



TOWN OF CORNELIUS

Cornelius Town Hall

BOARD OF COMMISSIONERS

March 20, 2017

Agenda

PRE-MEETING - 5:45 PM

- Overview of the Personnel Policy Update
- Overview of the FY17 Operating Budget Amendment
- Closed Session - Economic Development/Real Estate

TOWN BOARD - 7:00 PM

1. CALL TO ORDER
2. DETERMINATION OF QUORUM
3. APPROVAL OF AGENDA
4. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
5. MAYORAL PROCLAMATIONS
 - A. Mayoral Proclamation
6. CITIZEN CONCERNS/COMMENTS
7. MAYOR/COMMISSIONERS/MANAGER REPORTS
8. PUBLIC HEARING AND CONSIDERATION OF APPROVAL
 - A. Olde Mecklenburg Brewery, Inc. (WMHY, LLC) Economic Development Grant
9. CONSIDERATION OF APPROVAL
 - A. Personnel Policy Update
 - B. FY17 Operating Budget Amendment
10. CONSENT AGENDA
 - A. Tax Refunds
11. OLD BUSINESS
 - A. W. Catawba/Torrence Chapel Intersection Improvement Project
12. COMMISSIONER CONCERNS
13. ADJOURNMENT

Please note that to speak during **CITIZENS CONCERNS/COMMENTS** or **PUBLIC COMMENT**, please use the signup sheet provided before the Board meeting and list your name, address and topic. Each speaker will be allowed 3 minutes to speak. A "hard stop" will occur after 3 minutes for each speaker. Any information displayed must be submitted to the Town Clerk within 48 hours prior meeting.

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: March 20, 2017

To: Mayor and Board of Commissioners

From: Anthony Roberts, Town Manager

Action Requested:

Susan Manning will give an overview of the proposed Personnel Policy updates.

Manager's Recommendation:

Hear overview.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: March 20, 2017

To: Mayor and Board of Commissioners

From: Julie Niswonger, Finance Director

Action Requested:

Finance Director Julie Niswonger will give an overview of the proposed FY17 budget amendment that authorizes the use of fund balance in the amount of \$2,334,416 to pay off debt for the following items:

- Commerce Station: Interest Rate 5.19%, payoff amount \$217,598
- Fire Station # 1: Interest Rate 3.70%, payoff amount \$1,114,166
- Park Improvements: Interest Rate 3.59%, payoff amount \$255,604
- Westmoreland Athletic Complex: Interest Rate 2.63%, payoff amount \$747,048

The combined savings in interest is \$202,387.

This amendment also authorizes the receipt of \$300 in donations to the Cornelius Arts and Community Center for operating purposes and will have no impact on fund balance.

Manager's Recommendation:

Hear overview of the FY17 budget amendment.

ATTACHMENTS:

Name:	Description:	Type:
 Amendment #6 Loan Payoff.pdf	FY 17 Operating Budget Amendment	Cover Memo

TOWN OF CORNELIUS
AN ORDINANCE AMENDING
THE OPERATING BUDGET FOR
FISCAL YEAR 2016-2017

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF
COMMISSIONERS OF THE TOWN OF CORNELIUS:**

SECTION 1. The following amounts are hereby authorized for all appropriations, expenditures and inter-fund transfers necessary for the administration and operation of the Town of Cornelius for the fiscal year beginning July 1, 2016 and ending June 30, 2017 in accordance with the following schedule of accounts heretofore established for this Town:

SCHEDULE A: GENERAL FUND

	Original Budget	Previous Amendment 2/20/2017	This Amendment 3/20/2017	Change
General Fund Revenues				
Ad Valorem Taxes	\$ 13,569,495	13,569,495	13,569,495	-
Local Option Sales Tax	2,976,700	2,976,700	2,976,700	-
Utility Franchise Tax	1,747,600	1,747,600	1,747,600	-
Powell Bill Allocation	760,000	760,000	760,000	-
Other Taxes and Licenses	552,200	552,200	552,200	-
Unrestricted Intergovernmental	990,100	990,100	990,100	-
Restricted Intergovernmental	733,770	828,110	828,110	-
Permits and Fees	708,288	745,288	745,288	-
Sales and Services	140,000	140,000	140,000	-
Investment earnings	45,500	45,500	45,500	-
Donations	20,000	40,100	40,400	300
Micellaneous	10,100	11,818	11,818	-
Debt Issued	442,600	442,600	442,600	-
Appropriated Fund Balance	29,500	1,777,278	4,111,694	2,334,416
Total General Fund Revenues	\$22,725,853	\$24,626,789	\$26,961,505	\$ 2,334,716
General Fund Expenditures				
Governing Board	\$ 80,702	80,702	80,702	-
General Government	1,524,073	1,524,073	1,524,073	-
General Services	372,030	372,030	372,030	-
Police	6,222,376	6,314,594	6,314,594	-
Communications	590,324	590,324	590,324	-
Fire Operations	1,500,559	1,500,559	1,500,559	-
Animal Control	173,361	173,361	173,361	-
Public Works	1,706,935	1,714,213	1,714,213	-
Powell Bill	924,000	924,000	924,000	-
Solid Waste/Recycling	2,034,404	2,034,404	2,034,404	-
Stormwater	220,000	220,000	220,000	-
Planning / Land Development	620,857	752,197	752,197	-
Tourism	558,601	558,601	776,199	217,598
Art Center	352,980	1,873,080	1,873,380	300
Parks, Arts, Recreation, and Culture	2,075,222	2,225,222	2,225,222	-
Transfer to Capital Project Funds/ 911 Fund	765,000	765,000	765,000	-
Debt Service	3,004,429	3,004,429	5,121,247	2,116,818
Total General Fund Expenditures	\$22,725,853	\$24,626,789	\$26,961,505	\$ 2,334,716

Original Budget	Previous Amendment 2/20/2017	This Amendment 3/20/2017	Change
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SCHEDULE B: ELECTRIC FUND

Electric Fund Revenues

Sales and Services	\$ 5,928,239	5,928,239	5,928,239	-
Fund Balance	467,657	467,657	467,657	-
Miscellaneous	10,000	75,692	75,692	-
Total Electric Fund Revenues	\$ 6,405,896	\$ 6,471,588	\$ 6,471,588	\$ -

Electric Fund Expenditures

Electric Department	\$6,405,896	\$6,471,588	\$6,471,588	-
Total Electric Fund Expenditures	\$ 6,405,896	\$ 6,471,588	\$ 6,471,588	\$ -

SCHEDULE C: 911 FUND

911 Fund Revenues:

911 Fee Revenue	\$141,796	141,796	141,796	-
Fund Interest Earnings	1,200	1,200	1,200	-
911 Appropriated Fund Balance	51,489	51,489	51,489	-
Total 911 Fund Revenues	\$ 194,485	\$ 194,485	\$ 194,485	\$ -

911 Fund Expenditures:

911 Department	\$194,485	194,485	194,485	-
Total 911 Fund Expenditures	\$ 194,485	\$ 194,485	\$ 194,485	\$ -

SECTION 2. An ad valorem tax rate of \$.255 per \$100 of assessed valuation is hereby established as the official tax rate for the Town of Cornelius for the fiscal year 2016-17. This rate is based on an estimated valuation of \$5,258,437,557 and an estimated 98.6% percent collection rate, which is at least the collection rate expected during the 2015-16 fiscal year.

SECTION 3. In accordance with G.S. §159-9 and G.S. §159-15, the Town Manager shall serve as the budget officer and is hereby authorized to reallocate appropriations among the objects of expenditure under the following conditions:

- a. The Town Manager may transfer amounts between line-item expenditures even among departments as believed to be necessary and prudent.
- b. He may not transfer any amounts between funds, except as approved by the Board of Commissioners in the Budget Ordinance as amended.

Adopted this the 20th day of March, 2017.

Charles L. Travis III, Mayor

SEAL

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Karen Wolter, Town Attorney

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: March 20, 2017

To: Mayor and Board of Commissioners

From: Anthony Roberts, Town Manager

Action Requested:

Hold a Closed Session to discuss 1 potential real estate matter and 2 economic development projects.

Manager's Recommendation:

Hold a Closed Session

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: March 20, 2017

To: Mayor and Board of Commissioners

From: Anthony Roberts, Town Manager

Action Requested:

Manager's Recommendation:

Hear mayoral proclamation.

ATTACHMENTS:		
Name:	Description:	Type:
Alwyn_Smith_Day.doc	Mayoral Proclamation	Backup Material

Alwyn Smith Day Proclamation

WHEREAS, Alwyn Smith moved to the United States in 1962 from West Yorkshire, England and settled in Cornelius in 1975 with his wife Marjorie; and

WHEREAS, Mr. Smith has attended countless Town Board and Planning Board meetings throughout his 42 years as a resident to express his concerns with Cornelius growth, his passion for funding the Cornelius police and fire departments, and tremendous love for Cornelius in general; and

WHEREAS, his volunteering efforts throughout the community include serving on the Cornelius Police Department's Crime Initiative Committee and PARC Commission, fund raising for WDAV, greeting little kids off the school bus and taking care of his neighbors and watching out for their homes; and

WHEREAS, Mr. Smith's dedication and passion for the Town of Cornelius and its citizens will be greatly missed as he will return to England on March 29th to spend time with his family.

NOW, THEREFORE, I, Charles L. Travis, III, Mayor of the Town of Cornelius, do hereby proclaim March 20, 2017 as

Alwyn Smith Day

in the Town of Cornelius, and encourage residents to use Mr. Smith's outstanding citizenship as an example in taking pride in where you live and how you live.

Charles L. Travis, III
Mayor

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town to be affixed, this the 20th day of March, 2017.

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: March 20, 2017

To: Mayor and Board of Commissioners

From: Wayne Herron, Director of Planning

Action Requested:

The purpose of the public hearing is to receive public comments on proposed economic development incentives to Olde Mecklenburg Brewery, Inc. (WMHY, LLC), relating to their establishment of a new manufacturing facility in Cornelius. The project will consist of a capital investment of approximately \$10 million. The Business Investment Program grant will be for a period of ten years and will be equal to 90 percent of new ad valorem tax revenue created by the development.

Manager's Recommendation:

Hold a public hearing and consider approval of the proposed business investment program grant.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: March 20, 2017

To: Mayor and Board of Commissioners

From: Anthony Roberts, Town Manager

Action Requested:

Susan Manning will present proposed changes to the Town's personnel policy.

Manager's Recommendation:

Hear presentation and consider approving the Personnel Policy amendments.

ATTACHMENTS:

Name:	Description:	Type:
 Executive_Summary_Personnel_Policy.docx	Executive Summary	Backup Material
 RES-Personnel_Policy_amendment_-_3.20.17.docx	Resolution to Amend	Resolution Letter
 DRAFT_Personnel_Policy_2017.docx	Personnel Policy Amendment	Backup Material

Town of Cornelius
Personnel Policy Revisions
Executive Summary

The Town's Personnel Policy needed a major update and rewrite as it has not been comprehensively reviewed since 1999. The Town requested that Susan Manning, HR Consultant, review the Personnel Policy and other separate Town policies related to employees to insure compliance with Federal and State employment laws and regulations as well as alignment with best practices in the field of Human Resources. This policy review has resulted in a number of edits, policy revisions and new policy provisions, which are outlined below. Some existing individual Town policies that impact employees are now consolidated into the Personnel policy to be more efficient and effective in communication and administration, and some policies that only applied to the Police Department have been expanded to cover all Town employees.

Article I. Organization of Personnel System

- Minor wording changes to definitions and terms.
- Sections were added regarding the responsibilities of the Town Clerk (to maintain and distribute the policy); Department Heads (to enforce and communicate the policy to their employees in coordination with the Town Manager); and employees (to understand and follow the policy and to assist in enforcement by reporting policy violations and imminent safety hazards). These additions make it clear that all employees have a role in understanding, following and enforcing the policy.

Article II. Classification Plan

- Added ADA compliant language regarding job descriptions and essential job functions.
- Added FLSA compliance language about exempt/nonexempt status.

Article III. Pay Plan

- Updated terms to reflect current HR terminology and Town practice consistent with recent Compensation study.

Article IV. Recruitment and Employment

- Added ADA compliance language
- Added reference to new tools to facilitate consistent compliance

Article V. Conditions of Employment

- Removed reference to Firefighters under FLSA work periods.
- Reworded language on Town-wide Solicitation campaigns (e.g. United Way, Blood Drives and Savings Bonds).
- Added E-verify to the section regarding right to work documentation
- Added a more robust Safety section and established a Town Safety Committee to insure compliance with OSHA and other safety regulations.
- Added a Blood-borne Pathogen Exposure Control policy, which currently is in Police Department policies, but needs to apply to all Town employees.
- Expanded the policy on Performance Evaluations to reflect current practice.
- Included the Inclement Weather Policy in the Personnel Policy.
- Included the Clothing Policy in the Personnel Policy.
- Added a Violence in the Workplace Prevention Policy

Article VI. Leaves of Absence

- Updated policies on vacation and sick leave to be current with best practice and internally consistent.
- Expanded FMLA to reflect changes in Federal law and provide more specific guidance to employees and managers.
- Added provisions under Education Leave and tuition reimbursement to establish annual limits, align reimbursement rates to tuition/fees charged by public universities and community colleges, and added a repayment provision if an employee leaves Town employment within 2 years of completing their course and receiving reimbursement.
- Added Parental Involvement Leave consistent with State law.

Article VII. Separation, Disciplinary Action and Reinstatement

- Added reference to new tool to insure compliance when an employee separates.
- Added language regarding regular retirement from Town service.
- Added language regarding appropriate procedures when an employee is dismissed.

Article VIII. Grievance Procedure, Discrimination & Harassment, & Appeals

- Added new policy regarding prohibited employment practices of discrimination and harassment, specifically including sexual harassment. The Police Department had a policy addressing workplace harassment, but this policy applies to all Town employees as required by Federal law. A Retaliation policy

was added to state explicitly that the Town will not tolerate retaliation or reprisal if anyone has complained about or resisted any prohibited employment practice.

- Added harassment to the Discrimination Appeal Policy.

Article IX. Employee Benefits

- Added the option for supervisory referrals to the EAP program if warranted. Police already had this option in their departmental policy, so this will not cover all Town employees.

Article X. Drug Free Workplace

- Added a new more comprehensive Drug Free Workplace policy, which provides the option for reasonable suspicion and post-accident drug testing in addition to the current provision of pre-employment drug testing.
- Encourages employees to seek assistance for any drug or alcohol issues before these impact job performance.
- Promotes use of the Employee Assistance Program for self-referrals by employees and supervisory referrals.

Article XI. Personnel Records and Reports

- No substantive changes; minor edits.

Article XII. Implementation of Policy

- No change.

