpoint of the new salary range. If the employee has passed probation, the employee's salary shall be advanced at least to the probation completion amount (minimum rate) in the new range. If the employee's salary is above the midpoint of the new range, the employee shall receive an increase of 2.5%.

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 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 10. 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 at least to the new minimum rate 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 employee's current salary.

Section 11. 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 City Manager.

Section 12. Overtime Pay Provisions

Employees of the City can be requested and may be required to work overtime hours as necessitated by the needs of the City and determined by the Department Head. All overtime hours worked must be authorized by appropriate management or City officials. To the extent that local government jurisdictions are so required, the City will comply with the Fair Labor Standards Act (FLSA). The Human Resources Director shall recommend 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 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; 171 hours for police and 212 for fire personnel in a 28-day cycle). Hours worked beyond the FLSA established limit will be compensated in time off or pay at the appropriate overtime rate.

In determining eligibility for overtime in a work period, only hours actually worked shall be considered. In no event will vacation, sick leave, holiday time or compensatory leave hours be counted toward the total hours for the purpose of overtime compensation.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees (work period is seven days except 28 days for applicable law enforcement and fire personnel) instead of compensating overtime. A maximum of 80 hours of comp-time may be held at any given time.

When time off within the applicable work period cannot be granted, overtime worked will be compensated in accordance with the FLSA, not to exceed 80 hours total. All accumulated compensatory time may be scheduled off at the will of the department. For employees eligible to earn and accrue Comp Time, during any absence from work, the employee will first use accrued Comp Time hours before using any other accrued leave time, including sick leave.

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) do not accrue comp-time and are not paid for extra hours worked in excess of their normal work periods. Exempt employees may, upon immediate supervisor's approval, rearrange their weekly work schedule for hours worked over 40.

In declared emergency situations, where authorized exempt employees are required to work long and continuous hours, those authorized exempt employees shall receive compensation at their hourly rate for those hours worked beyond 40 hours in preparing for or responding to emergency situations.

Section 13. Call-back and Stand-by Pay

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

Call-back. Non-exempt employees will be guaranteed a minimum payment of two hours of wages per twenty-four-hour period for being called back to work outside of normal working hours. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance).

Stand-by. Non-exempt employees required to be on "stand-by" duty will be paid \$125 per week of stand-by time they serve. Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. Stand-by time is defined as that time when an employee must carry a pager or other communication device and must respond immediately to calls for service.

Stand-by time is normally assigned in seven-day increments. Employees designated for stand-by time must be fit for duty (not under the influence of any alcohol or drugs and able to respond within 15 minutes). Stand-by schedule changes must be approved by the department head.

Section 14. Payroll Deduction

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be authorized by the City Manager as to capability of payroll equipment and appropriateness of the deduction.

Section 15. Hourly Rate of Pay

Employees working in a part-time or temporary capacity with the same duties as full-time employees will work at a rate in the same salary range as the full-time employees. The hourly rate for employees working other than 40 hours per week, such as police officers working an average 42.75 hours per week or firefighters working an average of 56 hours per week, will be determined by dividing the average number of hours scheduled per year into the annual salary for the position.

Section 16. Pay for Interim Assignment in a Higher-Level Classification

An employee who is formally designated to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification shall receive an increase effective upon appointment. The employee shall receive a salary adjustment to the entry level (minimum rate) of the job in which the employee is assigned or an increase of 10%, whichever is greater. Criteria involved in determining the amount of compensation shall include 1) the difference between the existing job and that being filled on an interim basis, and 2) the degree to which the employee is expected to fulfill all the duties of the interim assignment. The salary increase shall be for the duration of the interim assignment and, at the conclusion of the interim assignment, the employee's salary shall be set at the rate he or she would have had notwithstanding the interim assignment.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Statement

The City of Goldsboro provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability or genetics. In addition to federal law requirements, the City complies with applicable state and local laws governing nondiscrimination in employment. This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

Section 2. Implementation of Equal Employment Opportunity Policy

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 because of age, sex, race, color, religion, disability, national origin, political affiliation, or marital status. Notices with regard to equal employment matters shall be posted in conspicuous places on City premises in places where notices are customarily posted.

Section 3. Recruitment, Selection and Appointment

Recruitment Sources. When position vacancies occur, the Human Resources Director shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be published in local and/or other news/social media as necessary to inform the community and create a quality and diverse pool of applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments. 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 City service. The North Carolina Division of Employment Security shall normally be used as a recruitment source. In rare situations because of emergency conditions, high turnover, etc., the City may hire or promote without advertising jobs, upon approval of the City Manager.

Job Advertisements. 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 City shall be given the opportunity to file an application for employment for positions

which are currently being recruited.

Application Reserve File. Applications shall be kept in an inactive reserve file for a period of two years, in accordance with Equal Employment Opportunity Commission guidelines.

Selection. Department heads, with the assistance of the Human Resources Director, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. All selection devices administered by the City shall be valid measures of job performance. Any selection devices that create adverse impact with minority races or women will be subject to replacement or validation.

Physical Examination. The City, at its own expense, may require that a selected candidate successfully complete a medical examination prior to starting work with the City.

Appointment. Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the Human Resources Director including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Human Resources Director and Department Head shall recommend approval of appointments and the starting salary for all applicants to the City Manager.

Section 4. 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. During the probationary period, the supervisor of the employee serving in a probationary status shall closely monitor the progress of that employee and shall frequently discuss with the employee his or her performance. At the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths and needed improvements. This shall be accomplished through the City's evaluation process and submitted to Human Resources for inclusion in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Unsatisfactory performance shall result in the employee being placed on a Development Plan and he/she will remain on the Development Plan for no longer than six (6) months. 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 employees retain all other rights and benefits such as the right to use of the grievance procedures and to graduated disciplinary procedures.

An employee may be terminated during the probationary period, with or without cause, and such probationary employee shall have no rights to file a grievance regarding the termination under the grievance provisions of these personnel policies.

Section 5. Promotion

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the City's policy 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 City 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 City experience is essential (such as promotions to Police Sergeant or Fire Captain), or exceptional qualifications of an internal candidate so indicate, the City will consider external and internal candidates rather than automatically promote from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Upon satisfactory completion of probation, internal candidates shall apply for promotions using the same application process as external candidates.

Department heads are responsible for developing staff capacity to provide back-up for coworkers and higher-level positions; to prepare staff and the organization for smooth transitions; and to ensure capability to cover interim absences and vacancies.

Section 6. Demotion

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. 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 chapter.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a voluntary demotion. A voluntary demotion is not a disciplinary action and is made without using the above-referenced disciplinary procedures. For a voluntary demotion, the employee's salary may be negotiated with approval of the Human Resources Director and City Manager.

Section 7. Transfer

Transfer is the movement of an employee from one position or department to another. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee may apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department or classification shall, with the consent of the receiving department head, make a recommendation to the Human Resources Director who shall review and make a recommendation to the City Manager. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

Section 8. Recruitment and Succession Planning

The City of Goldsboro is committed to employing the best-qualified candidates for approved positions while engaging in recruitment and selection practices that comply with all applicable federal and state employment laws. The City has a policy of utilizing succession planning and, while succession planning is an integral component of the City's recruitment and selection process, no employee, identified and/or targeted by the Succession Planning Committee, shall be guaranteed or promised succession to any current or future vacant position. The City's stated procedure for recruitment, selection and promotion shall be the guidelines by which all vacancies are filled.

See Appendix C for additional information regarding Recruitment and Succession Planning.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

Department Heads shall establish work schedules, with the approval of the City Manager, which meet the operational needs of the department in the most cost-effective manner possible.

Section 2. Political Activity

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations 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:

- 1) Engage in any political or partisan activity while on duty;
- 2) Use official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- 3) 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;
- 4) Coerce or compel contributions from another employee of the City for political or partisan purposes;
- 5) Use any supplies or equipment of the City for political or partisan purposes; or,
- 6) Be a candidate for nomination or election to an office under the City Charter;

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

Section 3. Outside Employment

The work of the City shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported in advance to the employee's supervisor, who in turn will report it to the Department Head. The Department Head will review such employment for possible conflict of interest and decide whether to approve the work. Conflicting or unreported outside employment are grounds for disciplinary action up to and including dismissal. Documentation of the approval of outside employment will be placed in the

employee's personnel file.

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

- 1) Employment with organizations or in capacities that are regulated by the employee or employee's department; or
- 2) Employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality or reputation related to performance of the employees City duties.

Section 4. Dual Employment

Dual employment is prohibited in the City of Goldsboro. Dual employment is defined as employees working more than one job with the City regardless of whether the job is full- time, part-time or temporary.

Section 5. Employment of Relatives

The City prohibits the hiring and employment of immediate family in regular positions within the same work unit. The City wants to ensure that organization practices do not create situations such as conflict of interest or favoritism. This extends to practices that involve employee hiring, promotion and transfer. Immediate family members, individuals in a dating relationship or members of the same household are not permitted to be in positions that have a reporting responsibility to each other and should inform their department head and Human Resources if such a relationship exists or begins. "Immediate Family" is defined in Article VII, Section 12.

The City also prohibits the hiring of any person into a regular_position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Tem, City Council Member, City Manager, Human Resources Director, or City Attorney. Otherwise, the City will consider employing family members or related persons in the service of the City, provided that such employment does not:

- 1) Result in a relative supervising relatives;
- 2) Result in a relative auditing the work of a relative;
- 3) Create a conflict of interest with either relative and the City; or,
- 4) Create the potential or perception of favoritism.

Should a family member (as defined in Article VII Section 12) of a current employee be elected to the City Council, the employee may continue employment as long as there is not a conflict of interest or perception of favoritism.

The City reserves the right to apply this policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if there is not direct-reporting relationship or authority involved.

Section 6. Anti-Harassment

It is the policy of the City of Goldsboro to maintain a working environment that is free from all forms of discrimination and harassment, including sexual harassment. For that reason, the City of Goldsboro will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, the City will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Any employee who feels subjected to unlawful harassment in the workplace is obligated to promptly report this information in accordance with the procedures provided in this policy.

Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimands, suspension, demotion or termination of employment. See Appendix D for policy guidelines.

Section 7. Acceptance of Gifts and Favors

No official or employee of the City shall accept any gift, favor, or thing of value (more than \$50) that may tend to influence such employee in the discharge of the employee's duties or grant in the discharge of duty an improper favor, service, or thing of value.

Section 8. Performance Evaluation

All supervisors shall conduct performance evaluation conferences with each employee at least once a year to review the employee's accomplishments and strengths, areas for improvements goals for the next year, and overall performance level. These performance evaluations shall be documented in writing and placed in the employee's personnel file. Procedures for the performance evaluation program shall be published by the City Manager.

Section 9. Safety

Safety is the responsibility of both the City and employees. The City shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department Heads and supervisors are responsible for ensuring the safe work procedures of all employees and providing necessary safety training programs. Employees shall follow the safety policies and

procedures and attend 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. (see SAFETY POLICY for guidelines)

Section 10. Direct Deposit

Employees are required to participate in the City's direct deposit program.

Section 11. Use of City Supplies and Equipment

City equipment, materials, tools and supplies shall not be available for personal use nor be removed from City property except in conduct of official City business.

City employees shall provide reasonable care for any City vehicle as a duty and function of their job requirements and will be accountable for the vehicle. Such vehicles are to be used exclusively for official City business, except that by special approval by the City Manager, an employee may be directed to take the vehicle home when doing so shall serve the best interest of the City. Use of City vehicles for commuting to and from work shall usually be limited to an employee who is subject to emergency call-back work. IRS guidelines will dictate any charges which shall accrue to the employee.

Section 12. Dress and Personal Appearance

City of Goldsboro employees are expected to represent the City to its citizens and general public in an exemplary manner both in conduct and appearance at all times. City employees should always be well-groomed and dressed in a manner suitable for the public service environment and in attire that allows the employee to work comfortably in the workplace.

An employee's Department Head and/or supervisor will discuss the subject of personal appearance with the employee if it is felt it does not positively reflect the image of the City. Any employee deemed to be inappropriately dressed or groomed will be asked to return home in order to correct the unacceptable infraction. Employees will not be compensated for the time they do not work as a result unless vacation leave or compensatory time is used. Repeated violations will be subject to further disciplinary action up to and including dismissal.

Department Heads may authorize causal dress as necessary to achieve departmental objectives, i.e., clean up days. Department Heads are to monitor dress within their respective areas. If there should be a debate as to what is appropriate, the decision of the Department Head shall be final.

Note: Employees who have been issued uniforms will wear them according to departmental standards.

Section 13. Call-Back or Stand-By Requirement

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

Section 14. Breaks

All employees shall be allowed a 1-hour lunch break each work day. In addition, all employees may be allowed up to 15 minutes for a break in the morning and in the afternoon, when work demands permit. While eating at the workspace is not prohibited, it is discouraged; however, while eating lunch at the workplace, an employee is relieved of all work activities and shall not engage in any such work activity. Engaging in work activities while relieved from duty during an employee's lunch break will be grounds for disciplinary action up to and including termination of employment.

Section 15. Social Media

The City utilizes several forms of social media to provide information regarding City services, programs, events, meetings and other related announcements. The delivery of information to the public via social media requires the establishment of certain guidelines and expectations by the City and its employees. Those guidelines are located in Appendix F of these policies.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

All full-time employees (see definitions) of the City are eligible for employee benefits as provided for in this policy. These benefits are subject to change at the City's discretion. Temporary employees are eligible only for workers' compensation and FICA.

Section 2. Group Health and Hospitalization Insurance

The City provides group health and hospitalization insurance programs for full-time employees, subject to annual appropriation by the City Council.

Part-time employees who are scheduled to work an average of 30 or more hours per week on a continuous year-round basis shall be eligible for health coverage in accordance with the Affordable Care Act.

Information concerning cost and benefits shall be available to all employees from the Human Resources Department.

Section 3. Group Life Insurance

The City may elect to provide group life insurance for each employee subject to the stipulations of the insurance contract. Employees may elect to purchase additional coverage and/or to insure other family members at their expense subject to the stipulations of an insurance provider.

Section 4. Other Optional Group Insurance Plans and Benefits

The City may make other group insurance plans available to employees upon authorization of the City Manager or City Council.

Section 5. Retirement

Each employee who is expected to work for the City more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System upon hire as a condition of employment.

Section 6. Supplemental Retirement Benefits

The City may provide supplemental retirement benefits for its full and part-time

employees. Each law enforcement officer shall receive 401-K benefits as prescribed by North Carolina State Law and beginning on the first day of employment. Each general employee shall receive supplemental benefits as determined by the City Council.

Section 7. Social Security

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

Section 8. Workers' Compensation

All employees of the City (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once. This provision also applies to reactions to small pox vaccinations administered to City 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.

Transitional duty may be provided when possible to aid an employee injured on the job to return to work as quickly as possible.

Before returning to work, a statement from the attending physician shall be submitted to the Human Resources Director giving permission for the employee to either return to perform restricted duties or resume regular duties.

Upon return to work, the employee's salary will be computed on the basis of the last salary plus any merit increment or other salary increase to which the employee would have been entitled during the disability covered by Workers' Compensation benefits. An employee continues to earn vacation leave and sick leave and will retain all accumulated sick or vacation leave.

Employees may use sick leave and/or vacation both during the waiting period before Workers' Compensation benefits begin, and afterward to supplement the remaining one-third of salary, except that employee may not exceed the regular salary amount using this provision. An employee receiving Worker's Compensation payments is not eligible for retirement service credit for the month in which payment is received.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee, and such claims should be filed with the North Carolina Industrial Commission within five days of the date of injury. The Human Resources Department is available if employees need assistance.

NOTE: Retirement Service Credit (Workers' Compensation Leave)

If you are granted a leave of absence to receive benefits under the North Carolina

Workers' Compensation Act, you may purchase credit for the period of time you received those benefits. Your cost for Workers' Compensation leave must be paid in a lump sum and will include the total amount required to cover the employee and employer funding. Upon request by the employee, the Retirement System provides a statement of the cost and a date by which purchase must be made. If purchase is not made by that date, the cost will have to be recomputed.

Section 9. Return to Work (Personal Injury/Illness)

The purpose of this section is to inform management and employees of the guidelines for returning to work following a personal injury/illness.

Transitional duty, if available, may be provided to accommodate a **temporary** illness or injury when an employee has not reached maximum medical improvement but is ready to return to restricted duty work with the approval of the treating physician. The department may provide transitional duty work for the employee suitable to the employee's capacity to work which is both meaningful and productive to the employee and the City. The City reserves the right to exercise its prerogative to protect itself against excessive future liability and insurance risk, and the employee against further aggravation and/ or injury.

The transitional duty work shall be temporary and not exceed 30 days, per personal injury/illness within a 12-month period. Department Heads are responsible for the administration of transitional duty assignments within their respective departments.

When the employee reaches maximum medical improvement, the employee shall be returned to his/her original position with regular duties.

Section 10. Unemployment Compensation

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

Section 11. Tuition Assistance Program

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time or during educational leave which will improve their skills for their current job or prepare them for promotional opportunities with the City. These courses must lead to a certification program or a degree program. The employee must complete an Educational Incentive Assistance Application, attach acceptance letter, course registration or other documentation for proof of enrollment and forward to appropriate approval authority for processing prior to attending. Tuition,

registration, fees, laboratory fees, and student fees are eligible expenses.

Employees may be reimbursed eligible expenses up to a total of eleven hundred dollars (\$1100) per fiscal year. Satisfactory completion of the courses with at least a “C” in graded courses will be required for reimbursement. The employee will complete a Tuition and Book Reimbursement Application, attach grade(s) and receipts, and forward to appropriate approval authority for processing. Employees must be enrolled in an accredited college or university to receive tuition reimbursement. Departments may budget sufficient funds to allow employees to participate in this program.

If the employee voluntarily terminates employment with the City after completion of the course (award of degree) and prior to completing **twelve (12) consecutive months of active employment**, the employee will refund a prorated amount of the educational expenses provided to them in the previous twelve months. *For example, if the employee voluntarily terminates their employment with the City three (3) months after completion, the employee would owe the City $(12 \text{ months} - 3 \text{ months})/12$ or 75 percent of the cost of the course.*

Section 12. Professional Certification Program

Employees may request approval for advance payment of expenses for certification courses and materials. The employee must complete a Certification Expense Agreement with attached documents and submit it to the Department Head. As part of the City of Goldsboro's Professional Certification Program, the City will agree to advance educational expenses for the employee to attend. In consideration of payment of expenses, the employee agrees to the following:

If the employee is unable to complete the course, the employee shall reimburse the City for expenses paid. An exception may be made for what the City considers extreme extenuating circumstances (such as the employee's illness or the illness of a family member). If the employee fails to pass the certification exam after the first attempt, the employee will be responsible for any and all future associated expenses. However, the City will refund expenses paid for the final exam upon the employee passing the final exam. If the employee voluntarily terminates employment with the City prior to completing the course, the employee will refund the entire amount of the certification expenses provided to the employee. If the employee voluntarily terminates employment with the City after completion of the course and prior to completing **twelve (12) consecutive months of active employment**, the employee will refund a prorated amount of the educational expenses provided to them. For example, if employee voluntarily terminates their employment with the City three (3) months after completion, the employee would owe the City $(12 \text{ months} - 3 \text{ months})/12$ or 75 percent of the cost of the course.

