

City of Whiteville Administrative Policy



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Approved by City Manager

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Table of Contents

3	Appendices		List of Appendices
4-5	<i>Appendix</i>	<i>1</i>	Performance Evaluation
6-8	<i>Appendix</i>	<i>2</i>	Background Checks
10-11	<i>Appendix</i>	<i>3</i>	Ethics
12-18	<i>Appendix</i>	<i>4</i>	Travel
19-27	<i>Appendix</i>	<i>5</i>	Drug and Alcohol
28-30	<i>Appendix</i>	<i>6</i>	Social Media
31	<i>Appendix</i>	<i>7</i>	Tobacco Use
32-33	<i>Appendix</i>	<i>8</i>	Shared Leave
34-37	<i>Appendix</i>	<i>9</i>	Workers Compensation
38-43	<i>Appendix</i>	<i>10</i>	Family Medical Leave Act (FMLA)
44-45	<i>Appendix</i>	<i>11</i>	Separation Allowance
46-47	<i>Appendix</i>	<i>12</i>	Employee Service Award Program
48-49	<i>Appendix</i>	<i>13</i>	Presentation of Law Enforcement Badge & Service Weapon at Retirement or Death
50-51	<i>Appendix</i>	<i>14</i>	Presentation of Firefighter's Helmet at Retirement or Death
52-53	<i>Appendix</i>	<i>15</i>	Personal Use of Electronic Devices
54-56	<i>Appendix</i>	<i>16</i>	Workplace Harassment
57-58	<i>Appendix</i>	<i>17</i>	Compensatory Time Pre-Approval Procedure
59-61	<i>Appendix</i>	<i>18</i>	Employee Identification Cards
62-70	<i>Appendix</i>	<i>19</i>	Personnel and Employee Records
71-73	<i>Appendix</i>	<i>20</i>	Guidelines for Establishing Essential/Non-Essential Personnel in Case of an Emergency
74-77	<i>Appendix</i>	<i>21</i>	Conduct of Workplace Investigations
78-79	<i>Appendix</i>	<i>22</i>	Professional Development
80-81	<i>Appendix</i>	<i>23</i>	Workplace Violence Policy
82-83	<i>Appendix</i>	<i>24</i>	Police Officer Training/Equipment Reimbursement
84-90	<i>Appendix</i>	<i>25</i>	Telecommuting Policy and Procedure
91-93	<i>Appendix</i>	<i>26</i>	Pornography on Government Networks & Devices

Appendix 1 – Performance Review Policy

City of Whiteville North Carolina 	Name of Policy: Performance Review Policy		Subject: Performance Appraisal
	Number: WPPA-01	Revisions: 1	Adopted by City Council on July 14, 2015
	Supersedes: July 15, 2015	Effective Date: May 9, 2017	Pages: 2

Purpose

The performance appraisal provides a means for discussing, planning and reviewing the performance of each employee.

Regular performance appraisals:

- A. Help employees clearly define and understand their responsibilities.
- B. Provide criteria by which employees' performance will be evaluated.
- C. Suggest ways in which employees can improve performance.
- D. Identify employees with potential for advancement within the City.
- E. Help Department Heads distribute and achieve departmental goals.
- F. Provide a fair basis for awarding compensation based on merit.

Performance appraisals influence salaries, promotions, and transfers. Therefore, it is critical that Department Heads be objective in conducting performance reviews and in assigning overall performance ratings.

Eligibility

All full and part-time regular employees will be subjected to an annual performance review. All full-time employees may be considered for a merit pay increase providing the funds be allocated within the fiscal budget year allocation.

Procedures

Performance review schedule

Performance appraisals will be conducted on an annual basis. Employees will receive a performance review by April 15 of each year. Merit increases are not guaranteed and will be based on City performance and financials. When provided, a merit increase shall accompany a performance review if the employee's performance and salary level so warrant. The amount of increase should be consistent with the approved merit budget.

Focal increase planning

Overall merit budget allocations and individual merit increases are planned for and allocated prior to the start of each fiscal year pursuant to the approval of City Council. The focal salary increase program is designed to assist the City Manager in planning and allocating merit and promotional increases that:

- A. Reward individual performance.

- B. Is the market competitive.
- C. Are internally equitable.
- D. Are comparable with the City's operating budget.
- E. Are equitably allocated among individual employees and taking into consideration all available factors at one point in time.

Performance reviews—salary increases

Each Department Head is responsible for the timely and equitable assessment of the performance and contribution of subordinate employees. A performance review does not always guarantee a result in which an automatic salary increase occurs. The employee's overall performance and salary level relative to position responsibilities must be evaluated to determine whether a salary increase is warranted. Out-of-cycle salary increases must be pre-approved by the Department Head, HR Director or designee, and City Manager.

Salary equity reviews

The City Manager may request an analysis of an employee's salary at any time. This request should be made to the HR Director or designee who will review the employee's salary/position in comparison to like salaries/positions, including organizations comparable to the City of Whiteville.

Responsibility

Forms provided by the HR Director or designee shall be used and the completed performance evaluation will be retained in the employee's personnel file.

The performance evaluation will be discussed and signed by both the employee and the Department Head to ensure that all strengths, areas for improvement and job goals for the next review period are clearly communicated. Salary increases must be supported by a performance evaluation appraisal for salary change processing. The Department Head shall not discuss any proposed action with the employee until all written approvals are obtained.

The HR Director or designee will review all salary increase/adjustment requests to ensure compliance with the City's policies.

Right to modify policy

The City Manager has the right to change, modify or approve exceptions to this policy at any time with or without notice with the exception of appropriation of funds.

Appendix 2 – Background Checks

City of Whiteville North Carolina 	Name of Policy: Background Check		Subject: Background Check
	Number: WPPA-02	Revisions: 1	Adopted by City Council on July 14, 2015
	Supersedes: July 15, 2015	Effective Date: May 9, 2017	Pages: 3

PURPOSE OF POLICY

The purpose of this policy is to safeguard City assets, employees, volunteers, interns, and City of Whiteville citizens. This policy will assure that prospective employees, volunteers, and interns are an asset to the City and citizens rather than a liability.

RESPONSIBILITIES

It shall be the responsibility of the HR Director or designee, under the direction and final authority of the City Manager, to evaluate criminal background checks within the guidelines as described in this policy. This policy shall provide for fair and unbiased treatment regardless of gender, race, color, disability, national origin, marital status, religion, or other protected class of a candidate. This policy shall comply with the Fair credit Reporting Act, Americans with Disabilities Act, Equal Employment Opportunity Commission guidance, and other federal and state laws.

APPLICANT CRIMINAL BACKGROUND CHECK PROCEDURES:

Communication

The criminal background requirement will be announced on all vacancy announcements through the local newspaper and the City website.

Procedures for Conducting Applicant Criminal Background Checks

All positions (full-time, part-time, and temporary) with the City of Whiteville shall require a criminal background check. Applicants will complete a Criminal Background Check Consent Form prior to the background check being conducted. Refusal to sign the disclosure authorization statement will constitute grounds to discontinue any employment further consideration for that candidate. All background checks will be discussed with the City Manager on an as-needed basis. It shall be the HR Director or designee's responsibility to maintain background check results in a confidential manner. It shall be the responsibility of the HR Director or designee, under the direction of the City Manager, to qualify/disqualify applicants for hire for all City departments with the above exceptions. Should there be a disagreement among the HR Director or designee and the Department Head on the results of a background check, the City Manager shall be the final authority on the matter.

In compliance with G.S. 143B-1209.26, if the position being filled within the Fire Department, the City must require the applicant, if offered the position, to be subject to a criminal history record check conducted by the SBI. These checks must be performed in accordance with G.S. 143B-1209.26, which authorizes the SBI to provide fingerprint-based State and National Repositories of Criminal histories and any addition information required by the SBI.

In compliance with G.S. 160A-164.2(b), if the position being filled requires an applicant for employment to work with children in any capacity, the City must require the applicant, if offered the position, to be subject to a criminal history record check conducted by the SBI. These checks must be performed in accordance with G.S. 143B-1209.26, which authorizes the SBI to provide fingerprint-based state and national criminal record check to cities and counties.

Procedures for Conducting Volunteers Criminal Background Checks

All volunteers are required to complete a criminal background check. Eligible volunteer positions are those such as city interns, coach positions, and other city authorized volunteer positions. Volunteers will complete a Criminal Background Check Consent form prior to the background check being conducted. Refusal to sign the disclosure authorization statement shall constitute grounds to discontinue any further consideration for that person. It shall be the HR Director's or designee's responsibility to maintain background check results in a confidential manner relating to all volunteer positions in the City. It shall be the responsibility of the HR Director or designee, under the direction of the City Manager, to qualify/disqualify applicants for all volunteer positions for all City departments. Should there be uncertainty by the HR Director or designee regarding the information disclosed in the background check, the HR Director or designee will consult with the City Manager and the City Manager shall be the final authority on the matter. Background checks will be conducted on annually for all volunteers as defined in this section. City Council appointed committee members are exempt from criminal background checks.

BACKGROUND CHECK PROCEDURES

All employees/volunteers will be required to report any criminal convictions and/or charges to the HR Director or designee and the Department Head in writing by the end of the following business day, not to exceed 48 hours. If verbal notice is given, the employee/volunteer shall provide a written statement within 48 hours of the convictions/charges. Convictions/charges to be reported include, but are not limited, to detention, criminal summons, civil summons, expired driver's license, warrant for arrest, order for arrest, traffic violations, etc. Minor citations such as expired inspection stickers, expired license plates, warning tickets, parking tickets, improper equipment, or any other non-moving violations shall be excluded from reporting procedures.

Employees, who are promoted, demoted, or transferred to other positions within the City, may be required to have a criminal background check conducted prior to advancing into the position due to its classification. The City shall have the right to perform criminal background checks on any current employee for reasonable suspicion. Based on the

severity of convictions/charges, offenses seven years or older may be alleviated from the disqualification criteria.

Disciplinary Action

Employees/Volunteers failing to report convictions/charges shall be subject to disciplinary/disqualification action up to, including termination. Convictions/charges reported shall be evaluated in terms of the nature of the essential job functions as compared to the convictions/charges so to determine the possibility of continued employment, volunteer engagement, or disciplinary/disqualification action.

Description of Criminal Background Check

A criminal background check shall consist of a review of national criminal records to include convictions and/or charges, felonies, misdemeanors, and traffic violations that may appear. In addition, a United States National Sex Offender Registry search shall be conducted. Maiden names, nicknames, and aliases are also subject to be checked.

Interpretation of Criminal Background Checks

The final determination to qualify/disqualify a background check shall be made by the HR Director or designee and the City Manager. Disqualifying information is identified based upon the nature of convictions/charges as compared to the essential functions in the job and the associated risks, dates of convictions/charges, and the candidate's record since the date of the conviction. Professional discretion and consistent application will be used to ensure that only job-related disqualifications occur.

Examples of disqualifying criteria include, but are not limited to:

- Embezzlement or fraud conviction of an accountant applicant;
- Sexual harassment judgment against a supervisory candidate;
- Drunk-driving convictions against an individual whose essential job functions require the operation of a motor vehicle.

Based on the severity of convictions/charges, offenses seven (7) years or older may be alleviated from the disqualification criteria.

Notification of Disqualification and Appeal Procedures

In the event that disqualifying information is revealed during the background check process, applicants shall be notified in writing that the Conditional Offer of Employment is being withdrawn. Applicants shall have the right to appeal the disqualifying decision to the City Manager in writing within five (5) business days from the date of receipt of the City's letter withdrawing its letter of conditional offer of employment.

Employees/Volunteers will be notified in writing of any criminal convictions/charges. They shall have the right to appeal any disciplinary action or employment decisions related to convictions/charges by using the guidelines established in the City's personnel policy, Article IX - Grievance.

Record Keeping

Evidence that a background check was conducted, date and type of background check, and a sufficient record of a disqualifying outcome shall be maintained. A copy of the

disqualification notification to the applicant and the background check record shall be placed into the custody of the HR department for proper records retention and disposition. Evidence of a background check that results in an employee/volunteer being approved for hire/volunteer appointment and shall be filed separate and maintained from their personnel file. All records created by the conduct of background checks shall be maintained and disposed of in accordance of the City's Records and Retention Schedule as adopted by City Council.

Appendix 3 – City Employee Code of Ethics

City of Whiteville North Carolina 	Name of Policy: Code of Ethics		Subject: Code of Ethics
	Number: WPPA-03	Revisions: 1	Adopted by City Council on July 14, 2015
	Supersedes: July 15, 2015	Effective Date: May 9, 2017	Pages: 2

Purpose

The purpose of this Code of Ethics policy is to establish guidelines for ethical standards of conduct for City employees and to provide guidance in determining what conduct is appropriate in particular cases. This code should not be considered a substitute for the law or for a City employee's best judgment. The City of Whiteville upholds, promotes, and demands the highest standards of ethics from all City representatives, including employees, appointed members of boards, and commissions. City representatives should maintain high standards of personal integrity, truthfulness, honesty, and fairness in carrying out public duties; avoid any improprieties in their roles as public servants including the appearance of impropriety; and never use their position or power for improper personal gain. In establishing an ethics policy, the City of Whiteville desires to protect the public against decisions that may be affected by undue influence, conflicts of interest, or any other violation of these policies as well as promote and strengthen the confidence of the public in their governing body. The policies on ethics are inclusive of the City of Whiteville Personnel Policy and the North Carolina General Statutes.

Scope

The application of this Code of Ethics attaches to all City of Whiteville paid employees and those who serve the City in volunteer positions. This Code of Ethics does not attach to elected officials of the City Council. The City Council adopted a Code of Ethics for Elected Officials by resolution on June 8, 2010.

Intent

The City expects employees to treat its citizens with courtesy and respect. Employees must avoid actual and potential conflicts between private self-interest and the public interest.

Prohibited Conduct

No City representative should behave in a manner that will bring discredit to the City; therefore, they shall observe and follow high ethical and moral standards in the performance of their public service.

The following is considered violations of this policy, the Code of Ethics:

- A. Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties

or would tend to impair independence of judgment and action in the performance of official duties.

- B. Have a financial interest as owner, member, partner, officer, employer, stockholder or of other participant in a private business or professional enterprise that will be affected by the outcome of any matter under consideration before you in your capacity as an employee.
- C. Have such interest in any matter that may be adverse to the public interest in the proper performance of duties or if have an interest in speculative or investment activities that shall benefit from use of confidential information gained from employment with the City.
- D. Use city-owned property, either real or personal, in any business venture or enterprise that results in private gain, monetary, or otherwise.¹
- E. Use or disclose confidential information concerning the property, government, or affairs of the city for the purpose of advancing financial or other private interest or that of others.
- F. Accept valuable gift, favor or anything of value, whether in the form of service, loan, material thing, or promise, from any person who to your knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City.²
- G. Accept any gift, favor or thing of value that may tend to influence in the discharge of duties or tend to influence you in granting any improper service, favor, or thing of value. (If it is impossible or inappropriate to refuse a gift, surrender it to any appropriate public or charitable institution.)
- H. Appear before the council or any board, commission, department or agency of the City in behalf of private interests in any matter, which will be in conflict with your duties. The employee may appear before the City agencies in the course of the performance of civic obligations whenever no retainer, compensation, or gifts shall be accepted in connection with such representation.

Employees concerned that any of the above conflicts of interest may result from their position with the City or any outside employment in which they may be involved, they should ask for an opinion from the City Manager. Employees will need to submit their request for an opinion in writing to the City Manager's office.

¹ NCGS 14-234

² NCGS 14-234

Appendix 4 – Travel

City of Whiteville North Carolina 	NAME OF POLICY: Travel		SUBJECT: Travel Policy for Elected Officials and City Employees	
	Number WPPA-04	Revisions 3	Board's Approval Date July 14, 2015	
	Supersedes August 28, 2012 January 23, 2013	<i>Effective Date</i> <i>July 15, 2015</i>		Pages: 7

1.0 Purpose

To establish uniform provisions for reimbursement of necessary expenses of all City employees, to include elected officials, who are required to travel within or outside the county boundaries. Purpose of the travel is representing the City at meetings and professional associations, as well as for training so to enhance their skills regarding the performance of their duties as employees and elected officials for the City. For the purposes of this policy, “staff” or “employee” includes all elected officials (unless otherwise specified) and all classes of city employees.

When it is necessary or desirable for employees to travel to participate in a meeting, conference, workshop, and seminar or otherwise conduct the City’s business, the City will bear necessary and reasonable expenses relating to these activities.

1.1 Intent

This policy is intended to address travel, meeting, and educational expenses for City employees when traveling on City business. However, as this policy pertains to elected officials, it is not intended to replace allowances given to elected officials as a condition of their position.

1.2 Reporting

The Board is responsible for the administration of the provisions of this policy. It is also the Board’s responsibility to determine if travel is necessary and reasonable and to set standards for reimbursement. Each year as part of the annual budget process, the Board shall establish the annual travel and training budget for the elected officials.