**TOWN OF CORNELIUS
RESOLUTION TO ADOPT THE REVISED
TOWN OF CORNELIUS PERSONNEL POLICY**

WHEREAS, the Mayor and Town Board of Commissioners of the Town of Cornelius recognize the importance of its municipal employees in meeting the service needs of Town Residents; and

WHEREAS, the Mayor and Town Board desires to maintain a municipal workforce composed of qualified, competent and dedicated employees; and

WHEREAS, the Mayor and Town Board of Commissioners adopted a system of personnel administration in December, 1999 which was amended by resolution on October 2, 2000; February 21, 2005; April 5, 2010; August 16, 2010, January 22, 2013; and April 18, 2016;

WHEREAS, the Mayor and Town Board desire to revise and update the system of personnel administration that will assure equity of compensation and fair and reasonable employee treatment consistent with the needs of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE TOWN OF CORNELIUS that:

1. The Town of Cornelius Personnel Policy attached hereto as Exhibit "A" shall govern the appointment, classification, salary, promotion, demotion and employment conditions of the employees of the Town of Cornelius, North Carolina, replacing and superseding that Town of Cornelius Personnel Policy originally adopted in December of 1999 as amended.
2. Resolution No. 2000-00231 is hereby repealed.
3. Resolution No. 2010-00608 is hereby repealed.
4. Resolution No. 2010-00629 is hereby repealed.
5. Resolution No. 2013-00707 is hereby repealed.
6. Resolution No. 2016-00812 is hereby repealed

BE IT HEREBY FURTHER RESOLVED that the Town Manager is hereby authorized to implement this newly adopted Town of Cornelius Personnel Policy in his authority as Town Manager.

Adopted this 20th day of March, 2017.

Charles L. Travis, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Karen Wolter, Town Attorney



TOWN OF CORNELIUS

Personnel Policy

Adopted – March 2017

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ARTICLE I

ORGANIZATION OF PERSONNEL SYSTEM

General Principles

The purpose of this policy is to establish a personnel system which will recruit, select, develop and maintain a qualified, effective and responsible work force. To that end this set of policies and procedures adopted by the Board of Commissioners shall be used to broadly state the terms of employment and working conditions. The Town Manager is empowered to create supplemental procedures which implement the spirit and intent of these policies and procedures. The Town Manager may delegate any of the responsibilities in administering this policy to his/her qualified designee.

Coverage

This policy shall cover all regular and trainee employees except as specifically excluded. The Town Manager, Town Attorney, members of the Board of Commissioners and all advisory boards and commissions, are excluded except in sections where specifically included. Temporary employees are included only in those articles and sections which specifically address matters affecting their employment.

Adoption

These articles become the Town of Cornelius' "Uniform Personnel Rules and Regulations" and will serve as a guide to the Town Manager when dealing with all personnel matters.

Employee/Employer Relationship

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

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

Definitions

Where used within these Personnel Rules, the following words and terms shall have the meaning as indicated below:

- (a) Anniversary Date - One year from date of appointment to a classified and regular position and annually thereafter.
- (b) Class or Class of Positions - A group of positions sufficiently alike in level of duties and responsibility to justify the same classification title and range of pay.
- (c) Demotion - The movement of an employee whether voluntary or involuntary from a position in one class to a position in another class which is assigned to a lower pay grade.

- (d) Pay Range - The numerical designation of a fixed salary range assigned to a position, classification, or group of classifications.
- (e) Merit Increase - Advancement in pay of an employee to a higher pay rate based upon display of merit in performance of duties and not requiring a change in basic duties.
- (f) Merit System - A uniform system of personnel administration and employee recognition under the direction of the Town Manager, which provides opportunity for qualified individuals to be hired and advance in their career with the Town based on merit and ability.
- (g) Part Time Employee - Town workers who are employed and are scheduled to work less than the 40 hour schedule on a regular recurring basis.
- (h) Position Description - A detailed written description of the specific duties assigned to a regular position and to the incumbent employee serving in the position which serves as the basis for position classification.
- (i) Probationary Period - A working assessment period of one year during which an employee is required to demonstrate, by actual performance, fitness for the duties to which the employee is appointed, and general fitness and suitability as a public employee.
- (j) Promotion - The transfer of an employee from a position in one class to a position in another class having a higher pay grade.
- (k) Regular Employee - Employees who work regularly or are paid to work the minimum number of hours generally required for their classification per week for

an indefinite period of time. For civilian employees this is normally 40 hours per work period, for police officers it is 171 hours per work period.

- (l) Trainee - Applicant or employee being hired or promoted to positions in higher classifications who do not meet all the established requirements of the position.
- (m) Transfer - The movement of an employee from one position in one department to a position in another department in the same pay grade without an increase or decrease in rate of pay.
- (n) Disciplinary Probation - A specific period of time during which an employee's performance is under close observation.
- (o) Reassignment - The movement of an employee from one position to another position within the same department and same pay grade without an increase or decrease in rate of pay.

Objectives and Scope

The specific objectives of this personnel policy and the overall personnel management system are:

- to establish and maintain a sound classification and compensation plan which will attract and retain qualified employees;
- to assure fair treatment of applicants and employees in all aspects of personnel management without regard to race, color, creed, age, national origin or ancestry, sex, disability or political affiliation;

- to maintain the compensation plan in a proper relationship with the competitive pay practices found in the labor market in which the Town competes;
- to assure each Town employee receives a performance review at specific intervals;
- to furnish town management with a consistent and effective means of recognizing improved and outstanding performance;
- to recruit, screen, select and advance employees on the basis of their ability, knowledge, and skills;
- to determine training needs to insure quality performance and to enable employees to realize their maximum potential; and
- to promote employee morale and encourage good working relationships by providing uniform and consistent human resource policies and procedures.

Responsibilities of the Town Board

The Town Board shall establish the general personnel policies and rules, including the classification and pay plan system, and shall make and confirm appointments when required by law.

Responsibilities of Town Manager

The Town Manager shall be responsible to the Board for the administration and direction of the personnel program. The Town Manager shall appoint, suspend, discipline and remove all town employees except the Town Attorney. The Town Manager and the Town Attorney serve at the pleasure of the Board. The Town

Manager shall make appointments, dismissals, and suspensions in accordance with the Town Charter and these policies.

The Town Manager shall:

- (a) recommend new rules or revisions to this personnel policy to the Board for consideration;
- (b) recommend revisions to the position classification plan to the Board for consideration;
- (c) recommend revisions to the pay plan to the Board for consideration;
- (d) determine which positions and incumbent employees are subject to the overtime provisions as provided in the federal labor laws and organize the Town organizational structure that provides minimal liabilities;
- (e) establish and maintain a roster of all persons in the municipal service, setting forth each officer and employee, class title of position, salary, any changes in class title and status, and such data as may be deemed desirable or useful; and
- (f) promote positive morale among Town employees by encouraging good working relationships and administering consistent personnel policies and programs.

Responsibilities of the Town Clerk

The Town Clerk will be responsible for maintaining and distributing the personnel policy to all Town employees electronically and will maintain a current paper copy of all personnel policies and procedures. The Town Clerk will work with the Town Manager and his/her designee on any necessary revisions or updates to the personnel policy.

Responsibilities of Department Heads

Department heads are responsible for enforcing and communicating the policy and any changes to policy to their employees, and coordinating with the Town Manager and/or his designee on all personnel matters and decisions. Department heads with the approval of the Town Manager may develop and establish supplemental personnel rules and regulations applicable only to their department, but such rules shall not conflict with the provisions of this policy. In the event of a conflict, this personnel policy shall prevail.

Responsibilities of Employees

Employees are responsible for understanding this policy and assisting the Town in administering these policies including reporting policy violations and imminent safety threats. Employees shall report such information to his or her immediate supervisor or department head.

ARTICLE II

THE POSITION CLASSIFICATION PLAN

Purpose

The Position Classification Plan is the official system of grouping positions into appropriate classes based on the duties, responsibilities and minimum qualifications of the position. Similar positions are grouped under the same classification title as appropriate.

The class specification is a description of those duties, responsibilities and minimum qualifications as well as other descriptive elements of the position or group of positions. The class specification is descriptive but not intended to be restrictive. Interpretation is the responsibility of the Town Manager.

To facilitate the classification of individual positions, employees may be asked to complete job descriptions that includes their duties and responsibilities, estimated time spent in each area of responsibility, the minimum qualifications of education and experience needed in the position, and the knowledge, skills and abilities required to successfully perform the duties of the position. The job description may also include the essential job functions and a checklist of physical and mental ability requirements as required by the Americans with Disability Act.

The Classification Plan will also include a designation of exempt/nonexempt status using the definitions in the Federal Fair Labor Standards Act for each job classification. The FLSA status will determine whether an employee is eligible for overtime pay.

Administration of the Position Classification Plan

The Town Manager shall be responsible for administration and maintenance of the position classification plan so that it accurately reflects position duties and responsibilities. The Town Manager shall create administrative processes to maintain a current position classification plan.

When the Town Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the Town Manager is authorized to: (1) direct that the existing class specification be revised, or (2) reallocate the position to the appropriate class within the existing classification plan. However, recommendations from the Town Manager to the Board are required if amendments to the position classification plan establishes a new classification of positions or if existing classes are to be deleted.

ARTICLE III

THE PAY PLAN

Purpose

The Pay Plan is established and revised periodically by the Board and maintained in the Town Manager's office. The Pay Plan provides assignment of all classified positions in the Town to an appropriate pay range with minimum and maximum rates of pay. The plan consists of numerous pay ranges where all classified positions are assigned based on internal equity and external competitiveness.

Implementation of New Pay Plans

When changes occur to the pay plan, employees who are being paid at a rate below the minimum for the classification to which their position is allocated may be raised to the minimum rate in the assigned range commensurate with the employees' qualifications and skills. Employees whose pay is in excess of the new maximum will not be reduced in pay, but their salary will be frozen in place, and the employee will not receive increases until their pay falls within the established pay range for the position assigned. This provision will not, however, prevent demotion or reduction in salary for disciplinary reasons or when such action is required by the Town's financial conditions or by changing economic conditions. Deviations from the established pay plan require Board approval.

Composition

The pay plan includes:

- (a) The pay schedule and any amendments adopted by the Board.
- (b) Classes of positions included in the classification plan with assigned salary ranges consisting of minimum and maximum rates of pay.
- (c) Longevity pay which is paid to employees as outlined within this Article.

Maintenance of the Pay Plan

The Town Manager shall be responsible for administration and maintenance of the pay plan. The pay plan together with the classification plan are intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, comparable rates of pay for positions in private and public employment in the local labor market, changes in the cost of living, the financial condition of the Town, and other factors. To this end, the Town Manager shall from time to time make comparative studies of all factors affecting the level of salary ranges and shall recommend to the Board such changes in salary ranges as appear to be warranted.

Use of Salary Ranges

Salary ranges are intended to furnish administrative flexibility in recognizing individual performance among employees holding positions in the same class by rewarding employees for meritorious service. The following general provision will govern the granting of within-the-range pay adjustments:

- (a) The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances appear to warrant appointment at a higher rate. Appointment above the minimum may be made on the recommendation of the department head and the approval of the Town Manager. Above-the-minimum appointments will be based on such factors as the qualifications of the applicant being higher than the minimum education and experience for the class, a shortage of qualified applicants available at the minimum salary, or the refusal of qualified applicants to accept employment at the minimum salary.
- (b) Each year, the Town Manager may require department heads to consider the eligibility of employees to receive merit pay adjustments. Department heads shall consider all factors affecting employee performance and shall submit their recommendations in writing, giving the reasons whether to advance or retain the employee at the same rate. All such advancements and retentions must be approved by the Town Manager.
- (c) 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 eligible employee as described in the performance evaluation. Performance bonuses shall be awarded in a lump sum payment and shall not become part of an employee's base pay.
- (d) With the recommendation of the department head and at the discretion of the Town Manager, an employee may be eligible for a salary increase upon

completion of a college degree or upon significant certification directly related to their employment.

Payment within the Range

All employees covered by the salary plan shall be paid at a rate within the salary ranges established for their respective job classes except for employees whose present salaries are above the established maximum rate following transition to a new pay plan or for employees who are trainees because they do not meet the minimum qualifications for the position.

Longevity Pay

The Town Board of Commissioners may allocate from year to year a budgetary allocation for longevity pay. This is a lump sum payment and shall not become a part of the employee's base pay. This pay will be paid in December under the following schedule for service:

Under One year of service:

$(\# \text{ of months} / 12) * (1\%) * (\text{Base salary})$

Over One year of service but less than Seven years of service:

$(1\%) * (\text{Base salary})$

Seven years of service or more:

$(1.5\%) * (\text{Base salary})$

Salary of Trainees

An applicant hired or an employee promoted to a position in a higher class who does not meet all the established requirements of the position, may be appointed at a rate in the pay plan below the minimum established for the position and designated "trainee." In no case shall an appointment be made more than 10% below the minimum rate of pay for the position. An employee will remain on the trainee level until the department head certifies that the trainee is qualified to assume the full responsibilities of the position and the Town Manager approves the certification. The department head shall prepare a written review of the progress of each employee in a trainee status every six (6) months or more frequently as necessary to determine when the trainee is qualified to assume the full responsibilities of the position.

Compensatory Leave and Overtime Pay for Regular Employees

Employees who are nonexempt from the Fair Labor Standards Act may be eligible for compensatory leave and/or overtime pay if they work extra hours in the pay period. Overtime work shall be that work performed by an employee which exceeds the number of hours as constituting the established work period for the employee's position. Except for police personnel, overtime shall be defined for all eligible employees as those hours worked exceeding forty (40) hours each consecutive established 7 day work period. The work period for police personnel shall be 28 consecutive days. Overtime for police personnel shall be calculated after 171 hours have been worked within this 28 day work period. The use of compensatory time off to satisfy overtime liability is allowed at a rate of one and one half hours for every hour of overtime worked. Civilian employees may

not accrue more than 240 hours of compensatory time. Hours earned in excess of 240 will be paid as overtime compensation.

The Town Manager may authorize variations from this policy as allowed under FLSA requirements.

Call-Back Pay

Individuals on call will be compensated for actual hours worked each day while serving in that capacity. If the total amount of time worked is less than two hours, then Town employees eligible to receive overtime compensation will be guaranteed a minimum payment of two (2) hours wages for being called back to work outside of normal working hours.

On-Call

Any Town employee on-call outside of normal working hours will receive payment at their regular rate, overtime rate, or call back rate, whichever is the highest amount. The hours worked during on-call are included in the calculation to determine if overtime has been actually worked. Any town employee on-call outside of normal work hours will receive payment at a rate determined by the Town Manager or payment for being called back whichever is the highest amount.

Substituting for another Employee

When the necessity arises for a lower grade employee to assume temporarily the responsibility of another who is not available for work for a period exceeding thirty (30)

days and whose classification is assigned to a higher pay grade, the temporary incumbent shall, with the approval of the Town Manager, receive compensation from the beginning of the temporary work at the minimum rate assigned the higher classification or 5% higher than the employee's current rate, whichever is greater.

Pay Day

Pay day falls on Friday for all employees and all employees are paid bi-weekly. If a regular pay day falls on a holiday, pay checks shall be issued on the workday that precedes the holiday.

Travel and Other Official Expenditures

The prescribed rates of pay are for personal services. Not included in these prescribed rates are allowances for official travel or other expenditures incurred when on Town business or allowances made to employees for the official use of personally-owned vehicles. These expenditures will be enumerated and described by the Town Manager and employees will be reimbursed accordingly. Generally, employees will use a town-owned vehicle for official business or business related travel; however, if an employee uses his/her personally-owned vehicle for official use, the employee will be reimbursed at the Internal Revenue Service (IRS) established rate for mileage reimbursement for business related travel.

