



Lewisville Town Council
Regular Meeting Agenda
April 10, 2025 – 6:00 PM
Lewisville Town Hall 1st Floor Council Chambers
6510 Shallowford Road

1. Call to Order:

- A. Roll Call
- B. Invocation – Council Member Ken Sadler
- C. Pledge of Allegiance – Mayor Pro Tem Melissa Hunt
- D. Adoption of Agenda

2. Consent Agenda

- A. Resolution 2025-011– Financial statements for eight months ended February 28, 2025 ([Attachment #1](#))
- B. Approval of Agenda Briefing minutes – March 6, 2025 ([Attachment #2](#))
- C. Approval of Regular Meeting minutes – March 13, 2025 ([Attachment #3](#))

3. Introductions, Recognitions, Presentations and/or Proclamations

- A. Recognition
 - i. Chad Conger, Willow Run MSD Board
 - ii. Holli Conger, Public Art Committee
 - iii. Tom Lawson, Planning Board
 - iv. Debbie Stokes, Parks & Recreation Committee
- B. Presentations
 - i. Sheriff's Office
 - ii. 2025-2026 Budget message – Town Manager Tolbert

4. Public Forum

- A. Residents should register with the Town Clerk and limit their comments to three (3) minutes.
- B. Written comments are also available.

5. New Business

- A. Ordinance 2025-008 – Amending Budget Ordinance 2024-001 – Paving - \$78,760 ([Attachment #4](#))
- B. Resolution 2025-012 – Award paving contract to Yadkin Valley Paving, Inc. - \$488,000 ([Attachment #5](#))
- C. Resolution 2025-013 – Personnel Policy ([Attachment #6](#))
- D. Resolution – Opposing changes to local planning and zoning by the North Carolina General Assembly

6. Administrative Reports

- A. Upcoming events and closings
 - i. Town Offices closed for Easter observance, April 18
 - ii. Bulky item pickup, April 28
 - iii. UDO public engagement session, May 14, 5:30-7:30 PM, Town Hall
- B. Clerk report
 - i. Budget work sessions
 - a. April 14, April 21, April 24 (after briefing), May 15
 - ii. May agenda briefing, April 24, 6 PM
 - iii. Board & Committee Collaboration Session – May 28, 5:30-6:30 PM, Town Hall
 - iv. Volunteer Appreciation Event – May 28, 6:30 PM, Town Hall

7. For the Good of the Order

A. Public Comments

- i. Residents should limit their comments to three (3) minutes.
- ii. Written comment forms are also available.

B. Council Comments

8. Adjournment



**RESOLUTION 2025-011 OF THE LEWISVILLE TOWN COUNCIL
ACCEPTANCE AND APPROVAL OF MONTHLY DISBURSEMENTS**

WHEREAS, the Finance Officer has presented the Town Council with the Revenue Statement Summary and the Encumbrances and Expenditure State Summary of figures for the eight months ended February 28, 2025; and

WHEREAS, the Finance Officer did not report any unusual expenditures.

NOW, THEREFORE BE IT RESOLVED THAT the Lewisville Town Council accepts the Revenue Statement Summary and the Encumbrances and Expenditure Statement Summary for the eight months ended February 28, 2025 and incorporated herein.

Adopted this the 10th day of April 2025 by the Lewisville Town Council.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk

**Town of Lewisville
Financial Budget to Actual Report - General Fund
Eight Months Ended February 28, 2025**

General Fund

Revenues	Budget	Revenue Year to Date	Revenue Over (Under) Budget	Percentage Collected
Property Tax Collections	\$ 3,770,165.00	\$ 3,543,276.11	\$ (226,888.89)	93.98%
Sales Tax Revenue	1,289,255.00	639,206.06	(650,048.94)	49.58%
Other Revenues	1,774,885.00	1,044,173.60	(730,711.40)	58.83%
Transfer from ARPA Special Revenue Fund	-	374,752.23	374,752.23	-
Subtotal	6,834,305.00	\$ 5,601,408.00	\$ (1,232,897.00)	81.96%
Appropriation from Fund Balance	467,775.00			
Total	\$ 7,302,080.00			

Departments	Budget	Expenditures Year to Date	Encumbrances Year to Date	Unencumbered and Unspent Balance	Percentage of Budget Spent or Encumbered
Governing Body	\$ 314,272.00	\$ 142,098.43	\$ 7,979.76	\$ 164,193.81	47.75%
Administration	1,030,582.00	603,126.05	46,381.05	381,074.90	63.02%
Finance	309,693.00	204,288.72	1,650.00	103,754.28	66.50%
Debt Service	225,200.00	225,200.00	-	-	100.00%
Planning & Zoning	381,060.00	138,001.40	75,569.18	167,489.42	56.05%
Beautification	130,956.00	94,501.98	34,047.00	2,407.02	98.16%
Community Policing	1,035,720.00	522,775.67	489,710.45	23,233.88	97.76%
Public Works	542,575.00	327,377.65	22,420.44	192,776.91	64.47%
Streets	371,194.20	175,246.67	54,157.51	141,790.02	61.80%
Powell Bill	466,430.00	18,200.00	9,750.00	438,480.00	5.99%
Storm Water	231,157.00	58,845.75	134,764.58	37,546.67	83.76%
Solid Waste	1,605,860.00	837,967.40	-	767,892.60	52.18%
Recycling	6,772.80	5,466.84	-	1,305.96	80.72%
Parks and Recreation	386,781.00	173,269.54	17,286.63	196,224.83	49.27%
Transfers to Willow Run MSD Special Revenue Fund	263,827.00	-	-	263,827.00	0.00%
Transfers to Capital Projects Funds	-	-	-	-	-
Transfers to Capital Reserves	-	-	-	-	-
Total	\$ 7,302,080.00	\$ 3,526,366.10	\$ 893,716.60	\$ 2,881,997.30	60.53%

General Fund Balance 7/1/2024	\$ 7,426,640.07
Year-to-Date Increase (Decrease) FY 2024-2025	2,075,041.90
General Fund Balance 2/28/2025	<u><u>\$ 9,501,681.97</u></u>

Town of Lewisville
 Financial Budget to Actual Report - Willow Run Municipal Service District
 Eight Months Ended February 28, 2025

Willow Run Municipal Service District

Revenues	Budget	Revenue Year to Date	Revenue Over (Under) Budget	Percentage Collected
Revenues	\$ 75,016.00	\$ 75,033.41	\$ 17.41	100.02%
Transfers from General Fund	263,827.00	-	(263,827.00)	0.00%
Subtotal	338,843.00	\$ 75,033.41	\$ (263,809.59)	22.14%
Appropriation from Fund Balance	192,872.00			
Total	\$ 531,715.00			

	Budget	Expenditures Year to Date	Encumbrances Year to Date	Unencumbered and Unspent Balance	Percentage of Budget Spent or Encumbered
Expenditures	\$ 531,715.00	\$ 23,424.70	\$ 17,500.00	\$ 490,790.30	7.70%
Total	\$ 531,715.00	\$ 23,424.70	\$ 17,500.00	\$ 490,790.30	7.70%

MSD Fund Balance 7/1/2024	\$ 249,781.03
Year-to-Date Increase (Decrease) FY 2024-2025	51,608.71
MSD Fund Balance 2/28/2025	<u><u>\$ 301,389.74</u></u>

Town of Lewisville
February 28, 2025

Capital Reserve Funds					
	Fund Balance 7/1/2024	Transfers In	Transfers Out	Investment Earnings	Fund Balance 2/28/2025
Sidewalks, Bike Paths, and Greenways Capital Reserve	1,388.16	-	-	44.44	1,432.60
Municipal Buildings/Land Capital Reserve	142,522.09	-	-	4,562.41	147,084.50
Parks & Recreation Capital Reserve	331.15	-	-	10.60	341.75
Total	\$ 144,241.40	\$ -	\$ -	\$ 4,617.45	\$ 148,858.85

American Rescue Plan Act Special Revenue Fund	
American Rescue Plan Act funding received	\$ 4,024,471.50
Transferred to General Fund to reimburse for general government services - revenue replacement - FY 2021-2022	(1,208,168.14)
Transferred to General Fund to reimburse for general government services - revenue replacement - FY 2022-2023	(1,105,602.57)
Transferred to General Fund to reimburse for general government services - revenue replacement - July 1, 2023 through June 30, 2024	(1,335,948.56)
Transferred to General Fund to reimburse for general government services - revenue replacement - July 1, 2024 through November 30, 2024	(374,752.23)
Investment earnings	173,825.57
American Rescue Plan Act Special Revenue Fund - Cash Balance 2/28/2025	\$ 173,825.57