Relating to elected officials, no member of management shall be responsible for the prior review or approval of travel request submitted by elected officials with the exception of the Finance Director who shall be responsible for pre-audit as to the availability of funds for the requested travel. The Mayor shall approve all travel requests for the City Manager.

The City Manager shall approve all travel requests for Department Heads and their subordinates upon the recommendation of the Department Head. All travel requests submitted to the Manager shall be accompanied by supporting documentation for the

requested travel such as an agenda for the meeting/conference, a registration packet, a description of the program, or a combination thereof.

1.3 Credit Cards

Whenever possible, municipal issued credit cards shall be used rather than reimbursement to ensure that the most accurate records are provided to the City. All credit card transactions must adhere to adopted purchasing policies and established departmental procedures.

1.4 AUTHORIZED Travel Modes

Privately Owned Vehicle – Reimbursement for expenses will be limited to the prevailing rate allowed by the Internal Revenue Service for business mileage.

Either for personal preference or for the benefit of the City, an elected official may take his/her personal auto for out-of-state travel when transportation by other means would be more economical. In those cases, reimbursement will be limited to the prevailing rate allowed by the Internal Revenue Service for business mileage or equivalent airfare whichever is less.

Public Transportation/Rental Vehicles – Public transportation may be used; elected officials shall use his or her best judgment and employees shall obtain prior approval from the City Manager. Reimbursement will be for the actual cost incurred. Reimbursement for air, rail, or bus fare is limited to business or coach fare, substantiated by receipt(s).

City Owned Vehicles – Whenever possible, employees are encouraged to travel in city vehicles.

1.5 Types of Travel Authorized For Elected Officials

Local Travel – Elected officials, who by the normal nature of their duties, are required to travel regularly within the City using their personal vehicle. Any elected official receiving a Travel Allowance shall not be paid local travel when that travel is associated with the duties of the individual.

Special Local Travel – Elected officials, who in the interest of the City Council, travel to training sessions, conferences, meetings, etc. within the City/County, may be reimbursed for meals that are in connection with or are part of the travel, meetings, etc.

Travel Outside the City/County – Travel expenses outside the City/County for City purposes or purposes in the best interest of the City Council, for training, conferences, professional meetings, etc. may be reimbursed to the limits of this policy, for:

- a) Transportation
- b) Meals
- c) Lodging
- d) Registration fees
- e) Other items approved by city council

1.5.1 Types of Travel Authorized For City Employees

Local Travel – City employees, who by the normal nature of their duties, are required to travel regularly within the City using their personal vehicle.

Special Local Travel – City Employees, who in the interest of the City Council, travel to training sessions, conferences, meetings, etc. within the County to include up to a radius of 150 miles outside of the city limits, for the purposes of attending meetings and non-registration training session shall be reimbursed for:

- a) Meals that are in connection with or are part of the travel, meetings, etc.
- b) Actual mileage incurred, reimbursable at the established published IRS rate should the employee's personal vehicle be used.

This special local travel does not require prior approval from the City Manager; however, notification of the impending meeting/training to the City Manager is required.

1.6 Travel Notice and Travel Advance

For “Travel Outside the City/County” employees are to prepare a Travel Advance/Notice Form identifying their preferred travel dates, and an estimate of official business related travel expenses such as transportation, event-related lodging, meals, and conference registration.

Pertaining to elected officials, Administration may assist in the preparation of this document and processing reservations and registrations on behalf of an elected official, however the representation, accuracy, and determination of an individual's official business related travel expenses remain the elected official's responsibility. Should an emergency arise that prevents an Elected Official from preparing a Travel Notice form in advance, the form may be submitted after the fact. In either case, before or after the fact, the Travel Notice form will be reviewed by the Mayor.

For “Travel Outside the City/County” employees may receive advances for reimbursable travel expenses, to avoid personal inconvenience or hardships. The individual traveling must make a request in writing, using a Travel Advance/Notice form estimating the travel cost, insufficient time (two weeks prior to travel) for processing. The Finance Director will issue a check for the estimate, to the employee upon receipt of the proper forms and following the Mayor's review. Those forms will typically be routed through the City Clerk, City Manager/Mayor, and the Finance Director.

Immediately upon completion of the trip, the employee will present a signed Travel Advance/Notice and Settlement form to the Finance Department and return any money advanced in excess of the actual expenses documented on the form. Any amount advanced and subject to return to the City, which is not promptly refunded, will be deducted from the elected official's next compensation payment. The Travel Notice/Advance and a Settlement form will be provided to the Mayor for review and affirmation as it relates to

elected officials and the City Manager. The City Manager will review and approve travel forms for city employees.

1.7 Meals

Meals consumed by employees as part of Official City business, as well as the tips thereon, will be advanced /reimbursed based upon the per diem allowance as established or revised annually by the US Government (GSA).

The Per Diem on the first and last day of travel is limited to 75% of the total day rate. Per Diem rates are to be updated, annually as per US Government, established rates for in or out of state travel.³

Employees staying overnight on municipal business may combine daily meal allowances, at his or her discretion, provided the total daily reimbursement does not exceed the total daily allocations listed above. In this case, meal receipts must be provided. If conference banquets are not included in the conference registration fee, the staff may be reimbursed for the actual cost of the conference banquet.

1.8 Lodging

Lodging necessary to accommodate overnight travel will be advanced /reimbursed based upon the per diem allowance as established or revised annually by US Government established rates for in or out of state travel⁴ for each metropolitan area.

Lodging shall be at a reasonable rate and shall be obtained through convention, school, or other agency authorizing a block rate for said training or school. If the per diem rate is insufficient for the quoted block rate, reimbursements may be made for actual, reasonable expenses subsequent to the review and affirmation of the Mayor.

1.9 Incidental Travel Expenses

Charges billed to an elected official's hotel/motel room that have no bearing to the legitimate business nature of the travel, are the responsibility of the elected official and/or employee and will not be reimbursed by the City. Expenses of this nature, which are charged to the City, must be noted on the Travel Advance/Notice/Settlement form and immediately reimbursed to the City by the elected official.

1.10 Other Travel Expense

Other travel expenses that are allowable are:

- a) Taxi fares or other costs of transportations between the airport or station and elected official's hotel or from one place of business to another. Taxi fares are also allowable between the hotel and temporary work assignment.
- b) Baggage charges

³ GSA source <http://www.gsa.gov/portal/category/100120>

⁴ GSA (source <http://www.gsa.gov/portal/category/100120>)

Tips that are incidental to any of the above travel expenses, not to exceed ten10 percent of the fare, are reimbursable.

1.11 Riders

For liability purposes, only City employees are allowed to drive City owned vehicles unless prior written approval is obtained from the City Manager.

1.12 Travel Companions

Spouses, family members, or other guests may travel with elected officials to seminars, meetings, and other gatherings, at their own expense. Traveling companions will not receive a subsistence allowance for “working meals” or events, nor will “spousal events” be paid or reimbursed from City resources. Careful attention must be taken to ensure that only expenses of the elected official are included on the receipts turned in for audit.

If arrangements have been made for group travel discounts, the cost of companion travel expenses shall be prepaid to the City prior to departure and or deducted from travel advances. If the City provides pooled transportation services, and an elected official chooses not to participate in the pooled transportation services, all cost of transportation shall be at the elected official’s expense.

1.13 Telephone Calls

Elected officials are not allowed to charge long distance phone calls to the City for calls made of a personal nature, except as stated below. All long distance calls that are to be paid by the City are those made pursuant to the elected official conducting official City business. Anyone traveling to a location outside the local calling area is allowed one (1) long distance phone call to cover “safe arrival” calling. Additionally, elected officials may properly be reimbursed for emergency calls. An example of such is a call made when an elected official calls home to inform someone that the travel period has been extended beyond original plans due to unforeseen reasons.

1.14 Identifying and Budgeting and elected Official’s Travel

Each year, as a part of the budget process, the City Clerk will provide a list of previously attended and known upcoming conferences to the elected officials along with the estimated cost of attending these events. Each elected official will identify, on the form provided by the Clerk, the conferences or training sessions that they would prefer to attend during the upcoming fiscal year. The City Clerk will use these forms to develop the travel and training budget request for the elected officials. During the budget deliberations, the elected officials will authorize the dollar amount to be included in the fiscal year budget based on the information accumulated and presented by the City Clerk.

On a rotating basis two (2) Council Members will have an opportunity to attend Out-of-State events, such as national association conferences, e.g. National League of Cities (NLC) “Congress of Cities and Exposition,” and “Congressional City Conference” or similar Out-of-State gathering of elected officials for the purpose of representing the City of Whiteville, presenting the City’s policy interests, or as an educational opportunity.

Eligibility for Out-of-State travel will be determined by a standing list setting forth in reverse alphabetical order names of Council Members; this list will be alphabetized after each municipal election or interim appointment to the Council. Two elected officials will be identified for Out-of-State travel; if an official declines, the next elected official in sequence will be eligible for Out-of-State travel until the list is exhausted. Should there not be interest for Out-of-State travel or should an elected official choose not to use a portion of their funds, those funds may be transferred in accordance with authorities set forth in the Budget Ordinance. At least semi-annually, the City Clerk will publish a listing of elected officials that identifies the sequence, and the acceptance or declination of “Out-of-State” travel. The sequencing of out of state travel remains the purview of the City Council.

Participation by Council Members on state and national committees, such as NLC or North Carolina League of Municipalities (NCLM), are worthwhile for developing an understanding and awareness of principles of governance and emerging public policy issues. A Council Member that has interest in participating in NLC and/or NCLM Committees shall do so after consulting with the Council and receiving an affirmation that City representation is desired and the City will pay travel and subsistence. In the absence of this affirmation, a Council Member may participate but will do so at their personal expense.

Upon approval of the Board, a fixed dollar amount will be budgeted for each elected official’s travel for the fiscal year. The funds will be available for travel and training expense as outlined by this policy. Amounts may be amended to allow special or unique travel opportunities to be planned or undertaken for the benefit of the City.

1.15 Travel Advance and Settlement Procedures

Each elected official has the responsibility to determine, under this policy, whether the proposed travel expense is eligible for advancement or reimbursement.

An elected official that is unable to participate in events for which they have been registered and/or have had travel arrangements completed by city personnel shall become personally obligated for those amounts unless cancellation is made without a residual cost to the City. An exception to this pecuniary liability is the purview of City Council. An exception requested by a Council Member shall be made in writing and given to the Mayor and City Clerk for presentation to Council. The City Council shall determine whether the Council Member shall be held peculiarly liable for said expenses.

Within ten (10) business days of returning from travel, the Elected Official submits his or her receipts and the Travel Advance/Notice/Settlement form to the Clerk to be reconciled and forwarded to the Finance Department. Careful attention must be taken to ensure that only expenses associated with elected officials travel on official City business are presented on the receipt. If personal expenses are presented, they should be noted as such on the face of the receipt and properly deducted from the total when reporting.

Those amounts that are to be remitted to the City by a Council Member which have not been settled within 60 days may be deducted from any compensation payment to be made by the City to the Council Member.

The Finance Department remits any additional reimbursement funds due the elected official or collects any over advanced funds due from the elected official based on the audit of submitted documents.

By virtue of a Council Members participation in City sponsored travel, the Council Member accepts and agrees to the provisions of this policy. Further, each Council Member will abide by each provision as a condition of traveling at the City's expense.

Appendix 5 –Drug and Alcohol Policy

City of Whiteville North Carolina 	Name of Policy: Drug and Alcohol Policy		Subject: Drug and Alcohol Testing
	Number: WPPA-05	Revisions: 1	Adopted by City Council on July 14, 2015
	Supersedes: July 15, 2015	Effective Date: May 9, 2017	Pages: 9

Purpose

This policy is to provide a safe work environment for its employees and to protect the public by establishing and maintaining an alcohol and drug-free workplace. Alcohol and drug abuse is a problem of serious concern and affects all segments of the community, including the workplace.

Employees covered by this policy may use prescription drugs and over-the-counter medications provided that:

- A. The prescription drugs or their generic equivalent has been prescribed to the employee within the past twelve (12) months by an authorized medical practitioner.
- B. The employee does not consume prescribed drugs more often than prescribed by the employee's physician.
- C. Any employee who has been informed that the medication could cause adverse side effects while working shall inform his or her supervisor prior to using these substances.

Applicability

- A. Applicants, which have been offered employment, will be required to submit to a drug screen test as part of the hiring process.
- B. All employees are covered under this policy and are subject to post-accident or post-incident testing.
- C. Employees serving in positions determined to be safety sensitive shall be subject to random and follow-up testing when applicable.
- D. Employees, who hold a Commercial Driver's License (CDL) as a requirement for their job, shall be subject to random and follow-up testing as required by the U.S. Department of Transportation (DOT).

Drug Screening Criteria

The City of Whiteville will consider an employee for a drug-screening test under the following circumstances:

- A. Pre-Employment. Drug tests will be conducted when an offer is made to an applicant to hire as an employee, to include those applicants where a CDL may be a requirement for the position for which they have applied. The offer of employment is

contingent on the applicant passing these test(s). This includes existing employees who are applying for CDL positions.

B. Post-Accident Testing. All full-time and part-time employees may be tested for the presence of drugs and alcohol after an accident occurs during work hours, while on City property, or while using or operating City-owned equipment and vehicles. The provision under which an employee can be tested differ depending on the employee's designation as a safety sensitive on non-sensitive employee.

- a) Non-Safety Sensitive Employee Testing after an Accident: After an accident, non-Safety-Sensitive employees may only be tested based on reasonable suspicion.
- b) Safety Sensitive Employee Testing after an Accident: Safety-Sensitive employees are required to be tested for controlled substances and alcohol following a vehicle accident where:
 1. A fatality.
 2. Bodily injury requiring immediate medical attention or professional medical treatment away from the scene of the accident/incident. The employee is tested only if circumstances indicate that such bodily injury (whether to an employee or citizen or both) may have been caused, at least in part, by the employee; or
 3. Property damage and/or disabling damage to any motor vehicle requiring tow away.
 4. Where there is reasonable suspicion that the accident or incident was caused by impairment from alcohol or drug use as define in Appendix 5, Section Drug Screening Criteria, Section C, Reasonable Suspicion Testing.
 5. Post-accident drug and alcohol test is to be administered as soon as possible, but not more than eight (8) hours following the time of the accident/incident. Refusal to testing could result in disciplinary action including termination unless the employee is seriously injured.
 6. *Garrity Warnings Required Prior to Testing*: Any employee who is tested under the provisions of this policy following an accident must be administered a 'Garrity Warning' prior to being tested for drugs or alcohol. A Garrity warning advises the employee that any information obtained by the City during the course of testing will not be used to bring criminal charges against the employee. A supervisor must read the Garrity warning to the employee before the employee is tested.

- C. Reasonable Suspicion Testing. Any City employee may be required to submit to a reasonable suspicion drug and/or alcohol test when their actions cause a supervisor, department head, or the City Manager to believe or suspect that their individual capacity to safely and efficiently perform his or her job has become impaired. All employees who exhibit to a trained supervisor these signs and symptoms of drug and/or alcohol abuse while on the job, prior to reporting to work, or just after work are subject to being tested. The supervisor shall document the facts, symptoms or observations. Reasonable suspicion will be based on specific, objective facts, or

reasonable inferences drawn from facts that would cause a reasonable person to suspect that the employee is or has been using drugs or alcohol in the work place. Facts supporting a reasonable suspicion determination includes, but are not limited to, any one or more of the following:

7. Direct observation of prohibited drug or alcohol use;
8. Slurred speech;
9. Odor of marijuana or alcohol about the person;
10. Inability to walk a straight line;
11. Physical or verbal altercation;
12. Disheveled appearance and/or unusual body odor;
13. Behavior that is so unusual that it warrants summoning a supervisor or Department Head. Examples of such behavior are confusion, disorientation, lack of coordination, marked personality changes, and/or irrational behavior.
14. Possession of drugs or alcohol;
15. A report of prohibited drug or alcohol use provided by a reliable and credible source;
16. Arrests, citations, and deferred prosecutions associated with drugs or alcohol.

The supervisor or their designee will provide transportation for the employee exhibiting signs and/or symptoms to the testing facility for a reasonable suspicion test. The employee, under no circumstances will be allowed to drive himself or herself to the testing facility site.

17. *Garrity Warnings Required Prior to Testing:* Any employee who is tested under the provisions of this policy for reasonable suspicion must be administered a 'Garrity Warning' prior to being tested for drugs or alcohol. A Garrity warning advises the employee that any information obtained by the City during the course of testing will not be used to bring criminal charges against the employee. A supervisor must read the Garrity warning to the employee before the employee is tested.
18. *Employee to Notify Management of Accident:* Any employee who is involved in an accident with a City vehicle or any other vehicle while conducting City business must immediately notify their immediate supervisor of the accident or incident.
19. *Management to notify Safety Officer:* Upon learning that an employee has been in an accident, supervisors and HR should immediately notify the City's Safety Officer and briefly provide the details of the accident, including location and any resulting injuries. Responding to individual injury or assisting others who are injured should take priority over the reporting notifications, however, the employee and their supervisor will be responsible for complying with the requests of the Safety Officer for the purposes of reporting.
20. *Criminal Investigation Takes Precedence:* If a controlled substance or alcohol is believed to be a contributing factor to the accident and an employee is or may be criminally charged, the criminal investigation takes

priority over any administrative investigation or procedure. Supervisors and HR should defer to the criminal investigator about obtaining the necessary testing samples from the employee. Once the criminal investigator has obtained the necessary samples from the employee for the criminal investigation, then the supervisor and HR can proceed with drug testing as outlined in this policy.