The Certification Expense Agreement creates no contract of employment between the employee and the City. The employee may terminate employment with the City at any time and the City may terminate the employee's employment at any time.

(Refer to Appendix B for certification details for approved career advancement)

Section 13. Law Enforcement Separation Allowance

Each eligible sworn Law Enforcement Officer, as defined by G.S. 128-21 (11b) or G.S. 143-166.50 (a) (3), of the City who shall be and remain retired under the provisions of G.S. 128-27(a), shall be eligible for a special separation allowance as provided by G.S. 143-166.42. The allowance shall be paid on the same frequency as the regular City payroll cycle.

In order to qualify for the allowance, the Officer shall:

- 1) Have completed 30 years or more of creditable service, or
- 2) Have attained 55 years of age and completed five (5) or more years of creditable service (as the term "creditable service" is defined in G.S. 143-166.41(b); and,
- 3) Not yet have attained the age of 62; and
- 4) Have completed at least 5 years of continuous service as a law enforcement officer, as herein defined, with the City immediately preceding a service retirement.

The special separation allowance payments to a retired Officer will cease at the first of

- 1) The death of the Officer;
- 2) The officer attains 62 years of age; or
- 3) The first day of reemployment by a local government employer in any capacity.

Notwithstanding the provisions of subdivision (3) of this subsection, a local government employer may employ retired Officers in a public safety position in a capacity not requiring participation in the Local Governmental Employees' Retirement System, and doing so shall not cause payment to cease to those Officers under the provisions of this section. Once payment is terminated, the Officer shall not be entitled to further special separation allowance unless he/she shall otherwise once again meet the requirements of the applicable statutory language.

Any Officer who is entitled to receive a special separation allowance from the City shall, within five (5) days of any change in his/her employment status, report the same to the Human Resources Department.

NOTE: This Section is revised by Session Law 2009-396, House Bill 816, effective July 23, 2009.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The City may provide vacation, sick leave, and holiday leave to all full-time employees and provide proportionately equivalent amounts to employees having average work weeks of different lengths. Leave balances should be printed on payroll checks or provided to employees with each paycheck, including net accrued sick leave, vacation, compensatory time, etc.

Employees will not be approved for short-notice leave requests that have not been accrued.

Section 2. Holidays

The following 12 holidays have been designated for observance. The schedule of actual dates is issued on a calendar year basis.

Holiday	Number of Days
New Year's Day	1
Martin Luther King, Jr.'s Birthday	1
Good Friday	1
Memorial Day	1
Independence Day	1
Labor Day	1
Veterans Day	1
Thanksgiving	2
Christmas	3

Each full-time employee of the City shall earn holiday leave at the following schedule, respectively, prorated by the average number of hours scheduled in the workweek:

<u>Employee Status</u>	<u>Number of Work Week Hours</u>	<u>Holidays Accrued Each Year</u>	<u>Hours For Each Holiday</u>
General Employee	40	12	8
Law Enforcement	42.75	12	8.55
Fire	56	12	11.2

When a holiday falls on a Saturday, the previous Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed.

In order to receive a paid holiday, an employee must be on paid status before and after the holiday.

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.

Section 4. Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off or be paid at their hourly rate for hours actually worked in addition to any holiday pay to which they are entitled. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive the hours for paid holiday leave. Departments with employees working a shift schedule may elect to compensate those employees for working on the true holiday rather than the designated holiday. Holiday pay will be calculated according to the formula in Section 16 of this article. This means employees working a 40-hour week are compensated for an 8-hour holiday; employees working a 42.75-hour week are compensated with an 8.55-hour holiday, and employees working a 56-hour week are compensated with 11.2-hour holiday.

Section 5. Vacation Leave

Vacation leave may be used for rest and relaxation, school appointments, and other personal needs. Employees whose duties require them to collect money from customers may be required to take five (5) consecutive days of vacation each calendar year subject to procedures developed by the Finance Director. Any accrued compensatory time must be used prior to the use of any vacation leave.

Section 6. Vacation Leave: Use by Probationary Employees

Employees serving a probationary period following initial employment may accumulate vacation leave and may be permitted to take vacation leave during the first six months of the probationary period.

Section 7. Vacation Leave: Accrual Rate

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

Regular Personnel (based upon 40-hour Week)

<u>Years of Service</u>	<u>Vacation Days Accrued Each Year</u>	<u>Vacation Hours Accrued Each Month</u>
0 but less than 5 Years	12	8
5 but less than 10 Years	15	10
10 but less than 15 Years	18	12
15 but less than 20 Years	21	14
20 or more Years	24	16

Police Personnel (based upon 42.75 Week)

<u>Years of Service</u>	<u>Vacation Days Accrued Each Year</u>	<u>Vacation Hours Accrued Each Month</u>
0 but less than 5 Years	12	8.55
5 but less than 10 Years	15	10.69
10 but less than 15 Years	18	12.83
15 but less than 20 Years	21	14.97
20 or more Years	24	17.11

Fire Personnel (based upon 56-hour Week)

<u>Years of Service</u>	<u>Vacation Days Accrued Each Year</u>	<u>Vacation Hours Accrued Each Month</u>
0 but less than 5 Years	12	11.2
5 but less than 10 Years	15	14.0
10 but less than 15 Years	18	16.8
15 but less than 20 Years	21	19.6
20 or more Years	24	22.4

Vacation is accrued in each payroll period. Employees working greater or fewer than forty hours will have accrual rates prorated based upon the accrual amounts shown in the above tables and in the formulas found in Section 16 of this Article.

Section 8. Vacation Leave: Maximum Accumulation

If any employee departs from service, payment for all accumulated vacation leave shall be distributed, up to the following maximum amounts:

Employee Status	Maximum Hours
General Employee	240
Sworn Law Enforcement	257
Firefighter	336

Vacation leave may be accumulated without any applicable maximum until December 31 of each year.

Effective the last payroll in the calendar year, any employee with more than the above listed maximum leave hours shall have the excess removed so that only the above listed maximum hours are carried forward to January 1 of the next calendar year. Employees are not eligible to receive pay for vacation time not taken.

Excess vacation leave over the maximum shall be converted to sick leave provided that they have taken 5 days of vacation in the calendar year.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

Section 9. Vacation Leave: Manner of Taking

Employees should request vacation leave two weeks in advance, if time permits. Employees shall be granted the use of earned vacation leave at those times designated by the Department Head which will least obstruct normal operations of the City. Department heads are responsible for ensuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation may be taken in one-quarter hour increments.

Section 10. Vacation Leave: Payment upon Separation or Retirement

An employee who has successfully completed six months of the probationary period will be paid for accumulated vacation leave upon separation not to exceed the maximum hours listed in the following table:

Employee Status	Maximum Hours
General Employee	240
Sworn Law Enforcement	257
Firefighter	336

An employee retiring under the provisions of the North Carolina Local Governmental Employees' Retirement System (LGERS) will be paid up to the maximum vacation hours listed in the above table. Any vacation hours exceeding the above listed maximums will be converted to sick and used for retirement service credit in accordance with LGERS rules and regulations at the time of the employee's retirement.

Section 11. Vacation Leave: Payment upon Death

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

Section 12. Sick Leave

Sick leave is a privilege granted to an employee by the City and not an employee right. Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, temporary disabilities, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill or needs medical care.

Sick leave may also be used for a death in the immediate family (see below). Up to three days of sick leave may be used for in-state funerals and up to 5 days for out of state funerals. For additional time or other funerals, employees may use vacation or accrued compensatory time.

Sick leave may also be used to supplement Workers' Compensation Disability Leave both during the waiting period before Workers' compensation benefits begin, and afterward to supplement the remaining one third of salary, except that employee may not exceed the regular gross salary amount using this provision.

"Immediate family" shall be defined as spouse, child, parent, brother, sister, grandparent, grandchild, guardian, various combinations of step, half and in-law, and adopted relationships of the employee, and others living in the same household.

Section 13. Sick Leave: Accrual Rate, Accumulation, and Manner of Taking

Sick leave shall accrue at a rate of one day per month of service or twelve days per year; however sick leave for full-time employees working other than the basic 40 hours work schedule shall be pro-rated as described in Article VII, Section 7.

Sick leave requests should be submitted to the employee's supervisor prior to the leave, unless extenuating circumstances prevent the employee from doing so. Failure to so notify the appropriate supervisor within an appropriate time frame may result in disciplinary action.

The minimum amount of sick leave that may be taken is one half hour and leave must be taken in increments of one quarter hour.

Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement from service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

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

Any accrued compensatory time must be used prior to the use of any sick leave.

Each full-time employee of the City shall earn sick leave at the following schedule, respectively, prorated by the average number of hours scheduled in the workweek:

<u>Employee Status</u>	<u>Number of Work Week Hours</u>	<u>Sick Days Accrued Each Year</u>	<u>Sick Hours Accrued Each Month</u>
General Employee	40	12	8
Law Enforcement	42.75	15	8.55
Fire	56	18	11.2

Section 14. Transfer of Sick Leave from Previous Employer

The City will accept the transfer of sick leave for employees from other employers who are participants of the North Carolina Local Government or State Employees Retirement System. The sick leave will be treated as though it were earned with the City of Goldsboro. The sick leave amount must be certified by the previous employer. This sick leave may be taken after the employee successfully completes the initial hire probationary period.

Section 15. Sick Leave: Medical Certification

When submitting requests for FMLA, the employee shall submit a physician's certificate to the Occupational Health Nurse or designated official stating the degree of the employee's (or employee's family member's) illness and the employee's capacity to resume duties. The Department Head (or supervisor) 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.

Section 16. Leave Pro-rated

Holiday, vacation and sick leave earned by full-time employees with fewer or more hours than the basic work week shall be determined by the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (usually 40 hours).
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic work week.
- 3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned, divided by 52 shall be the number of hours of leave earned per weekly payroll period.

This means, for example, that law enforcement officers scheduled for an annual average 42.75-hour week earn 8.55 hours for each day of sick, vacation, or holiday leave they earn. Fire staff who are scheduled for 56 hours per week earn an average of 11.2 hours for each day of sick, vacation or holiday leave they earn.

Section 17. Family and Medical Leave

The City will grant up to 12 weeks of family and medical leave per twelve months to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). *This means, for example, that Law Enforcement Officers scheduled for an annual average 42.75-hour week will be entitled to 513 hours; Fire staff who are scheduled for 56 hours per week will be entitled to 672 hours; regular staff who are scheduled for 40 hours per week will be entitled to 480 hours. The 12-month period will be measured forward from the date any employee's first FMLA leave begins. For example, if the employee received FMLA on 9/11/14 and uses the full 12 weeks, the employee is not entitled to FMLA again until 9/11/15.* The leave may be paid (coordinated with the City's Vacation, Compensatory Time and Sick Leave policies), unpaid, or a combination of paid and unpaid. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Additional time away from the job beyond the 12-week period may be approved in accordance with the City's Leave without Pay policy.

To qualify for FMLA coverage, the employee must have worked for the employer 12 months or 52 weeks; these do not have to be consecutive. However, the employee must have worked 1,250 hours during the twelve-month period immediately before the date when the FMLA time begins.

When an employee requests Family Medical Leave (FML) or when the employee's department acquires knowledge that an employee leave may be for an FML-qualifying reason, the department shall notify Human Resources of the possibility of FML within 24 hours. The Human Resource Department will provide both the employee and the department notification of the employee's eligibility to take FML within five business days, absent extenuating circumstances.

Designation of Leave as FMLA Leave

It is the responsibility of the City to:

- 1) Determine that leave requested is for a FMLA qualifying reason, and,
- 2) Designate leave, whether paid or unpaid, as FMLA leave even when an employee would rather not use any of the FMLA entitlement.

The City must give notice of the designation to the employee within five (5) business days absent extenuating circumstances. The notice may be oral or in writing, but must be confirmed in writing no later than the following payday.

Family and medical leave can be used for the following reasons:

- 1) The birth of a child and in order to care for that child;
- 2) The placement of a child for adoption or foster care;
- 3) To care for a spouse, child, or parent with a serious health condition;
- 4) The serious health condition of the employee; or
- 5) Military exigency.

An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition which results in a period of incapacity for more than three days would be considered a serious health condition.

If a husband and wife both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent with a serious health condition, the husband and wife together may only take a total of 12 weeks leave under FMLA.

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee shall then use all accrued compensatory time and vacation leave for the remainder of the 12-week period.

“Military Exigency” is a specific qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a military service member (reserve or national guard) under a call or order to federal active duty in support of a contingency operation. Qualifying events are:

- 1) Deployment of service member with seven or fewer days' notice;
- 2) Military ceremonies and events such as family-assistance or informational programs related to the family member's active duty or call to active duty;
- 3) Urgent, immediate childcare or arranging for alternative childcare for the children of service members;
- 4) Attending school or daycare meetings relating to the child of service member;
- 5) Making financial or legal arrangements related to a family member's active duty status or call to active duty; or
- 6) Post-deployment activities for a period of ninety days after the termination of the service member's active duty status.

Military Caregiver Leave: An employee whose spouse, son, daughter, parent or next of kin is a current service member who is undergoing treatment, therapy, recuperation or outpatient treatment or has temporary disability retirement for injury or illness sustained in the line of duty, is eligible for 26 weeks of leave in a single 12-month period. During a single 12-month period, the employee is eligible for a total of 26 weeks of all types of FMLA leave. The request for the use of leave must be made in writing by the employee and approved by the Department Head or City Manager.

NOTE: Serious health condition (U.S. Department of Labor, Wage and Hour Division)

What is a serious health condition?

The most common serious health conditions that qualify for FMLA leave are:

1. Conditions requiring an overnight stay in a hospital or other medical care facility; conditions that incapacitate the employee or the employee's family member (for example, unable to work or attend school) for more than three consecutive days and have ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication);
2. Chronic conditions that cause occasional periods when the employee or his/her family member are incapacitated and require treatment by a health care provider at least twice a year; and,
3. Pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

Section 18. Medical and Family Leave - Certification

In order to qualify for leave under this law, the City requires medical or other certification. For medical certification, the statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a

statement that the patient requires assistance and the employee's presence would be beneficial or desirable.

This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request). The certification and request must be made to the Department Head and filed with the Human Resources Office.

The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the City's Leave Without Pay policy.

For Military exigency leave, a copy of active duty orders or other documentation is required including facts supporting the employee's need for leave; the approximate starting date on which the qualifying exigency began or will begin; the beginning and ending dates of the absence for which the employee is requesting the leave; and if the employee is meeting with a third party, identifying contact information for the third party and a description of the meeting's purpose.

Section 19. Family Medical Leave and Leave Without Pay: Retention and Continuation of Benefits

When an employee is on leave under FMLA (maximum of 12 weeks in a year), the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the City will require the reimbursement of the amount paid for the employee's health insurance premium during the FMLA leave period.

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

An employee shall retain all unused vacation and sick leave while on Leave Without Pay. An employee ceases to earn leave credits on the date leave without pay begins. An employee who is on approved leave without pay may continue to be eligible for benefits under the City's group insurance plans at his or her own expense, subject to any regulation adopted by the City Council and the regulations of the insurance carrier.

An employee who is using accrued sick leave may receive paid health insurance.

Section 20. Leave Without Pay

A full-time employee may be granted a leave of absence without pay for a period of up to three months by the City Manager. Other than the reasons specified for Family Medical Leave and military commitment, the leave may be used for reasons of continuation of education, special work that will permit the City to benefit by the experience gained or the work performed, or for other reasons deemed justified by the City Manager.

The employee shall apply in writing to the supervisor for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the City Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. 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, shall be considered a resignation.

Leave Without Pay (unpaid leave) may be granted **only** when the employee has exhausted all appropriate types of paid leave with the exception of Workers Compensation, Short Term Disability, military commitment and for adverse weather and emergency conditions.

While in a Leave Without Pay status, an employee shall not earn or accrue sick and vacation hours.

Section 21. Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave, vacation, or compensatory time during the first waiting period. The employee may also elect to supplement workers' compensation payments after they begin with sick leave, vacation, or compensatory time, provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the City's group insurance plans. When workers' compensation leave extends long enough for the waiting period to be reimbursed, the employee shall return the reimbursement check to the City and have leave hours re-instated for all time covered by paid leave. In such cases, the City will pay the employee for any unpaid time that is owed the employee.

1. All injuries arising out of, and during, the course of employment should be reported by the injured employee to the immediate supervisor as soon as possible. The supervisor or department head shall file an injury report to the Safety Officer immediately. The employee must use sick leave or vacation leave for the first seven (7) days of disability. These days will be reimbursed only if the disability continued for more than twenty-one (21) days.

2. Before returning to work, a statement from the attending physician should be submitted to the Human Resources Director giving permission for the employee to resume regular duties.
3. Upon return to work, the employee's salary will be computed on the basis of the last salary plus any merit increment or other salary increase to which the employee would have been entitled during the disability covered by Workers' Compensation. While receiving workers' compensation benefits, an employee continues to earn vacation leave, sick leave, and will retain all accumulated sick or vacation leave.

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

Section 22. Military Leave

This section relates to Military Leave which is limited to 2 or 3 weeks per year. When employees are called for active duty, the City will follow all federal regulations including USERRA related to job, wage, and benefits protections.

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted two calendar weeks per year and up to three weeks when required for military leave with pay. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. The effect will be to maintain the employee's salary at the normal level during this period. If such duty is required beyond the ten 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 City during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act and USERRA.

If the compensation received while on military leave is less than the salary that would have been earned during this same period as a City employee, the employee shall, for a maximum period of three months, receive partial compensation equal to the difference in base salary earned as a reservist or guardsman and the salary that would have been earned during this same period as a City employee. The effect will be to maintain the employee's salary at the normal level during this period.

Section 23. Reinstatement Following Active Duty Military Service

The City will fully comply with the requirements of USERRA and other related federal regulations. An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

- 1) Applies for reinstatement within ninety days after the release from military service; and
- 2) Is able to perform the duties of the former position or similar position; or
- 3) Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of the military service, but is able to perform the duties of another position in the service of the City. In this case, the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

Section 24. Civil Leave

A City employee called for jury duty or as a court witness 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. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation. While on civil leave, benefits and leave shall accrue as though on regular duty.

Section 25. Parental School Leave

A City employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of paid leave (vacation or accrued compensatory leave) or unpaid leave annually to involve him or herself in school activities of his or her child(ren). Any accrued comp time will be used prior to the use of vacation or sick leave. 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 City;
- 2) The City 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 City may require written verification from the child's school that the employee was involved at the school during the leave time.

Section 26. Volunteer Service Leave

The City of Goldsboro recognizes the impact of volunteer services and is committed to supporting employee involvement within community service organizations and educational institutions to benefit and sustain the quality of life of our citizens, employees and community.

With supervisory approval, the City will grant up to 12 hours of volunteer service leave per calendar year to serve at a City designated volunteer agency(ies). Any regular full-time employee with one year of employment with the City is eligible for volunteer leave.