Town of Lewisville
February 28, 2025

Capital Projects Funds - Since Inception									
Project	Revenue	Expenditures	Transfers In	Transfers Out	Investment Earnings	Loan Proceeds	Fund Balance 2/28/2025	Budget	
Gateway Project Capital Project	2,883,206.28	(3,811,320.76)	1,810,901.90	-	135,014.66	-	1,017,802.08	\$ 4,094,108.90	
Community Center Capital Project	100,000.00	(4,796,462.80)	2,947,137.00	-	24,074.53	2,000,000.00	274,748.73	\$ 4,947,137.00	
Roundabout at Lewisville-Vienna Road and Robinhood Road Capital Project	602,657.65	(1,055,659.47)	560,297.00	-	56,207.66	-	163,502.84	\$ 2,801,485.00	
Jack Warren Park Improvements	125,526.24	(416,699.85)	672,049.00	-	41,910.56	-	422,785.95	\$ 672,049.00	
Lewisville-Vienna Multipurpose Path	-	-	353,291.00	-	28,306.39	-	381,597.39	\$ 1,766,453.00	
Shallowford Road CMAQ Sidewalk	-	-	262,933.00	-	17,543.83	-	280,476.83	\$ 1,446,134.00	
Great Wagon Road Improvements	-	-	1,924,545.62	-	85,583.99	-	2,010,129.61	\$ 8,141,999.34	
Public Works Facility	-	(713,310.92)	899,325.47	-	18,343.50	-	204,358.05	\$ 1,000,000.00	
Total	\$ 3,711,390.17	\$ (10,793,453.80)	\$ 9,430,479.99	\$ -	\$ 406,985.12	\$ 2,000,000.00	\$ 4,755,401.48	\$ 24,869,366.24	

Lewisville Town Council
Briefing and Action Meeting Minutes
March 6, 2025 – 6:00 PM
Lewisville Town Hall 2nd Floor Conference Room
6510 Shallowford Road

1. Call to Order:

- A. Mayor Horn opened the meeting at 6:00 PM. In attendance were Mayor Mike Horn, Mayor Pro Tem Melissa Hunt and Council Members Ivan Huffman, Monte Long and Jane Welch. Also attending were Town Manager Stacy Tolbert, Town Clerk Dora Moore, Finance Director Pam Orrell, Public Works Director Jon Hanna, Planning Director Lynn Cochran and Town Attorney Elliot Fus.
- B. Adoption of Agenda – Council Member Huffman moved to approve the agenda as amended to include appointment of CityVision voting delegate. The motion was seconded by Council Member Long and approved unanimously.

2. Items Requiring Council Direction

- A. Board and committee report clarification – Council shared their desire to have committee chairs attend annual Council Retreat and give a report. However, board and committee chairs have a standing invitation to make presentations to Council as the board or committee.
- B. Shred event – The Environmental Conservation and Sustainability Committee was requested to determine if there is a community need for the Town to host a shred event.
- C. Spring 2026 community event – Manager Tolbert shared an idea to hold a 2026 community event. It is proposed the event would combine several committee events such as Earth Day, Clean Sweep and more. The Town desires to see successful community events and hopes combining events would be beneficial. Council consensus was given to plan a 2026 event working with committees on logistics.
- D. Artwork showing request – Clerk Moore shared a request by the Lewisville Garden Club to showcase their annual Art in Bloom at Mary Alice Warren Community Center April 23-25. Council consensus was to approve the request. Council also directed that these requests be reviewed and approved by staff, instead of Council, once approved by Public Art Committee.
- E. CityVision voting delegate – Council consensus was for Mayor Horn to serve as the CityVision voting delegate.

3. Items Requiring Action at Briefing

- A. Council vote to fill unexpired term of Council Member Julia Puckett – Mayor Horn shared the process of which the Council subcommittee received and recommended candidates for the unexpired term of Council Member Julia Puckett. The subcommittee consisted of Mayor Horn, Mayor Pro Tem Hunt and Council Member Huffman. Council voted by ballot and Tom Lawson was selected by a vote of 4-2 to fill the unexpired term.

	Bo Houff	Fred Franklin	Tom Lawson	Bob Stebbins
Horn			1	
Huffman	1			
Hunt			1	
Long		1		
Sadler			1	
Welch			1	
TOTAL	1	1	4	0

- B. I'm One of the Reasons Lewisville is a Great Place to Live nomination – Mayor Horn recommended Barbara Campbell receive the *I'm One of the Reasons Lewisville is a Great Place to Live* award. He touted her support of the Town by serving on Town committees including Community Center and Public Art. Council consensus was to award this at the April meeting. *(Nomination form is herein incorporated into the minutes.)*
- C. Roundabout art placement – Manager Tolbert shared that after additional discussions among staff and logistical concerns, staff recommends placing the potentially donated artwork in the Lewisville-Vienna/Robinhood Road roundabout. It would be easier to place the art in a newly formed area rather than retrofitting an existing area and extends art to another area of Town. Staff will discuss this more with the artist and donator in the coming weeks. Council consensus was to pursue this idea.

4. **Administrative Reports**

A. Town Manager

- i. Classification and pay study – Manager Tolbert will share ideas with Council during budget work sessions related to the compensation and pay study.
- ii. Great Wagon Road update – North Carolina Department of Transportation (NCDOT) awarded the Great Wagon Road project to Branch Civil, who recently completed the Town's Gateway project. The bid was \$19 million which is under the engineer estimate of \$25 million. Anticipated completion is March 2029. Although this is a NCDOT project, staff will communicate the project to residents as best as they can.
- iii. Clerk retirement – Manager Tolbert shared that Town Clerk Dora Moore has announced her retirement effective June 1, 2025. A formal employment notice will be posted next week. Manager Tolbert hopes to have a 4-6 week overlap whereby Clerk Moore can orientate the new Town Clerk.

B. Clerk

- i. Jack Warren Park Dedication, March 22, 9-11 AM
- ii. Creek Week, March 22-31
- iii. Clean Sweep, March 29
- iv. Earth Day, April 12, 9 AM-2 PM

C. Public Works Director

- i. Paving update – The contractor is finalizing crack sealing and speed hump repaving in the community. Mr. Hanna is developing a paving bid request for the Lewisville Trails neighborhood.
- ii. Ridgecrest tree replacement update – Tree replacements in the Ridgecrest subdivision have gone well; however, weather has delayed new tree plantings.
- iii. Public Works facility update – At the new Public Works facility, staff has stripped floors, etched concrete, repainted walls, installed flooring in the locker and rest rooms and more. Currently, the pricing for HVAC, plumbing and electrical is being finalized. It was noted that estimates have fell within the designated budget.

- D. Planning Director – Mr. Cochran reported all UDO chapter updates are to be completed by the end of March with presentation to Planning Board in April, a resident engagement meeting at Mary Alice Warren Community Center April 22 and recommendations to Council in June.

5. **Tentative Agenda Items for Regular Meeting on March 13, 2025**

A. Consent Agenda

- i. Resolution 2025-009– Financial statements for seven months ended January 31, 2025
- ii. Approval of Council Retreat minutes – January 31, 2025 and February 1, 2025
- iii. Approval of Agenda Briefing minutes – February 6, 2025
- iv. Approval of Regular Meeting minutes – February 13, 2025

- B. Introductions, Recognitions, Presentations and/or Proclamations
 - i. Presentations
 - a. Sheriff's Office
 - 1. Introduction of new officer
- C. Old Business
- D. Oath of Office
- E. Appointments
 - i. Boards
 - a. Planning (Appoint 3)
 - b. Willow Run Municipal Service District
 - i. Area 3 (Appoint 1)
 - ii. At-large (Appoint 1)
 - c. Zoning Board of Adjustment (Appoint 1)
 - ii. Committees
 - a. Parks & Recreation (Appoint 1)
 - b. Public Art (Appoint 7)
- F. New Business
 - i. Resolution 2025-010 – 2024-2025 Audit services contract with Gibson & Company, PA
 - ii. Council committee appointments
 - a. Piedmont Triad Regional Council (PTRC) Alternate
 - b. Special Projects Review Committee

6. **For the Good of the Order**

- A. Mayor Pro Tem Hunt shared recent discussions Council Member Welch and herself had with Reagan and West Forsyth high schools related to youth mentorship. A listening session will be held with local school leaders in March.
- B. Currently, seventy response have been received for the resident survey. Council shared ideas of organizations who could help promote the survey.
- C. Mayor Pro Tem Hunt requested discussion about walking dogs at Shallowford Square be done at the April briefing.

7. **Adjournment** – Council Member Huffman moved to adjourn the meeting at 8:00 PM. The motion was seconded by Council Member Welch and approved unanimously.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk

Lewisville Town Council
Regular Meeting Minutes
March 13, 2025 – 6:00 PM
Lewisville Town Hall Council Chambers
6510 Shallowford Road

1. Call to Order:

- A. Mayor Horn opened the meeting at 6:00 PM. In attendance were Mayor Mike Horn, Mayor Pro Tem Melissa Hunt, and Council Members Ivan Huffman, Monte Long and Jane Welch. Also attending were Town Manager Stacy Tolbert, Town Clerk Dora Moore, Finance Director Pam Orrell, Public Works Director Jon Hanna, Planning Director Lynn Cochran, Communications Specialist Veronica Leasure and Attorney Elliot Fuss. Council Member Ken Sadler was absent.
- B. Invocation – Council Member Jane Welch
- C. Pledge of Allegiance – Mayor Mike Horn
- D. Adoption of Agenda – Council Member Huffman moved to approve the agenda. The motion was seconded by Council Member Long and approved unanimously.