Preparation of Payroll

All time and attendance sheets will be maintained and certified within each department and shall be approved by the department head as to the name of the employee, time on duty, and leave status. In no instance may an employee be paid at a rate other than that set forth on their current approved personnel action forms. Payroll periods are established to run for fourteen (14) days, beginning on Monday and ending on Sunday. To permit proper time for preparing payrolls and entering changes occurring within a payroll period, employees are paid on Friday following the end of the payroll period on Sunday.

Deductions

Only payroll deductions specifically authorized by the Town or mandated by Federal or State laws and regulations may be deducted at each pay period from each employee's pay.

Deduction on Termination

On termination of employment, the payroll clerk shall deduct and withhold from the final salary check of an employee, any amount owed to the Town in payment of unearned leave or any other indebtedness to the Town pertaining to the job or conditions of employment. The final pay check shall not be issued until the extent of such indebtedness to the Town has been determined and cleared.

ARTICLE IV

RECRUITMENT AND EMPLOYMENT

Statement of Equal Employment Opportunity Policy

It is the policy of the Town to foster, maintain, and promote equal employment opportunity. The Town shall select employees on the basis of the applicant's qualifications and without regard to age, sex, race, color, creed, religion, political affiliation or national origin, except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary for job performance. Applicants with disabilities shall be reasonably accommodated in compliance with the federal Americans With Disabilities Act so long as they are able to complete the essential functions of the job with or without reasonable accommodations.

Implementation of EEO Policy

All personnel responsible for recruitment and employment shall implement this policy through procedures that will assure equal employment opportunity based on reasonable performance-related job requirements. Notices with regard to equal employment matters shall be posted in conspicuous places on Town government premises in places where notices are customarily posted.

Job Advertisements and Recruitment

Employment advertisements shall contain assurances of equal employment opportunity and shall comply with federal and state statutes regarding nondiscrimination in

employment matters based on age, sex, race, color, religion, national origin, and disabilities.

Department heads shall advertise job openings, specifying qualifying requirements and the pay range of the positions to be filled, except those positions where promotions from within are made. Department heads shall notify the Town Manager concerning the number and classifications of positions which are vacant and for which recruitment efforts are to begin. Information on job openings and hiring practices will also be provided to recruitment sources, including the North Carolina Employment Security Commission and other job openings organizations and news media available to minority applicants. In addition to notice of job openings within the relevant department(s), individuals shall be recruited from a geographic area as wide as necessary to ensure that well-qualified applicants are obtained for Town service. Job openings will be advertised in local newspapers, professional publications, and other relevant publications as needed in order to establish a diverse and qualified applicant pool.

Application for Employment

All persons expressing interest in employment with the Town shall be given the opportunity to file an application when job openings occur.

Application Reserve File

Applications from candidates who are not hired shall be kept in an inactive reserve file for a period of two years, in accordance with Equal Employment Opportunity

Commission regulations. The Town Manager shall make available to the department heads for consideration current applications on file.

Qualifications for Appointment

- (a) Classification Standards - All applicants must meet the specifications of the position as defined in the classification plan. These specifications contain minimum knowledge, skills and abilities, and experience and educational requirements. Other reasonable, job-related minimum standards may also be established by the Town Manager as appropriate.
- (b) Physical & Mental Standards - All applicants for employment must meet the physical and mental standards established for the position for which they apply as a condition for employment in order to perform the essential duties of the position.
- (c) Forms of Application – All applicants for employment must fill out and furnish complete information on the Town’s application form and/or resume.
- (d) Other Standards for Employment - Where other standards or requirements for a particular position are established, all applicants shall be required to meet those standards as a condition for employment. Any standards developed shall be job-related, approved by the Town Manager and entered on the applicable position or class specification. Any substitution for or deviation from established

standards shall be approved by the Town Manager. The Town Manager may establish and must approve any tests or examinations which are developed and warranted to determine whether or not an applicant or employee meets established standards. The Chief of Police is authorized to establish supplementary job-related qualifications for positions within that department except that prior approval of these additional qualifications from the Town Manager is required.

- (e) Operators of Town-Owned Motor Vehicles - Any applicant or employee who will operate Town owned motor vehicles must possess a valid driver's license issued by the State of North Carolina and comply with State statutes regarding seat belt use. In addition, operators of Town owned vehicles are required to pass certain drug tests prior to employment as well as be subject to pre-employment background review. A motor vehicle record check with the State shall also be made. The Town will annually review the driving record of any employee who drives Town vehicles, and reserves the right to limit the use of Town vehicles and equipment based upon the annual driving records review. Operators of Town owned vehicles will acknowledge having read the Town Vehicle Use Policy and adhere to it accordingly.

Americans with Disabilities Act Compliance

The Town will comply with the requirements contained in the federal Americans with Disabilities Act. The Town prohibits discrimination against a "qualified individual with a disability", to include job applications, hiring, advancement, discharge, compensation,

training, and any other employment term, condition, or privilege. Qualified individuals with a disability must be able to perform the essential job functions, with or without reasonable accommodations. The Town is expected to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual unless to do so would result in undue hardship. The nature of compliance is complex and involves both employment related issues as well as physical barriers. The Town Manager is responsible for compliance with these federal employment requirements and shall work with Department heads on a case-by-case basis to affect compliance.

Appointment

It is the policy of the Town to employ according to merit and fitness. The Town will conduct investigations and examinations as appropriate to fairly assess the aptitude, education and experience, knowledge and skills, character, physical fitness and other qualities required of applicants for positions in the service of the Town. It is the Town's policy to create career opportunities for its employees when possible. Therefore, when a current employee applying for a vacant position possesses the best qualifications of all applicants, that current employee may be appointed to that position. If selections cannot be made from current Town employees wishing to be considered for the vacant positions, or an available list of qualified applicants, or applicants responding to recruitment and advertisements, the Town Manager shall expand the area of recruitment in order to find qualified applicants.

Department heads are responsible for screening qualified candidates from the applicant pool, conducting interviews, facilitating job-related assessments and tests, completing reference checks and other appropriate background investigations in order to select the best qualified applicant for the position. Before any job offer is made to an applicant, either internal or external, the Department Head shall make recommendations to the Town Manager with a recommendation of the position to be filled, the salary to be paid, and the reasons for selecting the recommended candidate over other candidates. Any job offer will be contingent upon the applicant passing a pre-employment drug test and any additional background investigations. The Town Manager shall approve appointments and the starting salary for all applicants. Department heads will utilize the New Hire Checklist to be sure that all pre-employment tasks and initial employment tasks are completed in a timely manner.

Loss of Eligibility

The Town Manager may revoke the eligibility of a candidate for employment who does not satisfy reasonable job related requirements or who has attempted deception or fraud in connection with any examinations or application for employment. Eligibility may also be lost if an individual has worked for the Town of Cornelius previously and the separation was involuntary. The Town Manager shall make final determinations regarding eligibility.

Grievances

Employees are to refer to Article VIII (Grievance Procedure, Discriminatory and Adverse Action Appeal) of this policy for the Town's grievance, discrimination, and appeal process.

Type of Employment

- (a) Regular - These employees comprise the majority of Town workers. They are expected to work regularly for a minimum of forty (40) hours weekly or greater amounts for police personnel during a four week work period as assigned and for an indefinite period of time. The positions they fill are considered part of the regular work force of Town employees. All rules and personnel policies apply to this group.

- (b) Less than full-time -This category includes seasonal (employed for a limited period of time; not to exceed six (6) months and forty (40) hours per week), temporary or part-time (employed for an indefinite period of time but less than forty (40) hours per week) and emergency employees. This class of employees is not covered by personnel rules except as provided within each rule or policy and does not participate in any employee benefits such as holiday pay or the health insurance plan. None of the personnel rights provided regular employees apply to this class of employee.

Probationary Period of Employment

The probationary period is considered an integral part of the assessment process for regular employees and is utilized for closely observing the employee's work and securing the most effective adjustment of the new employee to his/her position. All appointments and promotions of employees are subject to a probationary period of one (1) year. A department head may, with the approval of the Town Manager, remove or demote an employee whose performance does not meet required work standards at any time during the probationary period.

An employee serving a probationary period following their initial employment in a regular position shall receive all benefits provided in accordance with this policy, except as follows or as provided:

- (a) Employees may accumulate vacation leave, but shall not normally be permitted to take vacation leave during the first six (6) months of the probationary period, except as approved by the Town Manager. If a probationary employee leaves during their one year (12 months) probationary period, no payout of accrued vacation time will occur.
- (b) Employees serving a probationary period following a promotion shall continue to receive all benefits provided in accordance with this policy and under other supplementary rules and regulations.

A determination on the performance of the probationary employee shall be made and a judgment rendered on whether the probationary period is completed, continued or other appropriate action required.

A probationary period may be extended in duration for up to six (6) additional months when approved by the Town Manager.

Promotion

(a) Candidates for promotion shall be chosen on the basis of existing or anticipated job openings, on their qualifications, and on their work records—without regard to age, sex, race, color, creed, religion, national origin, or disabilities.

(b) Vacancies in positions shall be filled as far as practical by the promotion of employees in the service of the Town. Consideration of equal opportunity and opportunities to correct workforce demographic imbalances should also be seriously considered.

Demotion

Any employee whose work in his or her present position is unsatisfactory or whose personal conduct is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in the new position.

If the demotion is for failure in performance of duties or failure in personal conduct, the employee shall be provided with written notice citing the recommended effective date and reasons for demotion and appeal rights available to the employee.

An employee who wishes to accept a position with less complex duties and responsibilities may be voluntarily demoted when a position is available for which the employee is qualified. This administrative action is not to be recorded as a disciplinary action.

Interdepartmental Transfer

Employee transfers from one department to another require prior approval of the Town Manager based on a request of the hiring department head. The transferring employee shall meet all of the minimum requirements of the new position. New probationary periods are not required. Employees involuntarily transferred for any reason may appeal the action in accordance with the grievance procedure.

ARTICLE V

CONDITIONS OF EMPLOYMENT

FLSA Work Periods

Full-time employees normally work 40 hours per work period which is composed of exactly 7 consecutive calendar days. These employees are subject to the overtime provisions required under the federal Fair Labor Standards Act (FLSA). Employees designated as Exempt employees in administrative, professional or managerial positions shall work the number of hours necessary to assure the satisfactory performance of their duties and are not eligible for overtime payments. Police officers who qualify for the 7(k) exemption shall work a 28 day work period of 171 hours before being eligible for overtime. When the activities of a particular department require some other schedule to meet work needs, the Town Manager may authorize a deviation from the normal schedule.

Gifts and Favors

The conduct of an employee in Town service shall be free from influence arising from gifts, favors or special privileges. It is the obligation of an employee to refuse personal gifts, favors or special privileges in situations where it is reasonable to believe that such may be offered so as to affect the giver's interest or otherwise exert influence on the actions of the employee. Furthermore, no employee shall seek personal or financial advantage because of his position with the Town.

Attendance

Because Town services are essential and continuous, an employee shall avoid unnecessary absences and tardiness. Attendance and punctuality are important responsibilities of the employee which may influence his or her future eligibility for a merit pay increase or for promotion. Notification by the employee to the immediate supervisor is expected and required when the employee is not able to report for work. The Town Manager will create administrative rules and procedures for employees to use when absences are required.

If an employee is away from the job for three consecutive work days without notice, it shall be assumed that the employee has voluntarily resigned.

Political Activity Restricted

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 the laws of the United States of America.

However, no employee shall:

- (a) engage in any political or partisan activity while on duty;

- (b) use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- (c) be required as a duty of employment or as a condition for employment, promotion, or tenure of office to contribute funds. for political or partisan purposes;
- (d) coerce or compel contribution for political or partisan purposes by another employee of the Town;
- (e) use any supplies or equipment of the Town for political or partisan purposes; or
- (f) be a candidate for any Town of Cornelius Elected Office. If any employee files for Town of Cornelius Elected Office, they are also considered as having voluntarily resigned from the appointed office they hold effective with the date of the elected office filing.

Town employees in certain federally-funded programs are subject to the Hatch Act as amended. This federal act, in addition to prohibiting (2), (3), and (4) above, also prohibits covered employees from running for elective office in partisan elections.

Any violation of this section shall subject an employee to dismissal or other disciplinary action.

Outside Employment

The work of the Town will take precedence over other occupational interest of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported to the employee's supervisor, who in turn will report to

the Town Manager. The Town Manager will review such employment for possible conflict of interest. Conflicting outside employment will be grounds for disciplinary action up to and including dismissal.

Solicitations

The Town does not authorize town-wide solicitation campaigns during normal business hours except for United Way, Savings Bond and the Blood Donor programs. Such town-wide campaigns must be authorized by the Town Manager.

Immigration and Selective Service

All employees are required to furnish proof of citizenship or other documents indicating a legal right to work in the United States. Copies of the completed I-9 form shall be a permanent part of the employee's personnel record. The Town will use E-verify procedures as required by the federal government to insure appropriate citizenship documentation is valid.

All male employees and applicants for employment over the age of 18 may be requested to furnish proof that they are registered for the selective service and a copy of such proof shall be a permanent part of the employee's personnel record.

Confidential Information

No official or employee shall disclose confidential information concerning the property, government or affairs of the Town without prior approval of the Town Manager. No

official or employee shall use any confidential information to advance the financial or other private interest of themselves or of others. Release of information to the news media or public shall be the responsibility of the Town Manager's office or under his direction.

Payment of Debts

A Town employee is expected to meet his or her financial obligations promptly and satisfactorily including the payment of taxes. Failure to satisfy a creditor's legitimate claim within a reasonable period of time shall result in appropriate action by the Town which may include disciplinary action.

Employment of Relatives

Employment of relatives is not in the best interest of the Town. Employment of a relative of any member of the governing body or Town Manager is specifically prohibited. No person shall be hired or assigned to work under the administrative influence or supervision of a relative including relationships created through marriage while an employee. Department heads who recommend relatives of employees for employment with the Town need prior Town Manager approval. This policy refers specifically to a spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, aunt, uncle, niece and nephew plus the various combinations of half, step, in-laws and adopted relationships that can be derived from those above relationships. The Town Manager is responsible for interpretation of this policy.

Safety

Personal safety and the elimination of unnecessary loss is a Town responsibility that all employees share. The conservation of Town resources, including the safety of every employee, is a matter of concern that demands maximum effort. To that end the Town Manager will promote a work environment and culture that values safety. Department heads and supervisors share the responsibility for numerous activities that are designed to create a safe working environment. Accidents and unnecessary loss can be prevented with the proper training, equipment and communication. Each employee is expected to work safely and follow safety policies and procedures. Employees are expected to do the following:

- follow correct, safe work procedures for all tasks;
- use any personal protective equipment that is provided to do the job;
- do not operate equipment without training or instruction from the supervisor;
- report unsafe working conditions to the immediate supervisor;
- report any defective equipment immediately to the immediate supervisor and take it out of service to prevent other employees from using it;
- report all accidents, injuries and risky incidents immediately to the supervisor;
- if access to a fire extinguisher or exit is blocked, notify the supervisor immediately so that a clear pathway is established; and
- participate in required safety training including emergency evacuation, fire drills, fire extinguisher training and other general safety training.

The Town Manager will appoint a Safety Committee with representatives from each department to insure proper enforcement of all safety laws, regulations and policies.