Procedures:

- 1) Volunteer service leave must be requested in advance and requires supervisory approval and verification of service.
- 2) Prior to the activity, an employee requesting volunteer service leave must submit to his/her immediate supervisor a completed Volunteer Record Form indicating the requested month, the volunteer agency's name and contact information, number of hour(s) and identifying the respective strategic plan goal.
- 3) Upon return from the approved volunteer service, the employee must verify the actual amount of volunteer leave used which may include reasonable travel time to and from the destination. The employee can record a maximum of 12 hours of volunteer service leave per calendar year. If the approved volunteer service time exceeds 12 hours in the calendar year, the employee shall apply the remaining hours toward another appropriate leave category, i.e., comp time, vacation leave or leave without pay. When applying leave, comp time shall be used prior to the use of any vacation leave for the purposes of this section. The supervisor must update the remaining entries on the Volunteer Record Form and forward original forms to Human Resources. The original forms are maintained with the employee's timesheet records.
- 4) If the employee fails to verify the actual amount of leave used, then no volunteer service leave will be issued and the employee may record another leave category as described in the preceding paragraph.
- 5) Approved and unused volunteer service leave is not compensable, does not accrue, and may not be used beyond four (4) hours per month.
- 6) The Human Resources Director will generate and maintain an Annual Volunteer Leave Usage Summary report to reflect the total usage of volunteer service leave by each department.

Responsibility:

- 1) It is the responsibility of the City's Department Directors and Supervisors to uniformly administer, communicate and ensure compliance.
- 2) It is the responsibility of the Human Resources Director to interpret, monitor and update the policy content.
- 3) It is the responsibility of each employee to comply with the Volunteer Service Leave policy guidelines.
- 4) Any violation or policy misuse will result in disciplinary action up to and including dismissal.

Section 27. Educational Leave

The City Manager may grant educational leave to an employee. Educational leave may be granted with pay to an employee, such as not to impede upon the operations of the department during regular work hours, and is limited to one course at a time (per semester, quarter, etc.).

Section 28. Adverse Weather and Emergency Conditions Policy

The City has responsibility for providing emergency services. Adequate staff is required to operate these critical services seven days per week and 24 hours per day in all weather. Department Heads should designate which staff in critical positions are required to report to work regardless of weather or other hazardous conditions.

The adverse weather/hazardous conditions policy is established to be as fair as possible to all employees applying the following principles:

1. Maintain adequate staffing at all times of emergency services;
2. Provide for as much safety as possible for all employees in traveling to and from work in hazardous conditions; and,
3. Not pay regular salaries to some employees for *not working* when others are required to be at work.

City offices and departments shall remain open for the full scheduled working day unless authorization for closing or other deviation is received from the City Manager's office. The City Manager will consider the hazard of driving conditions and other relevant factors in determining whether to close City offices. All departments and offices will be given sufficient advance notice of any authorized closing of non-critical City functions. Employees who leave work before an official early closing time, as well

as employees who report for work late or do not report for work because of hazardous conditions, may use vacation, compensatory time or leave without pay for days or hours not worked. Employees not designated as essential staff will not be charged for leave time for the day if the City Manager designates a delayed opening or early closing. If City offices are closed for adverse weather or an emergency, all staff shall be compensated at their regular pay and will not be charged leave.

Essential staff are required, except those on pre-approved leave, to report in emergency situations and should make preparations for care of family and personal needs to allow them to report for duty when required. Any employee in a position designated as e s s e n t i a l who does not report to work as directed by the City Manager or appropriate department head will be subject to disciplinary action.

Section 29. Voluntary Shared Leave

Voluntary Shared Leave provides an opportunity for employees to assist another affected by a medical condition that requires absence from duty for a prolonged period of time resulting in possible loss of income due to lack of accumulated leave.

Non-qualifying conditions: The policy shall not ordinarily apply to short-term or sporadic conditions or illnesses. This would include such things as sporadic, short-term recurrences of chronic allergies or conditions; short-term absences due to contagious diseases; or short-term recurring medical or therapeutic treatments. These examples are illustrative, not all inclusive. Each case must be examined and decided based on its conformity to policy intent and must be handled consistently and equitably.

Access the City of Goldsboro's employee website to obtain a leave donation request form. Contact Human Resources with any questions.

Recipient Eligibility:

- 1) Employee must be in a regular status;
- 2) Employee must have completed one year of full-time service
- 3) Employee must submit required doctor's statement and supporting documentation describing estimated length of absence to participate in the program.
- 4) Employee must be approved for FMLA (according to FMLA criteria).
- 5) Shared leave is not available to part-time, temporary or intermittent employees.
- 6) Employee must apply for voluntary shared leave no later than 2 weeks prior to exhausting sick and/or vacation; except under extenuating circumstances
- 7) Employee will not accrue any leave time while on donated leave
- 8) Employee can receive up to a maximum of 160 hours (regular full- time), 171 hours (law enforcement shift personnel) and 224 hours (Fire shift personnel) of shared leave in a 12-month period
- 9) Employee illness must be greater than two weeks; however, leave request can be any amount past the exhaustion of employee's leave (i.e. one hour up

- to 160 hours/20 days or 80 hours/10 days)
- 10) Employee may use donated leave in 1/2-hour increments
 - 11) Recipient separation – if a recipient separates due to resignation, death, termination or retirement from local government, participation in the program ends. Unused sick leave shall be deposited into a sick leave bank for future use.

Donating Eligibility:

- 1) Employee must have completed one year of full-time or regular part-time service
- 2) Employee can only donate in hour increments
- 3) Employee must submit paperwork to authorize a leave transfer; donations geared to a specific employee may be listed on the donation form
- 4) Full-time employees may donate up to 75 hours of a combination of sick/vacation leave in a 12-month period
- 5) All donations must be in writing and must be signed by the donating employee. The employee receiving the leave must be named and the amount and type of leave donated must be specified
- 6) If donating sick or vacation leave, the donation cannot cause the employee's current sick or vacation leave balance to fall below 75 hours
- 7) If an employee requests 160 hours/80 hours (maximum allowed) and uses only 75 hours/37.5 hours, the remaining unused sick leave shall be returned to the donor(s) on a prorated basis and credited to the sick/vacation leave account from which it originally came. The donor may also designate the remaining balance to be deposited in a sick leave bank.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

All separations of employees from positions in the service of the City shall be designated as one of the following types and shall be accomplished in the manner indicated: Resignation, reduction in force, disability, voluntary retirement, dismissal, or death. Upon separation, employee must return all issued City property prior to receiving any and all types of final pay or funds will be deducted to meet this financial obligation.

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.

Three consecutive days of absence without contacting the immediate supervisor or Department Head may be considered to be 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.

Employees must return any required City property upon resignation. Employees shall participate in an exit interview to complete important paperwork and for other processes prior to receiving pay for any unused vacation days. Final vacation payout will be distributed in a paper check after the last payroll, and picked up in the Human Resources Department.

Section 3. Reduction in Force

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 City 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. Employees who cannot perform the required duties because of a physical or mental impairment may be separated for disability. Action may be initiated

by the employee or the City. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the City Manager. The City may require an examination, at the City's expense, performed by a physician of the City's choice. The City will make reasonable accommodation whenever possible for employees with disabilities.

Section 5. Voluntary Retirement

An employee who meets the conditions set forth under the provision of the North Carolina Local Governmental Employees' Retirement System may elect to retire and receive all benefits earned under the retirement plan.

Section 6. Retirement Gift and Recognition Policy for City Employees

Upon retirement from the City of Goldsboro, the employee shall receive a retirement plaque and a gift from the City based on the employee's total years of service with the City of Goldsboro according to the schedule below. Additionally, the employee will receive a Resolution of Appreciation from the City Council and be recognized at a Council meeting.

A luncheon, dinner or reception (decided on by retiring employee), with or without family members present, may be hosted by the department unless employee does not desire a function. The employee must be eligible to receive either full, reduced or disability retirement benefits from the North Carolina Local Governmental Employees' Retirement System in order to receive a retirement gift.

The retiring employee will receive a memento gift (i.e. watch, mantle clock, gift certificate, etc.) or a cash gift with the value listed below. Employee declination of luncheon, dinner or reception does not change the value of the gift.

5-14 years of service	\$200 (includes \$50 gift)
15-19 years of service	\$300 (includes \$75 gift)
20-24 years of service	\$500 (includes \$125 gift)
25-29 years of service	\$750 (includes \$190 gift)
30 and over	\$1,000 (includes \$250 gift)

Employees with at least five (5) years of service shall be recognized at the City's annual appreciation event. Employees may select a service award gift based upon the values listed below:

5 years of service	\$10
10 years of service	\$25
15 years of service	\$35
20 years of service	\$50
25 years of service	\$75
30 years of service	\$100

35 years of service	\$125
40 years of service	\$150

All retirement and service award gifts valued \$50 and above shall be recorded as taxable income to the employee.

Section 7. Death

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

Section 8. Dismissal

An employee may be dismissed in accordance with the provisions and procedures of Article IX.

Section 9. Reinstatement

An employee who resigns while in good standing or who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head, and upon approval of the City Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave and previous service, provided the leave has not been transferred to the State Retirement system. An employee may be reinstated if the separation occurred less than 12 months previously and re-hired if the separation occurred more than 12 months previously.

Section 10. Rehiring

An employee who resigns while in good standing or whose position ended due to seasonal employment may be rehired with the approval of the City Manager if the separation occurred more than 12 months. (S)he will be regarded as a new employee, subject to all of the provisions of rules and regulations of this policy. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the City Manager prior to giving final notice to the employee.

Section 2. Unsatisfactory Job Performance Defined

Unsatisfactory job performance includes any aspect of the employee's job which are not performed as required to meet the standards set by the Department Head including written performance standards, verbal performance coaching, and performance review discussions. *Examples of unsatisfactory job performance include, but are not limited to, the following:*

- 1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- 2) Careless, negligent or improper use of City property or equipment;
- 3) Physical or mental incapacity to perform duties after reasonable accommodation;
- 4) Discourteous treatment of the public or other employees;
- 5) Absence without approved leave;
- 6) Repeated improper use of leave privileges;
- 7) Habitual pattern of failure to report for duty at the assigned time and place;
- 8) Failure to complete work within time frames established in work plan or work standards;
- 9) Failure to meet work standards over a period of time; or,
- 10) Failure to maintain required license(s) and/or certification(s).

Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor should meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems.

A brief summary of these counseling sessions should be noted in the employee's file by the supervisor. An employee whose job performance is unsatisfactory over a period of time should normally receive at least two counseling sessions followed with written warnings from the supervisor before disciplinary action is taken. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following steps:

- 1) A final counseling session followed by a written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
- 2) If performance does not improve, a written recommendation should be sent to the department head or City Manager for disciplinary action such as suspension, demotion, or dismissal.

Disciplinary suspensions for nonexempt employees should not exceed 80 hours. Disciplinary suspensions for exempt employees should be in four (4) hour increments in order to retain the exempt status under FLSA. Copies of all disciplinary actions must be sent to the Human Resource Office for placement in the employee's personnel file.

Section 4. Disciplinary Action for Detrimental Personal Conduct

With the approval of the City Manager, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to City service in order to 1) avoid undue disruption of work; 2) to protect the safety of persons or property; or 3) for other serious reasons.

Section 5. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the City may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated. *Examples of detrimental personal conduct include, but are not limited to, the following:*

- 1) Fraud or theft;
- 2) Conviction of a felony or the entry of a plea of nolo contendere thereto;
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- 4) Willful misuse or gross negligence in the handling of City funds;
- 5) Willful or wanton damage or destruction to property;
- 6) Willful or wanton acts that endanger the lives and property of others;
- 7) Possession of unauthorized firearms or other lethal weapons on the job;
- 8) Brutality in the performance of duties;
- 9) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- 10) Engaging in incompatible employment or serving a conflicting interest;
- 11) Request or acceptance of gifts in exchange for favors or influence;
- 12) Engaging in political activity prohibited by this policy;
- 13) Harassment of an employee or the public with threatening or obscene language and/or gestures;
- 14) Harassment of an employee(s) and/or the public on the basis of sex or any other protected class status;
- 15) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations;
- 16) Disclosure of confidential information;
- 17) Insubordination - an employee willfully disobeys or disregards a superior's legitimate directive; abusive language by employees toward supervisors and others; or,

- 18) Inharmonious work environment – an employee displaying unproductive behaviors such as promoting rumors, bad-mouthing others and other demeaning behaviors distracting from a positive working environment.

Section 6. Pre-dismissal Conference.

Before dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the City Manager, department head, or Human Resources Director will conduct a pre- dismissal conference. At this conference, the employee may present any response to the proposed dismissal to the City Manager, department head, or Human Resources Director. This will be taken into consideration prior to the final decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights under the City's grievance procedure.

Section 7. 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 Department Head, be in the best interest of the City, the Department Head may suspend the employee for part or all of the proceedings as a non-disciplinary action. In such cases, the Department Head may:

- 1) Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension, or,
- 2) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

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 suspension.

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

It is the policy of the City to provide a just procedure for the presentation, consideration, and disposition of employee grievances. 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 procedures 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 City service.

Section 2. Grievance Defined

A grievance is a claim or complaint by an employee based upon an event or condition which affects the circumstances under which an employee works and is allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

Section 3. Purposes of the Grievance Procedure

The purposes of the grievance procedure include, but are not limited to:

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- 2) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- 3) Promoting better understanding of policies, practices, and procedures which affect employees;
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- 5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees.

- 6) Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible of the chain of command through collaboration and/or mediation; and
- 7) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the City or its leaders, thus freeing up employee motivation, productivity, and creativity.

Section 4. Procedure

When an employee has a grievance, the following successive steps are to be taken. 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. A decision to rescind a disciplinary suspension, demotion or dismissal must be approved by the City Manager before the decision becomes effective.

Informal Resolution. Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the Human Resources Department as a resource to help resolve the grievance. Mediation may be used at any step in the process and is encouraged. Mediation is the neutral facilitation of the conflict between or among parties where the facilitator helps the parties find a mutually agreeable outcome. The mediator should be a party agreed upon by all parties to the grievance. Mediation will not occur if a mediator cannot be agreed upon.

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 appropriate supervisor (the person who took the action which created the grievance issue, could be immediate supervisor, division head, department head, etc.) in writing. The grievance must be presented within seven calendar days of the event or within seven calendar days of learning of the event or condition. The written grievance should identify the action that is deemed unfair and the reason the grieving employee believes it to be unfair. The supervisor shall respond to the grievance within seven calendar days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the City in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

The response from the supervisor for each step in the formal grievance process shall be in writing and signed by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Human Resources Director.

Step 2. If the grievance is not resolved by the first level supervisor to the satisfaction of the employee by the supervisor, the employee may appeal in writing to the next level supervisor (Division Head, Department Head, City Manager, etc.) within seven calendar days after receipt of the response from Step 1. The next level supervisor shall respond to the appeal stating the determination of decision within seven calendar days after receipt of the appeal.

Step 3. If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal, in writing, to the City Manager within seven calendar days after receipt of the response from Step 2. The City Manager shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal. The City Manager's decision shall be the final decision. The City Manager would notify the City Council of any impending legal action.

Department Heads. In the case of department heads or other employees where the City Manager has been significantly involved in determining disciplinary action, including dismissal, the City may wish to obtain a neutral outside party to either:

- 1) Provide mediation between the grieving department head and the City Manager (see definition of mediation in informal resolution above); or
- 2) Consider the appeal and make recommendations back to the City Manager concerning the appeal. Such parties might consist of human resource professionals, attorneys, mediators, or other parties appropriate to the situation.

The City Manager's decision shall be the final decision. The City Manager shall notify the City Council of any impending legal action.

Section 5. Role of the Human Resources Director

Throughout the grievance procedure, the Human Resources Director shall:

- 1) Advise parties (including employee, supervisors, and City Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
- 2) Be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents;
- 3) Give notices to parties concerning timetables of the process, etc.;
- 4) Assist employees and supervisors in drafting statements;

- 5) Facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and,
- 6) Help locate mediators, outside parties, or other resources as needed.

The Human Resources Director shall also determine whether or not additional time shall be allowed to either side in unusual circumstances if the parties cannot agree upon extensions when needed or indicated.

Section 6. 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 age, sex, race, color, national origin, religion, creed, political affiliation, or non-job related handicap), he or she has the right to appeal such action using the grievance procedure outlined in this Article (Section 4 above). While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the Human Resources Director, Assistant City Manager, City Manager, or other designee. 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.

ARTICLE XI. DRUG AND ALCOHOL TESTING

Section 1. Purpose

The City of Goldsboro maintains a drug and alcohol-free work environment. To achieve this purpose, drug and alcohol tests will be administered in accordance with the City's Drug and Alcohol Testing procedures described in Appendix E. Employees with substance-abuse problems are encouraged to voluntarily seek help from the Employee Assistance Program.

All testing will be conducted in a manner that will protect the rights of employees and applicants subject to testing. Therefore, the City of Goldsboro will take all necessary steps to safeguard the dignity and self-esteem of those being tested, and will follow all procedures pertaining to the implementation of this Policy. The City of Goldsboro will adhere strictly to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized to receive such information.

ARTICLE XII. TOBACCO FREE POLICY

Section 1. Purpose

The purpose of this policy is to protect the health of individuals in public places and places of employment and riding in City government vehicles from the risks related to secondhand smoke. The North Carolina General Assembly finds that secondhand smoke has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers. In 2018, a report issued by the United States Surgeon General stated that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke. Preferences of both nonsmokers and smokers should be considered, whenever possible. However, when conflict arises, the health and consideration of nonsmokers should come first. Since the City of Goldsboro is dedicated to the provision and maintenance of a healthy and safe work environment for all of its employees, the use of all tobacco products is prohibited in all City facilities and vehicles.

Section 2. Objective

As a responsible business and employer, the City of Goldsboro has implemented the following policy for City facilities:

- 1) To establish the City's policy concerning the use of tobacco products in City buildings. This includes cigarettes, e-cigarettes, cigars, pipes or chewing tobacco.
- 2) To establish a uniform tobacco free workplace environment for all City employees.
- 3) To promote health-awareness and improve the health of City employees.
- 4) The use of tobacco products will not be permitted in buildings owned or in space leased by the City. These buildings include but are not limited to, City Hall, City Hall Annex, Police/Fire Complex, to include all fire and police substations, Public Works Complex, DGDC office, Goldsboro Event Center, Golf Course, Herman Park Center and Office Complex; Parks Maintenance Complex; Paramount Theatre; WA Foster Center and all other interior recreation facilities and offices; Wastewater Treatment Plant, Compost Facility and Water Treatment Plant.
- 5)
 - 6) "No Smoking" areas shall be clearly identified and designed both to reduce safety hazards and protect the health of individuals. Signs shall be conspicuously posted that clearly state that smoking is prohibited. The signs may include the international "No Smoking" symbol. It is essential that no-smoking regulations be observed.

- 7) The use of tobacco products will be allowed outside except where restricted by safety considerations. Where smoking is allowed, employees are required to use ashtrays or similar receptacles to guard against fire and maintain good housekeeping. Cooperation is most important in this regard.