2. Consent Agenda

- A. Resolution 2025-009– Financial statements for seven months ended January 31, 2025
- B. Approval of Council Retreat minutes – January 31, 2025 and February 1, 2025
- C. Approval of Agenda Briefing minutes – February 6, 2025
- D. Approval of Regular Meeting minutes – February 13, 2025

Council Member Welch moved to approve the consent agenda items. The motion was seconded by Council Member Long and approved unanimously. (*Resolution 2025-009 is herein incorporated by reference into the minutes.*)

3. Introductions, Recognitions, Presentations and/or Proclamations

- A. Presentations
 - i. I'm One of the Reasons Lewisville is a Great Place to Live – Mayor Horn presented *I'm One of the Reasons Lewisville is a Great Place to Live* to Barbara Campbell. Mayor Horn shared that Ms. Campbell has served the Town on the Community Center and Public Art committees. He also touted her dedication, and her husband Bob's, to bring the craft culture to the town.
 - ii. Sheriff's Office – No report

4. Public Forum – No one spoke

5. Oath of Office

Tom Lawson was administered the oath of office for Council Member by Town Clerk Dora Moore.

Mayor Horn shared that former Council Member Julia Puckett submitted her resignation effective February 1, 2025. Ms. Puckett performed excellent service to the Town. To fill the vacant Council seat, Council Members submitted names for consideration by a subcommittee consisting of Mayor Horn, Mayor Pro Tem Hunt and Council Member Huffman. Four names were submitted to the Council for their consideration and Tom Lawson was selected.

6. **Appointments**

A. **Boards**

i. **Planning (Appoint 4)**

Planning	Billy Carter, Jr.	Paul Hari	Philip May	Don McClain	Michael Mulligan	Sarah Van Huis	
Horn			1	1	1	1	
Huffman			1	1	1	1	McClain
Hunt			1	1	1	1	
Lawson			1	1	1	1	
Long			1	1	1		McClain
Sadler							
Welch			1	1	1	1	Van Huis
TOTAL	0	0	6	6	6	5	0

- a. Philip May, Michael Mulligan and Sarah Van Huis were appointed to full-terms on the Planning Board.
- b. Don McClain was appointed to fill an unexpired term on the Planning Board.

ii. **Willow Run Municipal Service District**

a. **Area 3 (Appoint 1)**

Willow Run MSD	Jeffrey Rawls
Area 3	
Horn	1
Huffman	1
Hunt	1
Lawson	1
Long	1
Sadler	
Welch	1
TOTAL	6

Jeffrey Rawls was appointed to serve Area 3 of the Willow Run MSD.

b. **At-large (Appoint 1)**

Willow Run MSD	Bob Crippen	Nelson Fulcher
At-Large		
Horn		1
Huffman	1	
Hunt		1
Lawson		1
Long		1
Sadler		
Welch		1
TOTAL	1	5

Nelson Fulcher was appointed to serve At-Large for the Willow Run MSD.

B. Zoning Board of Adjustment (Appoint 1)

<u>Zoning Board of Adjustments</u>	Billy Carter Jr.	Brian Graveley	Ken Wernick
Horn			1
Huffman		1	
Hunt			1
Lawson			1
Long			1
Sadler			
Welch			1
TOTAL	0	1	5

Ken Wernick was appointed to serve on the Zoning Board of Adjustment.

B. Committees

A. Parks & Recreation (Appoint 1)

<u>Parks & Recreation</u>	Billy Carter, Jr.
Horn	1
Huffman	1
Hunt	1
Lawson	1
Long	1
Sadler	
Welch	1
TOTAL	6

Billy Carter Jr. was appointed to fill the unexpired term on the Parks & Recreation Committee.

B. Public Art (Appoint 7)

<u>Public Art Advisory Committee</u>	John Armbruster	Barabra Campbell	Billy Carter Jr.	Elizabeth Miller	Deidre Mullen	Sarah Reece	Daniel Robinson	Rebecca Scherbak
Horn	1	1		1	1	1	1	1
Huffman	1	1		1	1	1	1	1
Hunt	1	1		1	1	1	1	1
Lawson	1	1		1	1	1	1	1
Long	1	1		1	1	1	1	1
Sadler								
Welch	1	1		1	1	1	1	1
TOTAL	6	6	0	6	6	6	6	6

John Armbruster, Barbara Campbell, Elizabeth Miller, Deidre Mullen, Sarah Reece, Daniel Robinson and Rebecca Scherbak were appointed to the Public Art Committee.

7. **New Business**

- A. Resolution 2025-010 – 2024-2025 Audit services contract with Gibson & Company, PA – Mayor Pro Tem Hunt moved to approve Resolution 2025-010. The motion was seconded by Council Member Long and motion passed unanimously. (*Resolution 2025-004 herein incorporated by reference into the minutes.*)

- B. Ordinance 2025-007 – Amending Public Art Advisory Committee Charter – The proposed changes to the Public Art Advisory Committee charter is to eliminate staggered terms. Council Member Huffman moved to approve Ordinance 2025-007. The motion was seconded by Council Member Welch and motion passed unanimously. (*Ordinance 2025-007 is herein incorporated by reference into the minutes.*)
- C. Council appointment considerations
 - i. Piedmont Triad Regional Council (PTRC) Alternate
 - a. Ivan Huffman
 - ii. Special Projects Review Committee
 - a. Melissa Hunt

Council Member Lawson made a motion to approve the Council appointments as presented by Mayor Horn. The motion was seconded by Council Member Long and approved unanimously.

8. Administrative Reports

- A. Upcoming events and closings
 - i. Jack Warren Park PARTF ribbon cutting and dedication event – March 22, 9-11 AM
 - ii. Creek Week, March 22-31
 - iii. Clean Sweep, March 29
 - iv. Resident survey deadline, March 31
 - v. Earth Day, April 12, 9 AM-2 PM
- B. Approvals at the Briefing and Action Meeting on February 6, 2025
 - i. Council accepted resignation of Council Member Julia Puckett
- C. Approvals at the Briefing and Action Meeting on March 6, 2025
 - i. Council appointed Tom Lawson to the unexpired Council seat of Julia Puckett

9. For the Good of the Order

- A. Public comments
 - i. Susan Frey, 165 Will Austin Court, requested a reminder about the resident survey be sent via Lewisville Connect.
- B. Council comments

10. **Adjournment** – Council Member Long moved to adjourn the meeting at 6:25 PM. The motion was seconded by Council Member Welch and motion passed unanimously.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk



TOWN OF LEWISVILLE
 Budget Amendment Ordinance 2025-008
 Amending Budget Ordinance 2024-001

FINANCE DEPARTMENT USE ONLY
Budget Amendment # 10
Pam Orrell, Finance Director

CODE	ACCOUNT DESCRIPTION	AMOUNT	CODE	ACCOUNT DESCRIPTION	AMOUNT
10-00-5650-6210	General Fund - Powell Bill - Paving	\$ 78,760.00	10-00-3990-9000	General Fund - Fund Balance Appropriated	\$ 78,760.00
		\$ 78,760.00			\$ 78,760.00

EXPLANATION: To increase appropriations for street paving and resurfacing out of Powell Bill funds.

RECOMMENDED BY: Pam Orrell, Town Finance Director

Approved and effective upon adoption this the 10th day of April, 2025 by the Lewisville Town Council.

ATTEST:

 Mike Horn, Mayor

 Dora K. Moore, Town Clerk



**RESOLUTION 2025-012 OF THE LEWISVILLE TOWN COUNCIL
AWARDING PAVING CONTRACT FOR STREET PAVING**

WHEREAS, the Town of Lewisville had a pavement condition survey completed on all town roads in August 2003 by US infrastructure of Carolina, Incorporated Consulting Engineers with an update in 2020; and,

WHEREAS, using information from the ranking sheets, it has been determined that milling and resurfacing are needed for in the entirety of Lewisville Trails neighborhood as well as Fair Bluff Drive and Goldfinch Road; and,

WHEREAS, funds to complete the project are appropriated in the 2024-001 Budget Ordinance; and,

WHEREAS, Yadkin Valley Paving, Inc. has bid the best price for this project.

NOW, THEREFORE BE IT RESOLVED THAT THE LEWISVILLE TOWN COUNCIL the Town Manager is authorized to award a contract for milling and paving as specified the entirety of Lewisville Trails neighborhood as well as Fair Bluff Drive and Goldfinch Road with Yadkin Valley Paving, Inc. for an amount not to exceed \$488,000.

Approved and effective this the 10th day of April 2025 by the Lewisville Town Council.

ATTEST:

Mike Horn, Mayor

Dora K. Moore, Town Clerk



**RESOLUTION 2025-013 OF THE LEWISVILLE TOWN COUNCIL
REVISING THE PERSONNEL POLICY**

WHEREAS, the Town Council maintains a Personnel Policy in order to provide for uniform personnel management practices within the Town government; and

WHEREAS, the Personnel Policy is reviewed periodically to determine that policies are stated as intended and reflect current desired practices; and

NOW, THEREFORE, BE IT RESOLVED THAT THE LEWISVILLE TOWN COUNCIL adopts the revised Personnel Policy as presented.