21. *Employee must Remain Available for Testing:* An employee who is subject to post-accident testing must be available for testing. An employee who fails to remain readily available for testing will be considered a refusal to test.
22. *Timeframe for Post- Accident Testing:* Employees must be tested for drugs within thirty-two (32) hours following an accident. Absent extenuating circumstances, alcohol tests must be conducted within two (2) hours following an accident. There are no circumstances under which an alcohol test will be conducted after eight (8) hours following an accident.
23. *If Testing Timeline is Not Met after an Accident:* If post-accident tests are not performed within the designated time requirements, the supervisor must prepare a memorandum for the record stating the reason a test was not promptly administered. This memorandum will be sent to the Department Head, HR, the City's Safety Officer, and the City Manager. Failure by a supervisor to ensure appropriate tests are to be performed or to document the reason tests were not promptly administered will result in appropriate disciplinary action against the supervisor.

D. Federal or State Mandated Substance Abuse Testing. City employees who are subject to federal or state mandated substance abuse testing, including but not limited to DOT regulations, will be tested pursuant to such testing requirements notwithstanding this policy.

E. Random Testing. An employee who is entrusted, with preserving the public's health/safety or the safety of other employees as a special responsibility to maintain physical and mental fitness for duty at all times while on the job. Testing may be conducted on a random basis on employees that hold safety-sensitive positions and who possess CDL's as a requirement for their job. The City chooses a method for testing which provides an equal probability that any employee from a group of employees will be selected. Safety-sensitive positions within the City of Whiteville are defined as all sworn law enforcement personnel and firefighters.

F. Return-to-Duty and Follow-Up Testing. Any employee who previously tested positive for a controlled substance or alcohol will be required to submit to a drug and alcohol test. To return to duty, the employee must test negative and be released by a substance abuse professional. An employee who previously tested positive and has returned to duty must submit to a combination of at least six (6) alcohol and drug tests during the first year after returning to work. Follow up testing will be unannounced and may continue for up to sixty (60) months after returning to work, not to exceed twelve (12) tests a year.

G. Refusal to Test.

Any employee or candidate who refuses to consent to a drug and/or alcohol test required by this policy, fails to appear for testing, fails to remain at the testing site prior to the commencement of the test, is found to have tampered with the sample or aborts or refuses to agree to the collection of the specimen before the test commences will be in violation of this policy and is subject to disciplinary action or the withdrawal of the contingent job offer. The employee or prospective employee will not be eligible for employment or promotion for a period of one (1) year. Any of the following are considered refusal to test:

24. Failure to complete and sign all necessary paperwork to facilitate testing or failure to cooperate with any part of the testing process.
25. Failure to provide photo identification at the testing location.
26. Failure to report to designated testing facility within two (2) hours of being notified.
27. Intentional failure to provide enough urine, or failure to provide blood or breath to facilitate testing within two (2) hours of being notified, without a valid medical explanation.
28. Leaving the testing facility without providing a useable sample of urine, blood, or breathe unless the facility has to close and the employee or candidate is released by the MRO (Medical Review Officer).
29. Failure to remain at the test site and provide a specimen once the test is underway unless a sample is taken elsewhere (on-site, etc.) or the facility close before a sample can be collected.
30. Providing a tainted specimen or substituting a specimen for the employee or candidate's own. (The majority of specimens are provided in private; however, testing conducted under direct observation or monitoring may be required in limited situations.).
31. Failure or declination to take a second test when directed by the collector or by HR.
32. Failure to undergo a medical examination or evaluation as part of the verification process as otherwise required.
33. Leaving the scene of an accident, without just cause, prior to submitting to a drug or alcohol test when required to do so under this policy.

H. Relief from Duty

Employees selected for random drug or alcohol testing will continue to work in normal capacity pending the results of the test. Employees tested because of post-accident, reasonable suspicion, or tested because of admission of use or a confirmed report of use will be placed on leave with pay until the screening results are received.

I. Consent. Prior to a drug or alcohol test being administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting the release of tests results to the HR Director or designee. The consent form will provide a signature line for employees to acknowledge that they have been notified of the City's

Substance Abuse Policy and to indicate current or recent use of prescription or over-the-counter medication.

J. Refusal to Consent. Any employee who refuses to consent to a drug and/or alcohol test is subject to disciplinary action up to and including termination. Any final applicant who refuses to consent to a drug and/or alcohol test, the City will withdraw its offer of employment.

Testing Procedures

Drug testing will be conducted by analyzing a urine specimen from the employee. Specimens will be collected at an off-site facility selected by the City. Once an employee provides a urine specimen, it will be sealed and labeled by a certified and authorized agent of the testing facility. A chain of custody document will be completed in the presence of the employee, and the specimen will be sent to a laboratory that is certified in accordance with Department of Health and Human Services (DHHS) guidelines or equivalent guidelines. All urinalysis procedures are required to include split-specimen techniques. Each urine sample will be sub-divided into two containers and labeled as primary and split specimens. Both specimens are to be forwarded to the laboratory. Only the primary specimen is to be used in the urinalysis. In the event of a confirmed positive test result, the split specimen may be used for a second confirmation test if requested by the employee.

During testing, an initial screening test is performed. If the test is positive for one (1) or more drugs, a confirmation test will be performed for each individual drug using gas chromatography/mass spectrometry (GC/MS) analysis. If the analysis of the primary specimen results in a confirmed positive test, the employee may, within 72-hours, request that the split specimen also be tested at a certified laboratory of their choice. The second test is at the employee's expense unless the test result is negative, in which case the City will reimburse the employee. A Medical Review Officer (MRO) prior to results being reported to the City reviews all test results. In the event of a positive test result, the MRO will first attempt to contact the employee and conduct an interview to determine if there are any alternative legitimate reasons for the positive results (such as over-the-counter or prescription medications). If the MRO is unable to contact the employee, the employer will be contacted and requested to advise the employee to contact the MRO.

Test Results

Negative Results: An employee may return to work, providing there are no other job performance considerations.

Positive Results: Any employee who tests positive for drugs or alcohol will be considered in violation of this policy. Upon notification of a positive test result for drugs, or alcohol BAC of 0.02 or greater, or a refusal to test, the employee will be placed on leave pending the outcome of an investigation. Any resulting disciplinary actions will be administered in accordance with the City's disciplinary process. Additional guidance based on the type of violation is depicted below:

34. Positive results will be reported to the MRO, who will contact the employee to discuss and confirm the results. The MRO will contact the City's HR Director who will then notify the employee's supervisor. The test results may be disclosed to the tested employee, the employee's Department Head/supervisor, and the City Manager on a strictly need to know basis.
35. The employee must provide documentation of any prescription medication to the MRO upon request.
36. Within 72-hours of notification of a confirmed positive drug test result, an employee or applicant may request that the original sample be sent to an approved laboratory for an additional test, at the employee's expense.
37. Applicants who test positive will be disqualified from further consideration for the position in which they applied.
38. Employees that test positive for drugs or alcohol are subject to disciplinary action, up to, and including, termination.

Diluted Test Results:

39. When the City is notified by the MRO that a positive drug test is diluted, the test will be treated as a verified positive test. The employee will be directed to provide another specimen for testing.
40. If the employee receives a negative, diluted test result with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, the employee must provide another specimen for testing. The MRO will direct the employee to do a second collection immediately. This must be an observed collection. The employee will be directed to report to the HR office for re-testing immediately. The result of the second collection will be the test result of record. If the second collection is, also negative and diluted, unless directed by the MRO to perform another observed collection, the test result will stand as negative diluted.

Challenges to Test Results:

Employees have the right to challenge a confirmed positive test result. All challenges must be made to MRO in writing with an explanation of the reason(s) for the challenge. The request for a challenge may be submitted to the Human Resources Department so to be forwarded to the MRO on behalf of the employee. The testing facility divides the sample provided by the employee so that it can be re-tested. This is called a "split sample."

41. Employees will be given seventy-two (72) hours to request to have the additional sample tested at the employee's expense at a Department of Health and Human Services (DHHS) Certified laboratory of the employee's choice.
42. If the employee requests a re-test, Gas Chromatograph/Mass Spectrometry (GC/MS) will test the split sample only for the positive drug at the laboratory's lowest limit of detection for that drug. If an employee challenges that the testing process is flawed, the City reserves the right to conduct additional testing.

43. If the split sample tests negative, or for any reason cannot be re-tested, the test results are reported back to the MRO and the HR Director as a negative test result and any previous disciplinary action issued will be rescinded.
44. In case of negative test results, employees will not be responsible for any costs associated with the drug or alcohol test.

Personnel Actions for Violation of Alcohol/Drug Policy

City Actions after Violation: Any employee found to have violated the alcohol and/or drug prohibitions specified in this policy will immediately be removed from the performance of duties, placed on suspension without pay, referred for evaluation, and subject to disciplinary action, up to and including termination.

Disciplinary Process: All disciplinary actions will be administered in accordance with the City's disciplinary process, which includes notice to the employee of the test results and a right to be heard.

- I. The HR Director or designee will schedule a meeting between the employee and the Department Head. At this meeting, the positive test result will be discussed and a recommendation will be prepared to be presented to the City Manager as to whether the employee will be allowed to seek rehabilitative treatment, be suspended from work and/or terminated from employment.
- II. The recommendation shall be presented to the City Manager for final disposition. The employee shall be notified in writing of the City Manager's final decision. The employee has the right to appeal the City Manager's decision as prescribed in the Grievance Procedure, Article IX.

Disciplinary Action: Severe Disciplinary action, up to and including termination, is a consequence of violating this policy.

Factors considered in Disciplinary Decisions: Some factors used in determining the appropriate disciplinary action for a drug/ alcohol violation are:

45. Any damage to persons or property.
46. The employee's past work performance.
47. The extent that such actions impair an employee's ability to fulfill the responsibilities of his/her job.
48. The potential liability to the City for the employee's actions, and/or the actual or potential impact that such actions bring discredit upon the City and/or the Department.

Self-Reporting Prior to Testing

Employees who come forward and report their substance abuse problem before being tested for any reason may be permitted to continue in employment, depending on the circumstances of their situation. If continued employment is allowed, the employee is required to successfully complete a drug-abuse assistance program and a return-to-duty drug and alcohol testing, and agree to participate in follow-up testing for a period of at least

one (1) year as a condition of employment. The employee must be tested at least six (6) times during that one-year period.

Confidentiality.

All information from an employee or applicant's drug and alcohol test shall be confidential. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant. The laboratory that conducts the confirmatory tests must retain a portion of every sample that produces a confirmed positive result for at least ninety (90) days from when the results of the confirmed test are mailed or otherwise delivered to the HR Director. The City and the MRO must keep an employee's information related to drug and alcohol testing confidential. The City may release the information:

49. To the applicant or employee or any other person, when the applicant or employee provides written, signed authorization.
50. To laboratories for screening or confirmation tests or re-tests of confirmed positive tests.
51. For employment-related reasons, including performance evaluations, discipline and provision of references.
52. To any governmental agency or court having jurisdiction over any claim or proceeding involving the applicant or employee and the City.

Legal Protections for the Employee.

Federal and state disability discrimination laws may protect employees and applicants who test positive for drugs or alcohol.

Appendix 6 – Social Media

City of Whiteville North Carolina 	Name of Policy: Social Media Policy		Subject: Electronic Media and Equipment Use
	Number: WPPA-06	Revisions: 1	Adopted by City Council on July 14, 2015
	Supersedes: July 15, 2015	Effective Date: May 9, 2017	Pages: 3

Purpose

This document defines the social networking and social media policy for the City of Whiteville and its departments. To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, city departments may consider using social media tools to reach a broader audience. The City encourages the use of social media to further the goals of the City and the missions of its departments, where appropriate. The City has an overriding interest and expectation in deciding what is “spoken” on its behalf on social media sites. This policy establishes guidelines for the use of social media.

Acceptable Use

Personal Use

All City employees may have personal social networking, Web 2.0 and social media sites. These sites should remain personal in nature and be used to share personal opinions or non-work related information. Following this principle, helps ensure a distinction between sharing personal and City views.

City employees must never use their city e-mail account or password in conjunction with a personal social networking, Web 2.0 or social media site. The following guidance is for City employees who decide to have a personal social media, Web 2.0 or social networking site or who decide to comment on posts about official City business:

- State your name and, if relevant, role, when discussing City business;
- Use a disclaimer such as *“The postings on this site are my own and do not reflect or represent the opinions of the organization for which I work.”*

Professional Use

Conduct all official city-related communication through social media, Web 2.0 and social networking outlets should remain professional in nature and should always in accordance with the City’s communications policy, practices and expectations. Employees must not use official city social media, Web 2.0 or social networking sites for political purposes, to conduct private commercial transactions, or to engage in private business activities.

City employees should be mindful that inappropriate usage of official city social media, Web 2.0 and social networking sites could be grounds for disciplinary action. When social

media, Web 2.0 and social networking sites are used for official city business, the entire city/departmental site(s), regardless of any personal views, are subject to best practices guidelines, and standards. Only individuals authorized by the City may publish content to a city Web site.

Approval and Registration

All City social media sites shall be (1) approved by the City Manager; (2) published using approved social networking platform and tools; and (3) administered by the contact or the City Manager's designee.

Oversight and Enforcement

Employees representing the City through social media outlets or participating in social media features on city websites must maintain a high level of ethical conduct and professional decorum. Failure to do so is grounds for revoking the privilege to participate in city social media sites, blogs, or other social media features.

Information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy, and avoid jargon, obscure terminology, or acronyms. City employees recognize that the content and messages they post on social media websites are public and may be cited as official City statements. Social media should not be used to circumvent other city communication policies, including news media policy requirements. City employees may not publish information on city social media sites that includes:

- Confidential information
- Copyright violations
- Profanity, racist, sexist, or derogatory content or comments
- Partisan political views
- Commercial endorsements or SPAM

Records Retention

Social media sites contain communications sent to or received by the City and its employees, and such communications are therefore public records subject to NCGS Chapter 132. These retention requirements apply regardless of the form of the record (for example, digital text, photos, audio, and video). The Department maintaining a site shall preserve records pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Furthermore, retention of social media records shall fulfill the following requirements:

1. Social media records are captured in a continuous, automated fashion throughout the day to minimize a potential loss of data due to deletion and/or changes on the social networking site.
2. Social media records are maintained in an authentic format (i.e. ideally the native technical format provided by the social network, such as XML or JSON) along with complete metadata.

3. Social media records are archived in a system that preserves the context of communications, including conversation threads and rich media, to ensure completeness and availability of relevant information when records are accessed.
4. Social media records are indexed based on specific criteria such as date, content type, and keywords to ensure that records can be quickly located and produced in an appropriate format for distribution (e.g. PDF).
5. A designated employee who administers one or more social networking sites on behalf of the City has self-service, read-only access to search and produce relevant social media records to fulfill public information and legal discovery requests as needed.

The City utilizes an automated archiving solution provided by ArchiveSocial to comply with applicable public records law and fulfill the above record retention requirements. The City archive is available at archivesocial.com.

EXTERNAL POLICY

The following guidelines must be displayed to users on all social media sites or made available by hyperlink.

Moderation of Third Party Content

The City of Whiteville's social media site serves as a limited public forum and all content published is subject to monitoring. User-generated posts will be rejected or removed (if possible) when the content

- is off-subject or out of context
- contains obscenity or material that appeals to the prurient interest
- contains personal identifying information or sensitive personal information
- contains offensive terms that target protected classes
- is threatening, harassing or discriminatory
- incites or promotes violence or illegal activities
- contains information that reasonably could compromise individual or public safety
- advertises or promotes a commercial product or service, or any entity or individual
- promotes or endorses political campaigns or candidates.

Public Records Law

The City's social media sites are subject to applicable public records laws. Any content maintained in a social media format related to agency business, including communication posted by the Agency and communication received from citizens, is a public record. The Department maintaining the site is responsible for forwarding any public records request regarding social media content to the City Clerk or the designee.

Appendix 7 – Smoking/Tobacco Use

City of Whiteville North Carolina 	Name of Policy: Smoking/Tobacco Use		Subject: Tobacco Use
	Number: WPPA-07	Revisions: 1	Adopted by City Council on July 14, 2015
	Supersedes: July 15, 2015	Effective Date: May 9, 2017	Pages: 1

Purpose

The purpose of this policy is to protect and promote the health and wellbeing of employees and visitors. Tobacco use is linked to preventable, pre-mature deaths in the United States. The regulation and control of smoking or using tobacco products in buildings and vehicles owned or leased by the City of Whiteville is a matter of vital concern, affecting the public health, safety, and welfare of all persons employed by or transacting business with the City. This policy covers all employees in City buildings or vehicles.