Bloodborne Pathogen Exposure Control

Bloodborne Pathogens Exposure Control protects employees from being exposed to blood and other disease causing products while at work and is required by federal and state Occupational Health and Safety Administration (OSHA) regulations. The following are basic guidelines that all employees should follow:

- treat any and all blood, body fluid and body tissue as if it is infectious;
- avoid needle sticks and other sharp instrument injuries;
- keep all cuts and open wounds covered with clean bandages;
- use disposable shoe coverings if blood contamination is encountered;
- never eat, drink, smoke, handle contact lenses or apply cosmetics or lip balm in areas where exposure to body fluid, body tissue or blood is possible;
- when dealing with any blood, body fluid, body tissue or any object contaminated with these materials, always use protective gloves;
- always decontaminate areas which have definitely or possibly been exposed or contaminated with blood, body fluid or body tissue using a mixture of 20% bleach (Clorox) and 80% water. Major blood spills should be decontaminated by contacting emergency response personnel (Fire or Police). The area should be monitored and marked as a hazard zone until emergency personnel arrive to secure the area;
- wash hands thoroughly with soap and water immediately after dealing with any blood, body fluid or body tissue or objects possibly contaminated with the same, even if protective gloves were used; and

- cloths or towels or other equipment including gloves used to clean or handle an exposed object or area are to be placed in a leak-proof bag labeled “biohazard” until it can be laundered or disposed of properly.

If an employee is exposed to blood, body fluids or body tissue, they should do the following:

- report the incident immediately to the supervisor or department head;
- determine if there has been an exposure; [An exposure has happened if there has been direct contact between the blood, body fluid or body tissue of another human and any open area on the employee (cut, eyes, mouth or other mucous membrane.)]
- wash the exposed area thoroughly with soap and water;
- apply first aid if necessary;
- decontaminate surrounding areas or surfaces if necessary;
- ask for the name, address and phone number of the person whose blood the employee was exposed to;
- go immediately to the hospital or urgent care facility used by the Town and arrange for exposure testing and follow-up;
- complete an incident report form and have the department complete a Form 19, Worker’s Compensation Form; take the incident report form to the hospital.

Workplace Violence Prevention

The Town is committed to the safety of both employees and the public. The Town wants to maintain a workplace that is free of violence. Every employee is obligated to avoid

threats, physical violence or hostile behavior that may provoke violence. Every employee should report threats immediately to their supervisor. If an employee feels physically threatened by a member of the public, the employee should contact their supervisor and/or leave the area, if possible. Any employee who displays a tendency to engage in violent, abusive or threatening behavior will be subject to disciplinary action, up to and including immediate termination.

Definition:

Workplace violence includes: name-calling, stalking, harassment, threats, fighting, shooting, stabbing, intimidation, property damage and other physical and violent acts.

The Town has adopted a Workplace Violence Prevention Plan to provide additional details on compliance and implementation of this policy, a copy of which is incorporated as an addendum to the Human Resource Policy.

No Retaliation

The Town will not tolerate retaliation against any employee who:

- in good faith reports or provides information about suspected unethical or illegal activities including fraud, discrimination, harassment or possible violations of any Town policies;
- complains of or opposes an employment practice that the employee, in good faith, believes violates federal or state law; or

- files a charge or complaint, truthfully testifies, provides assistance, or participates in good faith in an investigation, proceeding, or hearing related to or arising from an allegedly unlawful employment practice.

If an individual believes that they or someone else has been retaliated against, the employee must report it as soon as possible to one of the following:

- Immediate supervisor
- Department head
- Town Manager

The alleged retaliation will be investigated promptly and appropriate action will be taken to address the concerns. The Town Manager or his designee will coordinate the investigation in conjunction with the Town Attorney.

Performance Evaluation

To achieve its goals and objectives, the Town must be able to depend on satisfactory work performance from all employees. Performance evaluation is the measurement of the employee's performance of assigned duties by the immediate supervisor. The nature and quality of an employee's performance have a direct bearing on the manner in which they relate to management and to the citizens they serve and on their assignments and promotions. Therefore, it is the policy of the Town to use performance evaluations as a means to ensure the best utilization of available human resources, to ensure personnel problems can be identified and dealt with promptly and fairly, to ensure optimum job satisfaction for employees, and to ensure the highest quality of services to the citizens by Town employees.

It is reasonable for an employee to expect to continue his or her service for as long as the employee continues to fulfill the basic performance requirements of his job. Open communications between supervisor and employee are expected to establish a clear understanding of what is expected in the job.

A formal evaluation shall be completed by the immediate supervisor for an employee upon completion of the required probationary and/or trainee periods and at least annually thereafter. The employee's performance will be evaluated and rated on a five-level rating scale as follows:

- *Excellent* – Individual performs all tasks in an exceptional manner.
- *Good* – Individual performs many tasks well, and other tasks adequately.
- *Satisfactory* – Individual performs all tasks adequately.
- *Fair* – Individual performs most tasks satisfactory, but not all.
- *Unsatisfactory* – Individual fails to perform many tasks well.

An employee's annual performance evaluation will be completed by the immediate supervisor, reviewed and approved by the department head, and a copy will be included in the employee's personnel file. The performance ratings will be shared with the employee during the performance evaluation discussion and a corrective action plan developed along with appropriate training if the employee is rated below Satisfactory.

Employees rated Satisfactory or above may be eligible for merit salary increases if funding is available.

The Town Manager will annually report to the Town Board on the status of the performance evaluation system and request funds during the budget process to support adequate funding of pay incentives and rewards linked to performance.

Inclement Weather

The Town will provide service to customers on a regular and continuous basis. During periods of severe weather or other cataclysmic circumstances, it is even more important that members of the Town staff are available to provide the services of good government to our citizens. The Town is also concerned about the safety of its employees during such weather events and will balance the business needs of the Town and the concern for employee safety.

Absent the direction of the Town Manager, the government of Cornelius does not close. Therefore periods of inclement weather conditions or other similar circumstances that make attendance at the employee's assigned duties difficult are not excuses for failing to report for work.

Should weather or other conditions exist that make travel to work difficult, the employee may utilize available vacation, compensatory or holiday time in lieu of being absent without leave. Should the employee not have available leave time, the Town Manager will advance the vacation or holiday time up to three days. Periods greater than three days may also be advanced at the discretion of the Town Manager. Advanced leave

will be credited to the appropriate leave account, which will then be made up as the employee accrues additional leave.

Anytime inclement weather occurs during a period when the employee is at work, the department head, with the advice and consent of the Town Manager, may relieve certain employees from their duties and allow them to leave the workplace. This will not usually apply to police officers and public works employees whose services are essential, particularly during inclement weather events. If the Town Manager authorizes early release for certain employees, the employees shall not be required to utilize any earned leave time and will be compensated fully as if they were working their regular duties for the day.

The Town Manager shall have the authority to adjust the provisions of this policy as the Manager deems appropriate in light of the inclement weather conditions then existing. For example, employees may use vacation time in lieu of work during a period of snow, and upon review, the Manager may determine that the vacation time used will be reapplied to the employees' leave account.

Violations of this policy may result in disciplinary action up to and including termination. Any employee appeals will follow the normal policy provisions.

Clothing Policy

It is the intent of this policy to establish acceptable guidelines for those employees filling positions in which they regularly meet the public or represent the Town in their professional capacity. Examples of this category of employee would include department heads, administrative assistants, receptionists, field staff, or others designated by their respective department head, or the Town Manager.

Employees will be required to dress in a manner that presents a professional image when operating in any capacity representing the Town. To accomplish this objective, employees will wear clothing that is neat, clean and free of wrinkles and advertisements. Clothing should not be so revealing as to make other office personnel or the public uncomfortable. Guidelines that demonstrate this professional appearance are as follows:

- On an occasional basis, the Town may distribute various clothing, such as uniforms, “golf” style shirts, or sweater/shell cardigan combinations bearing the Town name or seal. This Town designated clothing by definition will meet the guidelines of this policy and is considered preferable attire for the workplace.
- Employees not assigned to a particular uniform will be expected to wear a dress, skirt, or pants of their choosing with an appropriate top (blouse/sweater/dress shirt). Miniskirts are inappropriate for office personnel.
- Professionally suitable footwear (loafers, comfortable pumps) is required. Seasonable shoes such as sandals or boots may be acceptable.

Any questions regarding appropriate dress should be addressed with the immediate supervisor and/or department head. Failure to adhere to this policy will be handled as a disciplinary matter.

ARTICLE VI

LEAVES OF ABSENCE

Holidays

The following days and such other days as the Town Board may designate are holidays with pay for employees and officers of the Town working the basic work week.

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Veterans Day
Easter Friday	Thanksgiving
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Eve & Christmas Day

When a holiday falls on a normal business day, Monday-Friday, the holiday occurs on the actual business day. When the holiday occurs on Saturday, employees shall observe the holiday on Friday. When the holiday occurs on Sunday, employees shall observe the holiday on Monday (including when Christmas Day falls on Saturday).

Effect of Work on Holidays or Unscheduled Workdays on Other Types of Leave

Regular holidays or unscheduled workdays which occur during vacation, sick or other leave period for any officer or employee of the Town shall not be considered as vacation, sick or other leave.

Holiday - When Work is Required

Employees required to perform work on regular holidays may be granted compensatory time off or paid at their hourly rate for the hours actually worked in addition to any

holiday pay to which they may be entitled. . Public safety employees such as police officers and telecommunicators may accumulate no more than 160 hours of holiday leave by December 31st of any calendar year. On December 31st any employee with more than 160 hours of accumulated holiday leave shall have the excess accumulation canceled so that only 160 hours are carried forward to January 1 on the following calendar year.

Vacation Leave

Vacation leave shall be used for rest and relaxation, and may be used for medical appointments.

Vacation Leave - Initial Appointment Probationary Employees

Employees serving a probationary period following initial appointment may accumulate vacation leave but shall not be permitted to take vacation leave during the first six (6) months of the probationary period unless the denial of such leave will create an unusual hardship. Vacation leave may be taken during this period only with the prior approval of the Town Manager.

Vacation Leave - Manner of Accumulation

Any regular employee working the basic work week shall earn vacation leave at the following rates:

<u>Years of Completed Aggregate Service</u>	<u>Hours Earned in One Year</u>
(a) Less than 5 yrs. of completed service	80 hours
(b) 5 years but less than 10 years of completed service	96 hours
(c) 10 years but less than 15 yrs. of completed services	120 hours
(d) 15 years but less than 20 yrs. of completed services	144 hours
(e) 20 years or more completed services	160 hours

For pay purposes, a vacation day is equal to a standard work day; except that vacation accruals for personnel who work more than the standard 2080 hours annually shall earn and accrue all manners of leave in proportion based on the accrual formula contained in this article. Employees accrue vacation leave based on their initial hire date. An employee continues to accrue vacation while on paid leave. An employee will not work for the Town at the same time that the employee is on paid vacation nor is an employee authorized to use vacation that is accrued by another employee.

Vacation Leave - Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until December 31st of each calendar year. However, if the employee separates from service, payment for accumulated vacation leave shall not exceed 240 hours for the 40 hour employees and the proportional equivalent for regular personnel who work greater than 2080 hours per year. On December 31st any employee with more than 240 hours or the equivalent proportion of accumulated vacation leave shall have the excess accumulation canceled so that only 240 hours or the equivalent proportion are carried forward to January 1st of the next calendar year.

Employees are cautioned not to retain excess accumulation of vacation leave until late in the calendar year. It is necessary to keep all Town functions in operation; therefore, 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 not receive special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

Vacation Leave - Manner of Taking Leave

Vacation leave may be taken as earned by a regular employee subject to the approval of the immediate supervisor. Advance approval is usually required in order to accommodate the business needs of the Town.

Vacation Leave - Terminal Pay and Repayment of Vacation Leave

An employee will be paid for accrued vacation up to 240 hours or the proportional equivalent on the date of his/her departure unless the employee is still in the probationary period. If the employee has been advanced vacation leave by the Town, the employee must repay the Town for the amount of vacation leave time that has been advanced if the employee has a negative leave balance at the time of separation.

Vacation Leave - Payment for Accumulated Leave Upon Death

The estate of an employee who dies while employed by the Town shall be entitled to payment for all the accumulated vacation leave credited to the employee's account not to exceed a maximum of 240 hours or the proportional equivalent.

Sick Leave, Funeral Leave and Maternity Leave

(a) Sick leave with pay is not a right, which an employee may demand but a privilege granted by the Town for the benefit of an employee when sick. Sick leave is a benefit granted to the employee in the event of sickness, injury, or disability due to pregnancy or childbirth. An employee may apply to the Town Manager, through their respective department head, for permission to use an undetermined amount of sick time to care for a member of their immediate family.

(b) Employees may be granted paid funeral leave which may be used for death in the employee's immediate family but shall not exceed three (3) days or the

proportional equivalent for any one occurrence except by special permission by the Town Manager.

Immediate family includes spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-laws and adopted relationships that can be derived from those named.

- (c) A pregnant employee may request up to six (6) months leave of absence. However, pregnancies differ, and depending upon the physician's advice and in consultation with her department head, an employee may alter the duration of her maternity leave. Any combination of accumulated sick leave, vacation and leave without pay, may be used to cover absence required for child birth.

An employee continues to accumulate sick leave while on vacation and sick leave, and an employee must be on pay status for more than fifteen (15) days in the month in order to earn sick leave for that month.

When personal illness extends beyond accrued sick leave, a charge may be made against any accrued compensatory time, vacation time and then leave without pay.

All employees must report illness prior to going on duty. Failure to report this absence within the specified period of time may result in the utilization of one day of vacation time, or, if none remains, in the loss of pay for that day.

Any leave taken under this section if for a *Family Medical Leave Act (FMLA)* event is automatically designated as family medical leave as defined in a following FMLA section of this policy.

Sick Leave - Manner of Accumulation

Each full-time regular and probationary employee working the basic workweek shall earn sick leave computed at the following rate:

Days Earned	Hours Earned	Days Earned
<u>Each Month</u>	<u>Each Year</u>	<u>Each Year</u>
1 day	96	12

For pay purposes, a sick leave day is equal to a regular workday; except that a sick leave day equals a proportional number of hours for personnel who work more than 2080 hours. The Town Manager may advance sick leave to an employee who has exhausted sick leave because of a major operation or illness. This advanced sick leave may not exceed the amount an employee can earn during the current calendar year. At the time of an employee's separation, any sick leave owed the Town shall be deducted from the employee's final compensation.

Sick Leave - Maximum Accumulation

Sick leave will be cumulative for an indefinite period and is transferable between departments.

Employees with at least 240 hours accumulated sick leave may donate up to 40 hours to another employee with the approval of the Town Manager. Employees receiving donated leave must have exhausted all other forms of leave (sick, vacation, compensatory and holiday if applicable) prior to receiving donated leave. Donated leave is limited to one month (160 hours).

Sick Leave - Physician's Certificate

The employee's supervisor or department head may require a physician's certificate concerning the nature of the illness and the employee's fitness to resume duties for each occasion on which an employee uses sick leave to insure that there is not abuse of sick leave privileges.

Sick Leave - Retirement Credit for Accumulated Sick Leave

One (1) month of retirement credit is allowed for each 20 days accrued in an employee's sick leave account at the time of retirement to employees who are members of the North Carolina Local Governmental Employee's Retirement System. Further policies are dictated by the requirements of the North Carolina Employee's Retirement System.