Adopted and effective this the 10th day of April 2025 by the Lewisville Town Council.

Mike Horn, Mayor

ATTEST:

Dora K. Moore, Town Clerk

**TOWN OF LEWISVILLE
PERSONNEL POLICY**

BE IT RESOLVED by the Town Council of the Town of Lewisville that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment of the employees of the Town of Lewisville.

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Article 1. General Provisions

Section 1. Purpose of the Policy

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

Section 2. At Will Employment

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

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

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

Section 3. Merit Principle

All appointments and promotions shall be made solely on the basis of merit. Decisions regarding appointments and promotions are within the Town’s discretion. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual’s race, color, religion, gender, national origin, sexual orientation, political affiliation, marital status, non-disqualifying disability, genetic information, veteran status, age, or on the basis of actual or perceived gender identity or expression.

Section 4. Responsibilities of the Town Council

The Town Council shall be responsible for establishing and approving personnel policies, the position classification and pay plan, and may change the policies and benefits as necessary to promote the hiring and retention of employees, to be administered by the Town Manager. They Council shall make and confirm the appointment of the Town Manager.

The Town Council will prescribe the office hours, workdays, and holidays to be observed by the various offices and departments of the Town.

Section 5. Responsibilities of the Town Manager

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

procedures spelled out in this policy.

The Town Manager shall supervise or participate in:

- a) recommending rules and revisions to the personnel system to the Town Council for consideration;
- b) making changes as necessary to maintain an up to date and accurate position classification plan;
- c) preparing and recommending necessary revisions to the pay plan;
- d) determining which employees shall be subject to the overtime provisions of FLSA;
- e) establishing and maintaining a roster of all persons and authorized positions in the municipal service, setting forth each position and employee, class title of position, salary, any changes in class title and status, and such data as may be desirable or useful;
- f) developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- g) performing such other duties as may be assigned by the Town Council not inconsistent with this Policy.

All matters dealing with personnel shall be routed to the Town Manager, who shall maintain a complete system of personnel files and records. The Town Manager may perform any or all of these duties and responsibilities or assign them to a staff employee. All personnel matters concerning or directly affecting the Town Manager shall be administered by the Town Council.

Section 6. Responsibilities of Department Directors

Department Directors shall meet their responsibilities as directed by the Town Manager, being guided by this policy and other Town ordinances. The Town will require all Department Directors to meet their responsibilities by:

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

Section 7. Responsibilities of Employees

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

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

Section 8. Application of Policies, Plan, Rules, and Regulations

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

Section 9. Definitions

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

- a. Adverse Action: A demotion, dismissal, reduction in pay, layoff, suspension, or undesirable transfer.
- b. Exempt Employee: An employee not subject to the Fair Labor Standards Act (FLSA) minimum wage and overtime provisions.
- c. Full-Time Employee: An employee, either regular or temporary, who is regularly scheduled to work a full-time work week (40 hours per week).
- d. Grievance: Any dispute that arises between an employer and employee, which relates to the implied or explicit terms of employment agreement
- e. Immediate Family: Spouse or domestic partner; parents and grandparents (including step, in law, domestic partner and foster relationships); children and grandchildren (including step, domestic partner and foster relationships); brothers and sisters (including step siblings, in laws, and domestic partner relationships). Defines the term "family member" as a spouse or domestic partner, parents, and children, including biological, adopted, or foster children, a stepchild, a legal ward or a child of a person standing in loco parentis, having a child who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.
- f. Non-Exempt Employee: An employee subject to FLSA minimum wage and overtime provisions.
- g. Part-Time Employee: An employee, either regular or temporary, who is regularly scheduled less than the full-time work week.
- h. Probationary Employee: An employee appointed to a full or part-time position who has not yet

successfully completed the designated probationary period.

i. Regular Employee: An employee who has successfully completed the prescribed probationary periods shall be considered regular. However, all Town positions are at will and subject to budget review and approval each year by the Town Council, and all employees' work and conduct must meet standards of performance and behavior. Therefore, reference to "regular" employees or permanent positions should not be construed as a contract or right to perpetual funding or employment.

j. Temporary Employee: An employee hired to work in a position for a definite duration, but not to exceed twelve (12) months.

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ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose

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

Section 2. Composition of the Position Classification Plan

The classification plan shall consist of:

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

Section 3. Use of the Position Classification Plan

The classification plan is to be used:

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

Section 4. Administration of the Position Classification Plan

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

Department Heads shall be responsible for bringing to the attention of the Town Manager (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, working conditions or other factors which may affect the classification of an existing position.

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 existing class specification shall be revised or reallocated to the appropriate class within the existing classification plan, or the position classification plan shall be amended establishing a new class to which the position may be allocated, subject to budget limitations.

Section 5. Authorization of New Positions

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

Section 6. Request for Reclassification

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

Section 7. Maintenance of the Classification and Pay Plan

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

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ARTICLE III. THE PAY PLAN

Section 1. Definition

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

Section 2. Administration and Maintenance

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

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

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

Section 3. Starting Salaries

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

Section 4. Trainee Designation and Provisions

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

time schedule, must be prepared by the supervisor.

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

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

Section 5. Performance Pay

An annual performance evaluation shall be scheduled for each non-probationary employee in June and become effective in July. Consultation between the employee and supervisor regarding performance at times other than the annual performance evaluation is anticipated and encouraged under this policy and shall be considered to supplement rather than replace the annual performance evaluation.

Employees may be considered for advancement within the established salary range based on the quality of their overall performance. Procedures for determining performance levels and performance pay increases shall be established in procedures approved by the Town. Performance pay is subject to annual appropriation.

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

Section 6. Salary Effect of Promotions, Demotions, and Reclassifications

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

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

within the same classification. If the current salary is within the new range, the employee's salary may be retained at the previous rate if appropriate. If the demotion is the result of discipline, the salary shall be decreased at least 5%. Salaries of demoted employees may be no greater than the maximum of the new range.

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

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

Section 7. Salary Range Revisions

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

Section 8. Transition to a New Salary Plan

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

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

Section 9. Effective Date of Salary Changes

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

Section 10. Overtime Pay Provisions

Employees of the Town can be requested and may be required to work in excess of their regularly scheduled hours as necessitated by the needs of the Town. All overtime work must be approved in

advance by the Town Manager, or other designee, prior to working overtime hours. Employees are not to perform work during any time that they are not scheduled to work unless they receive prior approval from the Town Manager. Working unapproved overtime may result in disciplinary action, up to and including termination.

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

Non-exempt Employees,

Non-exempt employees, as defined by FLSA, are subject to overtime and will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period). Hours worked in excess of 40 shall be compensated at 1 ½ times the employee's regular hourly rate.

An employee must physically work over 40 hours to earn overtime pay or compensatory time. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes.

Whenever practical, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid in accordance with the FLSA.

In lieu of payment, the employee may receive compensatory time off at a rate of one-and-one-half (1 ½) hours for each hour of overtime worked beyond the FLSA established limit to be used as paid time off. Compensatory time off should be used within a reasonable time following its accrual. Employees must use compensatory leave time in advance of using vacation leave to count for time off.

Non-exempt employees may not accrue a compensatory time balance of more than 240 hours. Once a non-exempt employee has accumulated the 240-hour limit for comp time, the employee will receive a monetary payment at the employee's regular rate of pay for each hour in excess of the limit. Any unused compensatory time at June 30th of each year will be paid to the employee at the employee's current hourly rate of pay. Any unused compensatory time will also be paid upon termination at the employee's current hourly rate of pay.

Exempt Employees

Employees in positions determined to be "exempt" from the FLSA may earn compensatory time at the rate of 1 hour for 1 hour of overtime worked. Compensatory time does not convert to vacation or sick leave and ends without compensation upon termination of employment. All compensatory time shall be approved by the Town Manager.

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

Section 11. Payroll Deductions

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

Section 12. Hourly Rate of Pay

Employees working in a part-time or temporary capacity for the Town with the same duties as full-time employees will normally work at a rate in the same salary range as the full-time employees. The hourly rate for employees working 40 hours per week will be determined by dividing the average number of hours scheduled per year (2080) into the annual salary for the position.

Section 13. Acting Assignment Pay

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

Section 14. Holiday Pay

Holidays are equivalent to 8 hours straight-time pay for all regular full-time employees regardless of their typical workweek schedule and are excluded from hours worked in calculating overtime. Benefits-eligible employees required to perform work on a regularly scheduled Town-recognized holiday shall be entitled to take another day off to replace the scheduled holiday. Each hour worked on the holiday earns one hour of time off.

Section 15. Loyalty Bonus

Full-time, regular employees may be compensated for years of service to the Town by payment of a loyalty bonus. The bonus is based on the total number of years of continuous service to the Town and will be issued in a lump sum in the month corresponding with the employee's anniversary date. Employees shall receive the loyalty bonus in an amount of \$1,500.00 every three years (3-year anniversary, 6-year anniversary, 9-year anniversary, etc.).