Policy

Smoking and the use of all tobacco products is prohibited in any city owned or leased buildings and vehicles, including within fifty (50) feet of a public entrance, unless the variance from the no smoking policy is granted by the City Manager.⁵ Where a variance is granted, smoking and non-smoking areas shall be clearly designated.

The use of e-cigarettes is prohibited under this policy where smoking and the use of tobacco products are prohibited. E-cigarettes means any electronic oral device, such as one composed of a heating elements, battery, and/or electronic circuit, which provides a vapor, nicotine, or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactures, distributed, marketed, or sold as an e-cigarette, e-cigar, or under any other product name or descriptor.

The use of smokeless tobacco is prohibited under this policy where smoking and the use of tobacco is prohibited. Smokeless tobacco means any tobacco that is chewed or snuffed rather than smoked by the user.

Enforcement

The City Manager shall enforce the provisions of this policy. Any reports of questionable practices or violations shall be taken seriously and referred to the Safety Risk Management Officer for resolution. Retaliatory actions against a complainant will be not be condoned by the City and should be reported to the HR Director or designee.

⁵ NCGS 130A-498

Appendix 8 – Shared Leave

City of Whiteville North Carolina 	Name of Policy: Shared Leave		Subject: Shared Leave
	Number: WPPA-08	Revisions: 1	Adopted by City Council on July 14, 2015
	Supersedes: July 15, 2015	Effective Date: May 9, 2017	Pages: 2

Purpose

To provide an opportunity for employees to request and receive accrual leave donations during periods of prolonged absences from work due to a medical condition, resulting in the exhaustion of all paid leave.

Policy

In cases of an extended medical condition, an employee may request accrual leave donations from other City employees. Consenting employees may agree to have leave donations transferred from their accumulated sick and annual leave balances to the sick leave account of the requesting employee. Accrued compensatory time is not leave eligible for donation.

Scope

All permanent full-time employees are covered by this policy. (Permanent – satisfactorily completed initial six/twelve month new hire probationary period.)

Definitions

Extended Medical Condition – A medical condition of an employee or immediate family member, validated by the FMLA Certification of Health Care Provider Form which requires them to be absent from work.

Immediate Family Member – Immediate family member is defined as spouse, domestic partner, child, or parent. The City Manager must approve any exceptions.

Procedures

Requesting Leave Donations

- A. Only permanent full-time employees may request leave.
- B. Employees may request shared leave donations for a medical condition.
- C. An employee must exhaust all accrued leave (sick, annual, compensatory time) before receiving leave donations from other employees.
- D. Employees may choose to solicit leave directly from other employees.
- E. In order to be eligible to participate in the Shared Leave Program, the employee must present a Shared Leave Request Form to the HR department for approval.

- F. An employee shall not receive more than 1,040 hours of donated time during their employment with the City of Whiteville.

Donating Leave

- A. An employee donating shared leave must maintain an overall balance of 240 hours of paid leave (sick and/or vacation) after any donation.
- B. An employee donating shared leave shall not receive any payment in any form for the leave that is being donated.
- C. Employees may only donate to specific employees who have been approved to participate in the Shared Leave Program.
- D. Donations of leave will not be disclosed.
- E. Employees may submit a donating leave request form and leave shall be issued in order received.

Responsibility lies with the employee and the departmental payroll, finance or HR department. Requesting leave is the responsibility of the employee.

Appendix 9 – Worker’s Compensation

City of Whiteville North Carolina 	Name of Policy: Workers’ Compensation Policy		Subject: Workers’ Compensation
	Number: WPPA-09	Revisions: 1	Adopted by City Council on July 14, 2015
	Supersedes: July 15, 2015	Effective Date: May 9, 2017	Pages: 4

Purpose

The purpose of this policy is to establish the benefits of worker’s compensation law, employees injured on the job because of a compensable accident and who lose time from work shall be provided leave in accordance with the provisions outlined below.

Covered Employees

This policy covers full-time, part-time, permanent, time-limited, probationary, trainee, and non-paid (auxiliary) employees for worker’s compensation leave. Temporary employees, volunteers, and contracted employees are not eligible for worker’s compensation leave and benefits under this policy.

Leave on the Day of the Injury

No leave will be charged on the day of the injury if the treating physician instructs the employee not to return to work in either permanent duty or restricted duty. The employee shall:

- 1) Obtain a written statement from the physician indicating that the employee must not return to work in either permanent duty or restricted duty, and
- 2) Present the statement to the supervisor within twenty-four (24) hours.

Additional Leave

If the injury results in additional time away from work, the employee shall be required to be on workers’ compensation leave and receive the workers’ compensation weekly benefit after the required established waiting period.⁶ The employee shall take compensatory, sick, or annual leave (in this order) during the required waiting period prior to advancing to workers’ compensation leave and receiving workers’ compensation weekly benefits.

If the injury results in disability of more than a specified number of days, the workers’ compensation weekly benefit is allowed from the date of the disability⁷. Should this occur, an employee who elects to use leave during the waiting period, shall have no adjustment made in leave used for those workdays.

⁶ NCGS 97-28

⁷ NCGS 97-28

Use of Partial Leave

After an employee has advanced to workers' compensation leave, the weekly benefit may be supplemented by the use of partial compensatory, sick, or annual leave, earned prior to the injury, in accordance with a schedule published by the City's personnel policy. This will assist the employee with an income approximately equal to the employee's take-home pay or net pay.

No Leave Required for Follow-Up Medical Visits

Employees injured on the job in a compensable accident, in order to reach maximum medical improvement, requiring medical or therapy visits during regularly scheduled working hours; those employees shall not be charged leave for time lost from work for required treatment. Paid time will be limited to reasonable time for treatment and travel; any excess time will be charged as sick or annual leave, including up to leave without pay. Department Heads and supervisors shall monitor this type of leave closely. Misuse and abuse of this type of leave will not be tolerated. Employees will provide documentation to the HR department upon returning to work after each medical appointment related to Worker's Compensation.

Sick and Annual Leave Credits Discontinued

While on workers' compensation leave, employees shall discontinue to accumulate sick and annual leave hours to be credited to their account for use upon return to permanent duty. Accrual of sick and annual leave hours will be reinstated once the employee is returned back to full-time status.

Leave Paid if Employee Does Not Return

If the employee does not return to permanent duty from workers' compensation leave and still has annual leave accrued which, was accrued prior to their first day of invoking worker's compensation leave, then the employee may be eligible to be compensated for no more than 240 hours of that annual leave. This amount of compensation will be paid to the employee in a lump sum payment at the time of separation of city employment. Any accrued compensatory time as a result of overtime that an employee may have will be paid to the employee in accordance with the FLSA.

An employee may carry forward a maximum of 240 hours of annual leave to his or her sick leave balance for after returning to permanent duty or converting the excess leave to his or her sick leave balance in accordance with the City's Personnel Policy. If the employee separates employment with the City during the period that excess annual leave is allowed, the excess annual leave will be paid in a lump sum, but may not exceed the amount accumulated during the first twelve (12) months of workers' compensation leave. Accumulated sick leave will not be paid out to an employee.

Health Insurance and Other Payroll Deductions

While on workers' compensation leave, an employee will remain in a pay status and the City shall continue to cover the employee under the City's group insurance plans for medical, dental, vision, and life insurance. Monthly premiums for employees will be paid

by the City. Premiums for any dependent coverage and supplemental benefits is the responsibility of the employee and is paid directly to the vendor by the employee. All other deductions also become the responsibility of the employee. Payroll deductions may be reinstated once the employee is returned back a full time position.

Retirement Service Credit

While on workers' compensation leave, an employee will not receive retirement credit. As a member of the Retirement System, the employee may purchase credits for the period that he or she was out on an approved leave of absence. Upon request by the employee, the Retirement System can provide the employee a statement for the cost and a date by which a purchase may be made if desired. If the purchase is not completed by that date, the cost must be recomputed.

Longevity Pay

Employees on worker's compensation leave are not eligible for longevity pay compensation. However, employees shall remain eligible for time worked towards longevity pay and employees become eligible for longevity pay once they have returned from worker's compensation leave and have been fully restored to a paid full-time position. Employees who encounter a work anniversary while out on workers compensation leave, and would have been eligible for longevity pay, may receive this payment once he or she returns and is fully restored to a paid full-time position.

Reinstatement Salary

Upon reinstatement to a paid full-time position, an employee's salary will be computed based on their last salary and other applicable increases. These increases may include those related to performance evaluations that may have been conducted prior to the employee taking workers compensation leave.

Light Duty

An injured employee shall immediately notify their supervisor and the HR Director or designee once their treating physician releases them back to any type of modified or restricted duty assignment. Injured employees will provide to the HR Director or designee a signed, written copy of the modifications and/or restrictions provided to them by the treating physician. The HR Director or designee will discuss with the employee's supervisor, only the modifications and/or restrictions prescribed by the treating physician so to determine if a light duty assignment is available within the employee's current assigned position.

If light duty is not available within the employee's current assigned position, the employee's supervisor is responsible for determining the availability of tasks within that department that complement the treating physician's order. If tasks are available, the supervisor notify the HR Director or designee and the employee shall be contacted and expected to return to work on the next scheduled business day.

If light duty is not available in the employee's assigned department, the HR Director or designee will begin seeking light duty assignments in other departments by way of discussions with other Department Heads. If a light duty assignment is found to be available in a department other than one not assigned to the employee, the employee, the Department Head for the transfer of duty, and the HR Director or designee shall coordinate in the temporary transfer of that employee to that department for the purposes of light duty.

Under no such circumstance shall an employee work outside their prescribed restrictions until authorized to do so by their treating physician. Supervisors shall monitor assigned tasks being completed by an employee working temporary modified and/or restricted duty to ensure that the employee is working within their prescribed restrictions. Should an employee fail to comply within the prescribed modifications and/or restrictions as written by the treating physician, the employee may become subject to disciplinary action, including termination.

If a light duty assignment is not available, the employee shall continue with worker's compensation leave. Should a light duty assignment become available, due to a change in the employee's work capacity status or a change in positions in the City due to position vacancies, the employee will be notified by their supervisor or the HR Director or designee. The employee will return to work on the next business day reporting to the HR Director or designee for his or her light duty assignment, to include the possibility of being fully restored back into their paid status position with the City.

If an employee is temporarily transferred to another department, the employee shall report to the newly assigned Department Head. At no time shall their position with the City at the time they were injured, to be filled with a new employee. The position must be held until employee is able to return to full duty.

Appendix 10 – Family and Medical Leave Act

City of Whiteville North Carolina 	Name of Policy: Family and Medical Leave Act (FMLA) Policy		Subject: FMLA
	Number: WPPA-10	Revisions: 1	Adopted by City Council on July 14, 2015
	Supersedes: July 15, 2016	Effective Date: May 9, 2017	Pages: 6

Purpose

The Family Medical Leave Act (FMLA) is a federal law that entitles eligible employees to take job-protected, non-paid leave for specific, qualifying personal, family and/or military support needs. Eligible employees are entitled to job restoration rights and maintenance of group health care coverage while absent from work due to an event defined as a qualifying reason under the FMLA.

An eligible employee's health benefits must be maintained during any period of leave under the same conditions as if he or she continued to work and he or she must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment upon returning from leave.

Administrative Guidelines

Eligible Employees

An eligible employee is an employee who has completed:

- A. A total of twelve (12) months of employment with the City (not necessarily consecutive months), without a break in service that exceeds seven (7) years, unless the break was in due to the employee to fulfilling his/her National Guard or Reserve military service obligations;
- and**
- B. At least 1,250 compensable service hours during the consecutive twelve (12) month period preceding the beginning of leave. The employee must have actually worked 1,250 hours. Military leave counts as hours worked.

Qualifying Reasons Covered Under the Act

Eligible employees are entitled to FMLA for any of the following 'qualifying' reasons:

- A. The birth of a child and in order to care for that child.
- B. The placement of a child for adoption or foster care.
- C. To care for an immediate family member (spouse, child, or parent – but NOT a parent in-law) with a **serious health condition**.
- D. When the employee is unable to work because of a serious health condition.
- E. To care for a covered service member with a serious injury of illness sustained while on active duty.

F. Serious Health Condition-Employee/Family Member:

An employee shall take FMLA leave when he or she is unable to work because of his or her own serious health condition. An employee may take FMLA leave to take care of their spouse, child or parent who has a serious health condition.

a. Serious health conditions that qualify for FMLA leave are described as:

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

b. Military Family Leave

- 1) The FMLA also provides certain military family leave entitlements.
- 2) An employee may take FMLA leave for specified reasons under FMLA related to certain military deployments.
- 3) An employee may take up to twenty-six (26) weeks of FMLA leave in a single 12-month period to care for a covered service member with a serious injury or illness.

Leave Entitlement

An employee is entitled to up to twelve (12) workweeks of FMLA leave for most qualifying reason(s) or up to twenty-six (26) work weeks of FMLA leave for military caregiver leave.

Calculation of Leave and Usage

The employee's actual workweek (hourly equivalent) is the basis for determining the employee's FMLA leave entitlement. Leave and usage will be track by hours as determined by the employee's weekly hourly equivalent multiplied by twelve (12) weeks (twenty-six (26) weeks in the case of military caregiver leave).

- A. FMLA leave may be taken in periods of whole weeks, single days, hours, and increments less than an hour but not less than one-quarter of an hour (.25 or ¼).
- B. Only the amount of leave actually taken may be counted against an employee's FMLA leave entitlement.
- C. Time that an employee is not schedule to report to work may not be counted as FMLA leave.
- D. When a holiday falls during a week in which an employee is taking the full week

- of FMLA leave, the entire week is counted as FMLA leave. However, when a holiday falls during a week when an employee is taking less than the full week of FMLA leave, the holiday is not counted as FMLA leave, unless the employee was scheduled and expected to work on the holiday and used FMLA leave for that day.
- E. Required over-time hours that are not worked by the employee because of an FMLA-qualifying reason may be counted as FMLA leave. However, voluntary over-time hours not worked due to an FMLA-qualifying reason may not be counted as FMLA leave.

Calculation of the Twelve (12) Month Period

The City elects to establish the twelve (12) month period as it being measured forward from the first date an employee takes FMLA leave. The next twelve (12) month period begins once the first FMLA leave is taken after the completion of the prior twelve (12) month period, see example:

Jane's FMLA leave begins on November 6th, 2012; her 12-month period is November 6th through November 5th, 2013.

Substitute of Leave and Concurrent Use of FMLA Leave with Other Types of Leave

FMLA permits the City to require employees to substitute accrued paid leave for non-paid FMLA leave. An employee shall cease to earn leave credits on the date leave without pay begins. **The City requires concurrent use of paid accrued leave in the following order:**

- A. **Compensatory Time** – Employees will **first** exhaust any earned compensatory time while on FMLA leave.
- B. **Sick Leave** – Employees will use sick leave concurrently along with the use of FMLA leave.
- C. **Annual Leave** – Employees may use annual leave concurrently with FMLA **or only after accrued compensatory time and sick leave has been exhausted.**
- D. **Leave without Pay (LWOP)** – LWOP may be granted to employees during FMLA once paid leave expires subject to the approval of the City Manager. If an employee continues to need time from work, accrued paid leave is expired, and a FMLA period is exhausted, an employee may request a Leave of Absence (without pay) of up to six (6) months to the City Manager. This request is subject to the Manager's approval. It is the responsibility of the employee to request LWOP.
- E. **Leave With Pay (LWP)** - LWP may be granted to employees during FMLA once a FMLA period expires and the employee still has accrued paid leave they may use. If an employee continues to need time from work and a FMLA period is exhausted, an employee may request a Leave of Absence (with pay) of up to six (6) months to the City Manager. LWP is subject to the approval of the City Manager. It is the responsibility of the employee to request LWP.
- F. **Worker's Compensation** – Employees experiencing a serious health condition resulting from an injury that occurred in the course of employment with the City, will have FMLA leave attached concurrently, to include intermittent periods of leave.

Notice and Designation

The HR Director or designee is responsible for notifying and designating FMLA leave requests. An employee must inform his or her supervisor and the HR Director or designee thirty (30) days in advance of the qualifying reason for a foreseeable FMLA absence. For an emergency FMLA absence, the employee must inform his or her supervisor of the qualifying reason as soon as practicable after learning of the need for leave. "As soon as practicable" means both, as soon as possible, and practical, taking into account all of the facts and circumstances.

When an employee requests FMLA leave, or when the Supervisor acquires knowledge that an employee's leave may be for an FMLA qualifying reason, the HR Director or designee must notify the employee of the employee's eligibility to take FMLA leave within five (5) business days, absent extenuating circumstances. Therefore, the Supervisor must notify the HR Director or designee immediately of the impending need for FMLA eligibility notification.