On January 1, 2009, the North Carolina General Assembly gave local governments' statutory authority, per NC General Statute 130A-498(5), to prohibit smoking in locally owned, leased or otherwise controlled vehicles. As a responsible business and employer, the City of Goldsboro has implemented the following policy regarding city vehicles:

- 1) Smoking is prohibited inside all City vehicles (leased and/or owned).
- 2) The individual or the individual's designee in charge of assigning vehicles shall place one or more signs in conspicuous areas of the vehicle.
- 3) The signs shall state that "smoking is prohibited" and may include the international "No Smoking" symbol.

Section 3. Compliance

All employees are responsible for ensuring compliance with the letter and spirit of this policy. Compliance is expected and will be sought with compassion, tact, diplomacy and the exercise of good judgment. All employees, particularly supervisors, share in the responsibility of adhering to and enforcing this policy. Employees who violate the provisions as outlined will be subject to disciplinary action, up to and including dismissal.

ARTICLE XIII. RECORDS AND REPORTS

Section 1. Public Information

In compliance with GS 160A-168, the following information with respect to each City employee is a matter of public record:

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

For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity.

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 City may adopt. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders. For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, deferred and all other forms of compensation paid by the City.

Section 2. Access to Confidential Records

Further, in compliance with G.S. 160A-168, all information contained in a City 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 City 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 City Manager 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 City Manager, with the concurrence of the City Council, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a City employee, and the reasons for that action. Before releasing that information, the City Manager shall determine in writing that the release is essential to maintaining the level and quality of City services. The written determination shall be retained in the City Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

Section 3. Personnel Actions

The Human Resources Director, with the approval of the City Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. The official personnel files are those which are maintained by the Human Resources Department. 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. Any documents not contained in these files or maintained as designated by the Human Resources Director is not an official part of the personnel file.

Departments are required to complete personnel action forms for Human Resources and City Manager approval prior to any personnel action becoming valid.

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. The employee may seek removal of such material in accordance with established grievance procedures.

Section 6. 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 7. 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 Chapter 132.3 of the North Carolina General Statutes.

ARTICLE XIV. 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. Severability

If any provision of these policies or any rule, regulation, or order thereunder 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. Effective Date

These policies shall become effective on a date approved by the City Council.

Section 4. Amendments

Amendments to this policy which results in any financial or monetary changes must be by action of the City Council and by resolution appropriately approved.

The City Manager at his/her discretion may make non-financial or non-monetary changes to this policy as deemed necessary.

Notice of any suggested amendments to this policy, or any portion thereof, should be provided to employees and opportunities for employee comment and reaction. Proposed amendments should be sent via electronic mail, posted on bulletin/electronic boards in all employee work locations and/or in employee newsletters. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption.

APPENDICES

APPENDIX A: PERFORMANCE PAY ELIGIBILITY REQUIREMENTS

Employees may be compensated based on merit due to the performance of their duties. Employees must meet the following criteria to be eligible for merit pay.

- 1) Employee must be a regular full-time or part-time employee (assigned to a salary grade classification) who has completed the six-month probationary period (new hire/promotion). For example, if the employee was hired or promoted June 1 of the current year, the probationary period would have ended on December 1 and the employee would be eligible for a merit increase January of the following year, or whenever merit pay is distributed.
- 2) Eligibility for merit is based upon the following criteria:
 - Employee must have an overall rating of 3.0
 - Employee should have competency rating less than 3.0

Note: The merit eligibility criteria are subject to change at the City Manager's discretion.

- 3) The following items will disqualify an employee's eligibility for merit/bonus:
 - a. Employee was on disciplinary probation during the past 12 months that resulted in a suspension from work (leave without pay) and/or received non-disciplinary suspension resulting in leave without pay.
 - b. Employee received a disciplinary written warning for performance issues.
 - c. Employee received a written safety violation that resulted in four (4) or more safety points over a two-year period.
- 4) The appraisal period is from October 1 to September 30. Merit pay will be distributed the following January.
- 5) Employees must have worked at least 40 of the 52 weeks of the evaluation period. If an employee is out of work for more than 12 weeks, he/she will not be eligible for merit pay unless the leave is protected by Federal law. Examples of federally protected leave include Family and Medical Leave Act (FMLA) and Uniformed Services Employment and Reemployment Rights Act (USERRA).

APPENDIX B. PROFESSIONAL CERTIFICATION PROGRAM

City of Goldsboro Police Department Career Progression

PURPOSE

To establish a career progression program for Officers, who have not been promoted, to reward those Officers for their efforts in pursuing excellence through training and experience and applying that training in service to the citizens of Goldsboro.

DISCUSSION

The Goldsboro Police Department desires to employ the most professional and effective Officers in service to the citizens of Goldsboro. In the pursuit of excellence, it is necessary to acquire training beyond that provided by the basic law enforcement training program. This is provided, in part, by in-service training provided by the department as well as supplemental training provided by outside entities. Excellence is, however, not achieved through training alone; but, also, by putting that training to use in a practical manner in service to the community. It is this combination that the department seeks to reward Officers through this Career Progression Policy.

PROCEDURE

- 1) To recognize Officers for their pursuit of excellence the department will use the following career progression:
 - a. Police Officer
 - b. Police Officer I
 - c. Police Officer II
 - d. Senior Police Officer
- 2) To be eligible for career progression, an Officer must have a satisfactory rating in all areas of their last performance evaluation and must not be on disciplinary probation.
- 3) In order to advance to the next higher level in the progression an Officer must submit a memorandum to the Chief of Police, through the chain of command, indicating their request to be advanced to the next level of progression. That memorandum should state their qualifications and the Officer should attach documents of their qualifications to be considered for progression.
- 4) Requests for advancement will be assigned by the Chief of Police to a designee for verification of qualifications.

- 5) The Chief of Police will make recommendations for advancement to the City Manager based on the verification of qualifications.
- 6) The Chief of Police will make any final determination as to what training may qualify for the career progression program.
- 7) The requirements for each level of progression are as follows:
 - a. Police Officer: This level includes all Officers of this department with probationary certification and / or on new hire probation with the Goldsboro Police Department. It will also include Officers with their general certification who have not attained Police Officer I.
 - b. Police Officer I: To be eligible for Police Officer I the Officer must have two years of experience with the Goldsboro Police Department. Their last performance evaluation must show satisfactory, or better, in all areas of evaluation. The Officer must also have completed the following training:
 - I. Intoxilyzer
 - II. Shift Identification Officer Training
 - III. ICS 200
 - IV. 24 hours of approved elective training
 - c. Police Officer II: To be eligible for Police Officer II the Officer must have four years of experience as a Goldsboro Police Officer. Their last performance evaluation must show satisfactory, or better, in all areas of evaluation. The Officer must also have completed the following training:
 - I. Introduction to Community Oriented Policing
 - II. Police Law Institute
 - III. Crisis Intervention Training
 - IV. 24 hours of approved elective training
 - d. Senior Police Officer: To be eligible for Senior Police Officer the Officer must have seven years of experience as a Goldsboro Police Officer. Their last performance evaluation must show satisfactory, or better, in all areas of evaluation. The Officer must also have completed the following training:
 1. ICS 300
 2. 200 hours in approved elective training to include the following:
 - I. 24 hours/credits of supervisory training
 - II. 8 hours/credits of traffic
 - III. 8 hours/credits of investigations
 - IV. 8 hours/credits of Officer safety

- 8) Officers hired with the Goldsboro Police Department who have prior law enforcement experience may use the amount of experience recognized by the Chief of Police upon their hiring toward advancement in the career progression program. Officers hired with previous law enforcement experience may also apply previous training to satisfy requirements of the Career Progression Program, if that training is properly documented and recognized by the Chief of Police.
- 9) Levels of progression will be designated on the Officer's duty uniform in the following manner:
 - a. Police Officer: Police Officers will wear the standard duty uniform with no unique designator.
 - b. Police Officer I: Police Officer I will wear silver colored PO1 designator on the collar of the duty uniform.
 - c. Police Officer II: Police Officer II will wear silver colored PO2 designator on the collar of the duty uniform.
 - d. Senior Police Officer: Senior Police Officer will wear a silver colored single chevron designator on the collar of the duty uniform.

IMPLEMENTATION

- 1) This policy will be effective for all Officers on the policy effective date.
- 2) Officers who have met the time in service requirements for any level of progression on September 1, 2016, will receive the pay benefits for the levels satisfied at that time.
- 3) Officers receiving pay benefits for service requirements met on September 1, 2016, will also be allowed to wear the designator associated with the highest level of progression granted at that time.
- 4) Officers granted levels of progression based on time in service as of September 1, 2016, must complete all training associated with those levels of progression within two years of this policy effective date or risk a reduction of salary based on levels not satisfied in regards to training requirements.
- 5) An extension may be granted by the Chief of Police based on extenuating circumstances and documentation that the Officer has made a good faith effort to obtain the required training within the allotted time.
- 6) Officers hired with service credit for experience with another department or the military, will receive pay increases for any level that they satisfy time in service requirements for at the time of hire.

- 7) Officers hired with credit for experience with another department or the military may only wear the associated designator for any level of progression they satisfy time in service requirements for when:
- a. They have successfully completed their probationary period.
 - b. They have satisfied all training requirements for that level of progression.

CAREER PROGRESSION INCENTIVES

Officers meeting the two, four and seven year requirements, along with specialized training, will receive a pay increase. Designations are as follows:

- Police Officer and Police Officer I – 2 years (2%)
- Police Officer II – 4 years (2%)
- Senior Police Officer – 7 years (2%)

Officers who serve as Field Training Officers will receive a 5% increase in pay.

EDUCATIONAL INCENTIVE

Officers will receive an educational incentive for a Criminal Justice/law enforcement-related degree as follows:

- 2.5% increase for an Associate degree
- 5% for a Bachelor's degree

City of Goldsboro Fire Department Career Progression

PURPOSE

To establish a uniform promotional system for all departmental personnel who wish to advance within the ranks of the Goldsboro Fire Department (GFD).

OBJECTIVES

- 1) To allow all eligible departmental personnel the opportunity to participate in the promotional process.
- 2) To provide an operational procedure that will ensure an orderly method for promoting qualified departmental personnel to progressively higher levels of responsibility.
- 3) To identify the participant's strengths and weaknesses so that they may pursue their career goals.
- 4) To encourage all fire department personnel to undertake additional training.

STATEMENT OF GENERAL ORDERS

It is the mission of the Goldsboro Fire Department to fill each authorized position with qualified personnel.

DEFINITIONS / CLARIFICATIONS OF STATEMENTS

- 1) Position Opening Date – The day after a fire department employee is taken off the city's payroll and the position is vacated.
- 2) In order to be considered or to continue to hold the position – Each promoted employee shall be required to maintain the required certifications in effect at the time of their promotion.

ELIGIBILITY REQUIREMENTS AND PROMOTIONAL PROCESS FOR FIRE ENGINEER

Each applicant must possess and/or maintain the following on the date that the position is officially open:

- Two years of service as a firefighter with the GFD
- One year served as a back-up driver
- Performance evaluation of 3.5

- N.C. EMT certification
- N.C. Firefighter Certification
- N.C. Class B Driver's License
- N.C. Driver Operator Certification
- N.C. Aerial Operation Certification
- **N.C. Fire Officer I (Required on and after 6-1-2020)**

Firefighters (FFs) must successfully complete the GFD pump skills check off sheet and possess dated documentation of all training prior to being cleared as a backup driver. Once cleared, backup drivers will be required to substitute during the absence of the regular Fire Engineer (FE) in a satisfactory manner. Failure to do so will forfeit their eligibility to compete for a permanent position

Testing Requirements for Fire Engineer

The Goldsboro Firefighter will be required to score at least an *80* on a written test administered by the training officer before advancing to the next level of the testing process. If a passing grade of *80* is not obtained, the firefighter will be eliminated from the current promotion process. Test score will not be factored in the overall scoring process.

- 1) The Goldsboro FF will be required to perform a street test that will be administered by a Goldsboro Police Department designee or by the Fire Chief's designee. The test will consist of two parts. Part one will consist of an evaluation of the firefighter's driving and operation of a Goldsboro Fire Department Pumper in accordance with North Carolina's traffic laws. Part two will be the evaluation of the firefighter's ability to locate city streets and/or fire department sprinkler/standpipe connections within the city of Goldsboro. *Note: This score will count as 30% of the overall testing process.*

Maximum score of the street test is 100 points. Candidate must achieve a minimum of 70 points to stay in the process.

- 2) The Goldsboro FF shall be evaluated in pump operations by two (2) outside evaluators. The evaluators shall be Driver Operator certified instructors through the North Carolina Department of Insurance. Human Resources will obtain the evaluators. *Note: This score will count as 60% of the overall testing process.*

- Maximum score of the pump operations test is 100 points.
- Candidates must achieve a minimum of 70 points to stay in the process.

- 3) The Goldsboro FF shall be required to participate in an incident command exercise that will be administered by two outside evaluators who serve as Fire Officers in their department. They will be knowledgeable of the

functions of the Incident Command System. The dimensions of the exercise will consist of, but not be limited to, the candidates performing a size-up of a fire scene and giving an explanation of the tactical objectives that they would initiate on the fire ground as the first arriving unit based on the information given and the visual fire ground scenario. *Note: This score will count as 10% of the overall testing process.*

- Maximum score of the incident command exercise is 100 points.
- Candidate must achieve a minimum of 60 points to stay in the process.

Scoring

All score sheets will be completed accurately and legibly by all evaluators on a daily basis and submitted to the Human Resources Department at which time the candidates will be ranked in order to qualify for the Chief's interview.

Test	Perfect Score	% Weight	Total Points
Street Test	100 Points	.30	30
Pump Operations	100 Points	.60	60
Incident Command	100 Points	.10	10
Total			100

Fire Chief's Interview

The Fire Chief's interview will be based on the overall scores of the testing process, seniority/certifications and the number of fire engineer vacancies at that time and shall be administered as follows:

- 1) The Fire Chief will interview all qualified candidates.
- 2) The Chief's interview will consist of a thorough examination of the employees work history and will include, but not be limited to training records, attendance, performance evaluations, and other job-related experiences. The maximum score will be 12 points.
- 3) A total of 1/2 point for each year of service up to 10 points will be added to each applicant's score for seniority.
- 4) A maximum of 10 points will be given for the following certifications and educational degrees:

Certification	Number of Points
NC Fire Officer I	1
NC Certified Fire Instructor	1
NC Level I Fire Inspector	1
NC Life Safety Educator	1
NC Technical Rescuer	1
Associate's Degree*	2.5
Bachelor's Degree*	5

* Associate's Degree and Bachelor's Degree must be from an Accredited College or University.

The final selection shall be made by the Fire Chief with the approval of the City Manager based on the applicant's test scores, seniority/certifications and the Fire Chief's interview.

ELIGIBILITY REQUIREMENTS AND PROMOTIONAL PROCESS FOR FIRE LIEUTENANT/COMPANY OFFICER

Each applicant must possess and/or maintain the following on the date that the position is officially open:

- Five years of service with the Goldsboro Fire Department
- Two years served as a Fire Engineer, back up driver or a combination of Fire Engineer/back up driver.
- Performance evaluation of 3.5
- N.C. EMT certification
- N.C. Firefighter Certification
- N.C. Class B Driver's License
- N.C. Driver Operator Certification
- N.C. Aerial Operation Certification
- N.C. Fire Officer I
- N.C. Certified Fire Instructor
- N.C. Fire Inspector Level I

Each applicant must meet and maintain the minimum qualifications for the position as established by the Goldsboro Fire Department.

Testing Requirements for Fire Lieutenant /Company Officer

- 1) Each qualified applicant will be interviewed by an assessment panel, which will consist of three evaluators per exercise. The Human Resources Department will be responsible for obtaining and scheduling personnel to serve on the panel. The Human Resources Department will

assign a department representative to monitor assessment center procedures.

- 2) Assessment panel members will score each applicant on a five-point scale, which will range from ***clearly unacceptable*** to ***outstanding*** in five separate dimensions. If the evaluators rank any applicant as *unacceptable* within any of the five separate areas, it must be so noted on the forms completed by the evaluators as to how this rank was determined.
- 3) Each dimension of the exercise will be used to determine the total score assessed by the evaluators. The five dimensions of an exercise will be totaled and divided by five to obtain an average score per evaluator. Each evaluator's average score of that exercise will be added to have a maximum score of 15 points.

Maximum Score

Evaluator # 1	5 points
Evaluator # 2	5 points
Evaluator # 3	<u>5 points</u>
Total	15 points

Candidate must achieve a **minimum of 9.5 points** **in each exercise** to stay in the process.

Scoring for each phase of the test will be administered as follows:

- a. Exercise #1 - 15 points
- b. Exercise #2 - 15 points
- c. Exercise #3 - 15 points
- d. Exercise #4 - 15 points

Scoring

All score sheets will be completed accurately and legibly by all evaluators on a daily basis and submitted to the Human Resources Department at which time the candidates will be ranked in order to qualify for the Chief's interview.

The maximum points a candidate can achieve in the assessment center is 60 points.

Fire Chief's Interview

The Fire Chief's interview will be based on the overall scores of the testing process, Seniority/Certifications and the number of current Fire Captain vacancies and will be administered as follows:

- 1) The Fire Chief will interview all qualified candidates.
- 2) The Fire Chief's interview will consist of a thorough examination of the employee's work history and shall include, but not be limited to, training records, attendance, performance evaluation, and other job-related experiences. The maximum score will be 12 points.
- 3) A total of 1/2 point for each year of service up to ten points will be added to each applicant's score for seniority.
- 4) A maximum of 10 Points will be given for the following certifications and educational degrees:

Certification	Number of Points
NC Fire Officer I	1
NC Certified Fire Instructor	1
NC Level I Fire Inspector	1
NC Life Safety Educator	1
NC Technical Rescuer	1
Associate's Degree*	2.5
Bachelor's Degree*	5

The final selection will be made by the Fire Chief with the approval of the City Manager based on the applicants' test scores, seniority/certifications and the Fire Chief's interview.

ELIGIBILITY REQUIREMENTS AND PROMOTIONAL PROCESS FOR FIRE CAPTAIN COMPANY OFFICER

Each applicant must possess and/or maintain the following on the date that the position is officially open:

- Seven years of service with the Goldsboro Fire Department
 - Two years served as a Fire Engineer, Lieutenant or a combination of Fire Engineer/Lieutenant.
 - Performance evaluation of 3.5
 - N.C. EMT certification
 - N.C. Firefighter Certification
 - N.C. Class B Driver's License
 - N.C. Fire Officer I
 - N.C. Certified Fire Instructor
 - N.C. Fire Inspector Level I
 - N.C. Fire Officer II
 - N.C. Qualified Fire Instructor
- *Required on 6-1-2020
- *Required on 6-1-2020

Each applicant must meet and maintain the minimum qualifications for the position as established by the Goldsboro Fire Department.