Leave without Pay

Regular or probationary employees may be granted a leave of absence without pay for up to one (1) year by the Town Manager. The leave will be used for the following reasons: personal disability after both sick leave and vacation leave have been exhausted; continuation of education; special work that will permit the Town to benefit

by the experience gained or the work performed; or for other reasons deemed appropriate by the Town 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 Town 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 if available or to one of like classification, seniority and pay. If the employee decides not to return to work, the supervisor should 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 - Retention and Continuation of Benefits

An employee shall usually exhaust all unused vacation and sick leave before being placed on leave without pay. Any exceptions must be approved by the Town Manager. If an employee is on leave without pay for more than fifteen (15) days in a month, an employee will not accrue sick leave or vacation leave for that month. The employee may continue to be eligible for benefits under the Town's group insurance plans, subject to the regulation of the respective insurance carriers.

If leave without pay continues beyond 30 days, the employee is required to pay the various premiums to maintain benefits, unless the employee is on leave under FMLA.

Workers' Compensation Leave

Town employees are protected by the North Carolina Worker's Compensation Act in the event of a job related injury or illness. Payments are made for medical expenses and salary for time lost from the job in accordance with provisions of the Act.

If an employee should miss work due to an accident, the lost work days within the first 7 calendar days shall be charged to sick or vacation leave if elected by the employee. If no sick or vacation leave is available, the lost days shall be charged to leave without pay. In the event an employee fails to report to work on the day the doctor states the employee can, those days the employee is absent will be charged to sick leave, vacation leave, or leave without pay, whichever is appropriate. This section shall apply to employees who as part of their position with the Town are vaccinated under Section 304 of the Homeland Security Act to the extent they suffer any side effects from the vaccination itself or infection with smallpox. Worker's Compensation leave will run concurrently with Family Medical Leave eligibility if appropriate.

Military Leave

Regular employees who are members of the National Guard or Armed Forces Reserve will be allowed ten (10) work days military leave annually. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a Town employee, the employee shall receive partial compensation equal to the difference in the base salary earned on active duty and the salary that

would have been earned during this same period as a Town employee. The effect will be to maintain the employee's salary at the normal level during this period.

Employees who elect vacation during this initial 10 day period will not be entitled to this differential pay from the Town.

If military duty is required beyond this ten (10) day period by an act of war or the President of the United States mobilizes the Reserves, the employee shall receive compensation equal to the difference in the base salary earned on active duty and the salary that would have been earned during this same period as a Town employee for up to six (6) months. Employees on military duty will be required to document their actual military compensation for purposes of calculating this Town pay supplement. After six (6) months, the employee shall be eligible to take accumulated vacation leave or be placed in leave without pay status. While taking military leave without pay in this period beyond six (6) months, the employee's leave credits are frozen. Regular employees who are guardsmen and reservists have all job rights specified in the Veterans Readjustment Assistance Act.

Civil Leave

A Town employee called for jury duty or as court witness related to their official duties 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 vacation or sick leave. An employee may keep fees and travel allowances received for jury or

witness duty in addition to regular compensation, except that employees shall turn over to the Town any witness fees or travel allowances awarded by the court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

Administrative Leave

An employee may be granted administrative leave with pay to attend official business, professional conferences or training courses where the interest of the Town is involved. Such leave must be applied for in advance and must be approved by the Town Manager or designee.

Family and Medical Leave Provisions

The Town complies with the Federal Family and Medical Leave Act (FMLA). FMLA grants the right for an employee, who has a serious health condition or who has a dependent with a serious health condition, to take a leave of absence up to twelve (12) weeks in a year, defined as a rolling 12 month period, or up to twenty six (26) weeks of military caregiver leave to care for a covered service member with a serious illness or injury. FMLA assures that eligible employees are entitled to be restored to the same or equivalent position as they held when the leave began and that an employee's group health benefits will be paid for by the employer during the leave; the employee is responsible for paying their share of any dependent health and other supplemental benefits during the FMLA period. The FMLA does not provide paid leave for the employee while out on FMLA, but the employee may use any compensatory, vacation

or sick leave if appropriate to cover their time away from work for an FMLA event. The Town recognizes the importance of employees balancing family and work obligations while the Town also must insure ongoing services to citizens and the community. This policy will encourage proactive planning and communications between the employee and the Town when there is an FMLA event. If an employee is out of work due to a Workers Compensation injury, which qualifies for Family Medical Leave, it will run concurrently with worker's compensation leave.

1. Eligible employee:

An employee who has been employed with the Town for at least one (1) year and who has worked at least 1,250 hours during the past 12 months is entitled to a total of twelve (12) workweeks of family and medical leave either paid through the election of accrual leave or unpaid during a twelve (12) month period for one or more of the following reasons:

- 1) For the employee to care for the employee's child, spouse, or parent where that child, spouse or parent has a serious health condition as certified by a licensed physician; or,
- 2) Because the employee has a serious health condition as certified by a licensed physician that makes the employee unable to perform the essential functions of the employee's position; or
- 3) For birth, adoption or foster placement of a child; or
- 4) For qualified exigency leave for families of members of the National Guard, Reserves or regular component of the Armed Forces whose spouse, son,

daughter or parent has been notified of an impending call or order to covered active military duty or who is already on covered active duty; or

- 5) For military caregiver leave to care for an injured or ill covered service member or veteran. An employee whose son, daughter, parent or spouse is a covered service member or an employee who is next of kin of a covered service member, may take up to 26 weeks in a single 12 month period to care for that service member. An employee who has used 26 weeks of military caregiver leave is not entitled to an additional 12 weeks of FML for other qualifying reasons that may occur in the same year.

a) Definitions Applicable:

- Parent: Biological or adoptive person or one who stood in loco parentis to an employee when the employee was a child.
- Child: son, daughter under 18 years of age or 18 or greater who is incapable of self-care because of mental or physical disability who is either; biological, adopted, foster, step, legal ward or child of employee who is standing in loco parentis.
- Spouse: husband or wife recognized by State law.
- Serious health condition: illness, injury, impairment, physical or mental condition that involves either in-patient care in medical facility or continuing care by a health care provider.

- b) Employee Responsibility. It is the employee responsibility to notify the Town when they are unable to report to work because of a family medical leave reason. Generally if an employee has to take leave for a

FMLA reason that leave shall automatically be Family and Medical Leave within the meaning of this section. The employee can elect to use any accrued paid leave they have earned. If any type of paid leave is elected it will run concurrently with the family medical leave. If accrued leave is not elected then the leave is an unpaid leave.

- c) Intermittent Leave. Family Medical Leave can be taken intermittently or on a reduced work schedule if there is a medical need. The employee should make a reasonable effort to schedule treatment so as not to unduly disrupt town operations. Whenever possible, the employee should provide notice to their immediate supervisor prior to scheduling any medical treatment in order to allow the supervisor to arrange alternative staffing and coverage. Supervisors do not have authority to deny requests for family medical leave under any circumstances even if the employee does not notify them in advance of necessary medical treatments. The following arrangements for intermittent leave may be considered:

- 1) Incremental Leave: unplanned increments of hour/days that an employee is absent from work due to a qualifying reason as defined in this policy;
- 2) Reduced Hours Leave: A reduction in an employee's usual number of working hours per work week or per work day to accommodate scheduled medical appointments or leaves of absence;

- 3) Schedule Change: A change in an employee's regular work schedule for a period of time;
 - 4) Temporary Reassignment: Where intermittent leave or reduced hours have been approved, the Town may temporarily reassign the employee with no loss of pay or benefits to a different job or part-time position for the duration of the leave to better accommodate the employee and the Town's business needs.
2. The Town Manager shall provide for procedures and process for employees and departments to use in administering this section and shall follow the minimum standards for administration required by the Act.

Educational Leave With Pay and Tuition Reimbursement

Normally, an employee pursuing an associate's, bachelor's or master's degree will take classes outside of his/her regularly scheduled work hours. If the class or classes are only offered during the regular business day, the employee may use vacation or holiday leave to cover time away from work. In circumstances where there is a significant business need for the desired knowledge and skills, the Town Manager may consider Educational Leave with Pay. A leave of absence at full or partial pay during regular working hours may be granted to an employee to take one (1) course which will better equip the employee to perform assigned duties upon the recommendation of the department head, and with the approval of the Town Manager. If approved, the department head will work with the employee to flex their work schedule to avoid impacting business operations and minimizing the financial impact to the Town.

An employee may receive reimbursement for courses taken outside of working hours which will better equip the employee to perform assigned duties, subject to prior approval of the department head and Town Manager provided the course is being offered at an accredited educational institution. The Town may reimburse the employee for tuition, fees, and books for the course up to the maximum rate charged by the University of North Carolina at Charlotte (for courses toward a bachelor's or master's degree) or Central Piedmont Community College (for courses toward an associate's course), the employee submits a receipt of course expenses and a notice of successful completion (B average or better) of the course. The maximum allowable tuition reimbursement per employee per fiscal year is \$2000. If an employee, after receiving educational reimbursement, resigns or is terminated from the Town within two years following course completion, they must repay all tuition reimbursement received during the two years prior to their resignation/termination. Repayment will be withheld from the employee's final paycheck.

Extended educational leave at full or partial pay for a period not to exceed twelve (12) calendar months may be granted to any employee to take a course that will better equip the employee to perform assigned duties upon the recommendation of the department head and approved by the Town Manager. An employee granted such extended educational leave with pay shall agree to return to the service of the Town upon completion of training and remain in the employ of the Town for a period equal to twice the educational leave received, or the employee shall reimburse the Town for all

compensation received while on educational leave. An employee on approved extended educational leave is not eligible for tuition reimbursement since the Town is already contributing to the employee's degree by granting paid educational leave.

An employee on educational leave with full pay shall continue to earn leave credits and any other benefits to which Town employees are entitled.

Employer-reimbursed educational assistance is not taxable income for the employee if the educational assistance is provided pursuant to a qualified plan. The Town's plan is a qualified plan, and educational assistance reimbursements up to \$5250 are therefore excludable from the receiving employee's income.

Parental Involvement Leave

The Town encourages and supports employees' involvement with their child(ren)'s education by providing for time away from work to participate in the child(ren)'s education during work hours. An employee who is a parent, guardian or person standing in loco parentis to a school age child may take up to four hours of leave annually to be involved in school activities of his or her child(ren). Examples of school activities are field trips, parent-teacher conferences, volunteering in the child's classroom, etc. The employee must notify his or her immediate supervisor or department head, and the leave must be at a time mutually agreed upon by the employee and supervisor in order to avoid workplace disruption. If possible, the employee should request parental school leave in writing at least 48 hours in advance.

The Department head may require written verification from the child's school that the employee was involved at the school during the leave time. The employee must use accrued vacation or compensatory leave to cover the time away from work.

ARTICLE VII

SEPARATION, DISCIPLINARY ACTION, AND REINSTATEMENT

Types of Separation

All separations of employees from positions in the service of the Town shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability or disability retirement, retirement, dismissal, or death. The Town will use the Employee Exit Checklist to insure that all procedures associated with an employee leaving Town employment are followed. Employees who leave the Town voluntarily will be given an opportunity to complete an Exit Interview Survey.

Resignation

A minimum of two (2) weeks written notice is expected of all resigning personnel. Such notice should be given to the department head (or in the case of department heads, to the Town Manager). Unauthorized absence from work for three (3) consecutive days is considered by the department head as a voluntary resignation.

Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, the need for the employee's service, and seniority in determining those employees to be retained. Employees who are laid off because of reduction in force shall be given at least two (2) week notice of anticipated lay-off. No regular employee shall be separated while there are

probationary or temporary employees serving in the same classification, unless the regular employee is not willing to transfer to the position held by the probationary or temporary employee.

Disability Retirement

An employee may be separated for disability retirement when the employee cannot perform the essential functions of their job because of physical or mental impairment. Action is initiated by the employee and supported by medical evidence as certified by a competent physician which is submitted to the retirement system. If in the opinion of the Town that an employee is medically unable to perform the work and the employee refuses to be examined by their personal physician for retirement disability purposes, then the Town may require the employee to undergo a medical examination at the Town's expense. If the employee refuses or if the employee is found to be medically disabled and the employee refuses to submit a disability retirement request, then the employee may be separated. In this case, before an employee is separated for disability, a reasonable effort shall be made to locate an alternative position within the Town's service for which the employee may be suited.

In all cases where the separation is involuntary because of a disability, the Town will make every effort to reasonably accommodate the disability as required by ADA. Such separations due to disability or disability retirement requests shall be supported by medical evidence certified by a competent physician.

Regular Retirement

An employee who is eligible for regular retirement under the rules of the Local Government Employees Retirement System (LGERS) should notify the department head as soon as possible of his/her plans to retire. The Town will assist the employee in submitting the necessary retirement paperwork to the retirement system in a timely manner to facilitate the employee's retirement plans and will coordinate the appropriate pay-out or continuation of other benefits due to the employee.

Death

All compensation due will be paid to the estate or designated beneficiary of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

Dismissal

An employee may be dismissed due to failure in the performance of duties or personal misconduct. Department heads should review any proposed dismissals with the Town Manager to insure that all appropriate disciplinary steps have been taken prior to dismissal as outlined in the Disciplinary Action section below. After reviewing the matter with the Town Manager but prior to the dismissal, the department head should conduct a pre-dismissal conference with the employee to discuss the reasons for the dismissal and provide an opportunity for the employee to respond. After meeting with the employee, if the department head believes that a dismissal is appropriate, a letter

outlining the reasons for the dismissal shall be prepared and signed by the Town Manager and given to the employee.

Disciplinary Action

An employee may be suspended or demoted by the department head for failure in performance of duties or personal misconduct. After consultation with the Town Manager, the department head shall provide the employee with a written notice including the recommended effective date, reason for the action, and appeal rights available to the employee.

Failure in Performance of Duties

An employee whose work is unsatisfactory over a period of time shall be notified by the supervisor in what way the employee's work is deficient and what must be done if the work is to be satisfactory. These discussions and observations and feedback shall occur as part of the performance evaluation system used by the Town.

An employee who is suspended, demoted or dismissed for unsatisfactory performance of duties shall normally have received at least three different warnings before these disciplinary actions are taken. However, the degree of unsatisfactory performance by the employee may require the Town to not issue any prior warnings.

These warnings generally follow the following process: First, one or more oral warnings shall be issued by the employee's supervisor; second, an oral warning with a follow-up

letter to the employee which sets forth the points covered in their discussion must be issued by the supervisor; and third, a written warning shall be issued by the department head serving notice upon the employee that corrective action shall be taken immediately in order to avoid disciplinary actions. The supervisor and the department head shall record the dates of their discussion with the employee, the performance of the deficiencies discussed and the corrective actions recommended, and shall file the information in the employee's personnel file, located in the Town Manager's Office.

This described process is not intended to limit actions that are necessary by the Town. If, in the judgment of the Town Manager, the failure in the performance of duty requires action by the Town without one or more of these warnings, then this action is authorized. In this event, the documentation and reasons behind these actions are to be recorded and filed in the employee's personnel file.

Failure in Personal Conduct

An employee may be suspended, demoted or dismissed for causes relating to personal conduct detrimental to Town service (1) in order to avoid undue disruption to work, (2) to protect the safety of persons or property, or (3) for other serious reasons.