Once the HR Director or designee determines the employee meets the FMLA employee eligibility requirements (oral or written notice from the employee is allowed), the HR Director or designee will issue the following to the employee:

- a. FMLA Poster
- b. Notice of Eligibility and Rights & Responsibilities
- c. *Certification of Health Care Provider for Employee's Serious Health Condition
- d. A copy of City Policy pertaining to FMLA Leave.

**Medical Certifications are not required for the birth, adoption, or placement of a child, barring there are no complications associated with the birth of the child.*

An employee is required to submit a medical certification conditions relating to a serious health condition. These certifications are to be submitted to the City's HR Director or designee (City's designated HIPPA Officer), no later than fifteen (15) calendar days after the request for leave. A simple doctor's statement is not sufficient under this policy. These certifications are at the expense of the employee. These certifications will be used to determine whether the employee's absence qualifies under FMLA once received by the HR Director or designee. If the certification is not submitted, or it is deemed incomplete or insufficient, the HR Director or designee will provide a Notice of the deficiencies to the employee and the employee will be given seven (7) days to cure any or all deficiencies. If the employee fails to cure any or all deficiencies, then the absence may be denied as FMLA leave. Any period of absence that does not meet an FMLA qualifying event may result in disciplinary action, including up to termination of employment.

Within five (5) days of the HR Director or designee receiving the medical certification, the HR Director or designee shall issue a Designation Notice (Federal form WH-382) to the employee. This notice advises the employee whether the absence qualifies under FMLA and the amount of FMLA leave that may be charged against his or her FMLA calendar.

The Notice shall inform the employee whether a Fitness for Duty certification will be required in order to return to work. This Notice is required to be sent within five (5) days regardless of an insufficient or incomplete medical certification that may have been returned.

Employer Responsibilities

The City shall maintain group health coverage for the duration of the FMLA leave and under the conditions, coverage would have been provided if the employee had remained in active service. Employees shall continue to pay the employee's share of the total health care premium (employees and dependents). If the employee fails to pay his or her share of the premium(s), the City will provide written notice stating that coverage will be canceled unless the premium is paid by a specified date.

If an employee is capable of performing all essential functions of his or her last regular position, the City will return the employee to his or her last regular position or to an equivalent position with equivalent benefits, pay and other terms and conditions. Refusals of an offer of reinstatement will be treated as a voluntary resignation. If the employee is unable to perform the essential functions of his or her last regular position at the end of the FMLA leave due to a disability, as defined by the Americans with Disabilities Act (ADA), the City will investigate reasonable accommodations.

An employee who fraudulently obtains FMLA leave is not protected by FMLA's job restoration or maintenance of health benefits provisions. If an employee engages in an activity that is expressly prohibited and be described as impossible as described by the FMLA medical certification, the City may terminate the employee's FMLA leave, and may be subject to disciplinary action, including up to termination. An employee is expressly prohibited to work outside employment while on FMLA leave with the City; violations will result in termination of employment. If an employee is laid off during the course of taking FMLA leave and employment is terminated, the employee's rights to job restoration as dictated by FMLA regulations will cease upon the effective date of layoff. The employee may apply for other vacant positions.

The HR Director or designee shall use the Federal forms written for FMLA to support and meet all Notice and Designation requirements for City employees and other related FMLA recordkeeping matters.

Failure to provide certification

Foreseeable leave. In the case of foreseeable leave, if an employee fails to provide certification in a timely manner as required by the FMLA⁸, then an employer may deny FMLA coverage until the required certification is provided. For example, if an employee has fifteen (15) days to provide a certification and does not provide the certification for 45-days without sufficient reason for the delay, the employer can deny FMLA protections for

⁸ 29 CFR 825.305 FMLA

the 30-day period following the expiration of the 15-day time period, if the employee takes leave during such period.

Unforeseeable leave. In the case of unforeseeable leave, an employer may deny FMLA coverage for the requested leave if the employee fails to provide a certification within fifteen (15) calendar days from receipt of the request for certification unless not practicable due to extenuating circumstances. For example, in the case of a medical emergency, it may not be practicable for an employee to provide the required certification within fifteen (15) calendar days. Absent such extenuating circumstances, if the employee fails to timely return the certification, the employer can deny FMLA protections for the leave following the expiration of the fifteen (15) day time period until a sufficient certification is provided. If the employee never produces the certification, the leave is not FMLA leave.

Recertification. An employee must provide recertification within the time requested by the employer (which must allow at least 15 calendar days after the request) or as soon as practicable under the particular facts and circumstances. If an employee fails to provide a recertification within a reasonable time under the particular facts and circumstances, then the employer may deny continuation of the FMLA leave protections until the employee produces a sufficient recertification. If the employee never produces the recertification, the leave is not FMLA protected leave. Recertification does not apply to leave taken for a qualifying exigency or to care for a covered service member.

Fitness-for-duty certification. When requested by the employer pursuant to a uniformly applied policy for similarly-situated employees, the employee must provide medical certification, at the time the employee seeks reinstatement at the end of FMLA leave taken for the employee's serious health condition, that the employee is fit for duty and able to return to work if the employer has provided the required notice, the employer may delay restoration until the certification is provided. Unless the employee provides either a fitness-for-duty certification or a new medical certification for a serious health condition at the time FMLA leave is concluded, the employee may be terminated.

Certification General Rule

If an employee, fails to timely report to the HR Director or designee after being released by the employee's health care provider, the employee will be subject to dismissal. If a medical certification is incomplete or insufficient, the employee will be notified in writing of the deficiencies and given seven (7) days to submit a complete and sufficient certification. If certification deficiencies are not corrected, FMLA leave may be denied and the absence considered unexcused, which may result in disciplinary action, up to and including termination.

If an employee fails to return a certification within fifteen (15) days, the City will not consider the absence to be FMLA leave and the employee will be subject to disciplinary action, up to and including termination, for an unexcused absence.

Appendix 11 – Separation Allowance

City of Whiteville North Carolina 	Name of Policy: Special Separation Allowance		Subject: Retiring Law Enforcement Officers
	Number: WPPA-11	Revisions: 1	Adopted by City Council on July 14, 2015
	Supersedes: July 15, 2015	Effective Date: May 9, 2017	Pages: 2

Purpose

The City Personnel Policy in Article VII Section 6 discusses the various requirements for Law Enforcement Separation Allowance. The City will follow the various applicable state laws⁹ concerning this allowance. The purpose of this supplemental is to provide guidance to ensure uniform application of this policy.

Requirement

This supplemental applies only to retiring sworn law enforcement officers. Qualified retiring sworn law enforcement officers shall receive, beginning in the month in which they officer,¹⁰ an annual separation allowance equal to eighty-five hundredths percent (0.85%) of the annual equivalent of the basic rate of compensation most recently applicable to the officer for each year of creditable service. The allowance will be paid in equal installments on the payroll frequency used by the City. To qualify for the allowance, the officer shall:

- A. Have completed thirty (30) or more years of creditable service or have attained 55 years of age and completed five (5) or more years of creditable service; and
- B. Not have attained 62-years of age; and
- C. Has completed at least five (5) years of continuous service as a law enforcement officer as herein defined immediately preceding a service retirement. Any break in the continuous service required by this subsection because of disability retirement, or disability, salary continuation benefits shall not adversely affect an officer's qualifications to receive the allowance, provided the officer returns to service within 45-days after the disability benefits cease and is otherwise qualified to receive the allowance.

Creditable service means the service for which credit is allowed under the retirement system of which the officer is a member, if at least fifty percent (50%) of the service is as a law enforcement officer as herein defined.

Procedure and Form

The City requires a minimum of a 90-day notice from an employee to process his or her retirement. An employee shall meet with a representative from the HR Department in an effort to complete their benefit calculations and discuss the retirement process. Throughout

⁹ NCGS 128-21(11d) and NCGS 143-166.50(a)(3)

¹⁰ NCGS 128-27(a)

the retirement process, the HR Director or designee will discuss benefit eligibility and termination requirements as specified under the Law Enforcement Special Separation Allowance.

To ensure compliance has been met with eligible retiring personnel, the HR Director or designee will complete a form, approved by the Human Resources to review benefits of this special allowance. Should there be any salary adjustments after this form is completed, the HR Director or designee shall recalculate the benefit and notify Human Resources immediately. The HR Director or designee will notify the retired officer of the new benefit amount. A copy of the revised benefit form with the new benefit amount will be retained in the retired officer's file pursuant to the City's Retention and Disposition Schedule.

Appendix 12 – Employee Service Award Program

City of Whiteville North Carolina 	Name of Policy: Employee Service Award Program		Subject: Employee Retirement Recognition
	Number: WPPA-12	Revisions: 0	Adopted by City Council on May 9, 2017
	Supersedes: 0	Effective Date: May 9, 2017	Pages: 2

Purpose.

To provide guidelines for recognition of employees for their continuous years of service to the City.

Applicability.

This policy applies to all full-time benefit eligible City employees.

Policy.

The City of Whiteville recognizes the importance of employee loyalty and dedication to our organization. City employees are a valuable element of the City's overall service component. The City understands and appreciates the value of institutional knowledge and experience held by our long-term employees. Additionally, retention of high-performing employees reduces the cost of employee turnover and enhances competitiveness. For this reason, employees with the City will be recognized for their length of service at intervals of five (5) years, beginning on an employee's fifth (5) year anniversary, and to be followed by five (5) year intervals thereafter, up to the milestone of the thirty-five (35) year anniversary date.

The symbol of recognition for dedicated and loyal service shall be the City of Whiteville seal service pin signifying the number of years of service and the opportunity for the employee to select a service award from the City's service awards program catalog, corresponding to the length of service category. However, should an employee find an item in a category assigned to a length of service category for years of service in the amount lesser than those years that the employee is being recognized for that employee might select a service award item from those groupings.

The City Council will recognize the continuous service of these city employees as they reach these service year milestones by announcing who they are with their corresponding years of service and the presentation of their City of Whiteville Pin of Service in a City Council meeting. In their discretion, employees may determine how to be recognized by City Council in one of the following ways:

- a) At a City Council meeting.
- b) Ask someone else to attend a City Council meeting and be recognize on his or her behalf.

- c) Having their name announced at a City Council meeting in absentia (the HR Director will present their City of Whiteville Pin of Service to the employee during the workday).

Procedure.

The Human Resource (HR) Director shall monitor each employee's service record to insure that length of service may be retrieved in five-year increments and that a listing of employees eligible for length of service awards may be generated. The HR Director shall notify each department of the names of employees eligible for awards for years of service and specify the years of service. The HR Director will order sufficient service awards pins to accommodate those employees to be recognized for length of service from January to December (calendar year) of the following year.

Service Awards Procedure.

The HR Director and the Finance Director will forward a recommendation to the City Manager regarding a listing of service awards for the City's service award catalog. Approval of the City's service award catalog is pursuant to the discretion of the City Manager. All grouping of service awards will be within a value amount most like other service awards in order to be grouped as an appropriate service award for the years of service being recognized. For example, an employee recognized for five (5) years of service is not eligible to choose a service award assigned in the service level the same as for an employee who is being recognized as for serving twenty (20) years.

Employees with the following designated number of years of continuous service will receive special recognition with a City of Whiteville Seal Service Pin with enumerated years of service and a service award from the service award catalog. The City of Whiteville Service Pin and service awards will be offered to those employees who reach years of service milestones of the following:

- a) Five (5) years of continuous service.
- b) Ten (10) years of continuous service.
- c) Fifteen (15) years of continuous service.
- d) Twenty (20) years of continuous service.
- e) Twenty-Five (25) years of continuous service.
- f) Thirty (30) years of continuous service.
- g) Thirty-Five (35) years of continuous service.

Employees may contact the HR Director for more information regarding selecting service award products from the City's service awards catalog and placing their order. Once an order has been placed, it will be shipped to the home of the employee.

Note: The Employee Service Awards Program is repealing and replacing the Employee Retirement Recognition Policy.

Appendix 13 – Presentation of Law Enforcement Badge and Service Weapon at Retirement or Death

City of Whiteville North Carolina 	Name of Policy: Presentation of Law Enforcement Badge and Service Weapon at Retirement or Death		Subject: Original Policy Sworn Law Enforcement Officers pursuant to NCGS 20-187.2
	Number: WPPA-13	Revisions: 1	Adopted by City Manager on July 7, 2025
	Supersedes: May 9, 2017	Effective Date: July 7, 2025	Pages: 2

I. POLICY

The City of Whiteville recognizes the importance of honoring employees who retire from public service. The purpose of this policy is to recognize and celebrate the dedication and hard work of those employees retiring.

II ELGIBILITY

- A. Service Weapon - Retiring sworn police officers must be eligible and apply for retirement benefits under the North Carolina Retirement System and for the purposes of receiving the service weapon, the retiring officer must have had at least fifteen (15) consecutive years of full-time service with the City of Whiteville, not including sick time and be of retirement age.
- B. Badge –Retiring sworn police officers shall receive upon request and at no cost to them, the badge worn or carried by such deceased or retiring member.¹¹

III ISSUANCE OF BADGE and SERVICE WEAPON

- A. Retiring sworn police officers are eligible to receive their badge on a plaque at no cost to them upon request.
- B. Retiring sworn police officers with fifteen (15) years of service who meets the eligibility requirements stated in Section IIA of this policy may also purchase their service weapon at the price of \$1.00.
- C. Surviving spouses, or in the event such member dies unsurvived by a spouse, surviving children shall receive at no cost to them the badge worn by the deceased officer.
 - I. The City shall provide preference to the surviving spouse, and with regard to the surviving children in the event of no surviving spouse, accept the first written submitted request from surviving children.
 - II. Children are defined as legitimated or adopted, as defined by Chapter 29 in the North Carolina General Statutes.

¹¹ NCGS 20-187.2

- D. The surviving spouse or children (or guardians of minor children), upon request may purchase the service weapon worn or carried by the deceased officer at a price determined by the City Manager. Such survivors may make a written request and obtaining a firearm permit as required and stated in Section III B. A written submitted request is required.

IV DOCUMENTATION

Whether it be an Officer that retires or in the event of the deceased officer's surviving spouse or children making such a request, the Chief of Police will ensure that all required documentation are completed and received regarding the service weapon and forwarded to the HR Director or designee for processing.

Presentation in the Event of Death

The badge worn by the officer will be presented to the family during the interment or may be presented to the family on a plaque at another time designated by the family. The Service Weapon shall be presented at a time and place to be agreed upon by the City and the family.

Appendix 14 – Presentation of Firefighter Helmet at Retirement or Death

City of Whiteville North Carolina 	Name of Policy: Presentation of Firefighter Helmet at Retirement or Death		Subject: Honoring deceased or retiring firefighters
	Number: WPPA-14	Revisions: 01	Adopted by City Council on October 6, 2015
	Supersedes: October 7, 2015	Effective Date: May 9, 2017	Pages: 2

I. POLICY

The City of Whiteville recognizes the importance of honoring employees who retire from public service. The purpose of this policy is to recognize and celebrate the dedication and hard work of those employees retiring.

II. ELIGIBILITY

Retiring firefighters must be eligible, apply for retirement benefits under the North Carolina Retirement System, and have at least five (5) consecutive years of full time service with the City of Whiteville, not including sick time. Qualifying years of service must be immediately prior to retirement.

III. REQUEST FOR HELMET

Firefighters are eligible to receive their helmet at no cost to them upon retirement or upon the request by a surviving relative¹² of a deceased firefighter. Eligible firefighters should submit their request to the Fire Chief to receive their helmet upon retirement. Surviving relatives may submit their requests to the Fire Chief to receive the helmet of a deceased firefighter. In the event of more than one requests, the Fire Chief will accept the first written submitted request from a surviving relative.

IV. PRESENTATION OF THE HELMET

The City Council, along with the Fire Chief, will award the firefighter helmet to retiring firefighters at a City Council meeting or at the request of the retiring firefighter; the Fire Chief outside of a City Council meeting may award the helmet.

Presentation of the Firefighter's Helmet in the Event of Death by request of the surviving relative, the helmet worn by the firefighter will be presented to the surviving relative during the interment or may be presented at a later time, designated by the family.

V. DOCUMENTATION

¹² NCGS Chapter 29 and NCGS 104A-1

Whether it be a firefighter that retires or in the event of the deceased firefighter's surviving relative making such request, the Fire Chief will ensure that all required documentation are completed and received regarding the firefighter's helmet and forwarded to the HR Director or designee for processing.

Appendix 15 – Personal Use of Electronic Devices Policy

City of Whiteville North Carolina 	Name of Policy: Personal Use of Electronic Devices		Subject: Personal use of Electronic Devices
	Number: WPPA-15	Revisions: 0	Adopted by City Council on May 9, 2017
	Supersedes: NA	Effective Date: May 9, 2017	Pages: 2

Purpose

The purpose of this policy is to promote a safe and productive work environment and increase public safety. Excessive use of calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. This policy applies to both incoming and outgoing personal calls, text messaging, and use of social media on any electronic device.