The continuation of the loyalty bonus as an employee benefit is determined annually and is a part of the budget ordinance.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Statement

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

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

Section 2. Recruitment, Selection and Appointment

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

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

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

Selection. The Town shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position, including criminal history where job-related. Conviction of a crime is not automatically disqualifying. The Town will consider the severity of the crime, degree to which the crime is job related to the job for which the applicant is being considered, and length of time since the conviction to determine the degree to which there is a business necessity for choosing not to hire the applicant. All selection devices administered by the Town shall be valid measures of job performance.

Appointment. Before any commitment is made to an applicant either internal or external, the

Department Head shall make recommendations to the Town Manager including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Town Manager shall approve appointments and the starting salary for all applicants.

Section 3. Probationary Period

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

During the probationary period, the Town Manager or Department Head shall monitor an employee's performance and communicate with the employee concerning performance progress.

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

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

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

Section 4. Promotion

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

- 1) the benefits to employees and the organization of promotion from within;
- 2) providing equal employment opportunity and a diversified workforce to the community; and
- 3) obtaining the best possible employee who will provide the most productivity in that position.

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

Section 5. Demotion

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

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

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ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

The working hours for Town administrative offices are 8:00 a.m. to 5:00 p.m., Monday through Friday, with one hour daily for a meal break. An employee's hours may change depending on the needs of the Town. The employee will be notified at least 24 hours in advance of any temporary changes made to the work hours.

The official workweek for payroll purposes is seven days beginning on Saturday 12:01 AM and ends the following Friday at 12:00 midnight.

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

Section 2. Political Activity

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

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

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

Section 3. Outside Employment

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

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

- a) employment with organizations or in capacities that are regulated by the employee or employee's department; or

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

Any approved outside employment shall follow the below guidelines:

- a) no time during Town working hours shall be used to promote or carry out outside employment; or
- b) no employee shall use any equipment, supplies, or office space owned by the Town for outside employment; or
- c) no employee shall engage in the preparation of any work for any outside employer, as a professional contractor or subcontractor, which will be submitted to any Town or Town-County agency for review, approval, or inspection.

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

Any violation of this policy on outside employment shall be grounds for disciplinary action or dismissal.

Section 4. Dual Employment

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

Section 5. Employment of Relatives

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

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

Section 6. Workplace Harassment Prohibited

It is the policy of the Town of Lewisville to maintain a workplace that is free from harassment and other behaviors that threaten the health, safety, productivity and well-being of its employees and others. The Town of Lewisville prohibits, and will not tolerate, harassment in any form on the basis of race, religion,

color, gender, national origin, sexual orientation, age, veteran status, marital status, political affiliation, non-disqualifying disability, genetic information, on the basis of actual or perceived gender identity, or other protected class. Harassment is defined as conduct that culminates in a tangible adverse employment action or is sufficiently severe or pervasive as to create a hostile work environment.

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

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

- 1) an employee's acceptance or rejection of such conduct explicitly or implicitly forms the basis for an employment decision impacting the employee;
- 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

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

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

Any employee who feels harassed or who knows of, or suspects, the occurrence of forbidden harassment is responsible for informing the Town Manager of the facts regarding such harassment so that management may promptly and thoroughly conduct an investigation. All claims of harassment will be thoroughly investigated. If a claim or complaint concerns a problem with the Town Manager and/or the Town Manager does not rectify the situation the employee may bring the claim or complaint to the Mayor.

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

Section 7. Solicitation and Acceptance of Gifts and Favors

The proper operation of Town government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. Therefore, no official or employee of the Town may willfully receive or accept gifts, favors, discounts, entertainment, or anything of monetary value, at

any time, from vendors or persons who stand to derive some financial benefits from any action or decision of the Town or under circumstances where acceptance may have or may reasonably appear to have a tendency to influence that official or employee in the discharge of duties.

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

Section 8. Safety

Safety is the responsibility of both the Town and the employees. It is the intent of the Town to provide for an ongoing program that assures a safe, healthy work environment for all employees and complies with all safety laws and regulations. To that end, each supervisor shall be responsible for:

1. Providing and ensuring safe work procedures and environments;
2. Investigating accidents and preparing accident reports;
3. Immediately report unsafe work conditions to the Town Manager.

Likewise, each Town employee shall be responsible for:

1. Developing and maintaining safe work habits;
2. Promptly reporting all accidents and injuries;
3. Pointing out what are believed to be dangerous practices and working conditions;
4. Assisting with investigations of accidents;
5. Taking proper care of safety equipment;
6. Wearing proper clothing and avoiding loose sleeves, cuffs, rings, bracelets and long hair around moving machinery; and
7. Knowing the location and use of fire extinguishers, the location of fire exits and the best method for reporting a fire.

In addition to the above provisions, the Town will maintain a safety manual which details safety-related procedures and responsibilities. Employees shall be expected to comply with those provisions. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Section 9. Drug Free Workplace

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

Section 10. Technology Policy

Employees are expected to use Town technology resources responsibly, professionally, and respectfully. An employee's access to technology resources is a function of the business need of their position and is not a general employee benefit. All Town technology resources, electronic communication devices, and all information and records transmitted by, received on, captured by, or stored on technology resources are the property of the Town of Lewisville and, as such, may be monitored, audited and inspected for proper use without advance notice to any user. Employees have

no privacy rights when using Town information technology resources. Information that is stored on or transmitted to or from Town technological resources may be subject to disclosure pursuant to the North Carolina Public Records Law.

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

Employees shall not post organizational logos on personal blogs or online profiles. Employees should exercise professional judgment when posting to avoid publishing defamatory statements regarding the organization and its employees.

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

Section 11. Attendance and Tardiness

The Town depends on employees to provide needed services every day. Regular attendance is mandatory and is part of the work standards for all jobs. Excessive absenteeism or chronic attendance/tardiness problems may lead to disciplinary action up to and including termination. All regular full-time employees, both non-exempt and exempt, are expected to work a 40-hour (or assigned) workweek. Hours worked in excess of a 40-hour workweek by an exempt employee is considered accomplishment of assigned accountabilities for which there is no additional compensation.

Section 12. Lactation Support for Nursing Mothers

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

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

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

Section 13. Use of Tobacco Products

The use of any and all tobacco products is prohibited in Town buildings, vehicles, indoor public spaces, parks, and grounds.

Section 14. Inclement Weather

Employee safety is the primary factor to be considered when determining whether the Town Hall will be closed and personnel dismissed due to inclement weather. If an inclement weather day is declared by the Town Manager during business hours the following practices shall be used for timekeeping and pay:

Event	Employee Action	Pay & Timekeeping
Late Opening	Does not report	Must use comp time, vacation leave, or absence of leave without pay (LWOP) in that order
	Reports to work earlier than announced opening time and remains at work for the remainder of the day	Receives pay for actual hours worked (AHW) + admin leave for the difference between AHW and normal workday
	Reports to work earlier than announced opening time and leaves work prior to normal workday departure time	Receives pay for AHW + comp time, vacation or LWOP (in that order) for hours between the time the employee left work and the end of the normal workday + admin leave to make up to the normal workday. If AHW + comp time/vacation/LWOP hours are equal to or greater than standard workday hours, the employee does not receive admin leave
	Reports to work at late opening time and remains at work for the remainder of the day	Receives pay for AHW + admin leave for the difference between AHW and normal workday
	Reports to work at late opening time and leaves work prior to normal workday departure time	Receives pay for AHW + comp time, vacation, or LWOP (in that order) for hours between the time the employee left work and the end of the normal workday + admin leave to make up to the normal workday. If AHW + comp time/vacation/LWOP hours are equal to or greater than standard workday hours, the employee does not receive admin leave
	Reports later than announced opening	Receive pay for actual hours worked + admin leave for hours between his/her normal workday and delayed opening time + comp time, vacation or LWOP (in that order).
	Is scheduled for vacation or sick leave	Still recorded as vacation or sick leave
Town Offices Closed	Is scheduled to work	Awarded admin leave for the day
	Is scheduled for vacation or sick leave	Still recorded as vacation or sick leave
Early Closing	Does not report	Must use comp time, vacation leave, or absence of leave without pay (LWOP) in that order
	Reports to work and remains at work until early closing	Receives pay for AHW + admin leave for hours between his/her normal workday and early closing. Admin leave not to exceed normal workday hours
	Reports to work, but leaves work earlier than early closing time	Receives pay for AHW + comp time, vacation or LWOP (in that order)
	Is scheduled for vacation or sick leave	Still recorded as vacation or sick leave

Section 15. Workplace Violence Prohibited

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

Section 16. Surrender of Property

An employee who is suspended or discharged shall be required to return all items of equipment and supplies, including uniforms, owned by the Town immediately.

Section 17. Security Inspections

The offices and computers provided for employees are public property. As such they may be subject to search and security inspections by the Town Manager without further consent of the employee. Even when there is a legitimate expectation of privacy, it is necessary to balance that expectation against the Town's need for supervision, control, and the efficient operation of the workplace.