The following causes relating to failure in personal conduct are representative of those considered to be adequate grounds for suspension, demotion or dismissal but are not intended to be a complete listing of the reasons for taking the adverse personnel actions:

- (a) Fraud or misrepresentation in securing appointment;
- (b) conduct unbecoming a public officer or employee which would bring discredit to or damage the trust and confidence of the citizens in the Town;
- (c) conviction of a felony or of a misdemeanor which would adversely affect the performance of duties, or entry of a plea of "no contest" to either;
- (d) misappropriation of Town funds or property;
- (e) falsification of Town records for personal profit or to grant special privileges;
- (f) reporting to work under the influence of alcohol or narcotic drugs or partaking of such things while on duty or while on public property, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary;
- (g) willful damage or destruction of property;
- (h) willful acts that would endanger the lives and property of others;
- (i) acceptance of gifts in exchange for "favors" or influence";
- (j) incompatible outside employment or conflict of interest;
- (k) violation of political activity restrictions.

An employee demoted or dismissed for causes relating to personal conduct shall be given a statement of the charges, be allowed to respond in writing, and be given a prompt written statement of the decision of the department head and the Town Manager. These steps shall be taken before the final disciplinary action except in cases of suspension where a written statement will be sent to the employee by certified mail or by signed acknowledgment or receipt of statement.

Suspension

An employee who is suspended for disciplinary reasons shall be relieved temporarily of all duties and responsibilities and shall receive no compensation for the period of suspension.

Immediate Disciplinary Suspension

An employee may be suspended without notice and without pay by the department head for causes related to personal conduct in order to avoid undue disruption or work, to protect the safety of persons or property, or for other serious reasons. When a department head suspends an employee, the department head shall tell the employee to leave the Town property at once and remain away until given notice by the Town to return. The department head shall notify the Town Manager immediately and a written summary giving the circumstances and facts leading to the suspension shall be prepared; one copy shall be delivered to the employee by certified mail, and one copy shall be filed in the employee's personnel folder in the Personnel Office.

Administrative Suspension

During the investigation, hearing or trial of an employee on any criminal charge or during the course of any civil action involving an employee, the Town Manager may administratively suspend the employee without pay for the duration of the proceedings as a non-disciplinary action. However, the investigation, hearing, trial, or civil action must involve matters that may form the basis for disciplinary suspension, demotion or dismissal in order for the non-disciplinary suspension to become final.

Full recovery of pay and benefits for the period of non-disciplinary suspension may be authorized by the Town Manager if the suspension is terminated with full reinstatement of the employee.

Employee Appeal

A regular employee wishing to appeal a decision, suspension or dismissal may present the matter in accordance with the provision of the grievance procedure prescribed in this policy.

ARTICLE VIII

GRIEVANCE PROCEDURE, DISCRIMINATION AND HARASSMENT, DISCRIMINATORY AND ADVERSE ACTION APPEAL

Grievance Policy and Purpose

It is the policy of the Town to provide a means whereby employees may freely discuss problems with supervisors and to provide a procedure for the presentation and mutual adjustment of points of disagreement that arise between employees and their supervisors.

The purposes of this policy are:

- (a) to provide employees a procedure by which their complaints can be considered rapidly, fairly, and without reprisal;
- (b) to encourage employees to express themselves about the conditions of employment which affect them as employees;
- (c) to promote better understanding of policies, practices and procedures that affect employees;
- (d) to develop in supervisors a greater sense of responsibility in their dealings with employees.

Definition

A grievance is any dispute concerning the interpretation or application of this personnel policy, or any other policy, practice or procedure affecting working condition for the Town. A grievance might involve alleged safety or health hazards, unfair or discriminatory supervisory practices, misapplications of department work rules,

unsatisfactory physical facilities or equipment or other complaints related to conditions of work or disciplinary action. Complaint processes involving issues covered by other parts of this policy are excluded from this procedure. Nothing herein shall be interpreted to change the status of any employee from that of an employee at will.

Procedure

When an employee has a claim or complaint concerning employment with the Town, the successive steps described below are to be taken toward resolution of the matter.

The number of days indicated at each step of the grievance procedure should be considered as the maximum number of working days allowed for presentation of and response to the grievance at that level. However, when mutually agreed upon, time limits given below may be extended by those concerned.

Employees or applicants who use this procedure shall be free from discrimination, coercion, restraint or reprisal.

Step One. The employee with a grievance shall present the matter orally or in writing to the department head within seven (7) calendar days of its occurrence or within seven (7) calendar days of the time the employee learns of its occurrence. If the exact date cannot be established for the occurrence of a grievance circumstance, the seven (7) calendar day limit will be waived, but the employee should file the grievance within a reasonable time period. The grievance shall specify the relief that the employee expects to gain through the use of this procedure. The

department head should be and is encouraged to consult with any employee or officer deemed necessary to reach a correct, impartial, and equitable determination and shall give the employee an answer as soon as possible, but within five (5) working days.

Step Two. If the decision is not resolved in Step 1, or if the employee fails to receive an answer within the designated period provided in Step 1, the employee may file the grievance in writing with the Town Manager within seven (7) calendar days. The grievance shall specify the relief expected from the use of this procedure.

The Town Manager, or his designee, shall hold a hearing thereon, consult with whatever sources deemed appropriate, and allow the employee to examine all the evidence and to present his/her case.

The Town Manager shall review the case information and render a decision in writing within fifteen (15) working days after receipt, with one copy sent to the employee by certified mail and one copy placed in the employee's personnel file. There shall be no appeal from this decision.

Discrimination and Harassment

The Town is committed to maintaining a positive and respectful work environment free from discrimination or harassment based on race, gender, national origin, age, religion, disability or sexual orientation. This policy also provides a mechanism for reporting and

investigation of any allegations of discrimination or harassment by employees in the workplace and taking appropriate disciplinary action if inappropriate behavior is confirmed. The Town will not tolerate any conduct by an employee that discriminates or harasses another individual.

Harassment is defined as persistently criticizing, disturbing, irritating, maligning, or tormenting a person with respect to their race, color, sex, age, national origin, religion, disability or sexual orientation. Sexual harassment is defined as unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome and offensive verbal or physical conduct.

Workplace Sexual Harassment

Unwelcome sexual advances, unwelcome requests for sexual favors and other unwelcome and offensive verbal or physical conduct directed towards person(s) of a particular gender constitute sexual harassment when:

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

- Sexual harassment can take two forms:
 - First, sexual harassment exists when an individual is requested or required to engage in, or submit to, a sexual act as a term or condition of employment, benefit or assignment.
 - Second, sexual harassment may arise when the comments, conduct, or actions of the employer, supervisors, or co-workers create an unwelcome and/or hostile work environment for any individual based on the gender of that person. Both denigrate the work place and are prohibited.

Supervisor Responsibilities

Any member or supervisor who witnesses or has knowledge of any harassment will report it directly to the appropriate department head or the Town Manager as soon as possible. In addition, supervisors with such knowledge are responsible for taking immediate action to prevent further occurrences. Failure to take the action(s) called for in this paragraph is considered misconduct.

Reporting Complaints

All prohibited harassment in the workplace shall be reported to one or more of the following persons: the immediate supervisor of the reporting person, the department head or the Town Manager. The complaint should be reported verbally and in writing. If for any reason the employee does not feel comfortable reporting the conduct to their immediate supervisor or department head, the employee may file the complaint directly with the Town Manager. As soon as possible after receipt of a complaint by any of the

preceding persons, that person will notify the Town Manager. The Town Manager will notify the Town Attorney.

Investigation of Complaint

A thorough investigation will be initiated within 72 hours of receiving the complaint. All records of investigations will be kept confidential and maintained for a reasonable period of time regardless of outcome, and a copy will be kept in the employee's personnel file. In substantiated cases where the offender is a Town employee, the appropriate department head shall initiate corrective and disciplinary measures, in compliance with the Town's policies. Such measures shall range from transfer and/or counseling up to and including dismissal of the offender. Where the offender is not a Town employee (e.g. citizen, volunteer or vendor), the Town Manager will take such action(s) as may be appropriate to correct the situation.

Domestic Violence Protection

Pursuant to GS 95-270 (a) the Town shall not discharge, demote, deny a promotion, or discipline an employee because the employee took reasonable time-off from work to obtain or attempt to obtain a domestic violence protective order pursuant to Chapter 50B of the NC General Statutes or a Civil No-Contact Order pursuant to Chapter 50C of the NC General Statutes. An employee who is absent from the workplace shall follow the Town's usual time-off policy or procedure, including advance notice to their supervisor, unless an emergency prevents the employee from doing so. The Town may require documentation of any emergency that prevented the employee from complying in advance with the usual time-off policy or procedure, or any other information

available to the employee which supports the employee's reason for being absent from the workplace. The Town may also seek a Civil No-Contact Order on behalf of an employee who has suffered unlawful conduct from any individual that can reasonably be construed to be carried out, or to have been carried out, at the employee's workplace pursuant to The NC Workplace Violence Protection Act (GS 95-260, et seq.)

Retaliation

The Town will not tolerate any retaliation or reprisal in any way against anyone who has complained about or resisted discrimination, harassment or sexual harassment. This includes falsely denying, lying about or otherwise attempting to cover up such retaliation or reprisal conduct. Any instances of alleged retaliation will be promptly investigated and if confirmed will be grounds for disciplinary action up to and including dismissal.

Discrimination or Harassment Appeal Procedure

Any applicant for Town employment, a current Town employee, or former Town employee who has reason to believe that employment, promotion, training, or transfer was denied him or her, or that demotion, layoff, or termination of employment was forced upon him or her because of age, sex, race, color, national origin, religion, creed, political affiliation, or disability, except where specific requirements constitute a bona fide occupational qualification necessary for proper and efficient administration, shall have the right to appeal directly to the Town Manager using the grievance procedure outlined in this article if so desired. An employee or applicant must appeal an alleged

act of discrimination or harassment within thirty (30) days of the alleged discriminatory action.

Back Pay Awards

Back pay and benefits may be awarded to reinstated employees in suspension, demotion, improper dismissal, and discrimination cases. Such determinations shall be made by the Town Commissioners upon the recommendation of the Town Manager.

ARTICLE IX

EMPLOYEE BENEFITS

Group Health Insurance

The Town of Cornelius provides its full-time employees with several levels of coverage in its Group Health Insurance Plan which provides them with medical and hospitalization insurance. All full-time employees shall enroll for Group Health Insurance coverage at the time of their employment. New employees are eligible for benefits effective on the first day of the month following the 30th day of their employment. Coverage for dependents is on an optional basis with some or all of the cost of premiums being paid by employees through payroll deductions. Details of medical care coverage and benefits are outlined for each employee in a separate booklet entitled "Group Health Insurance Benefits."

Group Life Insurance

The Town offers paid life insurance to all its employees. If an employee leaves Town employment, the employee may continue some coverage through an individual policy as prescribed, with the employee continuing to pay the full cost of that life insurance plan.

In addition to the retirement plan where the Town pays the cost of the insurance, the Town provides each regular employee a separate life insurance policy of a determined amount. The Town pays 100% of the premiums and the policy is canceled when the employee's employment is terminated with the Town.

Employee Assistance Policy

The Town is authorized to provide an opportunity for employees and family members to resolve a wide range of personal problems that may affect job performance. The Town may contract with counselors who can provide assistance and confidentiality is guaranteed. Employees and family members are encouraged to voluntarily use this program. However, the Town Manager is authorized to use this program to make a supervisory referral when an employee's job performance is unsatisfactory or when their personal problems or issues are impacting the workplace. The procedures required to use this program either for self-referrals or supervisory referrals is the responsibility of the Town Manager.

Retirement Benefits and Deferred Compensation

Within thirty (30) days, regular employees must be enrolled to participate in the Local Governmental Employees' Retirement System. Contributions by payroll deduction of 6% of a regular employee's gross salary for the retirement plan are made each pay period by the employee. The Town contributes an amount actuarially determined as necessary for the fund to cover prescribed retirement benefits. In addition, there are additional retirement plans that police officers may also be eligible to participate and contribute portions of their wages and salaries.

The Town will provide the minimum required retirement and special separation allowance benefit required by the State for law enforcement officers who qualify. This generally provides a 5% contribution by the Town for each officer to a defined

contribution 401(K) plan administered by the State of NC and a separation allowance calculated by formula to law enforcement officers who retire and qualify and until age 62. The Town also provides civilian employees a 401(k) contribution. This amount is determined on a year to year basis during the budgeting process. These deferred compensation plans shall meet all federal and state requirements for eligibility to participate.

Retiree Health Insurance

The Town also provides retiree health insurance participation with the following provisions to employees who were hired prior to July 1, 2010 and for those employees hired after July 1, 2010 with a minimum of 20 years of service:

- 1) Eligibility will be determined by whether a candidate meets the eligibility requirements of the NC Local Government Employees Retirement System;
- 2) If eligible, the Town will allow retirees to participate in its group health insurance plan (whatever current plan employees are offered at the time of the participants' retirement);
- 3) The Town will contribute \$200 for each consecutive year of continuous, uninterrupted service or fractional portion thereof attained at the Town of Cornelius up to the annual cost of the retiree health insurance premium;
- 4) The retiree will pay any remaining premium or portion thereof to participate in the health insurance program;
- 5) Retiree health insurance benefits detailed in this program will not be available to those employees who are terminated for cause.

- 6) In no instance shall the annual \$200 per year of service benefit exceed the annual cost of the premium.
- 7) If a retiree elects to leave the plan, eligibility to participate in the Town's group health insurance plan ceases.
- 8) Eligibility to participate in the Town's health insurance program will end at the retiree's age of Medicare eligibility.

Social Security

Social Security is government insurance to provide an employee with income in retirement. Disability and death benefits are also provided by Social Security. These provisions are governed by federal rules and regulations, and employees are encouraged to maintain contact with the appropriate federal agencies on their eligibility and benefits entitlements.

The cost of employee social security pension and the cost of part of the social security medical insurance are paid through an automatic payroll tax. The Town matches the money that is deducted from employees payroll check for the Social Security Trust Fund.

Credit Union

Immediately upon employment with the Town, employees are eligible to join the North Carolina Local Government Employees' Federal Credit Union.

Unemployment Insurance

Federal and State law provides that employees in municipalities are covered by unemployment insurance. The local office of the Employment Security Commission will determine an employee's eligibility to receive these benefits upon leaving employment.

Uniforms

The Town provides uniforms for certain services such as personnel in public works and public safety. Employees are required to wear uniforms so they will be easily identified as Town employees while working on or near private property. In addition to the identification factor, clothing furnished by the Town represents a very significant financial benefit to the employee. The employee who enjoys this benefit is responsible for the uniforms. Therefore, the costs of avoidable damage or loss of uniforms will be paid by the employee. An employee will wear his/her uniform properly, will not allow them to be worn by other individuals and will wear them only during working hours or to and from work. Upon separation from employment, the employee will return uniforms to the Town or reimburse the Town for items not returned.

Cafeteria Plan

The Town is authorized to offer an Internal Revenue Service Code Section 125 Cafeteria Plan for the benefit of employees and their dependents. The election opportunities and scope of coverage are contained in the Town of Cornelius' plan document covering these benefits as written and amended from time to time. The Town Manager is responsible for administering the provisions of this plan including any administrative rules and regulations implementing and managing the plan.