Covered Employees

This policy covers full-time, part-time, permanent, temporary, probationary, trainee, and non-paid (auxiliary) employees employed by the City.

City Expectations and Prohibitions

- A. Employees will use with City owned/issued cellular phones for the conduct of City related business at work. The City recognizes that sometimes-social media becomes part of an employee's job and the City expects employees to exercise sound judgment and discretion when using these platforms.
- B. Employees will restrict personal calls (incoming and outgoing), text messages, and all uses of social media during work time, and should use their personal electronic devices for their personal use only during scheduled breaks or lunch periods in non-working areas.
- C. Employees are responsible for sharing this information with their family and friends. However, legitimate emergencies are exempt from this policy. Once an employee learns of an emergency, the employee will report the need to leave to his or her supervisor immediately.
- D. The City will not be liable for the loss of personal cell phones or other personal electronic devices brought into the workplace by employees.
- E. The City prohibits the use of both incoming and outgoing personal calls, text messaging, and use of mobile social media on any cellular or electronic device while at any work site at which the operation of such device will be a distraction to the user and/or could create an unsafe work environment. Department Heads and Supervisors have the authority to prohibit or restrict use of cellular phones and electronic devices at any time they deem necessary to protect employees and the public from imminent danger and potential hazards that could cause bodily injuries.

- F. The City prohibits employee use of both incoming and outgoing personal calls, text messaging, and all uses of social media on any cellular or electronic device while driving City owned vehicles except for responding to calls directly related to the conduct of city business.
- G. Employees are prohibited from conducting personal business on personal cellular or electronic devices while operating city vehicles. Employees will stop the city vehicle they are operating in a safe location in order to use a personal cell phones or other electronic device for non-City related business. This prohibition includes texting, surfing the Internet, receiving or responding to e-mail, checking for phone messages, or any other purposes.

Appendix 16 – Harassment in the Workplace

City of Whiteville North Carolina 	Name of Policy: Workplace Harassment		Subject: Harassment in the Workplace
	Number: WPPA-16	Revisions: 0	Adopted by City Council on May 9, 2017
	Supersedes: NA	Effective Date: May 9, 2017	Pages: 3

Purpose

Harassment is a form of employment discrimination which violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA).

- A. According to the Equal Employment Opportunity Commission (EEOC), harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where:
1. Enduring the offensive conduct becomes a condition of continued employment, or
 2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
- Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.
- B. It is important for employees to know that petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.
- C. Employees should know that offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name-calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:
1. The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee
 2. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
 3. Unlawful harassment may occur without economic injury to, or discharge of, the victim.

Purpose

- A. Prevention is the best tool to eliminate harassment in the workplace. The City shall take appropriate steps to prevent and correct unlawful harassment. This policy shall clearly communicate to our employees that unwelcome harassing conduct will not be tolerated.
- B. The City has established this policy striving to reinforce an effective complaint and/or grievance process, providing anti-harassment training for our department heads, supervisors, and employees, and taking immediate and appropriate action when an employee complains. The City strives to create an environment in which employees feel free to raise concerns and will feel confident that those concerns will be addressed when issued.
- C. It is unlawful to harass a person (an applicant or employee) because of that person's sex.
 - a. Harassment can include "sexual harassment" or unwelcome sexual advances; and/or
 - b. Request for sexual favors; and/or
 - c. Other verbal or physical harassment of a sexual nature; and/or
 - d. Offensive remarks about a person's sex.

For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

Although the law does not prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

- D. The City encourages employees to inform the harasser directly that the conduct is unwelcomed and must stop. Employees shall also report harassment to management (supervisors, department heads, HR Director, City Clerk, and/or City Manager) at an early state to prevent its escalation. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.
- E. The City pledges to be compliant with rules and guidelines established by the EEOC. Employees can get more information on the subject of harassment by visiting the EEOC website at <https://www.eeoc.gov/laws/types/harassment.cfm>.

Reporting

Employees may report incidents or complaints of workplace harassment verbally or in writing. For submitted written complaints, employees should contact the HR department for the workplace harassment complaint form. For verbal complaints, the employee should

contact the HR department who will provide assistance in the completing of the harassment complaint form. Employees should report incidents or complaints as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated and addressed promptly. If the supervisor and/or Department Head is the person engaging in the harassing behavior, the complainant should contact the HR Director or designee and/or City Manager immediately.

What to include in a Report

Employees should provide as much information as possible in their report, such as the names of people involved, witnesses, where the event(s) occurred, when event(s) occurred, and what behavior and/or words led to the complaint. Employees should attach any supporting documents, such as emails, handwritten notes, or photographs to their report.

Appendix 17 – Compensatory Time Pre-Approval Procedure

City of Whiteville North Carolina 	Name of Policy: Compensatory Time Pre-Approval		Subject: Pre-Approval Process for Compensatory Time
	Number: WPPA-17	Revisions:	Adopted by City Council on May 9, 2017
	Supersedes: NA	Effective Date: May 9, 2017	Pages: 2

Purpose

The purpose of this policy is to establish consistency and fairness across all departments in the City regarding the application of compensatory time accrual and usage to ensure compliance with the Fair Labor Standards Act (FLSA) and rules implemented by the City.

Eligibility

Compensatory time leave is for non-exempt employees only. Compensatory time is calculated for actual hours worked over 40-hours, except for certain police and fire personnel. Compensatory time accruals for police and fire personnel are calculated on a 'word-period' basis. Police personnel who work over the amount of 86-hours in a 14-day cycle and fire personnel who work over the amount of 182-hours within a 24-day cycle qualify for a special exemption under the FLSA known as the 7(k) exemption.¹³

Scope

The City will credit employees, at the rate of one and one-half (1.5) hours of time for each hour of over-time worked in the form of compensatory time. The City requires employees to use their accrued compensatory time prior to the use of their accrued sick or annual leave.¹⁴ Non-exempt employees may accrue up to a maximum of 240 compensatory hours/time; non-exempt employees who work in law enforcement and fire protection/emergency response positions may accrue a maximum of 480 compensatory hours/time. In addition to the City requiring non-exempt employees using accrued compensatory hours prior to accrued sick or annual leave, these employees will be permitted to use accrued compensatory time on a date of their request unless doing so unduly disrupts the operations of their department.¹⁵ Non-exempt employees earning in excess of the maximum compensatory hours shall be paid in overtime compensation by the City, but only for the amount of compensatory hours that are in excess of the maximum.

Procedure

¹³ FLSA Fact Sheet #8 Law Enforcement and Fire Protection Employees Under the Fair Labor Standards Act (FLSA).

¹⁴ 29 US Code 207(o)(1) FLSA

¹⁵ FLSA Fact Sheet #7 State and Local Governments Under the Fair Labor Standards Act (FLSA).

Non-exempt employees must have prior approval from their first line supervisor for any time worked over their normal work schedule. All approved overtime hours shall be reviewed by the Department Head before all timesheets are completed and forwarded to the HR Department for processing of payroll. Post-approval documentation is required for overtime work as it pertains to emergencies. An employee's failure to receive prior approval may be grounds for disciplinary action up to and including termination of employment.

Overtime Approval Process

1. The employee notifies their supervisor and/or department head of the possible need to work overtime within the schedule work period.
2. The employee completes the Compensatory Time/Overtime Request form for proposed overtime to be pre-approved and provides the completed signed request to their supervisor and/or department head for approval. If the request is for post-approval due to an event related to an emergency, the employee completes and signs the request as soon as it is possible and provides the request to their supervisor and/or department head for approval.
 - a. If not approved, the employee does not work over their normal work schedule.
 - b. The employee and their supervisor and/or department head keeps a copy of the request for their individual records.
3. The supervisor and/or department head reviews the submitted request by the employee requesting overtime.
 - a. The supervisor and/or department head will include in their review the number of accrued compensatory hours that the employee may have already accrued prior to making their request for additional overtime.
4. After receiving an approved request back from their supervisor and/or department head, the employee completes request form along with their bi-weekly timesheet and submits it to the HR Director or designee for final calculation.
 - a. The employee will work with their supervisor and/or department head in an attempt to use all compensatory time accrued during the current pay period before the end of the next pay period.
 - b. If the employee is not successful in depleting all of their accrued compensatory time within the next pay period, the employee will be given up to a maximum of three (3) months from the date of earning the compensatory time to use the accrued compensatory time. If the employee is not successful in depleting the accrued compensatory time in the three (3) month period, the employee and their supervisor and/or department head may be subject to disciplinary action.
5. The HR department will provide bi-weekly reports to department heads informing them of employee's accrued compensatory leave balances.
6. Department heads will ensure that employees will schedule time off to use accrued compensatory time in a fashion that will not disrupt operations of the organization.

Appendix 18 – Employee Identification Card Policy

City of Whiteville North Carolina 	Name of Policy: Employee Identification Card Policy		Subject: Employee ID Cards
	Number: WPPA-18	Revisions: 0	Adopted by City Council on February 10, 2015
	Supersedes: NA	Effective Date: May 9, 2017	Pages: 3

Purpose

The purpose of this policy is to establish a form of recognition of City of Whiteville employees by positively identifying them with a City-issued Identification Card (ID card). This policy will also set reasonable guidelines for the issuance, display, maintenance, replacement, and return/recovery of the ID card.

Scope

An employee of the City of Whiteville is defined as a full or part time status employee, auxiliary police, and elected officials. However, in special circumstances, the City Manager may approve certain persons to be authorized as visitors, guests, or City Partners and for the purposes of this policy hereinafter will be referred to as visitors. The employee agrees that he/she will abide by this policy as a condition of employment. Contractors are not covered in this policy.

Card Issuance

ID cards are the property of the City of Whiteville. The City Manager will be responsible for the card design. At a minimum, the City's ID cards will include employee name, position the employee's picture, and the seal of the City of Whiteville on the front of the badge. The back of the badge will remain open and at the discretion of the City Manager, certain items of information may be added as he or she deems it necessary. Employees serving in public safety positions may have certain personal information scanned into a barcode for emergency response reasons, pending the approval of the City Manager.

Temporary ID cards are to be issued to those persons authorized as visitors pursuant to a completed application by the visitor. In cases of hardship, the department head assigned to the visitor, with the authorization of the City Manager, shall complete the application for the visitor. The identification badge issued:

1. Will identify the applicant as a visitor, guest, or City partner; and
2. Will include the City Seal in lieu of the person's photograph; and
3. Will include a number in large, bold print under the City Seal identifying a sequential number of the badge in which it was issued out of a batch; and
4. Will display the date the badge was issued; and
5. Will display the date the badge will expire.

The HR Director or their designee will be the ACO for administration of this policy, procedure, approvals, and issuance for all ID cards for the City of Whiteville. For the purposes of this policy, Access Control Officer and Human Resource Director may be used interchangeably.

The ACO shall issue and deactivate ID cards to certified recipients by way of application.

The ACO shall process all ID card requests for including new hires (to include non-paid positions), newly elected personnel, and terminations. Once the employee has procured their ID card, he or she will be issued a plastic sleeve to house and protect the ID card. Department Heads are responsible for notifying the Human Resources Officer immediately for any changes in employee status.

Display

City employees, not otherwise identified by City-issued uniforms with employee name labels, must prominently display City-issued ID cards while in an official/working capacity, including visiting other city departments, county, or other governmental agencies. Prominently displayed is considered as conspicuous and particularly noticeable and as to stand out so to be seen easily. City-issued ID cards must be displayed on the front of the person in a manner that can be readily seen by others.

An employee may remove the ID card if it poses an immediate hazard or until the hazard posed no longer exists. Employees may not, alter, obstruct or deface the badge or plastic sleeve to change in any way the original appearance of the ID card. Any City employee who fails to adhere to this requirement will be subject to disciplinary action up to and including dismissal.

ID cards must be kept in a clean and neat fashion. ID card holders will be replaced when the ID card is not visible from a reasonable distance. ID cards, when in the holder, will not have items placed in front of them as to block the interpretation of the card from any reader. ID cards will be replaced periodically to maintain the integrity and overall appearance of the card at no cost to the employee per the approval of the employee's department head with supporting documentation.

Control

Employees may not have more than one ID card at a time. Should a need arise to replace an ID card, the card being replaced, must be surrendered at the time the application is being made for the replacement card. Employees are expected to safeguard their ID card and not lend their ID card to anyone. Employees are required to report missing and stolen ID cards immediately to their supervisor or the HR Director. All ID cards will be required to be surrendered back to the custody of the HR Director at the time an employee is no longer employed by the City.

Return/Recovery

ID cards that are lost or misplaced will be returned to the employee when found or turned in to the HR Director. The initial cost for issuing an ID card will be borne by the City of Whiteville. A \$10 replacement charge for cards that have been reported lost or willfully damaged will be assessed and charged to the employee. Employee ID cards that have been reported stolen will be replaced at no charge to an employee; however, a copy of a police report will be required at the time of the request for the replacement.

Enforcement

1. Employees must wear their ID cards while at work.
 - a. For employees performing certain jobs in which wearing the ID card may cause a safety hazard, or for certain law enforcement assignments which require anonymity, this requirement is waived.
 - b. Consideration may be given to employees who work in city offices where there is no contact with the public. However, in any case, employees will wear ID cards when visiting other City departments and offices.
 - c. Other exceptions may be granted where it is required in city departments where employees wear uniforms showing the employee's name and department.
2. Employees should politely challenge any person who is seen in a secure/designated area of the City, and not wearing an ID card, by saying, "May I help you?"
3. Employees are expected to comply with all provisions of this policy. Failure to comply will subject employees to corrective action up to and including termination.
4. Department Heads shall ensure the City's Employee Identification Card Policy is maintained and adapted to the needs of their departments and work locations. Department Heads shall also ensure the requirements of the policy are enforced within their departments.
5. Employee ID cards should be replaced every five years or whenever a supervisor believes, an employee's appearance has changed enough to warrant a new photograph.
6. Employees who request replacement ID cards for aesthetic reasons will be assessed a \$10 fee for each replacement.

City of Whiteville North Carolina 	Name of Policy: Personnel and Employment Records		Subject: Records Management and Access
	Number: 19	Revisions: 0	Adoption Date: August 8, 2017
	Supersedes: N/A	Effective Date: August 8, 2017	Pages: 8

I. Policy

Personnel and employment records are necessary for the proper administration of the City's personnel system. Part of this administration includes the maintenance and care for overseeing confidentiality and privacy remain active for these records. NCGS 160A-168 is the municipal personnel privacy statute and establishes special rules of access to personnel files of City employees.

II. Coverage

- A. These provisions apply to:
1. City employees,
 2. Former City employees, and
 3. Applicants for City employment (only as it relates to access to public records).

III. Definition of Personnel Files

- A. For the purposes of this policy, a personnel file consists of any employment-related and/or personal information collected and assembled by the City.
- B. Employment-related (**Personnel**) information includes information related to an individual's:
1. Application;
 2. Selection;
 3. Promotion, demotion, transfer;
 4. Salary, and leave;
 5. Contract for employment;
 6. Benefits;
 7. Performance Evaluation; and
 8. Suspension, disciplinary actions, letters of resignation and termination.
- C. **Personal** Information includes an individual's:
1. Home address;
 2. Social security number;
 3. Medical history;
 4. Personal financial data;
 5. Marital status, dependents and
 6. Beneficiaries.

IV. Contents of Employee Personnel Files

A. Any information in any form, gathered by the City, with respect to that employee, and to include but not limited to the following.¹⁶

1. Application
2. Selection or Non-Selection
3. Performance
4. Promotions
5. Demotions
6. Transfers
7. Suspensions and other disciplinary actions
8. Evaluation forms
9. Leave
10. Salary
11. Termination/End of Employment

B. Records **Not** Placed Within An Employee's Personnel File, included but not limited to: (these records will be secured separately and apart from an employee's personnel file)

1. Medical Records (protected under HIPPA)
2. Medical and Other Health Enrollment Records (protected under HIPPA)
3. Financial Plan Enrollment Forms
4. FMLA Documentation (protected under HIPPA)
5. Child Support and Medical Insurance Enrollment Documents (protected under HIPPA)
6. Tax Garnishments forms
7. Citizen and Employee Complaints¹⁷
8. Grievance and Appeals Matters (a document describing the final outcome of the matter will be placed in the employee's personnel file along with any required documentation)
9. Criminal Investigations (active, pending, or unfounded. Final outcome will be documented and placed in the employee's file should there be an outcome from the investigation)
10. Training (city-wide)

V. Records Open to Public Inspection

A. The following on each employee shall be maintained and open for inspection:¹⁸

1. Name.
2. Age.
3. Date of original employment or appointment to service.
4. The terms of any contract by which the employee is employed whether written or oral, past or present, to the extent that the City has the written contract or a record of the oral contract in its possession.
5. Current position.