Testing Requirements for Fire Captain Company Officer

1. Each qualified applicant will be interviewed by an assessment panel, which will consist of three evaluators per exercise. The Human Resources Department will be responsible for obtaining and scheduling personnel to serve on the panel. The Human Resources Department will assign a department representative to monitor assessment center procedures.
2. Assessment panel members will score each applicant on a five-point scale, which will range from ***clearly unacceptable*** to ***outstanding*** in five separate dimensions. If the evaluators rank any applicant as *unacceptable* within any of the five separate areas, it must be so noted on the forms completed by the evaluators as to how this rank was determined.
3. Each dimension of the exercise will be used to determine the total score assessed by the evaluators. The five dimensions of an exercise will be totaled and divided by five to obtain an average score per evaluator. Each evaluator's average score of that exercise will be added to have a maximum score of 15 points.

Maximum Score

Evaluator # 1	5 points
Evaluator # 2	5 points
Evaluator # 3	<u>5 points</u>
Total	15 points

Candidates must achieve a **minimum of 9.5** points **in each exercise** to stay in the process.

Scoring

1. Scoring for each phase of the test will be administered as follows:
 - a. Exercise #1 - 15 points
 - b. Exercise #2 - 15 points
 - c. Exercise #3 - 15 points
 - d. Exercise #4 - 15 points
2. All score sheets will be completed accurately and legibly by all evaluators on a daily basis and submitted to the Human Resources Department at which time the candidates will be ranked in order to qualify for the Chief's interview.

Maximum points a candidate can achieve in the assessment center is 60 points.

Fire Chief's Interview

The Fire Chief's interview will be based on the overall scores of the testing process, Seniority/Certifications and the number of current Fire Captain vacancies and will be administered as follows:

1. The Fire Chief will interview all qualified candidates.
2. The Fire Chief's interview will consist of a thorough examination of the employee's work history and shall include, but not be limited to, training records, attendance, performance evaluation, and other job-related experiences. The maximum score will be 12 points.
3. A total of 1/2 point for each year of service up to ten points will be added to each applicant's score for seniority.
4. A maximum of 10 Points will be given for the following certifications and educational degrees:
 - i. NC Fire Officer II 1 point
 - ii. NC Life Safety Educator 1 point
 - iii. NC Qualified Fire Instructor 1 point
 - iv. NC Technical Rescuer 1 point
 - v. Level II Fire Inspector 1 point
 - vi. Associate Degree* 2.5 points
 - vii. Bachelor Degree 5 points

* Credit for degree will be Associate or Bachelor's degree from a regionally accredited institution of higher learning

5. The final selection will be made by the Fire Chief with the approval of the City Manager based on the applicants' test scores, seniority/certifications and the Fire Chief's interview.

ELIBILITY REQUIREMENTS AND PROMOTIONAL PROCESS FOR FIRE CAPTAIN/INSPECTOR

1. The Fire Captain Company Officer and the Fire Captain Inspector are in the same pay grade but are not considered interchangeable due to the job requirements.
2. If a Fire Captain requests to laterally transfer to the Fire Captain Inspector's position, then he/she will follow the testing requirements as listed.
3. If a Fire Inspector's position is vacant and there is not a Fire Captain that qualifies then the Fire Inspector position will be open up to Fire Lieutenants, Fire Engineers, and/or outside applications.
4. The Fire Inspector's position requires the possession and maintenance of a Standard Level II Fire Inspector Certification within 24 months of the date the position is filled.
5. In order to be considered or to continue to hold the position of Fire Captain Inspector each applicant must meet and maintain the following certifications:
 - North Carolina driver's license.
 - Standard Level I Fire Inspector Certificate
 - have the ability to acquire the Standard Level II within 24 months of the date the position is filled.

Testing Requirements and scoring procedures are the same as Fire Captain

Fire Chief's Interview

The Fire Chief's interview will be based on the overall scores of the testing process, Seniority/Certifications and the number of current Fire Captain Inspector vacancies and will be administered as follows:

1. The Fire Chief will interview all qualified candidates.
2. The Fire Chief's interview will consist of a thorough examination of the employee's work history and shall include, but not be limited to, training records, attendance, performance evaluation, and other job-related experiences. The maximum score will be 10 points.
 - A total of 1/2 point for each year of service up to ten points will be added to each applicant's score for seniority.

- A maximum of 7.5 Points will be given for the following certifications and educational degrees:

a. Level III Fire Inspector	2.5 points
b. Associate Degree*	2.5 points
c. Bachelor Degree	5 points

* Credit for degree will be Associate or Bachelor's degree from a regionally accredited institution of higher learning

3. The final selection will be made by the Fire Chief with the approval of the City Manager based on the applicant's test scores, seniority/certifications and the Fire Chief's interview.

ELIGIBILITY REQUIREMENTS AND PROMOTIONAL PROCESS FOR BATTALION CHIEF

Each applicant must possess and/or maintain the following on the date that the position is officially open:

- Eleven years of service with the GFD
- Four years served as a Fire Lieutenant, Fire Captain or a combination of Fire Lieutenant/Fire Captain.
- Performance evaluation of 3.5
- N.C. EMT certification
- N.C. Firefighter Certification
- N.C. Class B Driver's License
- N.C. Fire Officer II
- N.C. Fire Inspector Level I
- N.C. Qualified Fire Instructor

Each applicant must meet and maintain current the minimum training and experience requirements established for the position by the Goldsboro Fire Department.

Testing Requirements for Battalion Chief

The qualifications and testing process mentioned below will be used for all positions classified:

1. Each qualified applicant will be interviewed by an assessment panel, which will consist of at least three and not more than five evaluators. The Human Resources Department will be responsible for obtaining and scheduling personnel to serve on the panel. The

Human Resources Department will also assign someone from that department to monitor assessment center procedures.

2. Assessment panel members will score each applicant on a five-point scale, which will range from **clearly unacceptable** to **outstanding** in five separate dimensions. If the evaluators rank any applicant as *unacceptable* within any of the five separate areas, it must be so noted on the forms completed by the evaluators as to how this rank was determined.

3. Each dimension of the exercise will be used to determine the total score assessed by the evaluators. The five dimensions of an exercise will be totaled and divided by five to obtain an average score per evaluator. Each evaluator's average score of that exercise will be added to have a maximum score of 15 points.

Scoring	
<u>Maximum Score</u>	
Evaluator # 1	5 points
Evaluator # 2	5 points
Evaluator # 3	<u>5 points</u>
Total	15 points

Candidate must achieve a **minimum of 9.5** points **in each exercise** to stay in the process.

1. Scoring for each phase of the test will be administered as follows:

- a. Exercise #1 - 15 points
- b. Exercise #2 - 15 points
- c. Exercise #3 - 15 points
- d. Exercise #4 - 15 points

Maximum points a candidate can achieve in the assessment center is 60 points.

All score sheets will be completed accurately and legibly by all evaluators on a daily basis and submitted to the Human Resources Department at which time the candidates will be ranked in order to qualify for the Chief's interview.

Fire Chief's Interview

The Fire Chief's interview shall be based on the overall scores of the testing process, seniority/certifications.

1. The Fire Chief will interview all qualified candidates.

2. The Fire Chief's interview will consist of a thorough examination of the employee's work history and will include, but will not be limited to, training records, attendance, performance evaluation, and other job-related issues. The maximum score will be 12 points.

3. A total of 1/2 point for each year of service up to ten points will be added to each applicant's score for seniority.

4. A maximum of 10 Points will be given for the following certifications and educational degrees.

1. Fire Officer III	1 point
2. Fire Inspector Level II	1 point
3. NC Technical Rescuer	1 point
4. NC Life Educator Level I	1 point
5. NC CFI Arson Investigator	1 point
6. Associate Degree*	2.5 points
7. Bachelor Degree *	5 points

*

Credit for degree will be Associate or Bachelor's degree from a regionally accredited institution of higher learning

5. The final selection will be made by the Fire Chief with the approval of the City Manager based on the applicant's test scores, evaluator comments, seniority and the Fire Chief's interview.

ELIGIBILITY REQUIREMENTS AND PROMOTIONAL PROCESS FOR BATTALION CHIEF/FIRE MARSHAL

In order to be considered or to continue to hold the position of Fire Marshal each applicant must meet and maintain the following certifications:

- Valid North Carolina driver's license.
- Each applicant will possess the minimum of a Standard Level II Fire Inspector Certificate
- have the ability to acquire the Standard Level III within 24 months.

The Fire Marshal's position requires the possession and maintenance of a Standard Level III Fire Inspector Certification within 24 months of the position being filled.

Testing Requirements and scoring procedures are the same as Battalion Chief

Fire Chief's Interview

The Fire Chief's interview will be based on the overall scores of the testing process, seniority/certifications and the number of current Fire Captain Inspector vacancies and will be administered as follows:

1. The Fire Chief will interview all qualified candidates.
2. The Fire Chief's interview will consist of a thorough examination of the employee's work history and shall include, but not be limited to, training records, attendance, performance evaluation, and other job-related experiences. The maximum score will be 10 points.
3. A total of 1/2 point for each year of service up to ten points will be added to each applicant's score for seniority.
4. A maximum of 7.5 Points will be given for the following certifications and educational degrees:
 1. Level III Fire Inspector 2.5 points
 2. Associate Degree 2.5 points
 3. Bachelor Degree 5 points

* Credit for degree will be Associate or Bachelor's degree from a regionally accredited institution of higher learning

5. The final selection will be made by the Fire Chief with the approval of the City Manager based on the applicant's test scores, evaluator comments, seniority/certifications and the Fire Chief's interview.

ELIGIBILITY REQUIREMENTS AND PROMOTIONAL PROCESS FOR COMMAND STAFF: ASSISTANT CHIEF

Each applicant must possess and/or maintain the following on the date that the position is officially open.

- Eleven years of service with the Goldsboro Fire Department
- Four years served as a Fire Captain, Battalion Chief or a combination of Fire Captain/Fire Battalion Chief
- Performance evaluation of 3.5

- N.C. EMT certification
- N.C. Firefighter Certification
- N.C. Class B Driver's License
- N.C. Fire Officer II
- N.C. Qualified Instructor
- N.C. Fire Inspector Level I
- **N.C. Fire Officer III** ****Required 6-1-2020**
- **N.C. Fire Inspector Level II** ****Required 6-1-2020**

Each applicant must meet and maintain current the minimum training and experience requirements established for the position by the GFD administration.

Testing Requirements for Assistant Chief

The Assistant Chiefs of Training and Support Services are in the same pay grade and considered to be interchangeable. The qualifications and testing process mentioned below shall be used:

1. Each qualified applicant will be interviewed by an assessment panel, which will consist of at least three and not more than five evaluators. The Human Resources Department will be responsible for obtaining and scheduling personnel to serve on the panel. The Human Resources Department will also assign someone from that department to monitor assessment center procedures.
2. Assessment panel members will score each applicant on a five-point scale, which will range from ***clearly unacceptable*** to ***outstanding*** in five separate dimensions. If the evaluators rank any applicant as ***unacceptable*** within any of the five separate areas, it must be so noted on the forms completed by the evaluators as to how this rank was determined.
3. Each dimension of the exercise will be used to determine the total score assessed by the evaluators. The five dimensions of an exercise will be totaled and divided by five to obtain an average score per evaluator. Each evaluator's average score of that exercise will be added to have a maximum score of 15 points.

Scoring

Maximum Score

Evaluator # 1	5 points
Evaluator # 2	5 points
Evaluator # 3	<u>5 points</u>
Total	15 points

Candidate must achieve a **minimum of 9.5 points** **in each exercise** to stay in the process.

1. Scoring for each phase of the test will be administered as follows:
 - a. Exercise #1 - 15 points
 - b. Exercise #2 - 15 points
 - c. Exercise #3 - 15 points
 - d. Exercise #4 - 15 points

Maximum points a candidate can achieve in the assessment center is 60 points.

2. All score sheets will be completed accurately and legibly by all evaluators on a daily basis and submitted to the Human Resources Department at which time the candidates will be ranked in order to qualify for the Chief's interview.
3. The Fire Chief reserves the right to rotate personnel within the same class as required to support the function of the GFD. All applicants need to take this into consideration when applying for the positions.

Fire Chief's Interview

The Fire Chief's interview shall be based on the overall scores of the testing process, seniority/certifications and the number of Assistant Chief vacancies at the time and shall be administered as follows:

1. The Fire Chief will interview all qualified candidates.
2. The Fire Chief's interview will consist of a thorough examination of the employee's work history and will include, but will not be limited to, training records, attendance, performance evaluation, and other job-related issues. The maximum score will be 12 points.
 - a. A total of 1/2 point for each year of service up to ten points will be added to each applicant's score for seniority.
 - b. A maximum of 10 Points will be given for the following certifications and educational degrees.
 - i. Fire Officer III 1 point
 - ii. Fire Inspector Level II 1 point
 - iii. NC Technical Rescuer 1 point
 - iv. NC Life Educator Level I 1 point
 - v. NC Arson Investigator 1 point
 - vi. Associate Degree* 2.5 points
 - vii. Bachelor Degree 5 points

*Credit for degree will be for either Associate or Bachelor from a regionally accredited institution of higher learning

3. The final selection will be made by the Fire Chief with the approval of the City Manager based on the applicant's test scores, evaluator comments, seniority, and the Fire Chief's interview.

GENERAL PROCEDURES FOR PROMOTIONAL ADVANCEMENT

The following set of procedures will be used during all Goldsboro Fire Department promotions:

4. In the event of a tie between the candidates in any of the above listed promotional process, the Fire Chief at his/her discretion will develop an assessment in which the results of the assessment will determine which applicant will be promoted.
5. Individual test scores and ranking will be given to candidates after the final announcement has been made by the Fire Chief. All candidates may get their ranking from either Human Resources or the Fire Chief's office.
6. Applicants may review their test results in the Human Resources Department only after all vacancies are filled. Copies of test materials will remain the property of the employer and will not be released to the applicant.
7. The results of the promotional test shall remain in effect for a period of one year from the date of the last person interviewed by the Fire Chief.
8. Individuals who wish to be considered for promotional advancement will be required to submit an application designed by the Fire Chief.
9. If the department does not have any applicants for the Fire Captain Inspector's position and hiring occurs from the outside, the individual hired will not be eligible to laterally transfer to the Fire Captain Company Officer position. If a Fire Engineer is promoted to Fire Captain Inspector, he/she will not be able to lateral transfer unless he/she goes through the Fire Captain Company Officer assessment process and is promoted.
10. Any applicant who is under probationary status for disciplinary action will not be eligible.

11. Applicants are required to have all certifications and time served on the date the application opens. If there are more vacancies than qualified applicants the Fire Chief may grant extensions for obtaining a required certification and/or time served based on organizational need. Applicants will remain on probation until such time the certification is obtained or time served. The maximum extension shall be for 1 year.

Requirements for Senior Firefighter Designation

Note: This is not a requirement to be promoted to Fire Engineer

- Applicant must have 3 years of service at time of application
- Applicant must have obtained Driver Operator certification
- Applicant must have obtained EVD certification
- Applicant must have obtained Aerial certification
- Applicant must have successfully completed NIMS 100
- Applicant must have successfully completed NIMS 200
- Applicant must have successfully completed NIMS 700
- Applicant must have successfully completed GFD Relief Driver Skills
- Applicant must have valid Class B Driver's License
- Applicant must have served in a role, position or provided a significant contribution that improved the City of Goldsboro or the Fire Department during his/her tenure with the City. (This should be included in letter submitted by applicant.)
- No written disciplinary action within the last 12 months at time of application.
- Applicant must submit a recommendation letter to the Fire Chief from assigned Company Officer recommending them for Senior Firefighter.
- Applicant must submit a letter to the Fire Chief stating why they feel they should be designated as Senior Firefighter.
- Applicant must not have scored less than a 3.25 on their previous evaluation.
- Applicant must attend at least 2 specialty classes outside the Goldsboro Fire Department that will enhance their firefighter skills and benefit the Goldsboro Fire Department during the previous 3 years at time of application. This does not include classes required for Firefighter I or II or Driver Operator. Some examples but not limited to are Initial Company Operations, PICO, STICO, First Due Engine Company, Multi-family Dwelling, etc.

Note: If you receive disciplinary action as a Senior Firefighter you can be demoted to Firefighter with a decrease in pay. Also, you will have to wait 12 months before you can reapply for Senior Firefighter.

CITY OF GOLDSBORO INSPECTIONS DEPARTMENT CAREER PROGRESSION

PURPOSE:

To establish a policy that encourages fulltime Inspection Department employees (both current and new hires) to obtain advanced certifications necessary for their duties and responsibilities as a City employee and to recognize them for enhancing the level of service to the community.

POLICY:

An employee of the Inspections Department may be eligible to receive a salary increase per advanced certification obtained if the following conditions are met:

- 1) Building Inspectors will be titled as such, without required certification levels.
- 2) An applicant employed, who does not have a Level I in the field the City has asked for in the position vacancy notice, will be paid 2.5% below the minimum salary of the assigned pay grade until he/she does qualify at the Level I, at which time, not to exceed eighteen (18) months, they will move to the minimum salary of the assigned pay grade. If Level I certification is not completed within this timeframe, the employee shall be terminated.
- 3) A new hire employee with Probationary, Limited or Standard Level I in any area (Building, Mechanical, Electrical, Plumbing or Fire) will be paid the minimum salary of the assigned pay grade.
- 4) As employees obtain additional Level II or Level III certifications in any field, a 2.5% incentive increase will be authorized.

Master Building Inspector will be titled as such with a requirement of standard certification in 4 areas (4 Level III's in any of the 5 fields); increase in salary of 10% or minimum salary range; whichever is greater.

- 1) Building Level III
- 2) Mechanical Level III
- 3) Electrical Level III
- 4) Plumbing Level III
- 5) Fire Level III

Additional requirements for salary increases:

- 1) Increase can only be awarded during the fiscal year in which it was obtained.
- 2) No increases will be awarded retroactively for certifications obtained prior to the adoption of this policy or in a previous fiscal year from which the increase is being requested.

- 3) Re-certifications are not eligible for an increase.
- 4) Employee is not in the disciplinary process at the time the increase is being requested.
- 5) Employee may not receive more than two increases within a 12-month period.
- 6) No increases given above the maximum of the pay grade. If an employee's salary is above the maximum of the pay grade, certification increases will not become part of base pay but shall be awarded in a lump sum payment.

PROCEDURES:

- 1) During the preparation of the budget each fiscal year, the Building Code Administrator is to review the certification needs of department employees and budget for the increases accordingly.
- 2) The Administrator will submit requests and justifications for their employees' increases as the certifications are obtained to the City Manager and/or Human Resources Director for approval.
- 3) Documentation of satisfactory completion must be submitted with request.
- 4) Increases must be approved by the City Manager and/or Human Resources Director; if approved, the salary increase shall become effective at the beginning of the next pay period.