ARTICLE X

DRUG FREE WORKPLACE POLICY

Policy

The Town has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees, to the security of our equipment and facilities, and to the citizens we serve. For these reasons, the Town is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace and applies to all employees and all applicants for employment of the Town. The Town Manager or his designee is responsible for the administration of this policy.

Employee Assistance and Drug-Free Awareness

Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about these consequences and sources of help for drug/alcohol problems is available from the Town Manager or his designee, who may make referrals to an appropriate resource for assistance, one of which is the Town's Employee Assistance Program (EAP). The Town also encourages employees with a drug or alcohol problem to voluntarily seek assistance from the EAP.

The Town will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be allowed to use accrued leave, take a leave of absence, be referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the effect of medications on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose the underlying medical conditions related to their medications unless directed to do so.

Work Rules

The following work rules apply to all employees:

1. Whenever employees are working, are operating any Town vehicle, are present on company premises, or are conducting related work off-site, they are prohibited from:
 - Using, possessing, buying, selling, manufacturing or dispensing an illegal drug(including possession of drug paraphernalia);

- Being under the influence of alcohol or any illegal drug as defined in this policy.
- 2. The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body while performing company business or while in a company facility is prohibited.
- 3. The Town will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.
- 4. Any illegal drugs or drug paraphernalia will be turned over to appropriate law enforcement officials and may result in criminal prosecution.

Required Testing

The Town retains the right to require the following tests:

Pre-employment: All applicants must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

Reasonable suspicion: Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession or impairment. The Department head must be consulted before sending an employee for reasonable suspicion testing.

Post-accident: Employees are subject to testing when they cause or contribute to accidents that seriously damage a Town vehicle, machinery, equipment or property and/or result in an injury to themselves, another employee or a citizen requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.

Follow-up: Employees who have tested positive, or otherwise violated this policy, are subject to discipline up to and including termination. Depending on the circumstances and the employee's work history/record, the Town may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies for a minimum of one year but not more than two years. If the employee either does not complete his/her rehabilitation program or tests positive after completing the rehabilitation program, he/she will be subject to immediate termination.

Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be terminated. The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including termination.

Employees will be paid for time spent in alcohol/drug testing and then suspended pending the result of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test. This meeting will include the immediate supervisor and the Department head. Should the results provide to be negative, the employee will receive back pay for the time/days of suspension.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the Medical Review Officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

Inspections

The Town reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal drugs, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including termination. Any inspections will be conducted by appropriate members of the Police Department.

Crimes involving Drugs

The Town prohibits all employees from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on Town premises or while conducting Town business.

Employee are also prohibited from misusing legally prescribed or over-the-counter drugs. Law enforcement officials shall be notified, as appropriate, when criminal activity is suspected.

Employees who are convicted of any criminal drug statute occurring in the workplace are required to notify their supervisor no later than five days after such conviction. Employees may be disciplined, up to and including termination, for any confirmed illegal involvement or activity with illegal drugs which occurred during off-duty time.

ARTICLE XI

PERSONNEL RECORDS AND REPORTS

Personnel Records Maintenance

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the Town Manager. The Town shall maintain in personnel records only information that is relevant to accomplishing personnel administration purposes.

The following public information on each Town employee shall be maintained:

- (a) name;
- (b) age;
- (c) date of original employment or appointment to Town service;
- (d) current position title;
- (e) current salary;
- (f) date and amount of most recent change in salary;
- (g) date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and
- (h) office to which the employee is currently assigned.

Access to Personnel Records

As required by North Carolina General Statutes, any person may have access to the information listed in the above section of this Article for the purpose of inspection,

examination, and copying, during the regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Town Board may adopt.

Access to such information shall be governed by the following provisions:

- (a) All disclosures or records shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: Name of employee; information disclosed; date information was requested; name and address of the person to whom the disclosure is made; purpose for which information is requested. This information must be retained for a period of two (2) years.
- (b) Upon request, records of disclosure shall be made available to the employee to whom it pertains.
- (c) An individual examining a personnel record may copy the information; any available photocopy facilities may be provided and the cost may be assessed to the individual.
- (d) Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for a writ of mandamus or other appropriate relief.

Confidential Information

All information contained in a Town employee's personnel file, other than the public information listed above will be maintained as confidential as required by the North Carolina General Statutes and shall be open to public inspection only in the following instances:

- (a) The employee or a duly authorized agent of the employee may examine all portions of his personnel file, except, (1) letters of reference solicited prior to employment, and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- (b) A licensed physician designated in writing by the employee may examine the employee's medical record.
- (c) A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- (d) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- (e) An official of any agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such information is deemed by the Town Manager to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information 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.
- (f) Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- (g) A record shall be made of each disclosure and placed in the employee's file (except of disclosures to the employee and the supervisor).

Records of Former Employees

The provision for access to records apply to former employees as they apply to present employees except that adequate notice must be given to the Town Clerk in order that the appropriate personnel records are available on-site.

Remedies of Employees Objecting to Material in File

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

Penalty for Permitting Access to Confidential File by Unauthorized Person

Any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred dollars (\$500).

Penalty for Examining and/or Copying Confidential Material without Authorization

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 in the discretion of the court but not in excess of five hundred dollars (\$500).

Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 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 not less than ten dollars (\$10) and no more than five hundred dollars (\$500) as provided in G.S. 132-3.

ARTICLE XII

IMPLEMENTATION OF POLICY

Conflicting Policies Repealed

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

Separability

If any provision of this policy or any rule, regulation or order there under of the application of such provision to any person or circumstances is held invalid, the remainder of this policy shall not be affected thereby.

Violations of Policy Provisions

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

Effective Date

This policy shall become effective upon adoption.

THE TOWN OF CORNELIUS PERSONNEL RESOLUTION

WHEREAS, the Mayor and Board of Commissioners of the Town of Cornelius recognizes the importance of its municipal employees in meeting the service needs of Town residents; and

WHEREAS, it is the desire of the Mayor and Board of Commissioners to maintain a municipal work force composed of qualified, competent, dedicated employees; and

WHEREAS, the Mayor and Board of Commissioners recognize the necessity of equitable rates of pay and reasonable conditions of employment in the maintenance of such a work force; and

WHEREAS, it is the desire of the Mayor and Board of Commissioners to establish a system of personnel administration that will assure equity of compensation and fair and reasonable employee treatment consistent with the needs of the Town; and

WHEREAS, the Mayor and Town Board of Commissioners adopted a system of personnel administration in December, 1999; and

WHEREAS, the Town Board of Commissioners adopted Resolution No. 9800165, a Resolution Regarding Retiree Insurance Coverage; and

WHEREAS, the Town Manager is desirous of amending those policies.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD COMMISSIONERS OF THE TOWN OF CORNELIUS that the following rules and regulations shall govern the appointment, classification, salary, promotion, demotion, and employment conditions of the employees of the Town of Cornelius, North Carolina, replacing, where appropriate, the existing articles and sections on personnel, pay plans,

class specifications, and benefits. In Addition, Resolution No. 98-000165 is hereby repealed.

Adopted this 2nd day of October, 2000.

SEAL

s/Jan M. Beasley
Jan Beasley, Mayor

ATTEST:

s/Carolyn K. Sigmon
Carolyn K. Sigmon, Town Clerk

APPROVED AS TO FORM:

s/Neil Williams Neil
Williams, Town Attorney
Resolution No.2005-00392

THE TOWN OF CORNELIUS PERSONNEL RESOLUTION

WHEREAS, the Mayor and Board of Commissioners of the Town of Cornelius recognizes the importance of its municipal employees in meeting the service needs of Town residents; and

WHEREAS, it is the desire of the Mayor and Board of Commissioners to maintain a municipal work force composed of qualified, competent, dedicated employees; and

WHEREAS, the Mayor and Board of Commissioners recognize the necessity of equitable rates of pay and reasonable conditions of employment in the maintenance of such a work force; and

WHEREAS, it is the desire of the Mayor and Board of Commissioners to establish a system of personnel administration that will assure equity of compensation and fair and reasonable employee treatment consistent with the needs of the Town; and

WHEREAS, the Mayor and Town Board of Commissioners adopted a system of personnel administration in December, 1999 and amended it on October 2, 2000; and

WHEREAS, the Town Manager is desirous of amending those policies to meet CALEA standards for police personnel.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD COMMISSIONERS OF THE TOWN OF CORNELIUS that the following rules and regulations shall govern recruitment and employment conditions of the employees of the Town of Cornelius, North Carolina, replacing, where appropriate, certain sections on recruitment and employment in Article IV of the Town Personnel Policy.

Adopted this 21st day of February, 2005.

SEAL

s/Gary T. Knox
Gary T. Knox, Mayor

ATTEST:

s/Carolyn K. Sigmon
Carolyn K. Sigmon, Town Clerk

APPROVED AS TO FORM:
s/William L. Brown
William L. Brown, Town Attorney

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF CORNELIUS AMENDING THE TOWN RETIREE HEALTH INSURANCE POLICY

WHEREAS, the Town Board of Commissioners of the Town of Cornelius desires to provide efficient and effective service delivery to residents through staffing departments with conscientious and fairly compensated employees, and

WHEREAS, the Town Board is aware of the rising cost of health insurance and the pressure it creates on the Town's available resources, and

WHEREAS, the Town Board desires to provide cost contained employee benefits consistent with both private industry and other NC local governments.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Commissioners of the Town of Cornelius that:

1. The Town of Cornelius will hereafter provide retiree health insurance under its current terms and provisions to employees upon retirement from the Town only to employees who have worked for the Town for a minimum of 20 years.
2. This retiree health insurance minimum years of service requirement will apply to any new employee hired by the Town on or after July 1, 2010.
3. Employees who were already employed by the Town prior to July 1, 2010 will continue to be eligible for retiree health insurance under its current terms and provisions on their retirement without meeting the minimum years of service requirement.
4. Employees must maintain continuous health insurance coverage with no lapse in the Town of Cornelius' group health insurance plan to be eligible to participate in Town health insurance at the time of their retirement.
5. The retiree health insurance policy already in place, allowing retirees to participate in the current employees' group plan at the retiree's cost remains in effect for all eligible employees. The \$200 supplement for every year of service with Cornelius applied toward the annual health insurance premium remains in effect for all eligible employees.
6. Eligible retired employees may participate in the Town of Cornelius' current employee group health insurance program only up to the retiree's age of the Medicare eligibility.

BE IT HEREBY FURTHER RESOLVED that the Town Manager is hereby authorized to implement this requirement and the retiree health insurance policy in his authority as Town Manager consistent with the Town of Cornelius Personnel Policy.

This Resolution is adopted this the 5th day of April, 2010.

s/Jeffery P. Tarte
Jeffery P. Tarte, Mayor

Attest:

s/Lori A. Pearson
Lori A. Pearson, Town Clerk

APPROVED AS TO FORM:

s/William L. Brown
William L. Brown, Town Attorney

**RESOLUTION OF THE BOARD OF COMMISSIONERS
AMENDING THE PERSONNEL POLICY**

WHEREAS, the Town Board of Commissioners of the Town of Cornelius desires to amend the Personnel Policy to better clarify Town holidays, accrued vacation time for probationary employees, and the usage of town vehicles, and;

WHEREAS, the Town Board also desires to implement a policy for employee donation of vacation or sick time to another employee, and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Commissioners of the Town of Cornelius that the Personnel Policy is hereby amended as follows:

- **Article 6, Section 1** - When the holiday falls on a normal business day, Monday – Friday, the holiday occurs on the actual business day. When the holiday occurs on Saturday, employees observe the holiday on Friday. When the holiday occurs on Sunday, employees observe the holiday on Monday.
- **Article 4, Section 4.12(a)** - If an employee leaves during their one year probationary period, no payout of accrued vacation time will occur.
- **Article 4, Section 4.6(e)** - Employees must comply with State Statutes regarding seat belt use while using Town vehicles or while on Town business, and making failure to do so subject to the disciplinary provisions of the Town Personnel Policy.
- **Article 6, Section 6.13** - Employees with at least 240 hours of sick time available may donate up to 40 hours to another employee with the approval of the Town Manager. Staff recommends that the policy require the employee receiving donated leave to exhaust all other forms of leave (sick, vacation, and holiday if applicable) prior to receiving donated leave. We also suggest limiting the amount of leave an employee can receive to one month (160 hours).

BE IT HEREBY FURTHER RESOLVED that the Town Manager is hereby authorized to implement the policy revisions in his authority as Town Manager consistent with the Town of Cornelius Personnel Policy.

This Resolution is adopted this the 16th day of August, 2010.

s/Jeffery P. Tarte
Jeffery P. Tarte, Mayor
ATTEST: APPROVED AS TO FORM:

s/Lori A. Pearson
Lori A. Pearson, Town Clerk

s/William L. Brown
William L. Brown, Town Attorney

**RESOLUTION OF THE BOARD OF COMMISSIONERS
AMENDING THE PERSONNEL POLICY**

WHEREAS, the Town Board of Commissioners of the Town of Cornelius desires to amend the Personnel Policy to incorporate pre-employment background checks, and;

WHEREAS, the Town Board also desires to implement an annual driving record review of any employee operating Town vehicles, and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Commissioners of the Town of Cornelius that the Personnel Policy be hereby amended as shown in the amended section attached hereto as Exhibit A and incorporated herein by reference, comprised of:

- **Article IV, Section 4.6.(e)** – Text amendments.

BE IT HEREBY FURTHER RESOLVED that the Town Manager is hereby authorized to implement these policy revisions in his authority as Town Manager consistent with the Town of Cornelius Personnel Policy.

This Resolution is adopted this the 22nd day of January, 2013.

s/Lynette D. Rinker

Lynette D. Rinker, Mayor

ATTEST:

APPROVED AS TO FORM:

s/Lori A. Pearson

Lori A. Pearson, Town Clerk

s/William L. Brown

William L. Brown, Town Attorney

Article IV, Section 4.6(e)

Operators of Town-Owned Motor Vehicles - Any applicant or employee who will operate Town owned motor vehicles must possess a valid driver's license issued by the State of North Carolina and comply with State statutes regarding seat belt use. In addition, operators of Town owned vehicles are required to pass certain drug tests prior to employment **as well as be subject to pre-employment background review**. A motor vehicle record check with the State shall also be made. **The Town will annually review the driving record of any employee who drives Town vehicles, and reserves the right to limit the use of Town vehicles and equipment based upon the annual driving records review.**

Operators of Town owned vehicles will acknowledge having read the Town Vehicle Use Policy and adhere to it accordingly.

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: March 20, 2017

To: Mayor and Board of Commissioners

From: Julie Niswonger, Finance Director

Action Requested:

This amendment authorizes the use of fund balance in the amount of \$2,334,416 to pay off debt for the following items:

- Commerce Station: Interest Rate 5.19%, payoff amount \$217,598
- Fire Station # 1: Interest Rate 3.70%, payoff amount \$1,114,166
- Park Improvements: Interest Rate 3.59%, payoff amount \$255,604
- Westmoreland Athletic Complex: Interest Rate 2.63%, payoff amount \$747,048

The combined savings in interest is \$202,387.

This amendment also authorizes the receipt of \$300 in donations to the Cornelius Arts and Community Center for operating purposes and will have no impact on fund balance.

Manager's Recommendation:

Approve an Ordinance to amend the FY 17 operating budget.