¹⁶ NCGS 160A-168 (a)

¹⁷ News Reporter Co. v. Columbus County (646 S.E. 2d 390 (2007)) and S.E.T.A. UNC-DH v. Huffines (399 S.E. 2d 240 (1991))

¹⁸ NCGS 160A-168 (b)

6. Title.
7. Current salary. The term salary includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the City.¹⁹
8. Date and type of each increase or decrease in salary with the City.
9. Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the City.
10. Date and general description of the reason for each promotion with the City.
11. Date and type of each dismissal, suspension or demotion for disciplinary reasons taken by the City. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the City setting forth the specific acts or omissions that are the basis of the dismissal.
12. The office to which the employee is currently assigned.

VI. Right of Access to Records

- A. Only certain information must be made available to the public, refer to Section V. This statement applies to current and former employees (not applicants).²⁰
- B. *Applicants.* The public has no right of access to any information regarding applicants for city employment. Applicants for city employment have no right of access to view his or her records once they have submitted the records to the City. Applications for city employment are confidential records along with the names of the applicants on those applications.²¹ This information is not subject to be released for any Public Records Requests. Only those employees or officials who are involved in the hiring process should be provided access to this information.²²
- C. *The Exception.* There is one exception²³, it is if the City Council authorizes other staff, members-elect, outside professional recruiters, or other community members to be involved in the hiring process. Should outside private individuals be allowed to participate in the hiring process, Waivers of Confidentiality will be required and be made part of the process.
 1. The information on the waiver(s) can be withheld from the public but may be shared with those participating in the process. A waiver provides limited access to the records. Without the waiver, access and attendance is limited to those employees and officials of the City who are involved in the hiring process.

VII. Confidential Information and Employee Access To Personnel Information

- A. All employment-related and personal information in an employee's personnel file not specified under Section V, "*Records Open for Inspections*" is confidential and shall be open to inspection only in the following instances:²⁴

¹⁹ NCGS 160A-168 (b1)

²⁰ Article: <https://canons.sog.unc.edu/who-has-access-to-applicant-information/>

²¹ NCGS 143-318.11 (a) (1)

²² Article: <https://canons.sog.unc.edu/who-has-access-to-applicant-information/>

²³ Article: <https://canons.sog.unc.edu/who-has-access-to-applicant-information/>

²⁴ NCGS 160A-168 (c) 1-7

1. The employee or their duly authorized agent may examine all portions of his personnel file except:
 - a. Letters of reference solicited prior to employment; and
 - b. Information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
2. A licensed physician designated in writing by the employee may examine the employee's medical record.
3. A city employee having supervisory authority over the employee may examine all material in the employee's personnel file.
4. By Order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.
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 the official, having custody of such records, determines the inspection to be inspected to be necessary and essential to the pursuance of a proper function of the inspecting agency.
 - a. No information is to be divulged for the purposes of assisting in a criminal prosecution of the employee, or for assisting in an investigation of the employee's tax liability.
 - b. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for assisting in a criminal investigation.
6. An employee may sign a written release, to be placed with his/her personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other person specified in the release.
7. The City Manager, with concurrence of the Council, may inform any person of the:
 - a. Employment or non-employment,
 - b. Promotion,
 - c. Demotion,
 - d. Suspension or other disciplinary action,
 - e. Reinstatement,
 - f. Transfer, or
 - g. Termination of a city employee and the reasons for that personnel action.

Before releasing the information, the Manager shall determine in writing that the release is essential to maintaining public confidence in the administration of city services or to maintaining the level and quality of city services. This written determination shall be retained in the office of the manager or the city clerk, and is a record available for public inspection and shall become part of the employee's personnel file.

- B. The City shall maintain in personnel records only information that is relevant to accomplishing personnel administration purposes. Information obtained regarding the medical condition or history of an applicant that is collected by the City must

be maintained in a separate file in compliance with the Americans with Disabilities Act.²⁵

- C. There may be information physically kept in an employee's personnel file which an employee believes is confidential but which does not fall into any of the above categories, such as information about an employee's benefits. If a public record request is made for any information that is maintained in an employee's personnel file, and that information is not open for inspection under NCGS 160A-168, the City should get both the consent of the employee and the advice of Counsel before releasing such information.

VIII. Release of Personnel Information for Public Consumption

- A. The information listed above in Section V.A.1-12, shall be made available for inspection and examination and copies thereof made by any person during regular business hours, subject to the following provisions²⁶:
 - 1. All disclosures of records shall be accounted for by keeping a written record of the following information:
 - a. Name of Employee.
 - b. Information Disclosed.
 - c. Date Information Requested.
 - d. Name and Address of the Person to Whom the Disclosure is Made (*if the person is willing to provide such information*).
 - 2. Though there is no legal requirement or precedent for the City to do so, but upon request, the record of disclosure may be made available to the employee to whom it pertains depending on the nature of the request and release of information.
 - 3. The request for public records may be in any form and all media in which the City is capable of providing to the requester. No request for copies of public records in a particular medium shall be denied because the City has made or prefers to make the requested public records available in a different form of medium.²⁷
 - 4. Actual Costs can only be applied to the assessment of fees for the reproduction of public records. The City Council reviews these fees on an annual basis. These fees will be included in the City's Schedule of Fee as part of the annual budget process, different fees are assessed for different forms of media.
 - a. Actual costs is limited to direct, chargeable costs related to the reproduction of a public record as determined by generally accepted accounting principles and does not include costs that would have been incurred by the City if a request to reproduce a public records had not been made.
 - b. If the request is one:

²⁵ 42 U.S.C.12112

²⁶ NCGS 160A-168(b2)

²⁷ NCGS 132-6.2(a)

1. That requires extensive use of information technology resources, extensive clerical, or supervisory assistance by personnel of the City, **OR**
 2. If producing the record in the medium requested results in a greater use of information technology resources than that established by the City for reproduction of the volume of information requested, then the City may charge in addition to the actual cost of duplication, a special service charge.
 - c. This special service charge shall be reasonable and based on the actual cost incurred for extensive use of information technology resources or labor costs of the personnel in providing the services, or for a greater use of information technology resources that is actually incurred by the City or attributable to the City.²⁸
5. Persons requesting public records may request the records to be certified or uncertified. If the request is for certified records, contact the City Clerk.
6. Custodians of the requested public records will review submitted requests for public information.
 - a. If it is determined that it is a request that can be filled, Staff will respond by providing the copies for the request at their earliest and most reasonable opportunity.
 - b. If the request must be denied, Staff will write a letter to the requester explaining the reason for the denial for the release of the requested record. A copy of this letter will also be provided to the City Clerk.
 - c. Staff will not respond to public records requests outside of normal work hours.
 - d. It is not require by state law for the City to respond to a request for a copy of a public record by creating or compiling a record that does not exist. However, if the City, as a service to the requester, voluntarily elects to create or compile a record, it may negotiate a reasonable charge for the service with the requester. In this case, the City is not required to put data in electronic medium that is not already kept in electronic medium.²⁹ This service will depend upon availability of information on the subject matter of the public records request.
7. If the person requesting the information is unwilling to provide a written request, then the employee accepting the request is the responsible party for recording the information from the party requesting public information.
8. If the request is received by email, fax, or one-to-one conversation, the employee accepting the request is responsible for obtaining contact information from the requester and attaching their partial request to the City's request form for Public Personnel Information before sending the request to the City's Public Records Custodian.

²⁸ NCGS 132-6.2(b)

²⁹ NCGS 132-6.2(c)(d)(e)

- B. Persons making requests for Public Personnel Information are not required to disclose their reason for their request and the employee receiving the request is not to ask why the request is being made. However, if knowing the reason for the request will help with the collection of information being requested, please let the requester know this and asked if they will share enough of their reason for the request so that it is possible for Staff to make suggestions as to how to determine exactly what information is actually being requested. **It is important to note that usually a whole conversation as to why or what information is being requested DOES NOT have to occur between the requester and Staff, for a Staff person to make that determination.**
1. Requests for Public Personnel Information must be retained for two years;³⁰ this does not apply to the processing of personnel records or routine credit reference. The employee receiving the request or the employee's department may keep a copy of the request but the original will be forwarded to the City's Public Records Custodian.
 2. The employee receiving the request for Public Personnel records will inform the requester that costs may be assessed for the costs associated with copying or recording records. The matter is to be referred to the City's Public Records Custodian at that time.
 3. Any person denied access to any records described in Section V.A.1-12, shall have the right to compel compliance in accordance with NCGS 132-9.
- C. City Staff will provide a cost for providing records to the person requesting records prior to collecting the requested records. If it is not possible to attain the exact cost, City Staff with a best faith effort will provide an estimated cost for the record(s). Staff will collect fees for the requested records, prepare and provide a receipt to the requester prior to producing the requested records. If the estimate is under or overstated, the balance due to the records requester or the City will be settled just prior to the requested records being exchanged between the City and the requester. No records should be released without the first being paid for and a receipt being issued.

IX. Even if Considered Part of a Personnel File, the Following Information Need Not Be Disclosed to an Employee nor to Any Other Person³¹

1. Testing or examination material used solely to determine individual qualification for appointment, employment, or promotion in the City's service, when disclosure would compromise the objectivity or the fairness of the testing or examination process.
2. Investigative reports or memoranda and other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.

³⁰ City of Whiteville Records Retention and Disposition Municipal Schedule, Standard 1, Item No. 59.

³¹ NCGS 160A-168(c1)

3. Information that might identify an undercover law enforcement officer or a law enforcement informer.
4. Notes, preliminary drafts and internal communications concerning an employee. **In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials.**
5. However, the City Council may permit access, subject to limitation they may impose, to selected personnel files by a professional representative of a training, research, or academic institution if that person certifies that he will not release information identifying the employees whose files are opened and that the information will be used solely for statistical, research, or teaching purposes. This certification shall be retained by the city as long as each personnel file examined is retained.³²
6. The following information regarding any sworn law enforcement officer shall not be disclosed to an employee or any other person, unless disclosed in accordance with NCGS 132-1, 132-1.4, and 132.1.10 or for the personal safety of that sworn law enforcement officer or any other person residing in the same residence:³³
 - i. Information that might identify the residence of a sworn law enforcement officer.
 - ii. Emergency contact information.
 - iii. Any identifying information as defined in NCGS 14-113.20.

X. Maintenance of Records

The City Council hereby charges the Office of Human Resources as the responsible office to be the custodian of all personnel records. This office shall provide and maintain a confidential setting and hereby establish internal procedures in which the following will be accomplished:

- (1) An employee may request a viewing of his or her personnel file, and
- (2) Public requests can be processed in a manner that is lawfully, efficient, and timely, and
- (3) Shall establish procedures for employees who object to material in his or her file on grounds that it is inaccurate or misleading and may seek to have that material removed from the file or may place in the file a statement relating to that material.³⁴

XI. Penalty for Permitting Access to Confidential File by Unauthorized Person

A public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as is permitted by this section, is guilty of a Class 3 misdemeanor and upon

³² NCGS 160A-168(c2)

³³ NCGS 160A-168(c4)1-3

³⁴ NCGS 160A-168(c)d

conviction shall only be fined an amount not more than five hundred dollars (\$500).³⁵

XII. Penalty for Examining, Copying, ETC., Confidential File Without Authority

Any person, not specifically authorized by NCGS 160A-168(f) 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 Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500).

³⁵ NCGS 160A-168(e)

City of Whiteville North Carolina 	Name of Policy: Guidelines for Establishing Essential/Non-Essential Personnel in Case of an Emergency		Subject: Essential and Non- Essential Personnel
	Number: 20	Revisions: 0	Adoption Date: July 10, 2018
	Supersedes: N/A	Effective Date: July 10, 2018	Pages: 3

Policy Statement

These guidelines are intended to provide guidance to departments in determining essential functions regarding their staff during an emergency.

Reason(s) for the Policy

This policy provides guidelines for the identification, treatment of time, and use of “Essential Personnel” during emergencies, including those that dictate suspension of services and/or closure of operations. During an emergency, Essential Personnel provide services that relate directly to the health, safety, and welfare of the City, ensure continuity of key operations, and maintain and protect city properties.

Who Is Governed by This Policy

All City of Whiteville full-time and part-time employees.

Who Should Know This Policy

All City of Whiteville employees should know and understand this policy.

Policy

These guidelines are intended to provide assistance to departments in determining which city employees are essential during a campus emergency based on essential functions needed. Each department head is responsible for final determinations as to which of its personnel are essential. Essential Personnel are generally defined as the staff who are required to report to their designated work location; to ensure the operation of essential functions or departments during an emergency; or when the City has suspended operations. Some employees may be required to perform essential services remotely. Those individuals will be identified in advance and notified by their supervisors, but in most cases, Essential Personnel are expected to be on-site.

Department heads should determine which functions are essential, and how to staff those functions during an emergency or suspension of normal operations. Once the essential staffing plan for a department is determined, the department head is responsible for communicating the information to all personnel in the department, to HR, and to the City Manager.

Essential Functions/Departments

The following is a list of identified functional areas that is considered essential. This list is not intended to be all-inclusive. Additionally, on a case-by-case basis, employees may be designated as essential by management based on the nature of the emergency and/or the availability of other personnel. Employees, who have a question whether their position is deemed essential, should contact their department head.

Functional areas that are considered essential are:

1. Administration
2. Employees involved in animal care or working with material that require refrigeration
3. Communications and Public Affairs
4. Public Safety (Police and Fire)
5. All Building and Grounds Services
6. Finance and Procurement Operations
7. Public Utilities (Public Works and WWTP)
8. Environmental Health and Safety
9. Government and Community Affairs

It will be the Emergency Management Operations Team (EMOT) who makes the decision regarding the declaration of an emergency event. The EMOT usually consists of the Mayor, City Manager, and the Emergency Services Director. The EMOT will consider and deliberate regarding the nature and extent of the emergency, all management personnel (department heads) should be considered critical to the function of the City. Thereafter, management will determine and communicate which functions are essential and if any Essential Personnel will be excused from reporting to work.

Essential Personnel are expected to come to work in emergencies, unless their department heads has specifically excused them or have directed them to work through the emergency event remotely. Failure to report to work as directed may result in disciplinary action up to and including termination.

Ultimately, the nature of the emergency will determine what city services will continue and which city personnel will be essential to the continued operation(s) in the City. The EMOT will provide up-to-date instructions and communicate the decisions of the City Leadership through various communications means including, but not limited to the City of Whiteville's Website Home Page, The City of Whiteville's Facebook page, Emergency Text Messages, community-wide email announcements, and press releases to the Media. It is the responsibility of all employees, essential and non-essential, to monitor their work email for updates and directives during emergency events.

Treatment of Time

1. Non-essential personnel, who report for work during campus emergencies, may be temporarily assigned to other tasks. Those reporting to work will be paid for the day at

current salary/pay rate and may be released to go home by their supervisor unless they are instructed to remain and provide essential services.

2. All applicable employment policies will remain in effect for employees who report to work.

City of Whiteville North Carolina 	Name of Policy: Conduct of Workplace Investigations		Subject: Guidance for Conducting Work Place Investigations
	Number: 21	Revisions: 0	Adoption Date: July 10, 2018
	Supersedes: 0	Effective Date: July 10, 2018	Pages: 4

Purpose

The purpose of this policy is to provide guidance for conducting internal investigations of alleged unlawful discrimination, harassment and other violations of city policies, rules and standards of conduct.

Applicability

All City of Whiteville operated sites.

Policy

The City is committed to ensuring that all city-initiated investigations are conducted in a fair, impartial, thorough, thoughtful manner and in compliance with all applicable laws within the State of North Carolina and the United States.

Procedures

Whenever a manager, supervisor, or their designee of the City of Whiteville receives a complaint or other information indicating a possible violation of law or City of Whiteville's Code of Ordinances and/or policies, the City will conduct an investigation. The complaint will be received by placing a time stamp on the complaint for date received by city staff. The City will have thirty (30) days to investigate the complaint/allegation from the date of the time stamp, unless the City Manager approves an extension. The complainant will receive a notification of the results of the investigation upon conclusion.

If an allegation or complaint names a city employee, the named employee will be notified that he or she is the subject of an alleged complaint. The City Manager will authorize this notification, only, unless the matter is referred to the City Police Chief. If the matter is referred to the City Police Chief, the directives for police investigations will prevail.

Responsibility

The City will promptly initiate an appropriate investigation into all possible violations of law and the policies of the City of Whiteville. The City Manager, or his designee, will have primary responsibility for investigating complaints relating to employee misconduct.

In certain situations, the City Attorney, Police Chief, and/or a person designated by the City Manager may assume responsibility for certain investigations and instruct other city personnel to gather information for the investigation. In such cases, the assigned

investigator(s) will follow the instructions provided by this person relating to communications and evidence to ensure that “attorney-client” and “attorney work product” privileges are preserved and that confidentiality remains intact.