Section 18. Weapons Prohibited

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

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

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

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

All regular full-time employees of the Town are eligible for employee benefits, subject to any waiting period. Regular part-time employees are eligible for pro-rated benefits based on the number of hours worked weekly as well as the stipulations in benefit contracts. Part-time, seasonal employees are eligible only for legally mandated benefits such as workers' compensation and FICA.

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

Section 2. Group Health and Hospitalization Insurance

The Town of Lewisville provides basic medical, dental, life, vision and weekly disability insurance for full-time employees only. Any dependent (spouse, child, or family) insurance must be requested by the employee at which time the employee shall agree to pay 50 percent and the Town shall pay 50 percent of the additional family premium. The Town's participation in the employee's family insurance premium is only applicable to insurance purchased from the Town's insurer. Information concerning cost and benefits shall be available to all employees.

The Federal Government provides Medicare benefits to individuals age 65 and older. The benefits begin the first day of the month that the individual turns 65 years of age. When an employee becomes eligible for Medicare, they may waive their right to participate in the Town's medical plan and request reimbursement for the cost of their medical insurance policy that they have chosen as a supplement to their Medicare benefits. This reimbursement shall be done on a monthly basis.

The amount to be reimbursed will be for the actual monthly cost of the individual's chosen Medicare plan and shall not exceed an amount equal to the Town's monthly cost to insure an employee of the Town under the Town's current medical plan.

Section 3. Life and Accidental Death Insurance

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

Section 4. Retirement

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

“defined benefit plan” meaning that one can count on a guaranteed percentage of your income at retirement. The percentage will depend on your average final compensation, years of service, and the age at the time of drawing benefits.

Section 5. Supplemental Retirement Benefits

The Town provides supplemental retirement benefits by participating in additional retirement programs such as 401(k) and/or 457 plans. Employees have the option to participate in the voluntary supplemental retirement plans and may elect to have additional contributions withheld from paycheck to the extent permitted by law.

The Town’s total financial participation in approved retirement programs for each full-time employee is determined annually and is part of the budget ordinance.

Section 6. Social Security

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

Section 7. Workers' Compensation

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

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

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

During recovery from an accident, an employee may be able to work on light-duty assignments for all or part of the workday. Failure to report to a modified or light-duty assignment may result in disciplinary action and/or the workers' compensation salary supplement may be stopped.

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

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

This provision also applies to reactions to smallpox vaccinations administered to Town employees

under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other workers' compensation claim as regards leave and salary continuation.

Section 8. Unemployment Compensation

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

Section 9. Use of Parks and Recreation Rental Facilities

An employee may reserve a rental facility and use it free of charge for one private usage per fiscal year. The employee will be responsible for the clean-up of the facility after use.

Section 10. Employee Assistance Program

The Town of Lewisville has contracted with the Piedmont Triad Regional Council as a resource for helping you and your family in times of need. The EAP provides free, confidential counseling to employees. The Employee Assistance Program can be accessed by contacting the McLaughlin Young Group by phone at 1-800-633-3353, or 704-529-1428.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the Town is to provide vacation leave, sick leave, and holiday leave to all full-time employees, and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. Part-time regular and temporary employees will receive a pro-rated amount based on the proportion of their scheduled hours divided by the number of hours in the basic workweek.

Section 2. Holidays

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

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

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

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

The holiday is equivalent to a full day's pay for full-time employees. In order to receive a paid holiday, an employee must have worked the day before and the day after the holiday(s) or have been given approved leave.

When an employee is required to work on a holiday, the employee is entitled to take another day off to replace the scheduled holiday. Each hour worked on the holiday earns one hour of time off.

Section 3. Floating Holiday

Employees will earn one floating holiday annually on the anniversary of their employment with the Town in recognition of their continued service. A floating holiday allows employees to have an additional paid day off to use at their discretion for things such as religious observances, parent-teacher conferences, or to supplement vacation or sick leave. The use of floating holidays should be requested in advance. Floating holidays cannot be carried over to the next fiscal year, cannot be cashed out if not taken, and will not be paid upon termination of employment. Days will be equivalent to the employee's normal workday.

Section 4. Holidays: Effect on Other Types of Leave

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

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

Section 5. Vacation Leave

Vacation leave is a privilege granted to employees by the Town. Vacation leave is intended to be used for rest and relaxation, school appointments, and other personal needs. Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the Town. The supervisor will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the Town. Vacation leave accrues from the first day of employment with the accrual rate determined by the length of service.

Section 6. Vacation Leave: Use by Probationary Employees

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

Section 7. Vacation Leave: Manner of Taking

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

Section 8. Vacation Leave: Accrual Rate

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

Years of Service	Days Accrued Per Year
0 – 3 years	10 days
3 – 5 years	12 days
5 – 10 years	15 days
10 – 15 years	18 days
15 + years	20 days

Section 9. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until June 30 of each year. Effective the first payroll in the new fiscal year, any employee with a vacation leave balance in excess of 240 hours shall have that excess balance converted to sick leave so that only 240 hours of vacation are carried forward to July 1 of the new fiscal year. Employees are not eligible to receive pay for excess vacation time not taken at this conversion time.

Section 10. Vacation Leave: Payment upon Separation

An employee who has successfully completed the six-month probationary period will normally be paid for accumulated vacation leave upon separation not to exceed 240 hours carried over from the previous year plus the month to date current year accumulation, provided the employee provides a two-week notice for non-exempt employees, and four-week notice for all exempt employees, to the supervisor. Additionally, the employee must work each scheduled workday during the two or four-week notice

period unless provided an exception by the Town Manager.

An employee failing to give and work the two-week notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the Town Manager when deemed to be in the best interest of the Town. Employees who are involuntarily separated may receive payment for accumulated vacation leave subject to the 240-hour maximum. Employees dismissed for criminal conduct may be determined ineligible to receive vacation pay.

If an employee voluntarily terminates his/her employment with the Town and has been with the Town less than one fiscal year, no accumulated leave will be paid upon termination of employment.

Section 11. Vacation Leave: Payment upon Death

The estate of an employee who dies while employed by the Town shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the 240 hours carried over from the previous year plus the month to date current year accumulation.

Section 12. Sick Leave

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

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

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

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

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

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

Section 13. Sick Leave: Accrual Rate and Accumulation

Sick leave shall accrue at a rate of one day per month of service or twelve 8-hour days per year for full-time employees. Regular part-time employees will accumulate sick leave pro-rated on the number of hours scheduled each month. Temporary employees do not earn sick leave.

Sick leave will be cumulative for an indefinite period of time. All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town.

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

Section 14. Transfer of Sick Leave from Previous Employer

The Town will accept sick leave balances when documented by a previous employer when the employee worked for a previous employer covered by the State or Local Government Retirement System and the employee did not withdraw accumulated contributions from that employer when leaving employment. The sick leave will be treated as though it were earned with the Town of Lewisville. The sick leave amount must be certified by the previous employer and it is the employee's responsibility to provide documentation from the previous employer within two years of the last working day with the previous employer.

Section 15. Sick Leave: Medical Certification

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

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

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

Section 16. Leave Pro-Rated

Holiday leave, vacation leave, and sick leave earned by regular employees having a workweek or work shift with fewer hours than a 40-hour workweek or 8-hour work shift, shall be determined proportional to the 40-hour employee. This is done so that the same percentage in time off with pay is granted. Calculations are made as follows:

1. The number of hours granted annually to 40-hour employees shall be divided by 2080 hours (the number of hours annually in a 40-hour workweek). This percentage of time off is then applied to the annual number of hours worked by employees with fewer hours than 40 hour per week employees.

2. The proportion obtained is earned and deducted from the employee accrual on an hour for hour basis.

Example: A 40 hour per week employee with 5 years of service is entitled to 120 hours of vacation leave annually (15 days) which is 5.77% of their total time. An employee working 1560 hours annually with 5 years of service is entitled to (1560 x 5.77% = 90) 90 hours of vacation leave annually.

Section 17. Personal Days

Employees may take up to five days each year as Personal Days charged to the employee's sick leave balance. Personal days do not accrue beyond the fiscal year end. The five personal days are part of the twelve days of sick leave earned each year and not in addition to the twelve days earned.

Section 18. Bereavement Leave

An employee may be granted 24 hours of bereavement leave per fiscal year at full pay granted when making funeral arrangements, traveling to and attending the funeral of an immediate family member. The 24 hours of leave are in addition to other vacation and sick leave accruals. Such leave time may not be carried over from one fiscal year to the next. Additional time to settle affairs of the family may be taken with the approval of the department head and should be charged to vacation leave. Leave to attend funerals of other than the immediate family may be granted by the department head and charged to vacation leave or personal days.

Section 19. Family Medical Leave

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

Section 20. Leave of Absence

A regular full-time or part-time employee who has completed the probationary period may be granted a leave of absence without pay typically for up to twelve months by the Town Manager for various reasons including medical leave, sickness/disability of immediate family member, continuing of education, special work that will permit the Town to benefit by the experience gained or the work performed, or for other reasons deemed justified by the Town Manager.

Eligible employees will be required to exhaust their vacation leave, sick leave, and any accrued compensatory time prior to requesting leave without pay.