CITY OF GOLDSBORO PUBLIC UTILITIES DEPARTMENT CAREER PROGRESSION

ELIBIBILITY REQUIREMENTS FOR PUBLIC UTILITIES:

- 1) An employee must be a regular Plant Operator at the Water Reclamation Facility or at the Water Treatment Plant.
- 2) If the certification is possessed at the time of hiring, an employee may begin working at 5% above the minimum salary. For the Water Reclamation Facility, the Certification must be Grade 1 or higher. For the Water Treatment Plant, Certification must be C-Surface or higher.
- 3) A new employee who does not possess a certification of any category will be hired as an entry level Operator, at the hiring salary. Upon employment, the employee must obtain, within 1 year from the date of hire, a Grade 1 Certification at the Water Reclamation Facility or C-Surface Certification at the Water Treatment Plant. Failure to receive a Grade 1 or C-Surface Certification will result in termination.
- 4) If the Level 1 Certified Operator obtains a Grade 2 Certification for the Water Reclamation Facility or a B-Surface Certification for the Water Treatment Plant and the Operator I has been employed by the City of Goldsboro or holds a Level 1 certification for one year or more while having a Grade 1 Certification or a C-Surface Certification, whichever is applicable, this employee will then be upgraded to a Level 2 Certified Operator position with a 10% increase in pay providing the employee has a satisfactory job performance evaluation. All duties and responsibilities will increase accordingly.
- 5) If the Level 2 Certified Operator obtains a Grade 3 Certification for the Water Reclamation Facility or a B-Surface, Process Control Chemistry, and Microbacteriological Methods for the Analysis of Drinking Water for the Water Treatment Plant, this employee will then be upgraded to a Level 3 Certified Operator position with a 10% increase in pay if funds are available and providing the employee has a satisfactory job performance evaluation. All duties and responsibilities will increase accordingly.
- 6) If the Level 3 Certified Operator obtains a Grade 4 Certification for the Water Reclamation Facility or an A-Surface, Process Control Chemistry, and Microbacteriological Methods for the Analysis of Drinking Water for the Water Treatment Plant, this employee will then be upgraded to a Level 4 Certified Operator position with a 5% increase in pay if funds are available and providing the employee has a satisfactory job performance evaluation. All duties and responsibilities will increase accordingly.

The City of Goldsboro will, as funds are available and scheduling permits, send employees to State approved certification schools above Level 2 (which include Water Process Chemistry and Water Microbacteriological Methods schools) and sit for certification exams. Position classifications above Level 2 must be approved prior to being available to employees who have met the appropriate requirements and

have satisfactory job performance evaluation. Should there be more internal candidates than available positions, the department shall develop a process to determine the best qualified candidate. Any plant staff who takes on Back-up ORC duties will be compensated with a 2.5% pay increase.

It is essential that the wastewater laboratory staff and the pretreatment staff are properly trained on the standard practices and regulations in their respective areas. The City strongly encourages staff in these areas to sit for the respective exams, the Wastewater Laboratory Analyst Exam and the Pretreatment Program Certification Exam. There are four levels of exams for each of these respective areas.

After the WRF laboratory and pretreatment staff have met the City's requirements for the Biological Water Pollution Control System Operators certifications and have an above average job performance rating, the employee will be eligible for a spot bonus as indicated for successful completion of the following exams, though not more than one per year:

- 1) Class 1 Wastewater Laboratory Analyst or Grade 1 Pretreatment Program - \$500
- 2) Class 2 Wastewater Laboratory Analyst or Grade 2 Pretreatment Program - \$650
- 3) Class 3 Wastewater Laboratory Analyst or Grade 3 Pretreatment Program - \$800
- 4) Class 4 Wastewater Laboratory Analyst or Grade 4 Pretreatment Program - \$1000

Note: The Water Reclamation Facility employees' certifications are identified by Grades 1, 2, 3 and 4. The Water Treatment Plant employees' certifications are identified by C-Surface, B-Surface, and A-Surface.

CERTIFICATION POLICY – OTHER DEPARTMENTS

The City of Goldsboro is committed to rewarding its employees in their pursuit of advanced education.

Employees will receive an educational incentive for obtaining degrees related to their job/occupational category as follows:

- Associate's degree – 2.5% increase in salary
- Bachelor's degree – 5% increase in salary
- Master's degree – 7.5% increase in salary

Individuals who obtain professional certifications (job related) may receive a 5% increase with approval by department head and City Manager.

APPENDIX C. RECRUITMENT AND SUCCESSION PLAN

PURPOSE

The City of Goldsboro is committed to employing, the best-qualified candidates for approved positions while engaging in recruitment and selection practices that comply with all applicable federal and state employment laws.

The City of Goldsboro provides equal employment opportunity for all applicants and employees, regardless of age, color, national origin, race, religion, creed, gender, sex, sexual orientation, gender identity and/or expression, genetic information, marital status, veteran status, or any characteristic protected by federal, state or local law. In addition, the city will provide reasonable accommodations for qualified individuals with disabilities.

The appropriate authorization is required to initiate any action for a vacant position, including any recruitment efforts, advertising, interviewing and offers of employment, and is required to extend any offers of employment to any candidate.

RECRUITMENT AND SELECTION

The hiring supervisor (or designee) will submit a requisition through the Human Resources Information System (NeoGov).

The appropriate approval steps will be followed to prepare the requisition for recruitment. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

The Human Resources Department will complete the process by posting the position for advertisement.

If necessary, the Human Resources Department will expand recruitment sources to reach a broader audience. All positions will be advertised for a minimum of two weeks unless otherwise noted.

Upon recommendation of the department head and with the approval of the Human Resources Director, the position vacancy may be posted internally for current City of Goldsboro employees. (In the event that there is not a succession plan in place). Internal vacancies will be posted on the City of Goldsboro Intranet for a minimum of one (1) week.

Potential recruitment sources include:

- Internet/Social media advertising
- GovernmentJobs.com
- HR Listservs
- Indeed.com

- Professional publications and associations
 - NC League of Municipalities
 - NC Works
- 1) All persons expressing interest in employment with the city shall be given the opportunity to complete an application for employment via the electronic applicant system.
 - 2) The Human Resources Department will perform the necessary steps for applicant tracking and referrals. The hiring manager will identify the most qualified candidates for interviewing and notify Human Resources when completed.
 - 3) Applications for employment will only be accepted during the open period of application submission.

HIRING PROCESS

This process applies to internal and external hires.

- 1) Hiring managers are responsible for conducting timely, effective interviews of qualified candidates for open positions. The HR department will be available to advise hiring managers on interview techniques, questions, assessments and final candidate selection.
- 2) All full-time positions should have a hiring committee of a minimum of five (5) members. Two (2) of the five members shall consist of external assessors if the position is that of a supervisor or department head. Part time positions should have a minimum of two hiring committee members.
- 3) In an effort to promote diversity during the recruitment and selection phase, hiring managers should select a diverse hiring committee, which shall to be forwarded to Human resources for approval. This committee should include a diverse mix of race, gender, age and position status.
- 4) Human Resources will receive a copy of all interview questions and/or assessments to ensure biased and/or illegal questions are not asked during the interview process. Any assessments administered by the City shall be valid measures of job performance and should not create an adverse impact upon any protected class of individuals. In the event of adverse impact, the assessment will be subject to replacement or validation. Departments are encouraged to build a bank of interview questions so that approval is not needed for each process.
- 5) An Interview Assessment Report shall be completed for all candidates interviewed for the vacant position and forwarded to Human Resources.
- 6) Upon the selection of the final candidate, the hiring manager (or designee) will prepare the Personnel Action Form (PAF).
- 7) In the event the hiring manager's selected candidate is not eligible for hire or rejects offer of employment, (s)he may select next qualified candidate

- (if available).
- 8) The City, at its own expense, shall require that a selected candidate successfully complete a medical examination and drug screen prior to starting work.
 - 9) Human Resources will perform a background check on the selected candidate.
 - 10) The hiring manager or Human Resources will perform reference checks on the selected candidate.
 - 11) Human Resources or hiring manager will extend the verbal offer of employment to the candidate selected. All salaries must be verified by Human Resources prior to official job offer. The HR department will prepare a written offer of employment for the candidate, subject to a clean background check and City Manager's final approval of PAF. Upon receipt of an offer letter signed by the candidate, the Human Resources department will close out the requisition and candidate will receive instructions for onboarding.
 - 12) In the event a vacancy occurs for the same position or very similar position (in same department) within 90 days, the hiring manager may select eligible candidates from the same applicant pool from the same requisition. The hiring manager (or department's representative) shall notify Human Resources within three days of vacated position regarding intent to select from eligible candidates. (S)he will follow the same steps outlined above regarding selection.

RESPONSIBILITY

The Human Resources Department is responsible for the overall management of the recruitment and selection processes, including employment-related agency relationships, applicant tracking and onboarding, interviews/assessment centers, offers of employment, and all personnel-related matters involving the employee once (s)he is hired with the City of Goldsboro. This includes distribution of interview questions, composition of interview panels, and validity of testing processes and procedures.

RECRUITMENT

The Human Resources Department will assist departments with external recruiting, including, but not limited to, career/job fairs and other city/state-sponsored events. Recruiters shall receive orientation training prior to representation at events, in collaboration with Human Resources representative(s).

SUCCESSION PLAN

Recognizing that changes in management are inevitable, the City of Goldsboro [will follow a succession plan](#) to provide continuity in leadership and avoid extended and costly vacancies [of key positions](#). [The goal of the Succession Plan is](#) to assess the

leadership needs of each department and to ensure the selection of well-qualified leaders who meet the diversity needs of the city. A successor must have the ability to help accomplish the city's vision, mission, values and goals while possessing the necessary skills required to complete the essential functions of the position.

Procedures. The City Manager and Human Resources Director shall be responsible for approving all recommendations and ensuring implementation of the City's succession plan. A Succession Planning Committee shall convene and be chaired by the Assistant City Manager and include department heads with supervisory responsibilities. The Committee shall recommend to the City Manager a succession plan that identifies critical management positions, forecasts future vacancies of those positions, and identify key internal personnel who would be eligible and qualified to fill vacancies. In the event there is no viable or qualified candidate, existing internal personnel will fill the role in an "interim" basis while an external recruitment effort is conducted.

- 1) Each January, the Succession Planning Committee will meet. At each meeting, department heads from each division will attend and:
- 2) Present to the Committee a review of the departmental succession plan.
- 3) Identify key positions and incumbents targeted for succession planning. This shall include an analysis of planned retirements, potential turnover, etc.
- 4) Identify individuals who show the potential needed for progression into the targeted positions and leadership within the organization.
- 5) Outline the actions taken in the previous six months to prepare identified individuals to assume a greater role of future responsibility.
- 6) By the end of February each year, the Committee will recommend targeted candidates to the City Manager.
- 7) By the end of March each year, the Committee will recommend an outline of actions that will be taken in the following six months to prepare individuals to assume a greater role of future responsibility.
- 8) The City Manager will periodically request updates from senior management on the development process for each targeted candidate.

While succession planning is an integral component of the City's recruitment and selection process, no employee, identified and/or targeted by the Succession Planning Committee, shall be guaranteed or promised succession to any current or future vacant position. The City's stated procedure for recruitment, selection and promotion shall be the guidelines by which all vacancies are filled.

APPENDIX D. Anti-Harassment Policy

POLICY

It is against the policy of the City of Goldsboro and illegal under local, state and federal law to discriminate against someone on the basis of their race, color, gender, religion, national origin, age, disability and genetic information

It is also against the policy of the City of Goldsboro, and illegal under state and federal law, to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

In addition, it is against the policy of the City of Goldsboro to discriminate against someone based on his or her marital status, sexual orientation, gender identity or gender expression.

DEFINITIONS

Covered Employees - This policy applies to all employees of the City of Goldsboro, including, but not limited to, full and part-time employees, regular, temporary, contract and seasonal employees, vendors, employees covered or exempted from personnel rules or regulations, on or off duty City employees harassing another City employee on or off duty, non-City employees harassing City employees and City employees harassing non-- City employees while the City employee is on duty or in City uniform.

Harassment- For purposes of this policy, any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, non-City employee, or any person working for or on behalf of the City of Goldsboro

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- 1) Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, gender, gender expression, sexual orientation, age, body, disability or appearance. Verbal harassment includes epithets, slurs, and negative stereotyping.
- 2) Non-verbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect towards an individual or group because of national origin, race, color, religion, age, gender, gender expression, gender identity, sexual orientation, pregnancy, disability or other protected status.

Hostile Work Environment- Results from harassing conduct, as defined above that has the purpose or effect of unreasonably interfering with an employee's work performance, or creates an intimidating, hostile or offensive working environment.

Retaliation- Any adverse action taken against an individual because he or she filed a charge of harassment, complained about harassment on the job, or participated as a witness in an investigation.

Sexual Harassment- A form of sex discrimination that consists of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- 1) Submission to that conduct is made either explicitly or implicitly a term or
- 2) condition of employment;
- 3) Submission to or rejection of such conduct by an individual is used as a
- 4) component of the basis for employment decisions affecting that individual; or
- 5) The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment can include, but are not limited to, the following when such acts or behavior comes within one of the above definitions:

- 1) Either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- 2) Touching or grabbing a sexual part of an employee's body;
- 3) Touching or grabbing any part of an employee's body after that person has indicated or it is known that such physical contact is unwelcome;
- 4) Continuing to ask an employee to socialize on or off-duty when that person has indicated that she or he is not interested;
- 5) Displaying or transmitting sexually suggestive pictures, objects, cartoons or posters;
- 6) Writing sexually suggestive notes or letters to another employee;
- 7) Referring to or calling a person a sexualized name;
- 8) Regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of other employees;
- 9) Retaliation of any kind for having filed or supported a complaint of sexual harassment (such as but not limited to ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering the person's duties or work environment, etc.);
- 10) Derogatory or provoking remarks about or relating to an employee's sex or sexual orientation or gender identity or gender expression;

- 11) Harassing acts or behavior directed against a person on the basis of an employee's sex, sexual orientation, gender identity, or gender expression; or,
- 12) Off-duty conduct that falls within the above definition and affects the work environment.

Electronic mail (e-mail), social media (Facebook, Twitter, Instagram, etc.) or other computer aided transmissions of sexually explicit materials or harassing conduct may also constitute prohibited conduct under this policy.

Sexual harassment can also consist of intimidating, abusive or hostile behavior of a non- sexual nature towards an employee on the basis of gender. Verbal abuse and hostility that is not sexual in character but is directed solely at females because they are female or males because they are male may also constitute a violation of this policy on the same level as harassment of a sexual nature.

Sexual Harassment can also take the form of offensive conduct by non-employees such as vendors and outside contractors against employees in the workplace.

PROCEDURE

Procedures for Reporting Harassment

- 1) Any employee who feels subjected to harassment, including sexual harassment should immediately contact one of the persons below with whom the employee feels comfortable. Complaints may be made orally or in writing to:
 - a. The employee's immediate supervisor;
 - b. The employee's Department Director;
 - c. The Human Resources Director; or
 - d. The City Manager; or
 - e. The City Attorney
- 2) Although employees are strongly encouraged to try to resolve disputes with the help of their immediate supervisor, employees may circumvent the chain of command in selecting the person to make a complaint of harassment, particularly when the immediate supervisor is the harassing employee.

- 3) The employee should be prepared to provide the following information, if known, to the individual to whom a complaint of harassment is made:
- a. The employee's name, department and position title;
 - b. The name of the person committing the harassment including person's title, if known;
 - c. The specific nature of the harassment, its duration, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
 - d. Any witnesses to the harassment; and
 - e. Whether the employee has previously reported such harassment and, if so, when and to whom.
 - f. The filing of a good faith complaint or otherwise reporting harassment will not adversely affect the individual's employment status or future terms and conditions of employment.

Investigation

- 1) In the event the City receives a complaint of harassment, or otherwise has reason to believe that harassment is occurring, the City will take all necessary steps to ensure that the matter is promptly investigated and addressed.
- 2) The City is committed, and required by law, to take appropriate and remedial action if it learns of potential harassment in the workplace. Once a complaining party makes a report of harassment to the supervisor, department director or City Manager, the person receiving the report must forward all relevant information to the Human Resources Director regardless of any request or desire by the complaining party not to initiate a formal investigation under this policy. Failure to appropriately report such harassment complaints or suspected acts of harassment shall be considered a violation of this policy.
- 3) Care will be taken to protect the identity of the complaining party and of the accused party or parties, except as may be reasonably necessary to

successfully complete the investigation. Employees who are involved in any aspect of the harassment complaint are advised to refrain from discussing the alleged facts of the complaint with other City employees, particularly during the pendency of the investigation. It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action that affects the working environment of any person involved in this investigation.

- 4) When an allegation of harassment is made by an employee, the person to whom the complaint is made shall immediately prepare a report of the complaint and submit it to the Human Resources Director.
- 5) The Human Resources Director shall make and keep a written record of the investigation, including notes of responses made to the investigator in connection with the investigation. The notes shall be made at or near the time the interview is in progress.

Upon the receipt of a complaint of harassment, the Human Resources Director shall immediately:

- 1) Obtain a written statement(s) (oral if necessary) from the person complaining of sexual harassment that includes a comprehensive report of the nature of the harassment complained of, and the times, dates and places where the harassment occurred. The Human Resources Director shall interview the person complaining of harassment about any information in the written statement that is not clear or needs further explanation.
- 2) Obtain a written statement(s) (oral if necessary) from witnesses that includes a comprehensive report of the nature of the conduct witnessed, and the times, dates, and places where the conduct occurred, and the conduct of the person complaining of harassment toward the person against whom the complaint of harassment was made. The Human Resources Director shall orally question witnesses about any information in their written statements that is not clear or needs further explanation.
- 3) Obtain a written statement(s) (oral if necessary) from the person against whom the complaint of harassment has been made. The Human Resources Director shall orally question the person against whom the complaint of harassment has been made about any information in the written statement that is not clear or needs further explanation.
- 4) Prepare a report of the investigation, that includes the written or transcribed statement of the person complaining of harassment, the written or transcribed statements of witnesses, the written or transcribed statement of the person against whom the complaint of harassment was made, and the investigator's notes connected to the investigation, and

submit the report to the City Manager. In the event that the harassment complaint is filed against the City Manager, the report shall be submitted to the City Council.

MEDIATION

At any point in time during or after the investigation into a complaint of harassment, the alleged victim and harasser may agree to participate in mediation to be conducted at the direction of the Human Resources Director. Mediation under this section cannot take place without the consent of both parties. Participation in mediation will not affect an ongoing investigation of the underlying harassment complaint or any disciplinary action that may result therefore.

SANCTIONS

- 1) If it is determined that a complaint of harassment is substantiated, immediate and appropriate disciplinary action will be taken against the employee guilty of harassment. This action may be directed through the appropriate Department Head and City Manager. In cases in which the harassment is committed by a non-employee against a City employee in the workplace, the City Manager shall take whatever lawful action is necessary against the non-employee to bring the harassment to an end.
- 2) The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee, and any other factors the City Manager believes relate to fair and efficient administration of the City, including, but not limited to, the effect of the offense on employee morale and public perception of the offense, and the light in which it casts the City
- 3) The disciplinary action may include demotion, suspension, warning or reprimand or dismissal. A determination of the level of disciplinary action shall be made on a case-by-case basis.
- 4) A written record of disciplinary action taken shall be kept.
- 5) Future conduct of the parties involved may be monitored in order to reasonably ensure that the remedial action taken has been effective in stopping the harassment and that no retaliation has occurred.

NOTIFICATIONS

This Policy will be made available to all employees and incorporated into employee handbooks. The Policy shall also be included in any standard operating procedures manual of all City Departments. Mandatory training sessions on this Policy and the prevention of harassment shall be held for all personnel during appropriate in-

service training programs and orientation sessions.