ATTACHMENTS:

Name:	Description:	Type:
 Amendment #6 Loan Payoff.pdf	FY 17 Operating Budget Amendment	Cover Memo

TOWN OF CORNELIUS
AN ORDINANCE AMENDING
THE OPERATING BUDGET FOR
FISCAL YEAR 2016-2017

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF
COMMISSIONERS OF THE TOWN OF CORNELIUS:**

SECTION 1. The following amounts are hereby authorized for all appropriations, expenditures and inter-fund transfers necessary for the administration and operation of the Town of Cornelius for the fiscal year beginning July 1, 2016 and ending June 30, 2017 in accordance with the following schedule of accounts heretofore established for this Town:

SCHEDULE A: GENERAL FUND

	Original Budget	Previous Amendment 2/20/2017	This Amendment 3/20/2017	Change
General Fund Revenues				
Ad Valorem Taxes	\$ 13,569,495	13,569,495	13,569,495	-
Local Option Sales Tax	2,976,700	2,976,700	2,976,700	-
Utility Franchise Tax	1,747,600	1,747,600	1,747,600	-
Powell Bill Allocation	760,000	760,000	760,000	-
Other Taxes and Licenses	552,200	552,200	552,200	-
Unrestricted Intergovernmental	990,100	990,100	990,100	-
Restricted Intergovernmental	733,770	828,110	828,110	-
Permits and Fees	708,288	745,288	745,288	-
Sales and Services	140,000	140,000	140,000	-
Investment earnings	45,500	45,500	45,500	-
Donations	20,000	40,100	40,400	300
Micellaneous	10,100	11,818	11,818	-
Debt Issued	442,600	442,600	442,600	-
Appropriated Fund Balance	29,500	1,777,278	4,111,694	2,334,416
Total General Fund Revenues	\$22,725,853	\$24,626,789	\$26,961,505	\$ 2,334,716
General Fund Expenditures				
Governing Board	\$ 80,702	80,702	80,702	-
General Government	1,524,073	1,524,073	1,524,073	-
General Services	372,030	372,030	372,030	-
Police	6,222,376	6,314,594	6,314,594	-
Communications	590,324	590,324	590,324	-
Fire Operations	1,500,559	1,500,559	1,500,559	-
Animal Control	173,361	173,361	173,361	-
Public Works	1,706,935	1,714,213	1,714,213	-
Powell Bill	924,000	924,000	924,000	-
Solid Waste/Recycling	2,034,404	2,034,404	2,034,404	-
Stormwater	220,000	220,000	220,000	-
Planning / Land Development	620,857	752,197	752,197	-
Tourism	558,601	558,601	776,199	217,598
Art Center	352,980	1,873,080	1,873,380	300
Parks, Arts, Recreation, and Culture	2,075,222	2,225,222	2,225,222	-
Transfer to Capital Project Funds/ 911 Fund	765,000	765,000	765,000	-
Debt Service	3,004,429	3,004,429	5,121,247	2,116,818
Total General Fund Expenditures	\$22,725,853	\$24,626,789	\$26,961,505	\$ 2,334,716

	Original	Previous	This	
	Budget	Amendment	Amendment	Change
		2/20/2017	3/20/2017	

SCHEDULE B: ELECTRIC FUND

Electric Fund Revenues

Sales and Services	\$ 5,928,239	5,928,239	5,928,239	-
Fund Balance	467,657	467,657	467,657	-
Miscellaneous	10,000	75,692	75,692	-
Total Electric Fund Revenues	\$ 6,405,896	\$ 6,471,588	\$ 6,471,588	\$ -

Electric Fund Expenditures

Electric Department	\$6,405,896	\$6,471,588	\$6,471,588	-
Total Electric Fund Expenditures	\$ 6,405,896	\$ 6,471,588	\$ 6,471,588	\$ -

SCHEDULE C: 911 FUND

911 Fund Revenues:

911 Fee Revenue	\$141,796	141,796	141,796	-
Fund Interest Earnings	1,200	1,200	1,200	-
911 Appropriated Fund Balance	51,489	51,489	51,489	-
Total 911 Fund Revenues	\$ 194,485	\$ 194,485	\$ 194,485	\$ -

911 Fund Expenditures:

911 Department	\$194,485	194,485	194,485	-
Total 911 Fund Expenditures	\$ 194,485	\$ 194,485	\$ 194,485	\$ -

SECTION 2. An ad valorem tax rate of \$.255 per \$100 of assessed valuation is hereby established as the official tax rate for the Town of Cornelius for the fiscal year 2016-17. This rate is based on an estimated valuation of \$5,258,437,557 and an estimated 98.6% percent collection rate, which is at least the collection rate expected during the 2015-16 fiscal year.

SECTION 3. In accordance with G.S. §159-9 and G.S. §159-15, the Town Manager shall serve as the budget officer and is hereby authorized to reallocate appropriations among the objects of expenditure under the following conditions:

- a. The Town Manager may transfer amounts between line-item expenditures even among departments as believed to be necessary and prudent.
- b. He may not transfer any amounts between funds, except as approved by the Board of Commissioners in the Budget Ordinance as amended.

Adopted this the 20th day of March, 2017.

Charles L. Travis III, Mayor

SEAL

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Karen Wolter, Town Attorney

REQUEST FOR BOARD ACTION

 **Print**

Date of Meeting: March 20, 2017

To: Mayor and Board of Commissioners

From: Julie Niswonger, Finance Director

Action Requested:

Please find the attached three lists of proposed refunds based upon the information received from the County Assessor. The first two lists are necessary as a result of value adjustments as performed by the Mecklenburg County Assessor and/or Board of Equalization and Review and corrections as determined by the Mecklenburg County Assessor. Those refunds total = \$6,378.52 (tax) + \$0.00 (interest) = \$6,378.52. The last list is a result of Senate Law 159 and related change in value. The tax amount of these refunds total \$1.75; the interest \$0.11; total refund amount \$1.86. The refunds range in value from \$1.86 to \$4,516.81. As required by Statute, please approve refunds. There are no Board member refunds in this group.

Manager's Recommendation:

Approve tax refunds

ATTACHMENTS:

Name:	Description:	Type:
 32017T1_Cornelius_Misc_No_Int_1-21-17.pdf	County List #1	Cover Memo
 32017T2_Cornelius_Misc_No_Int_2-4-17.pdf	County List #2	Cover Memo
 32017T3_Cornelius_S159_1-21-17_(002).pdf	County List #3	Cover Memo

Bill Number	Parcel #	Adj #	Adj Reason	Refund Recipient Name	Refund
0008100592-2016-2014-0000-00		557899	Assessed In Err	FASHION NAIL BAR	27.78
0008064724-2016-2016-0000-00		557820	Over Assessment	FLIPPIN, STEFANIE R	38.50
0001446556-2016-2016-0000-00	00539102	557840	Adjustment	FOAMEX INNOVATIONS OPERATING COMPANY	4,516.81
0008085957-2015-2015-0000-00		557911	Duplication	HALLMARK INC OF STATESVILLE	2.11
0008085957-2016-2016-0000-00		557912	Duplication	HALLMARK INC OF STATESVILLE	2.04
0008102066-2016-2016-0000-00		557982	Assessed In Err	MCCLURE, CHRISTOPHER MARK	8.42
0001476952-2009-2009-0000-00		557989	Duplication	PAULEY, PAUL	39.51
					4,635.17

Bill Number	Source Type	Adj #	Adj Reason	Refund Recipient Name	Refund
0001476930-2016-2016-0000-00	IND	558286	Business Correction	MARTIN, ROBERT ALLEN	114.24
0001529687-2016-2016-0000-00	BUS	558231	Business Correction	PENINSULA CLUB INC (THE)	1,609.03
0008063670-2015-2015-0000-00	IND	558363	Sold/Traded	SINGLETON, JENNIFER	20.08
					1,743.35

Bill Number	Parcel #	Adj #	Adj Reason	Refund Recipient Name	Refund	Interset	Total
0001408819-2015-2011-0000-00	00117915	558047	S159 Reduction	DAUGHERTY, DONALD A & ANGELA M	1.75	0.11	1.86

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: March 20, 2017

To: Mayor and Board of Commissioners

From: Andrew Grant, Asst. Town Manager

Action Requested:

Asst. Manager Grant will give an update on NCDOT's intersection improvements proposed for West Catawba/Torrence Chapel Road.

Manager's Recommendation:

Hear update.

ATTACHMENTS:

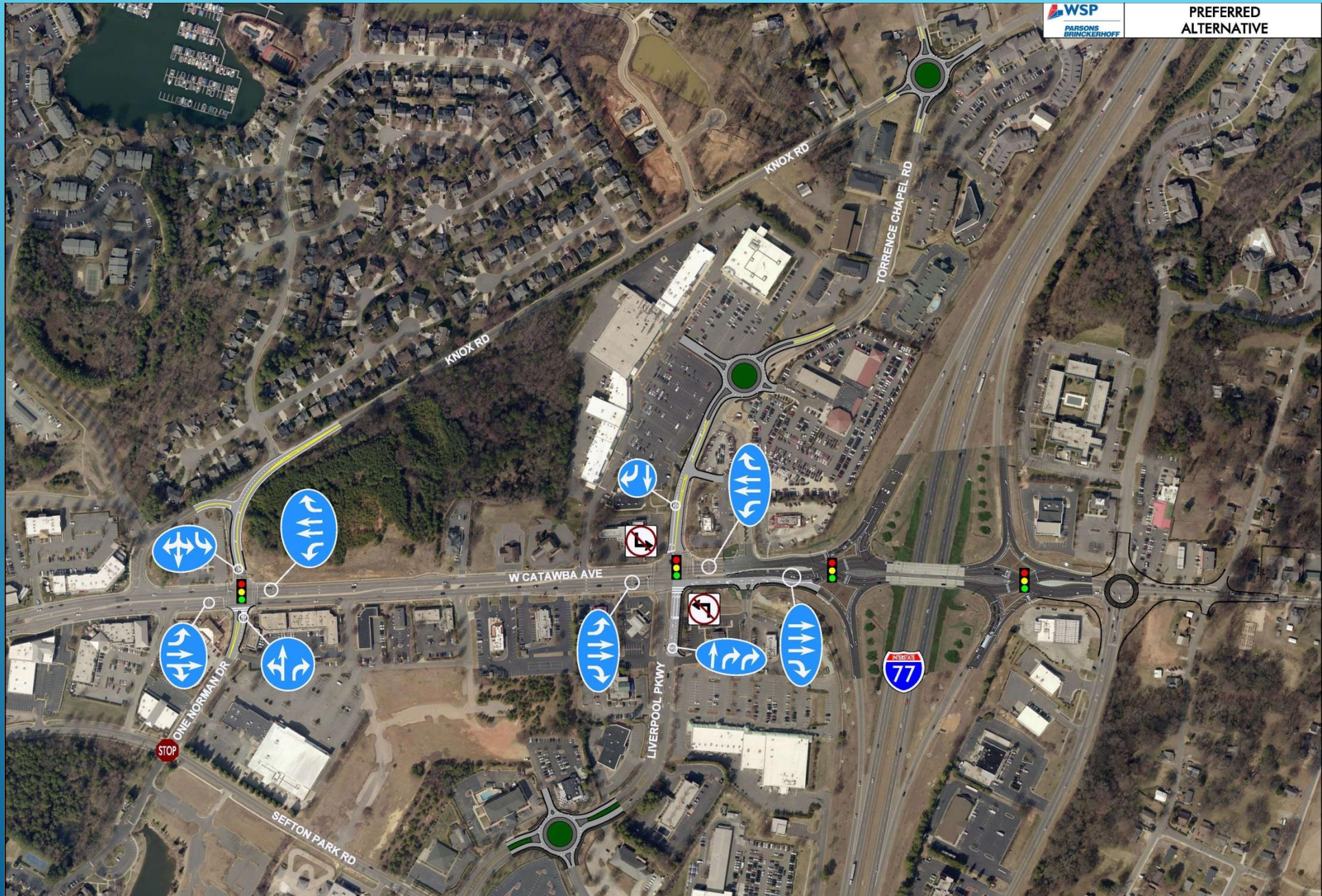
Name:	Description:	Type:
 West_Catawba_Ave.-Torrence_Chapel_Rd._Conversion.pptx	NCDOT Intersection Improvement Update	Presentation

WEST CATAWBA AVE./TORRENCE CHAPEL RD. IMPROVEMENT PROJECT

Town Board Update: March 20, 2017

RECAP

- 2016 - NCDOT and Stakeholder Committee studied multiple options and developed Preferred Alternative
 - January 17, 2017 - NCDOT presented to Town Board Preferred Alternative
 - Primary concern was removal of left turns from southbound Torrence Chapel Rd.
 - Town has continued discussion with NCDOT about retaining left turns
 - Compromise has been achieved
- 



DELAY REMOVING LEFT TURNS

- Construct all the improvements identified in the Preferred Alternative design; however, still allow left turns for southbound Torrence Chapel Rd. and northbound Liverpool Pkwy.
 - Left turns will remain current maximum green time (17 seconds for Torrence Chapel, 11 seconds for Liverpool)
- Establish a baseline traffic count for West Catawba adjacent to Torrence Chapel Rd., and continue to take counts annually
 - Average Annual Daily Traffic (AADT)
 - Town and NCDOT to work out a mutually agreed to means of Town confirming counts
- Historically, traffic has been growing at this location by approximately 1% per year for the past 4 years (2012-2016). Growth for the preceding 10 years (2002-2012) has been approximately 2% per year.

DELAY REMOVING LEFT TURNS

- Gradual step-down of left-turn green time
 - When traffic has grown 5%, maximum green time will be reduced (12 seconds for Torrence Chapel, 9 seconds for Liverpool); possibly 5 years @ 1%/year growth (~2025, if project is constructed in 2019 and opened in 2020)
 - When growth is at 7.5%, max green time will be reduced (7 seconds for Torrence Chapel, 7 seconds for Liverpool); possibly 7 to 8 years @ 1%/year growth (~2027 – 2028)
 - When growth is at 15%, left-turns will be eliminated; possibly 15 years @ 1%/year growth (~2035)

DELAY REMOVING LEFT TURNS

- At the time of 15% growth, there will need to be some minor construction that needs to occur to allow for the conversion. Town is responsible for this cost, currently estimated at \$50,000.
- Town/NCDOT may consider making bike/ped improvements to Knox Rd. at the time of the conversion.
- Notes
 - NCDOT reserves its standard right to make adjustments to the timing, as a result of unforeseen safety issues
 - NCDOT will immediately start moving down this path of designing the Preferred Alternative (retaining left turns, but design for easy future conversion)
 - Town and NCDOT will need to execute a Municipal Agreement in the near future

BENEFITS TO CONVERSION APPROACH

- Constructs practically all the Preferred Alternative improvements utilizing funds currently available. Funds will disappear if not used.
- Without the project, NCDOT can and will ultimately remove the left turns at Torrence Chapel and Liverpool if backups are consistently into I-77. If this occurs, there won't be any funds to construct the improvements to make traveling without left-turns more palatable.
- Gradually reducing the left-turn green time will allow time for drivers to adjust to the new infrastructure, utilizing other patterns for travel.
- At 1% growth per year, possible that left-turns will be retained for 15 years after the project is complete (~2035).
- At conversion, there will be significant improvement at the West Catawba/Torrence Chapel intersection, including benefits to the DDI and future 21 Roundabout.