No benefits are accrued during an unpaid leave of absence. Employees forfeit all holiday pay that occurs during the leave of absence. The employee will reimburse the Town for the cost of health insurance to be paid during the leave without pay if the employee is not on payroll a minimum of ½ the working days of the calendar month. Employees are prohibited from engaging in outside employment during a leave of absence period.

The employee shall apply in writing to their supervisor for leave no later than 30 days prior to the effective date of the leave. The 30-day notice may be waived when in the doctor's opinion the employee must leave their job earlier for medical reasons. The request should include the reason for leave, date expected for beginning leave, duration of leave, and the expected date to return to work. The Town Manager approves any leave of absence request.

The employee is obligated to return to duty within or at the end of the time determined appropriate by

the Town Manager. If the employee decides not to return to work, the supervisor shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested in writing and approved, shall be considered a voluntary resignation. The length of the leave will be determined by the circumstances surrounding the situation and each case will be considered on its own merit.

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

Section 21. Leave Without Pay

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

Section 22. Workers' Compensation Leave

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

- 1) There is a mandatory 7 calendar day waiting period before Workers' Compensation salary benefits begin. For this initial 7-day waiting period, employees may use accrued sick leave, vacation leave, compensatory time, or leave without pay. Beginning on the 8th calendar day following the injury or illness, employees who have not returned to work shall be placed in a Workers' Compensation Leave Without Pay status. Accrued leave cannot be used while in Leave Without Pay status.
- 2) Employees receiving Workers' Compensation benefits will not accrue vacation leave, sick leave or paid holidays and their local government retirement and 401k benefits are not paid during this period. Employees will retain all accumulated sick and vacation leave.
- 3) An employee on Workers' Compensation leave may be eligible for health benefits for three months. After three months the employee may elect to continue health benefits by electing COBRA. Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.
- 4) Upon reinstatement, an employee's salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled during the absence covered by Workers' Compensation benefits.
- 5) After returning to work, employees shall be required to use sick or vacation leave for any additional absences for doctor visits, physical therapy, and other required medical care except where any full or partial workday absence may be eligible for Workers' Compensation payment.
- 6) The Town of Lewisville's personnel policies shall continue to apply to an employee on Workers'

Compensation leave in the same manner as they would apply to an employee who continues to work or is absent while on some other form of leave.

- 7) An employee is prohibited from moonlighting or performing other outside work during any kind of leave including workers' compensation leave.
- 8) The ability to return to work will be assessed individually, on a case-by-case basis. The Town will engage in an interactive process with the employee to carefully analyze whether accommodations requested are reasonable while not creating an undue hardship to the Town. If business necessity requires the Town to fill the position prior to the employee's return to work, the employee will receive priority consideration for qualified job openings for 6 months after their medical release to work.
- 9) Before an employee may return to work from a Workers' Compensation injury at full or light duty, the employee must provide a physician's note or Fitness for Duty certification to his/her supervisor indicating that he/she is released and capable of resuming duties, and what, if any restrictions are in place. The decision to allow an employee back on light duty and to determine the location of the light duty rests with the Town.

Section 23. Military Leave

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

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

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

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

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

Section 24. Reinstatement Following Military Service

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

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

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

Section 25. Civil Leave

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

Section 26. Parental School Leave

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

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

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

Section 27. Administrative Leave

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

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ARTICLE VIII. DISCIPLINARY ACTIONS

Section 1. Policy

Probationary employees who have not attained regular status and temporary employees may be dismissed immediately for unsatisfactory job performance or improper personal conduct violations. There is no right of appeal.

A non-probationary employee may be reprimanded, suspended, demoted or dismissed for improper personal conduct or unsatisfactory performance of job duties, as described in this Article; however, nothing contained herein shall replace, change or modify the employment-at-will status as first stated in Article 1, Section 2 of this policy.

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

Section 2. Procedure

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

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

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

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

Written Warning(s)

A documented discussion of specific work-related concerns indicating unacceptable personal conduct or performance deficiencies will be made with corrective measures to be followed. The receipt of a written warning should be acknowledged in writing by the employee. If the employee refuses to properly acknowledge the receipt of any written warning, the supervisor issuing the written warning shall note the employee's refusal on the employee disciplinary report and have an additional supervisor sign the disciplinary report as a witness to the fact that the employee refused to sign the disciplinary report.

Written Warning with Condition(s) of Continued Employment

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

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

Suspension

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

Demotion

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

Dismissal

The Department Head recommending dismissal shall discuss the recommendation with the Town Manager. The Town Manager shall schedule and conduct a meeting with the employee and the Department Head. In the meeting, the employee should be provided notice of the recommended dismissal, including specific reasons for the recommendation and summarize the information supporting that decision. The employee shall have an opportunity to respond to the proposed dismissal, to refute information supporting the dismissal action and to offer information or arguments to support his/her position. During this meeting, no outside parties may participate. If the employee is dismissed, the Town Manager shall transmit to the employee written notice of the dismissal stating the reasons for the actions and the employee's appeal rights under the Town's grievance procedure.

Section 3. Non-Disciplinary Suspension

During the investigation, hearing or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee when suspension would, in the opinion of the Department Head or Town Manager, be in the best interest of the Town, the employee may be suspended for part or all of the proceeding as a non-disciplinary action. In such cases, the Town Manager may temporarily relieve the employee of all duties and responsibilities and place the employee on unpaid or paid leave for the duration of the suspension. If the employee is reinstated following the suspension such employee shall not lose any compensation or benefits to which otherwise the employee would have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall

not be eligible for any pay from the date of unpaid suspension.

Section 4. Administrative Guidelines

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

(B) Unsatisfactory Job Performance

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

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

1. Demonstrated Inefficiency, negligence, or incompetence in the performance of duties;
2. Physical or mental incapacity to perform duties after reasonable accommodation;
3. Careless, negligent, or improper use of town property, or equipment;
4. Failure to maintain satisfactory and harmonious working relationships with the public and other town employees;
5. Absence without approved leave;
6. Repeated improper use of sick or other leave privileges;
7. Habitual pattern of failure to report to duty at the assigned time and place;
8. Violation of written departmental regulations;
9. Failure to obtain or maintain a current license or certification required by law as a condition for performing the job;
10. Habitual tardiness;
11. Deliberate damage to or destruction of town or private property, or the property of other employees while on duty;
12. Failure to produce work of acceptable quality, quantity or accuracy over a period of time;
13. Sleeping on the job;
14. Repeated or serious incident of unsafe behavior or violation of established safety rules;
15. Failure to report personal injury or damage to Town owned property or equipment;
16. Habitually leaving the job or work area without permission before the end of the of the regular work day;
17. Refusal to accept a reasonable and proper assignment from an authorized supervisor (Insubordination);
18. Violating the privacy of records or property or offices under the responsibility of a fellow employee or supervisor without express permission;
19. Failure to complete work within time frames established in work plan.

(B) Improper Personal Conduct

An employee who engages in a single act of improper personal conduct is subject to dismissal from employment with the Town of Lewisville regardless of whether the employee has previously received a warning of any kind during his/her career with the Town. The following list is illustrative, and is not an exhaustive or exclusive list, of the types of improper personal conduct that will lead to the termination of an individual's employment with the Town:

1. Conviction of a felony or conviction of commission of a crime involving moral turpitude, or of a crime which adversely reflects upon the ability to perform assigned duties;
2. Willful misuse or gross negligence in the handling of Town funds;
3. Willful or wanton destruction to Town property;
4. Conduct which may give the appearance of a conflict of interest or impropriety;
5. Professional misconduct;
6. Falsification of records for personal profit, to grant special privileges, or to obtain employment;
7. Participation in any action that would in any way disrupt or disturb the normal operation of the department, or cause disharmony or strife within the department, division or work unit;
8. Willful or wanton acts that endanger the lives and property of others while on duty with the Town;
9. Possession of unauthorized firearms or dangerous weapons on the job;
10. Stated refusal to perform assigned duties or flagrant violation of work rules and regulations;
11. Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination);
12. Reporting to work under the influence of alcohol or drugs or partaking of such while on duty;
13. Request or acceptance of gifts in exchange for favors or influence;
14. Betrayal of information from official records that are allowed by law or policy to be confidential or to be released by specified persons;
15. Engaging in other employment which represents a conflict of interest or reflects discredit on the town;
16. Willful violations of Federal/State law or regulations or Town policies;
17. Violence or other aggressive, threatening, intimidating, bullying or other disruptive behaviors whether by means of communication devices or by mean of physical visits to the grounds or home of the targeted individual, for the purpose of harassing an individual;
18. Fraud, theft, or other illegal activities;
19. Engaging in any action that would in any way seriously disrupt or disturb the normal operations of the Town;
20. Violation of the Town's policies prohibiting sexual harassment, unlawful discrimination, retaliation, workplace violence, and/or substance abuse;

A Town employee who is guilty of any of the above infractions may be reprimanded, demoted, suspended, or terminated, depending on the severity of the infraction.