EMPLOYEE RESPONSIBILITY

- 1) It is the duty of employees to report instances of harassment, including sexual harassment,
- 2) It is the duty of all employees, especially supervisory personnel, to be familiar with this Policy. Each employee has a stake in preventing harassment and thus shares responsibility with the City Manager in eliminating harassment in the workplace.
- 3) No employee shall, in any way, retaliate, harass or discriminate against a person making or involved as a witness or otherwise in a complaint of harassment.
- 4) In cases in which the harassment is committed by a non-employee against a City employee in the workplace, the City Manager shall take whatever lawful action is necessary against the non-employee to bring the harassment to an end.
- 5) Employees are obligated to cooperate in every investigation of harassment. The obligation includes, but is not necessarily limited to:
 - a. Coming forward with evidence, both favorable and unfavorable concerning a person accused of harassment;
 - b. Fully and truthfully making a written report under oath upon request; and
 - c. Orally answering questions when required to do so by an investigator during the course of an investigation of harassment.
- 6) Employees are also obligated to refrain from making accusations of sexual harassment in bad faith.

Contact information

City of Goldsboro

Human Resources Director

Bernadette Dove

(919)739-7441

FILING OUTSIDE COMPLAINTS

Employees and applicants may file formal complaints of discrimination, harassment, or retaliation with the agencies listed below. Individuals who wish to pursue filing with these agencies should contact them directly to obtain further information about their processes and time limits.

U.S. Equal Employment Opportunity Commission

Location: 434 Fayetteville Street, Suite 700
Raleigh, NC 27601-1701

Phone: 1-800-669-4000

Fax: 919-856-4151

TTY: 1-800-669-6820

ASL Video 844-234-5122

Phone:

Director: Thomas M. Colclough

Regional Lynette A. Barnes

Attorney:

Office The Raleigh Area Office is open for walk-ins to show Monday-Tuesday
Hours: and Thursday-Friday from 8:30 am to 3:00 pm.

Although walk-ins are accepted, scheduling an interview is strongly recommended, and individuals with appointments will be given priority. We encourage you to schedule an interview through our online system <http://www.eeoc.gov/employees>

CORRECTIVE ACTION GUIDELINES

The City of Goldsboro will take appropriate corrective action(s) up to and including formal discipline against any employee(s) when an investigation has found that misconduct occurred. Such corrective action(s) may include, but are not limited to, letters of reprimand, suspension, demotion, or termination. Additionally, depending on the nature of the violation, civil liability could be imposed on the violator as well as the City of Goldsboro.

CITY OF GOLDSBORO

ANTI HARRASSMENT POLICY

COMPLAINT FORM

COMPLAINANT INFORMATION

NAME:

DIVISION / UNIT:

OFFICE LOCATION:

WORK PHONE:

IMMEDIATE SUPERVISOR:

Please describe the conduct that you believe violates the Discrimination, Harassment or Retaliation Prevention Policy. In your narrative, describe: (1) What happened to you; (2) Why you believe you are being discriminated, harassed, or retaliated against, including the reason or evidence you have to support your belief, and; (3) When the acts of discrimination, harassment, or retaliation occur (attach additional pages if needed). If you require assistance with completing this form as a reasonable accommodation, please contact the EEO officer.

APPENDIX E. DRUG AND ALCOHOL TESTING POLICY

Section 1. Drug and Alcohol Abuse and Testing Policy for all Employees

- 1) The unlawful manufacture, distribution, dispensation, possession, purchase, or use of drugs by employees is prohibited and constitutes grounds for immediate termination.
- 2) The manufacture, distribution, dispensation, possession, storage, purchase, or use of alcohol by employees while at the workplace is prohibited and constitutes grounds for immediate termination.
- 3) Positive Drug Tests
 - a. Any employee holding a safety-sensitive position as defined by this policy who has a positive drug test shall be terminated. Safety-sensitive positions are defined in Appendix A, entitled *Safety Sensitive Positions Subject to Random Drug Testing*.
 - b. Any employee holding a non-safety-sensitive position who has a positive drug test may be terminated. Upon determination by that employee's Department Head, the Human Resources Director, and/or the City Manager, the employee may be allowed to remain employed with the City of Goldsboro pursuant to the conditions set forth below.
 - c. An employee who is allowed to remain employed with the City of Goldsboro after a positive drug test shall be employed on a probationary basis. The time period for this probationary period of employment will be for a minimum of twelve (12) months to a maximum of sixty (60) months. After that time period, the employee shall be subject to the original conditions of this policy regarding drug and alcohol testing. A second positive drug test for this employee, either during or after this probationary period, shall result in immediate termination.
 - d. During this probationary employment period, the employee shall be given unannounced drug and alcohol tests. These tests may be on a random basis at the discretion of the Department Head, the Human Resources Director, and/or the City Manager. A positive drug test shall result in immediate termination.
 - e. Employees who have a positive drug test and are allowed to remain employed with the City of Goldsboro shall be evaluated by a substance abuse professional. As a condition of their continued employment during and after their probationary period, the employee shall comply with any and all substance abuse treatment recommended by this substance abuse professional.
- 4) Applicants for employment shall be required to take a drug test during the application process. Current employees who are selected for a new position shall also be drug tested. This test shall be administered no more than thirty (30) days prior to the date

of employment.

Applicants shall be disqualified from further consideration for employment under the following circumstances:

- Refusal to submit to a required drug test; or,
- A confirmed positive drug test indicating prohibited drug use; or,
- Failure to submit to a drug test within 24 hours after notification by Human Resources Management that a test is needed.

PROMOTION DRUG TESTING

Any employee being promoted to a higher position shall be required to take a drug test as a condition of the promotion process. This shall take place within fifteen (15) days prior to the effective date of the promotion.

POST-VEHICULAR ACCIDENTS AND INJURIES

- 1) An employee will be drug and alcohol tested when involved in a vehicular accident or workplace injury if:
- 2) A life is lost;
- 3) If operating a motor vehicle and the driver is cited for a traffic moving violation AND any individual is transported for medical treatment; or
- 4) If operating a motor vehicle, the driver is cited for a moving violation.
- 5) Post-accident drug and alcohol tests shall be administered within eight hours following the accident. No employee to be tested following an accident shall consume any alcohol for eight hours following the accident or until a post-accident alcohol test is performed, whichever comes first.
- 6) The supervisor of any driver of any City vehicle involved in an accident will determine whether or not the driver should be allowed to continue with his/her duties for the remainder of that workday. The employee should not be sent home but should be assigned other duties as determined by his or her Department Head. If reasonable suspicion of
- 7) substance abuse exists, arrangements will be made by the Department Head to have the employee transported home.
- 8) If a driver of a City vehicle tests positive for drugs or alcohol when tested pursuant to this post-accident testing section, that driver will be immediately terminated. This post-accident termination applies to both safety-sensitive employees and non-safety sensitive employees who are driving City vehicles and are then involved in an accident.

REASONABLE SUSPICION

Employees will be required to submit to a drug and/or alcohol test as a condition of continued employment in any case where there exists an individualized reasonable suspicion that the employee has

used or is under the influence of illegal drugs or alcohol. The following may be considered when determining whether or not there is reasonable suspicion:

- 1) Direct observation of drug or alcohol use;
- 2) The physical symptoms or manifestations of being under the influence of a drug (e.g. slurred speech, odor of a drug or alcoholic beverage on body or breath, incoherence, loss of coordination, etc.) while at work;
- 3) Abnormal conduct or erratic behavior while at work such as deterioration in work performance, or participation in a physical or verbal altercation, under suspicious conditions;
- 4) Information from a reliable and credible source or other similar evidence that an employee may be or may have been impaired in the performance of his or her duties by recent use of alcohol or drugs, whether on or off the job. Attempts should be made to independently corroborate this information;
- 5) Supervisors should be alert to the conduct and job performance of an employee based on the supervisor's long-term knowledge of the employee; and,
- 6) In combination with observations of current and/or contemporaneous conditions, the following may alert the supervisor to be watching for signs of substance abuse:
 - a. A prior history of confirmed substance abuse by the employee during employment with the City, such as recent convictions of driving while impaired. (Prior history shall not be considered sufficient on its own to constitute a reasonable suspicion).
 - b. A pattern of excessive absenteeism, tardiness, or deterioration in work performance.
 - c. A pattern of unexplained and unusual vehicle or personal accidents or injuries on or off the job.

PROTOCOL FOR TESTING FOR REASONABLE SUSPICION

- 1) The supervisor shall contact his/her Department Head (or designee) to advise regarding why he/she believes there is reasonable suspicion for a drug test and complete the "Alcohol & Controlled Substance Reasonable Suspicion Checklist for Testing" form.

- 2) The Department Head shall immediately contact the Human Resources Director (or his/her designee in his/her absence) and provide him/her with this information.
- 3) In the event the City Manager receives sensitive or confidential Information indicating reasonable suspicion, he/she shall consult with the Human Resources Director or his/her designee regarding this information.
- 4) If the Human Resources Director or his/her designee then determines there is a reasonable suspicion, he/she directs the supervisor or a designee to transport the employee for a drug or alcohol test.
- 5) After Hours: If a supervisor on a weekend or night shift has reasonable suspicion that an employee may be under the influence of alcohol or drugs, the employee will be removed from any duties. The Department Head or his/her designee will be informed and the normal procedure followed to determine if there is reasonable suspicion that will allow a drug test. If the Department Head or his/her designee feels that there is reasonable suspicion, the employee will be subject to a drug test.
- 6) No employee who voluntarily seeks help from the Employee Assistance Program (EAP) will be given a drug or alcohol test based solely on the fact that help has been sought from EAP. If that employee meets other criteria to be tested for reasonable suspicion, he/she will be tested.

Any employee having a reasonable basis to believe that another employee is illegally using, or is in possession of, any controlled substance shall immediately report the facts and circumstances to his/her supervisor.

Random Testing for Safety Sensitive Positions and Federally Mandated Positions

Employees assigned to positions that are determined to be safety sensitive will be randomly tested for alcohol and drugs. Safety- sensitive positions are defined in Appendix A, entitled Safety Sensitive Positions.

Subject to Random Drug Testing. Selected employees will be transported to the designated testing location the day that they are chosen to be randomly tested. Random testing shall be conducted at the rate mandated by DOT or city policy. Such rate will provide an equal probability of any employee from the Safety Sensitive Positions list to be selected.

DISCLOSURE OF ALCOHOL OR DRUG RELATED CHARGES AND CONVICTIONS

If an employee is charged with or convicted of a violation of a criminal drug statute or of any kind of criminal offense involving alcohol, including but not limited to "Driving While Impaired", the employee must notify his or her Department Head of the charge or conviction within twenty-four (24) hours of receiving the charge or conviction. Failure to comply with this requirement will result in termination.

POSITIVE TESTS FOR ALCOHOL

- 1) An employee who is tested (exclusive of the return to duty test) and is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform his or her job functions until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test. The employee shall be removed from duty without pay for this 24-hour period and shall receive a notation in his or her personnel file about the requirement of reporting to work without the presence of alcohol in his or her system.
- 2) An employee who tests positive for alcohol must submit to a return to duty breath alcohol test before resuming the performance of safety sensitive functions following a disciplinary suspension. The return to duty alcohol test must indicate an alcohol concentration of less than 0.02. A return to duty breath alcohol test result of 0.02 – 0.039 will result in a five-day suspension without pay. A return to duty breath alcohol test result of 0.04 or greater will be considered as the second positive alcohol test within a five-year period and will result in termination.
- 3) If an employee alleges that, because of medical reasons, he or she is unable to provide a sufficient amount of breath to permit a valid breath test, the breath alcohol technician shall instruct the employee a second time to attempt to provide an adequate amount of breath. If the employee continues to allege an inability to provide a sufficient amount of breath for the test, the department shall be notified that the employee has refused to be tested. The employee will be directed to obtain, as soon as practicable after the attempted provision of breath, an evaluation from a licensed physician acceptable to the City of Goldsboro addressing the employee's medical inability to provide the adequate amount of breath. If there is not a medical reason acceptable to the City for the employee's inability to provide the breath, the employee will be considered to have refused to submit to the alcohol test and will be disciplined according to the guidelines established by this Policy.

REFUSAL TO SUBMIT TO TESTING

An employee who refuses to submit to, fails to follow through with, or tampers with a drug or alcohol test when testing is required by this Policy will be terminated. However, before proceeding with disciplinary action, the employee's Department Head will have the facts of the case reviewed by the Human Resources Department.

RE-EMPLOYMENT AFTER FAILED TEST AND TERMINATION

An employee who does not pass the drug or alcohol test and is terminated will not be considered for re-employment for a two-year period following the date of the test and then will be considered only when:

- 1) He or she provides documentary proof of successful completion of a drug and/or alcohol abuse treatment or rehabilitation program, and;
- 2) He or she passes a pre-placement drug and/or alcohol test.

DUTY TO DISCLOSE IMPAIRMENT

An employee shall inform his or her supervisor if, prior to beginning work or while he or she is on duty, that he or she has used or intends to use any prescription drug, over-the-counter drugs, or other substance that might impair his or her ability to satisfactorily perform his or her duties. Employees are responsible for a thorough understanding of the effects and potential side effects of medications or other chemicals taken. Failure to notify the supervisor under these circumstances may result in disciplinary action up to and including termination. However, before proceeding with disciplinary action, the employee's Department Head will have the facts of the case reviewed by the Human Resources Department.

Section 2. Supervisory Responsibilities

Every supervisor shall:

- 1) Consistently apply this policy to all employees under his or her supervision. A supervisor who fails to apply this policy when he or she believes, or reasonably should believe, that an employee under his or her supervision has committed a violation will be disciplined. Supervisors will be provided with the appropriate training by the City of Goldsboro in order for the supervisor to be able to accurately detect the different behaviors and observations that indicate an employee may be under the influence of alcohol or drugs.
- 2) Initiate the process for having an employee drug or alcohol tested if there is reasonable suspicion that an employee under his or her supervision, when such employee is on duty, has an illegal drug or alcohol in his or her system or is using any legal drug in a manner other than it was intended.
- 3) Educate employees under his/her supervision and make them aware of the requirements and consequences of this Policy.
- 4) Follow the procedure established by the Department Head for ensuring that an employee who is tested for alcohol or other drugs is transported to the designated test site, and that those employees for whom there is reasonable suspicion of substance abuse or who have had a breath alcohol test result of 0.02 or greater are transported home – either by personal family/friends or by arranged transportation.

Section 3. Employee Responsibilities

Every employee shall:

- 1) Abide by this policy as a condition of employment.
- 2) Comply with all applicable laws regulating the manufacture, distribution, dispensation, use or possession of illegal drugs, alcohol, or prescription drugs.

1. Ensure that his or her ability to perform his or her job duties is not negatively affected due to the use of a drug or alcohol when scheduled to report to work or when “on call” status. Should any employee be requested to report to work for a safety-sensitive job earlier than his or her normal or previously assigned time, it is the employee’s responsibility to advise his or her supervisor of an inability to perform his or her job duties or that he or she had consumed alcohol within the last four hours prior to reporting for duty. If the employee has received prior notice that he or she might be called back into work, the employee will be considered absent without leave if he or she is unable to report to duty. An employee may be subject to other disciplinary action due to inability to report for duty.
- 3) Submit immediately to a drug or alcohol test when requested by his or her supervisor.
- 4) Notify his or her Department Head if convicted of a violation of a criminal drug statute and such violation occurred while the employee was on duty, within five calendar days of such conviction, as required by the Drug-Free Workplace Act.

Section 4. Definitions

Accident – An occurrence involving property damage or bodily injury while conducting business for the City of Goldsboro.

Alcohol Test – A test for the presence of alcohol in the body as determined through the use of a Breath Alcohol Test (BAT), evidential breathalyzer test, or blood screening.

Applicant – A person who applies for employment with the City of Goldsboro.

Commercial Motor Vehicle – A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle rating of more than 10,000 pounds; or,
- Has a gross vehicle weight rating of 26,001 or more pounds; or,
- Is designed to transport 16 or more passengers, including the driver; or,
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and that requires the motor vehicle to be placarded under the Hazardous Materials Regulations.

Conviction – A finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judge or judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

Criminal Drug Statute – A criminal statute relating to the manufacture, distribution, dispensation, use, or possession of any drug.

Drug – Any controlled substance, immediate precursor or metabolite thereof included in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812) or the North Carolina Controlled Substances Act, Chapter 90, Section 87(5) of the North Carolina General Statutes.

Drug Test – A test, including providing the necessary sample of body fluid by the employee to be tested, for the presence of any of the following drugs or drug metabolites in the urine or blood an employee or applicant for employment:

- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids
- Cocaine
- Methaqualone
- Opiates
- Phencyclidine
- Propoxyphene
- Other drugs that may be determined to reduce work efficiency.

Negative Results – A test indicating that there are no drugs or drug metabolites in the urine at a level specified to be a positive test. In alcohol testing a negative result would be a breath alcohol concentration of less than 0.02.

No Notice Testing – Periodic surprise drug and or alcohol tests given to an employee over a period of two years following his or her return to work after a positive drug or alcohol screen. The City Nurse or Human Resources Management Director (HRMD) will determine the timing and frequency of this testing.

On Call – The period of time when an employee is subject to a call to report immediately to work for the City of Goldsboro.

On Duty – The period of time when an employee is at the workplace, performing job duties, on call, or during any other time frame for which he or she is entitled to receive pay from the City of Goldsboro.

Outside Provider – An agency selected by the City of Goldsboro to handle all drug and alcohol screening.

Orientation Period – A one (1) year term during which a newly hired regular employee is required to demonstrate the ability to perform the essential functions of his/ her position.

Positive Results – With respect to the results of a drug test, indicates a laboratory

finding of the presence of a drug or a drug metabolite in the urine sample of an employee or applicant at the levels identified by the Substance Abuse and Mental Health Services Administration (SAMHSA), or for drugs not subject to SAMHSA guidelines, at levels identified by the City of Goldsboro. All positive tests will be confirmed using a different technology than was used for the first test, such as the gas chromatography/mass spectrometry (GC/MS) process. In alcohol testing a positive result would be a breath alcohol concentration of 0.04 or greater.

Promote – an employee who is selected for advancement to a higher position.

Random Testing – testing conducted on an employee assigned to a safety sensitive position. Such testing is chosen by a method that provides an equal probability that any employee from a group of employees will be selected.

Reasonable Suspicion – the occasion when a supervisor detects the signs and symptoms of probable drug and/or alcohol use and can substantiate specific contemporaneous, objective observations concerning appearance, behavior, speech, body odor or other physical indicators of probable drug or alcohol use. By way of example and not limitation, any one or a combination of the following may constitute reasonable suspicion:

- Slurred speech
- The odor of marijuana or alcohol about the person
- Inability to walk a straight line
- An accident resulting in damage to property or personal injury
- Physical altercation
- Verbal altercation
- Behavior that is so unusual that it warrants summoning a supervisor or anyone else in authority (i.e. confusion, disorientation, lack of coordination, marked personality changes, irrational behavior)
- Possession of drugs
- Verifiable information obtained from other employees based on their observations
- Arrests, citations and deferred prosecutions associated with drugs or alcohol
- A documented pattern of abnormal conduct or erratic behavior, including abnormal leave patterns

Refuse to Submit – the occurrence when an employee or applicant:

- Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing
- Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing
- Refuses to sign the breath alcohol confirmation test certification
- Engages in conduct that clearly obstructs the testing process
- Fails to remain readily available for testing after an accident

Revenue Service Vehicle – Any vehicle available to the general public where there is an expectation of carrying passengers on such vehicle. These passengers either: directly pay fares, are subsidized by public policy, or provide payment through some contractual arrangement. Vehicles operated in fare free service are considered in revenue service.

Safety Sensitive Positions – A position will be designated safety sensitive only where the City of Goldsboro has a compelling need, on the basis of safety concerns, to ascertain on-the-job impairment on the part of the employees who hold the position. Such a compelling need may arise when the duties of the position create, or on or are accompanied by, such a great risk of injury to other persons or property of such magnitude that even a momentary lapse of attention, judgment, or dexterity could have disastrous consequences.

Examples of these positions include:

- Positions (full or part-time) requiring the use of weapons (or potential use of weapons) or the operation of vehicles, machinery, or equipment as a primary task (does not include routine office equipment).
- Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace.
- Other positions as determined on a case-by-case basis.

The following includes activities defined as safety sensitive by the Federal Highway Administration or Federal Transit Administration portions of the DOT guidelines:

- Driving.
- Inspecting, servicing, or conditioning any commercial motor vehicle.
- Waiting to be dispatched at a carrier ship or plant, terminal, facility, or other public property.
- Performing all other functions in or upon any commercial motor vehicle except resting in a sleeper berth.
- Loading or unloading a vehicle, supervising or assisting in the loading or unloading of the vehicle, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments being loaded or unloaded.
- Performing driver requirements relating to accidents.
- Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle
- Operating a revenue service vehicle, including when not in revenue service.
- Operating a non-revenue service vehicle when required to be operated by the holder of commercial driver's license.

- Controlling the natural movement of a revenue service vehicle.
- Maintaining a revenue service vehicle or equipment used in revenue service.
- Carrying a firearm for security reasons.

Determination as to which positions are safety sensitive will be based on the DOT guidelines or the recommendation of the Department Head and approval by the Human Resources Department.

Supervisor – Any employee who has the authority to direct the job activities of one or more other employees. With respect to a particular employee, the term means such employee's immediate supervisor and all persons having indirect supervisory authority over such employee.

Workplace – location or facility where an employee performs tasks related to the requirements of his or her job including, but not limited to, break rooms and restrooms, outdoor work sites, City of Goldsboro vehicles or personal vehicles (while personal vehicle is being used for City of Goldsboro business), computer work stations, conference rooms, hallways, offices, open/partitioned work areas, public contact/customer service areas, medical services areas and parking lots.

Safety Sensitive Positions Subject to Random Drug Testing

Building and Grounds Maintenance

- Building & Grounds Maintenance Superintendent
- Building Maintenance Technician
- Grounds Maintenance Equipment Operator
- Grounds Maintenance Technician
- Senior Building Maintenance Technician
- Senior Sign Technician

Cemetery

- Assistant Cemetery Supervisor
- Cemetery Supervisor
- Equipment Operator
- Maintenance Technician

Engineering

- City Engineer
- Civil Engineer
- Construction Inspector
- Property Technician
- Engineering Technician
- Signal System Maintenance Supervisor
- Signal System Maintenance Technician
- Survey Technician

Fire

- Assistant Fire Chief
- Battalion Chief
- Fire Captain
- Fire Chief
- Fire Engineer
- Fire Fighter
- Fire Lieutenant
- Fire Marshall

Human Resources Management

- Safety Officer

Inspections

- Building Inspector
- Minimum Housing Inspector
- Plans Examiner

Municipal Golf Course

- Assistant Golf Course Superintendent
- Assistant Golf Operations Manager
- Golf Course Superintendent
- Golf Director

Parks and Recreation

Athletics Supervisor
Heavy Equipment Operator
Maintenance Technician
Marketing and Special Events Supervisor
Park Superintendent
Park Technician
Parks Maintenance Crew Supervisor
Recreation Center Assistant
Recreation Center Leader
Recreation Therapist
Recreation Superintendent
Special Populations Program Supervisor
Senior Park Technician
Senior Recreation Center Assistant

Planning

Environmental Codes Inspector
Senior Planning Technician

Police

Animal Control Officer
Crime Analyst
Crime Scene Specialist
Police Chief
Police Corporal
Police Desk Officer
Police Division Commanders
Police Equipment Maintenance Coordinator
Police Investigative Unit Supervisor
Police Investigator
Police Investigator-Juvenile
Police Officer
Police Officer Recruiter
Police Park Officer
Police Resource Officer
Police Sergeant
Police Shift Supervisor
Police Support Services Supervisor
Senior Maintenance Worker

Public Utilities

Compost Department

Compost Facility Operator
Compost Plant Superintendent
Plant Maintenance Mechanic/Operator

Water Reclamation Facility

Chief Treatment Plant Operator
Laboratory Supervisor
Laboratory Technician
Pretreatment Coordinator
Public Utilities Director
Senior Plant Maintenance Mechanic
Utility Plant Mechanic
Utility Plant Mechanic Assistant
Treatment Plant Operator (All Levels)
Water Reclamation Facility Superintendent

Water Treatment Plant

Chief Treatment Plant Operator
Laboratory Supervisor
Treatment Plant Operator (All Levels)
Water Plant Maintenance Mechanic/Operator
Water Plant Specialist
Water Treatment Plant Superintendent

Public Works (Administration)

Public Works Director
Deputy Public Works Director (Operations)

Distribution & Collection System

Collections Supervisor
Distribution & Collection System Superintendent
Distribution Supervisor
Materials Controller
Meter Reader
Meter Shop Supervisor
Systems Integrity Operator
Systems Integrity Supervisor
Systems Integrity Technician
Utility System Operator
Utility Maintenance Crew Leader
Utility Maintenance Mechanic
Utility Maintenance Worker
Utility System Operator

Fleet Maintenance

Fleet Maintenance Superintendent
Fleet Maintenance Supervisor
Fleet Service Technician
Senior Fleet Mechanic
Welder

Solid Waste

Equipment Operator
Heavy Equipment Operator
Senior Heavy Equipment Operator
Solid Waste Superintendent
Solid Waste Supervisor
Solid Waste Technician

Stormwater Maintenance

Stormwater Maintenance Equipment Operator
Stormwater Maintenance Heavy Equipment Operator
Stormwater Maintenance Senior Heavy Equipment Operator
Stormwater Maintenance Supervisor
Stormwater Maintenance Technician

Street Maintenance

Street Maintenance Equipment Operator
Street Maintenance Heavy Equipment Operator
Street Maintenance Senior Heavy Equipment Operator
Streets and Stormwater Superintendent
Street Maintenance Supervisor
Street Maintenance Technician

APPENDIX F. SOCIAL MEDIA POLICY

CITY OF GOLDSBORO SOCIAL MEDIA POLICY

Purpose

Social media is one of the many tools the City of Goldsboro uses to reach its target audiences to further the goals of the City and the missions of its departments.

This policy establishes procedures related to the approval and use of City of Goldsboro social media sites, and City employees' (not serving in an official capacity) use of social media sites, personal web pages, and blogs to ensure such usage is not detrimental to the City or other City employees.

Content posted on the City's social media platforms in an official capacity by City employees is subject to all City policies.

Social media should be treated the same way as any other external publications are treated, and site administrators should always be aware of the City's strategic goals as they plan and post information about the City.

Objectives

- To establish and maintain social media platforms that are responsive to public comments and concerns and establish a meaningful dialogue with residents; and,
- To garner public interest in the City's services, programs, events, and initiatives.

Mission Statement

The City of Goldsboro's Public Information Office will maximize social media use to inform various public audiences, create a dialogue, and provide information about the City's services, programs, events and initiatives to residents in a transparent and timely manner.

Policy

It is the policy of the City of Goldsboro that all departments developing social media communication platforms receive approval from the Public Information Office before launching their sites.

Approved Social Media Sites

The City maintains separate social media sites in order to successfully target its messages to the appropriate audiences. The Public Information Office monitors social media platforms to ensure there are no unapproved City social media sites. Currently approved social media sites for the City and its departments are listed on the City's Intranet.

Approval, Development, and Maintenance of City of Goldsboro Social Media Sites

- 1) Written proposals for the request for official use of new social media sites must be approved by the Department Director and submitted to the Public Information Officer, explaining why this tool is appropriate for their target audience prior to site development.
- 2) When submitting a proposal to the Public Information Office to request official use of a new social media site, the department must supply the following information via email to the Public Information Officer:
 - a. Why does current City of Goldsboro social media platforms not meet department needs?
 - b. Why is this particular social media tool the appropriate outreach tool for the department's target audience?
 - c. Provide an example of the type of information and images that will be included on the proposed social media site.
 - d. Who will design the proposed social media site?
 - e. Which staff member in the department will be allowed to have access and provide content updates for the proposed social media site?
 - f. What are the estimated number of hours that will be dedicated to maintenance and content management of the proposed social media site?
 - g. Approximately how often will posts be made to the proposed social media site?
 - h. How will a link back to the City's official website, www.goldsboronc.gov, be provided on the proposed social media site?
 - i. Provide any other information you feel will be helpful in sharing the vision for the proposed social media site to help the Public Information Officer make an informed decision regarding the request for approval of the use of the proposed site.
- 3) Each City social media site shall clearly identify the site as an official City site.

- 4) Content posted on the City's social media sites must reflect the City's official position, not an employee's personal view.
- 5) The designated social media site content manager can be any department employee approved by the Department director, who has a complete understanding of this policy and appropriate content management and technical experience to properly maintain the site.
- 6) The administrators of City-approved social media sites are responsible for direct coordination with subject matter experts within the City of Goldsboro to resolve issues or requests made by the public concerning City-related issues. Questions, concerns and other issues not related to the City will be referred to the appropriate organizations, to the best of the administrators' abilities.
- 7) The Public Information Officer and one designated member of the Information Technology Department will have administrative privileges to all City-approved social media sites for contingency purposes. However, nothing will be posted on any department's social media sites without prior approval or coordination with the appropriate department social media manager.
- 8) Official City of Goldsboro social media platforms that have a single login account should be set up using a City email address. Examples: Twitter, Pinterest, and Instagram.
- 9) Master account information is maintained by the Information Technology Department.
- 10) Site administrators should take appropriate steps to minimize security risks in order to prevent fraud or unauthorized access to social media sites. Some suggested security measures and directions are available on the City's Intranet site.
- 11) City social media sites are subject to the North Carolina Public Records Laws and Records Retention Laws. All sites, when possible, must include the following disclaimer, stating "Correspondence to and from this site may be subject to the North Carolina Public Records Law and can be disclosed to third parties."
- 12) The content and records maintenance of each City social media site shall be the responsibility of the department producing and using these sites. The department head or the department representative should contact the Information Technology Department to make sure backups are being performed appropriately on all sites.
- 13) City social media sites must be "family-friendly." Do not delete or erase comments without established guidelines posted on the site, when possible. Violation of the following is cause for deletion of the offending material from the social media site:

- a. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation.
 - b. Posting of or links to sexually explicit content.
 - c. Solicitations of commerce.
 - d. Conduct or encouragement of illegal activity.
 - e. Spam.
 - f. Information that may compromise the safety or security of the public or public systems.
 - g. Threats or Obscenities.
 - h. Infringement on copyrights or trademarks.
 - i. Use of personally identifiable information or personally identifiable medical information.
- 14) Continued violation of any of the above-stated information will be cause for blocking or banning an individual from City social media sites. Only comments that violate the terms set forth above should be deleted. A comment may not be deleted simply because it is deemed to be negative. If the comment is a complaint about City services and a solution can be offered, a response should be given on the site so other followers can see they can come to our social media channels for answers and assistance.
- 15) All statements and questions do not necessitate a response and administrators will use their judgement, based on guidance provided in this policy, to determine where responses are needed. This refers primarily to how, when and if they respond to determined detractors. Determined detractors are defined as persistent critics of an organization who are seemingly mounting their own public relations campaign against a particular topic or organization. While there is merit to monitoring determined detractors' posts and responding to some of them, there is equal merit in not responding to rants or attempting to get into a public argument or debate with those types of individuals. Always remember to keep to the moral high ground when dealing with determined detractors on your site. This is a judgement call that falls on the social media site administrator. If in doubt, contact the Public Information Officer.
- 16) Where appropriate, Information Technology (IT) Department security policies shall apply to all City social media sites.

- 17) The department responsible for its social media site must secure (or set privacy settings for) each social media site so that only City employees assigned by the applicable department can post to the site. The sites can allow others, such as members of the public, to post comments or other visitor-generated content directly to the site.
- 18) Crisis management - What steps to take if your account is hacked:
 - a. Immediately notify the Information Technology Department and Public Information Officer.
 - b. Do not try to regain access to the account until instructed by IT.
 - c. Change the password once access to the account is obtained.
 - d. Delete any messages posted by hackers.
 - e. Let followers know the site has been hacked and what is being done to correct the issue.
- 19) The following should be taken into account when managing a City social media site:
 - a. Know your audience.
 - b. Monitor the site frequently and respond to comments/questions generally within 24
 - c. hours.
 - d. Monitor other City of Goldsboro social media sites for situational awareness and potential content that can be posted on your social media site.
 - e. Be visual. Updates should include links to imagery if possible.
 - f. Write updates in non-press release style.
 - g. Only identified administrators and editors will post approved content.
 - h. The Public Information Officer should be notified immediately of any user blocked, and then will review on a case- by- case basis.
 - i. City social media administrators are encouraged to scan external media sites for potential use and posting of select content on sites. Posting links to positive stories written by external media outlets is encouraged, and appropriately provided the content helps the City reach its strategic communication objectives and is posted in a way that clearly gives the external media outlet credit for its product.

- 20) Any department or division that creates and uses official City social media platforms must join the Communications Liaison Group. Department directors must send a designee to attend all meetings. This group will meet at least quarterly and more often as needed.
- 21) Whenever possible, provide links to the City's official website for more information, forms, documents or online services necessary to conduct business with the City of Goldsboro.
- 22) City social media sites must adhere to the City's Branding and Corporate Identity Policy set forth by the city's branding policy. Any exceptions will be made on a case- by- case basis.

Use of Social Media as a City Employee on City Sites

The City understands that the use of social media has become a common form of communication. Employees who manage City social media platforms should adhere to the following guidelines, realizing that their comments could have serious repercussions on the City's image and ability to provide quality services to our residents:

- 1) Use of a City e-mail address and communicating in the official capacity of a City position will constitute conducting City business.
- 2) City policies, rules, regulations, and standards of conduct apply to employees who engage in social media activities while conducting City business.
- 3) City departments have the option of allowing employees to participate in approved social media sites as part of their job duties. Department directors may allow or disallow employee participation in any social media activities in their departments in an official capacity.
- 4) Employees representing the City government via social media sites must conduct themselves at all times as a respectable representative of the City and in accordance with all personnel administrative and operating procedures and policies.
- 5) Employees must protect other employees' personal privacy, the privacy of citizens and the information the City holds. Employees must adhere to all privacy protection laws, e.g., HIPPA and the protection of sensitive and confidential City information.
- 6) Employees must not disclose any information that would jeopardize the safety of City staff or the disclosure of personal or confidential information.
- 7) Employees must protect sensitive information that might jeopardize ongoing City activities and investigations, particularly with regard to Police and Fire/Rescue operations.

- 8) Employees must follow all copyright laws, public records laws, retention laws, fair use and financial disclosure laws and any other laws that might apply to the City or a functional area of the City.
- 9) Individuals, organizations, and businesses with a social media presence can be tagged by City employees acting on behalf of the City related to a social media post; however, posts shall not promote, endorse or criticize any vendor, contractor or supplier. All social media content must be neutral in that regard.
- 10) Employees will not share proprietary information that is not a matter of public record, which may have been gained during duties performed as a City employee.
- 11) Employees will not use ethnic slurs, profanity, personal insults or engage in any conduct that would not be acceptable in the City's workplace. Additionally, employees must avoid comments or topics that may be considered objectionable or inflammatory.
- 12) Employees should correct mistakes and not alter previous posts without indicating that a change has been made to that post. They should frame any comments or opposing views in a positive manner. If there are questions about how to do this, contact the Public Information Officer for guidance.
- 13) Employees should add value to the City through their social media interaction and provide worthwhile information and perspective in a respectful and professional manner.
- 14) Employees are encouraged to cross-promote information from other City-sponsored social media sites and in some cases, from external sites, where it helps to promote the City's objectives.
- 15) Use of social media that involves any kind of criminal activity or harms the rights of others may result in criminal prosecution or civil liability to those harmed or both.
- 16) No employee shall use social media as a platform to engage in any political or partisan activity.

Use of Social Media on Personal Sites

The City of Goldsboro fully supports the right of employees to maintain personal web pages and a social media presence while not on duty. Employees are encouraged to represent themselves and the City in a positive manner and adhere to the City of Goldsboro's personnel policy. In personal use, the employee is speaking as an individual and not on behalf of the City of Goldsboro.

The following is provided as guidance for those who do maintain a personal social media presence:

An employee's use and comments made on social media sites are subject to limited First Amendment protections. As a public employee, use of social media is considered an extension of the workplace as it relates to employee conduct.

As a City employee, personal use of social media is subject to these guidelines:

- 1) Where personal use is related to a matter of public concern, it must be conducted in such a manner that a reader would not think the employee is speaking for or on behalf of the City.
- 2) Employees must comply with City policies, including but not limited to the City's Internet Access Policy.
- 3) Employees should exercise sound judgment and discretion so as not to reflect adversely on the City in contributing to social media sites.
- 4) Do not provide or disclose the City of Goldsboro or any other organization's or individual's non-public, confidential, or other proprietary information.
- 5) Do not discuss work-related legal proceedings or controversies, including communications with the City of Goldsboro's attorneys.
- 6) Do not disclose confidential personal information obtained by virtue of one's position with the City (i.e., department heads, supervisors, committee members, etc.).
- 7) Personal use of social media may not violate or infringe upon the right of any other person or entity or constitute a criminal offense or create civil liability.
- 8) Personal use of social media while on duty, including during breaks, must not be excessive such that it interferes with the employee's work or work of others.

Public Information Office/Information Technology

The Public Information Officer, in coordination with the Information Technology Department will:

- 1) Oversee the City's social media effort, led by the Department's social media manager.
- 2) Routinely monitor content on the City's social media sites to ensure adherence to the Social Media Policy. Messaging should be consistent with the strategic goals of the City of Goldsboro.

- 3) Conduct a performance review of all City-wide social media sites on a quarterly basis. Sites that do not appear to be properly maintained will be considered for deactivation. If it is necessary to take this step, the Public Information Officer will coordinate directly with the appropriate department director prior to taking any action.
- 4) Provide training to all City social media administrators regarding the terms of this social media policy, including their responsibilities to review content submitted for posting to ensure policy compliance. Training will be conducted on an as-needed basis as administrators change within their departments.

Employees violating this policy may be subject to disciplinary action, up to and including termination of employment.