ARTICLE IX. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

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

Section 2. Resignation

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two (2) weeks from non-exempt employees and four (4) weeks is expected from exempt employees. Failure to provide minimum notice shall result in forfeit of payment for accumulated annual leave unless the notice is waived upon recommendation of the department head and approval by the Town Manager.

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

Section 3. Reduction in Force

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

Section 4. Voluntary Retirement

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

Section 5. Death

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

Section 6. Dismissal

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

Section 7. Reinstatement

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the department head, and upon approval of the Town Manager. An employee who is reinstated in this manner shall be credited with his or her previously accrued sick leave.

Section 8. Rehiring

An employee who resigns while in good standing may be rehired with the approval of the Town Manager, and shall be regarded as a new employee, subject to all of the provisions of rules and regulations of this Policy. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

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ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

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

Section 2. Grievance Defined

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

Section 3. Purpose of the Grievance Procedure

The purpose of the grievance procedure is to provide a fair and equitable process for an employee to have concerns heard without fear of retaliation when complaints cannot be resolved through more informal discussions. Employees are encouraged to resolve problems informally through normal channels. This policy outlines the Town's process to allow prompt and fair methods of resolving employee problems without reprisal and to create a work environment free on continuing conflicts.

All employees, including supervisors and department heads, are expected to discuss their problems and misunderstandings with their supervisors. Open, two-way communication is a proven factor in reducing and resolving grievances.

The establishment of this procedure shall in no way remove the right of the Town government to do the following, provided, that none of these rights may be exercised in an arbitrary or capricious manner:

- 1) Direct the work of its employees;
- 2) Hire, promote, transfer, and assign employees;
- 3) Demote or dismiss employee for cause;
- 4) Maintain the efficiency of governmental operations;
- 5) Relieve employees from duty because of lack of work or other legitimate reasons;
- 6) Determine the methods, means, and personnel necessary to carry out operations.

Section 4. Grievance Complaints

Complaints filed under this policy will be handled with the utmost confidentiality and should not be shared with others. Information involving complaints will only be disclosed on a limited and need to know basis.

Grievances may be filed regarding complaints on the following:

- 1) Alleged unfair disciplinary actions;
- 2) Acts of retaliation as a result of reporting any actions of violation of Town, State or Federal laws;
- 1) Safety or health matters regarding physical facilities or equipment;
- 2) Alleged unfair treatment by fellow workers or supervisor;
- 3) Allegation of discrimination against any employee on the basis of age, sex, race, color, religion, national origin, disability, political affiliation, sexual orientation, marital status, veteran status, political affiliation, disability, genetic information, on the basis of actual or perceived gender identity or expression, or other protected class.
- 4) Any other grievance related to conditions of employment so long as said conditions are not those established by law or the Town Council.

Section 5. Grievance Procedure

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

Informal Resolution. Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. This is to ensure that the supervisor knows about and has had the opportunity to consider and investigate the problem and to resolve the problem informally before the formal grievance process is initiated. Either the employee or the supervisor may involve the respective Department Head as a resource to help resolve the grievance. Most misunderstandings will be clarified and resolved during this free exchange of viewpoints. In addition, the employee or supervisor may request mediation from a local mediation service or other qualified parties to resolve the conflict, upon approval of the Town Manager. Mediation is the process where a neutral party assists the parties in conflict with identifying mutually agreeable solutions or understandings.

Step 1. If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the Department Head in writing within fifteen calendar days of the event or with fifteen calendar days of learning of the event or condition. The grievance should contain the following: the decision, action, or policy the employee does not agree with, on what basis the action is wrong or unfair, and the proposed resolution the employee is seeking.

The Department Head shall respond to the grievance stating the determination of decision within fifteen calendar days after receipt of the grievance. A copy of the Step 1 response will be sent to the Human Resources Director. The Department Head should, and is encouraged to, consult with any employee

of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent

possible.

Step 2. If the grievance is not resolved to the to the satisfaction of the employee by the Department Head, the employee may appeal in writing to the Town Manager within fifteen calendar days after receipt of the response from Step 1. The Town Manager shall respond to the appeal stating the determination of decision in writing within a period of 21 calendar days after receipt of the appeal. The Town Manager's decision shall be the final decision. The Town Manager should notify the Town Council of any impending legal action.

In the case of Department Head grievances, or other employees where the Town Manager has been significantly involved in determining disciplinary action, including dismissal, the Town Manager may wish to obtain a neutral outside party to act as a mediator to assist in resolving or investigating the conflict. In this event, the Town Manager shall promptly notify the employee in writing of the Town Manager's decision to engage an outside party.

Filing a lawsuit or seeking any other administrative remedy against the Town while one has grievance pending on the same issue will end their appeal under the Town's grievance procedures.

Nothing in this policy is intended to discourage or prevent an employee or former employee from filing a formal charge of discrimination or other illegal action with the appropriate State or Federal agency having jurisdiction.

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ARTICLE XI. RECORDS AND REPORTS

Section 1. Public Information

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

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

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

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

Section 2. Access to Confidential Records

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

- 1) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- 5) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the Town Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no

information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

- 6) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- 7) The Town Manager, with the concurrence of the Town Council, may inform any person of the employment, nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a Town employee, and the reasons for that action. Before releasing that information, the Town Manager shall determine in writing that the release is essential to maintaining the level and quality of Town services. The written determination shall be retained in the Town Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

Section 3. Personnel Actions

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

Section 4. Records of Former Employees

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

Section 5. Records of Applicants

Applicants and other information gathered with respect to an applicant will be kept confidential in accordance with GS 160A-168. The Town will not release this information without written permission from the applicant.

Section 6. Remedies of Employees Objecting to Material in File

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

Section 7. Penalties for Permitting Access to Confidential Records

Section 160A-168 of the General Statutes provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in any

employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes.

Section 8. Examining and/or Copying Confidential Material without Authorization

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

Section 9. Destruction of Records Regulated

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

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ARTICLE XII. TRAVEL

Section 1. Use of Town Owned Vehicle

Where a position requires the driving of a town-owned motor vehicle, the employee must have the appropriate valid driver's license and a good driving record. The Town of Lewisville provides insurance for Town vehicles. Employees are expected to drive safely and courteously and abide by North Carolina laws. The use of tobacco products in the Town vehicle is prohibited. Employees are responsible for reporting changes in the status of their driver's license to the Town Manager.

The use of seat belts is required for all occupants of a Town-owned vehicle, Town equipment where seat belts are provided, and non-Town owned vehicles used for Town of Lewisville business. The operator must ensure that all occupants use seat belts at all times. Vehicles shall not be used for personal business and no one other than Town employees will be transported without authorization of the Town Manager.

In the event of an accident, the driver of a Town vehicle may be subject to drug testing within eight hours of the accident.

Section 2. Vehicle Allowance

Certain positions may require extensive local travel in the conduct of official Town business. Positions identified and approved by the Town Council will be provided a Town vehicle or vehicle allowance. The allowance can be approved at the beginning of each fiscal year or be approved on a case-by-case basis by the Town Council and the allowance rates may be established as a schedule of the annual budget ordinance. Officials receiving a vehicle allowance shall not receive mileage reimbursement when traveling within the state to attend training, seminars, and the like. Employees receiving a vehicle allowance are responsible for providing proof of liability insurance.

Section 3. Seminars and Training

Employee travel to local, state or national seminars and formal training (off site classroom training such as Institute of Government Courses, NCLM sponsored seminars, courses purchased directly by the Town from private or public sources, etc.) must be approved in advance by the Town Manager. Approval for travel is contingent upon the availability of funds and the needs of the Town. A comparison will be made of the different modes of travel (car, plane, etc.) and the most advantageous alternative chosen. Overnight travel allowances and reimbursements will be based on a Lodging Plus Per Diem basis. Authorized travelers will be reimbursed for the full cost of overnight lodging accommodations plus the meal rates established as a schedule to the annual budget ordinance. Partial day per diem will be based on meal rate deductions which will be determined by the time of departure from and return to Lewisville. The departure and return times are 7:00 AM, 12:00 Noon, and 6:00 PM. Departure before these times and return after these times determine if a meal rate should be deducted from the authorized per diem. Meals provided by the sponsor of a conference or meeting will result in the comparable meal rate deduction. The traveler is required to report meals provided or consumed in flight when traveling by air. Employees must complete a Town Travel Reimbursement claim form to obtain a refund. Lodging receipts, airline tickets, and other claims for reimbursement must be attached to the claim form.

ARTICLE XIII. IMPLEMENTATION OF POLICIES

Section 1. Conflicting Policies Repealed

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

Section 2. Separability

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

Section 3. Amendments

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

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

----- End of Policy -----

Adopted Ordinance March 14, 1994; Amendment 1 adopted August 4, 1994;
Ordinance repealed 8 May1997; Adopted Revised Policy May 8, 1997;
Adopted Revised Policy December 14, 2000; Adopted Revised Policy December 13, 2001;
Adopted Revised Policy March 14, 2002
Adopted Revised Policy September 11, 2003
Adopted Revised Policy November 7, 2013
Adopted Revised Policy June 9, 2016
Adopted Revised Policy October 6, 2016
Adopted Revised Policy February 11, 2021
Adopted Revised Policy June 8, 2023