Situations to be Investigated

The following list, while not all-inclusive, provides examples of the types of situations that the City will investigate:

1. Alleged conduct that potentially deprives a city employee or third party (such as customer(s), persons or entities desiring to engage in business with the city) of rights because of race, color, religion, sex, sexual orientation, national origin, age, disability, marital status or other characteristics protected by law.
2. Alleged verbal or physical conduct that potentially stigmatizes or shows hostile feelings toward any individual because of race, color, religion, sex, sexual orientation, national origin, age, disability, marital status or other characteristics protected by law. This includes conduct that has the purpose or effect of any of the following:
 - a) Creating an intimidating, hostile or offensive work environment.
 - b) Unreasonably interfering with an employee’s work performance.
 - c) Affecting an individual’s employment opportunity at the company.
3. Alleged conduct or intentional behavior that potentially violates the City of Whiteville’s policy/ies or affects the safety or well-being of other employees, city visitors, operations or other City of Whiteville related activities. Such conduct includes threatening communication, physical injury or potential physical harm to another, aggressive or hostile action, intentional damage to city property, and possession of any weapon, regardless of government licensing.
4. Conduct that violates the City of Whiteville’s rules, policies or standards of conduct or the law.

Third-Party Investigator Requirements

The City Manager may approve the retention of any third party for purposes of conducting a City-initiated investigation regarding employee misconduct. The third party must be professionally licensed, if required by state statutory requirements, and must provide evidence of professional liability insurance (i.e., errors and omissions coverage) prior to conducting any city-initiated investigation.

Confidentiality

The City of Whiteville investigator(s) will inform the complainant(s) that the city-initiated investigation will be handled on a need-to-know basis; however, if information is learned that personnel action or legal action is required, there is a potential that disclosure of this information may occur in the process.

Retaliation

The City of Whiteville prohibits retaliation including making threatening communication by verbal, written or electronic means against any individual who reports or provides any information concerning unlawful discrimination, harassment or other violations of the

city's policies, rules and standards of conduct. Any employee found to be engaging in retaliation will be subject to disciplinary action up to and including termination.

Risk Assessment

The City of Whiteville investigator(s) will make a reasonable effort to ensure that the complainant(s) or person(s) providing information during an investigation are not exposed to any threats of violence, intimidation or personal risk. If any such situations are identified or have occurred, the City will proceed with the appropriate response, as advised by the City Attorney. Any city employee found to have engaged in threatening behavior will be subject to disciplinary action up to and including termination, in accordance with the City of Whiteville's Personnel Policy.

Investigative Timeline

The City of Whiteville will make all reasonable efforts to initiate an investigation into the allegation(s) and conclude the investigation in thirty (30) days to investigate the complaint/allegation from the date of the time stamp, unless the City Manager approves an extension.

Documentation of Findings

Based on the investigation, the City of Whiteville's investigator(s) should determine whether the allegation(s) were founded, unfounded or inconclusive. This determination will be documented in writing and made part of the investigative report. A determination for the investigation will be one of the following:

1. Exonerated: The alleged incident or conduct occurred but was lawful and proper.
2. Substantiated: As a result from the investigation, evidence sufficient to prove the allegation was identified.
3. Unsubstantiated: As a result, from the investigation, evidence sufficient to prove the allegation was not identified.
4. Unfounded: The alleged incident or conduct was determined to be false or not factual.

Unless advised by the City Attorney or the HR department, the City of Whiteville will retain records relative to a city-initiated investigation for a period of five years or the minimum retention period required by law.

Release of Investigative Records

The City will not release any investigative files, including interviews and findings, unless authorized by the HR department, the City Attorney, and/or pursuant to a court-authorized request (i.e., subpoena, court order).

Any information obtained and reported by third parties employed or engaged by the City concerning an employee's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living will be considered to be a "consumer report" under the Fair Credit Reporting Act. Accordingly, the City will provide notice to the employee that such reports have been received. The employee may request and obtain a copy of the consumer report.

Notice to Government Agencies

Before notifying any government agency concerning a city-initiated investigation, the City Attorney will conduct a full review of the investigation and will determine what information, including documents, which should be released to the government agency.

Disclosures to Third Parties

No city employee or agent may make any disclosure to third parties (e.g., lawyers, investigators, insurance representatives, media reporters) regarding the particulars of any city-initiated investigation without prior approval from the City Manager and/or City Attorney.

City of Whiteville North Carolina 	Name of Policy: Professional Development		Subject: Professional Development of City Employees
	Number: 22	Revisions: 0	Adoption Date: July 10, 2018
	Supersedes: 0	Effective Date: July 10, 2018	Pages: 2

Objective

The City of Whiteville encourages employees to enhance knowledge and skills and to network with other professionals, thus improving potential for future opportunities. The City recognizes that for development purposes, employees may need to attend training seminars or workshops conducted off-site or join professional associations that will enable them to remain abreast of best practices in their respective fields. Thus, the purpose of this policy is to outline company parameters for attending external training functions and joining/renewing memberships in professional associations. Please note that this policy is subject to annual company budgets established for external training and memberships.

Policy

In support of this program, we offer a training benefit to full-time employees who have been employed by the company for six months. The benefit can be used for costs associated with:

- Professional exams and exam preparation courses.
- Certificate programs and credentials.
- Courses offered by an accredited institution, including e-learning.
- Workshops, seminars and conferences.
- Membership in professional organizations.
- Magazine subscriptions.

Employees may be permitted to attend an off-site seminar, conference or workshop that will be paid for by the city. These training events, in order for an employee to attend, must have a direct relationship to the job the employee performs. For work scheduling purposes, the employee's request for attendance must be received at least one month in advance of the event if possible, and the employee's department manager must approve the request.

Employees may be permitted to join professional associations, membership fees for which will be paid for by the city. The association selected must have a direct relationship to the job the employee performs. The association application and supporting document must be presented to the employee's department head for approval and then submitted to the City Manager for final approval.

The City reserves the right to determine which training functions and association memberships are in the best interests of the city, its future planning and direction. Thus, the employee's department head will review all requests for external training and memberships, determine priorities and approve or disapprove requests based on the department's annual budget established for these programs.

Procedure

To participate in this program, the employee must submit a request by completing a travel request form and forward it to his or her supervisor. If approved, the supervisor will send the form to human resources (HR) and provide a copy to the employee. The employee may incur expenses only after receiving an approved travel request form from his or her department head. The employee shall comply with the City's Travel Policy (Personnel Policy Appendix 4) regarding reimbursement(s) of necessary expenses while in travel status. The employee shall submit with his or her documents, the approved completed travel request form, when requesting reimbursement of their travel expenses.

After concluding training, the employee must submit a certificate of completion or similar document to HR to be filed in the employee's personnel file.

Additional Information

The City will pay for a second exam only if the score received on the second exam is higher than a prior score and the score received on the second exam is considered a passing score. The City will not pay for an employee to retake a course. Travel expenses may be permitted if the training is not available locally.

City of Whiteville North Carolina 	Name of Policy: Workplace Violence Policy		Subject: Workplace Violence
	Number: 23	Revisions: 0	Adoption Date: July 10, 2018
	Supersedes: 0	Effective Date: July 10, 2018	Pages: 2

Purpose

The City of Whiteville has a zero tolerance policy for violent acts or threats of violence against our elected officials, employees, applicants, clients/customers or vendors. The city does not allow fighting; threatening words or conduct that is or may be perceived as intimidating behavior. In addition, weapons of any kind are strictly prohibited inside City of Whiteville buildings, premises to include leased city-owned properties, and grounds. This prohibition does not apply to a person who has a concealed handgun permit, issued in accordance with G.S. Ch. 14-415, Article 54B, and has a concealed handgun permit considered valid under G.S. § 14-415.24, or is exempt from obtaining a permit pursuant to G.S. § 14-415.25, provided the weapon is a handgun, is in a closed compartment or container within the person's locked vehicle, and the vehicle is in a parking area that is owned or leased by city and/or state government. A person may unlock the vehicle to enter or exit the vehicle, provided the handgun remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit.

No employee should commit or threaten to commit any violent act against a co-worker, supervisor or manager, applicant, client/customer or vendor; this includes discussions of the use of dangerous weapons, even in a joking manner.

Eligibility

This policy applies to all employees of the City of Whiteville, including supervisors, managers, and elected officials.

Procedures

Conduct that is prohibited under this policy includes, but is not limited to:

1. Threats of any kind.
2. Threatening, physically aggressive or violent behavior, such as intimidation of, or attempts to instill fear in others.
3. Other behavior that suggests a propensity toward violence, including threatening speech, sabotage, threats of sabotage of company property or a demonstrated pattern of refusal to follow company policies and procedures.
4. Defacing city property or causing physical damage to the facilities or grounds.

Employees should report any conduct described above to their supervisor and/or department head.

The City of Whiteville does not tolerate retaliation against an employee who reports workplace violence. All reports of workplace violence will be taken seriously and will be thoroughly investigated, and all complaints reported to a department head, supervisor, or City Manager will be treated with as much confidentiality as possible. If the city determines that workplace violence has occurred, the City will take all appropriate action it deems necessary and appropriate under the circumstances. Such action may include, but is not limited to:

1. Suspension, termination or other disciplinary action as appropriate.
2. Removal from city premises or withdrawal of consent to enter or be present on city premises pending the outcome of an investigation and thereafter, if required.
3. Notification of law enforcement agencies of any threats and violent acts, and initiation of criminal arrests and prosecutions.
4. Reassignment/relocation of personnel or job duties, if required.
5. Termination of any business relationship.
6. Any other action the City deems to be necessary or required under the circumstances.

Employees with questions regarding this policy should contact the HR Director.

City of Whiteville North Carolina 	Name of Policy: Police Officer Training/Equipment Reimbursement		Subject: Applicable to Newly Hired Sworn Law Enforcement Officers
	Number: 24	Revisions: 0	Adoption Date: May 13, 2019
	Supersedes: 0	Effective Date: May 13, 2019	Pages: 2

Purpose

The purpose of this policy is to establish requirements related to reimbursement for training and equipment costs associated with the City's Police department by requiring the newly hired sworn police officer who voluntarily leaves employment of the City to reimburse the City for certain costs incurred by training and outfitting the employee.

Scope

This policy applies to all newly-hired, permanent, full-time, sworn law enforcement officers of the City's Police department.

Policy

The City of Whiteville will seek reimbursement of training and outfitting costs from a newly-hired sworn law enforcement officer who voluntarily left city employment. Newly-hired officers will be required to sign an agreement stating they understand and agree to the terms of this policy upon hire.

Newly-hired officers must agree that if they are considered for appointment as a police officer, and in the event the officer receives further training necessary to become appointed, and training, equipment and uniforms are paid, in whole or in part by the City of Whiteville that:

1. If, resigning, **within two (2) years of the appointment date**, the Officer will repay the amount of money the City of Whiteville has incurred relating to equipment, training, and uniforms; and
2. The amount of money to be repaid will be determined by a prorated schedule that will take into account the time employed, and based on the Officer's monthly salary. The sum will be subtracted from the total amount incurred for equipment, training and uniforms; and

3. The Officer will be provided with an itemized list of all equipment, training, and uniforms with associated values for each item; and
4. That immediately upon notice of the Officer's resignation, the amount owed for the training, equipment and uniforms provided to that Officer will be reimbursed back to the City in one of two ways:
 - a. The entire amount of the reimbursement owed to the City will be deducted from any monies owed to the Officer by the City of Whiteville, or
 - b. The amount of the reimbursement owed to the City will be paid by the Officer at a minimum monthly rate of \$100 per month, with an interest rate (determined by the current index) until all funds expended for that Officer are recovered.
 - c. If all funds related to the reimbursement are not recouped, the City may pursue civil action.
- a. This agreement does not apply in the event that 1) the City of Whiteville renders a written release of the obligation, or 2) if the Officer's appointment is rescinded, revoked, or terminated prior to the expiration of the two (2) year period.

Appendix 25 – Telecommuting Policy and Procedure

City of Whiteville North Carolina 	Name of Policy: Telecommuting Policy and Procedure		Subject: Telecommuting
	Number: WPPA-25	Revisions: 1	Adopted Date: April 28, 2020
	Supersedes:	Effective Date: April 28, 2020	Pages: 6

Objective

Telecommuting allows employees to work at home, on the road, or in a satellite location for all or part of their workweek. The City of Whiteville considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not a citywide benefit, and it in no way changes the terms and conditions of employment with the City of Whiteville.

Procedures

Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement.

Any telecommuting arrangement made will be on an as needed basis and may be discontinued at will and at any time at the request of either the telecommuter or the city. Every effort will be made to provide thirty (30) days' notice of such change to accommodate commuting, childcare, and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

Eligibility

Individuals requesting formal telecommuting arrangements must be employed with the City of Whiteville for a minimum of twelve (12) months of continuous, regular employment and must have a satisfactory performance record. Employees with less than twelve (12) months may be eligible for telecommuting arrangements during states of emergency, inclement weather, or other reasons approved by the City Manager.

Before entering into any telecommuting agreement, the employee and department head, with the assistance of the Human Resources department, will evaluate the suitability of such an arrangement, reviewing the following areas:

- *Employee suitability.* The employee and department head will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.

- *Job responsibilities.* The employee and department head will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- *Equipment needs, workspace design consideration, and scheduling issues.* The employee and department head will review the physical workspace needs and the appropriate location for the telework.
- *Tax and other legal implications.* The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and department head agree, and the Human Resources department concurs, a telecommuting agreement will be prepared and signed by all parties. The City Manager must approve all telecommuting agreements before any telecommuting will commence.

Evaluation of telecommuter performance during the trial period will include regular interaction by phone and e-mail between the employee and the department head and weekly meetings to discuss work progress and problems. At the end of the telecommuting, the employee and department head will each complete an evaluation of the arrangement and make recommendations for continuance or modifications.

An appropriate level of communication between the telecommuter and department head will be agreed to as part of the discussion process and will be more formal during the telecommuting period. After conclusion of the telecommuting period, the department head and telecommuter will communicate at a level consistent with the employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

Equipment

On a case-by-case basis, the City will determine, with information supplied by the employee and the department head, the appropriate equipment needs (including hardware, software, modems, phone, data lines, and other office equipment) for each telecommuting arrangement. The Human Resources office will serve as a resource in this matter. Equipment supplied by the City will be maintained by the City. The employee will maintain equipment supplied by the employee, if deemed appropriate by the city. The City accepts no responsibility for damage or repairs to employee-owned equipment. The City reserves the right to make determinations as to appropriate equipment; this is subject to change at any time. Equipment supplied by the City is to be used for business purposes only. The telecommuter must sign an inventory list of all City of Whiteville property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all City property will be returned to the City, unless other arrangements have been made.

The City will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. The City will also reimburse the employee for business-related

expenses, such as phone calls and shipping costs, which are reasonably incurred in carrying out the employee's job.

The employee will establish an appropriate work environment within his or her home for work purposes. The City of Whiteville will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture, lighting, repairs, nor repairs or modifications to the home office space.

Security

Consistent with the City's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary city and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

Safety

Employees are expected to maintain their home workspace in a safe manner and free from safety hazards. The City will provide each telecommuter with a safety checklist that must be completed at least twice per year. Injuries sustained by the employee in a home office location and in conjunction with his or her work regular work duties are normally covered by the City's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

Telecommuting is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on the job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering a telecommuting period.

Time Worked

Telecommuting employees, who are not exempt from overtime requirements of the Fair Labor Standards Act, will be required to accurately record all hours worked using the City's time-keeping system. Hours worked in excess of those scheduled per day and per workweek shall require advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

Ad Hoc Arrangements

Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects, or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee, the City, and the consent of the employee's

health care providers, if appropriate.

All informal telecommuting arrangements are made on a case-by-case basis, focusing on the business needs of the organization.

TELECOMMUTING AGREEMENT

Name of Employee:

Employee's Title:

Department/Division:

Manager/Supervisor:

Offsite Workplace Address:

Work Schedule Duration:

Work Schedule (hours):

This Agreement, effective **xxxx, 2020** for a proposed period as stated above, is between **Employee Name**, an employee of the **City of Whiteville**. The telecommuter- **Employee Name** and the **City of Whiteville** agree upon the following conditions for telecommuting.

1. The employee agrees to work at the location stated above.

XXXXXXXXXXXXXXXXXXXX

2. If applicable the following equipment will be used by the employee in the remote work location:

3. The following is the arrangement agreed upon for handling telephone calls made by the telecommuter from the remote work location for city related business:
4. The employee will be required to forward office phone calls in order to receive incoming calls from citizens, vendors, elected officials, employees, etc.
5. The employee agrees to check email frequently and/or call the office to obtain messages, at least daily or as frequently as needed, in order to effectively accomplish assigned duties.
6. The employee agrees to obtain from the office all reasonable supplies needed for work at the alternate location; out-of-pocket expenses for supplies regularly available at the city offices will not be reimbursed.

7. The employee agrees to be accessible via e-mail and to respond to e-mails received.
8. Additional conditions agreed upon by the telecommuter and department head are as follows: (ex. meeting frequency, review metrics, etc.). If no additional conditions, indicate N/A.

Subject to and including the provisions set forth above, the parties, intending to be legally bound agree as follows:

- a) Other than those duties and obligations expressly imposed on the employee under this agreement, the duties, obligations, responsibilities, and conditions of the employee's employment with the city remain unchanged. The employee's salary, pension, benefit, and city-sponsored insurance plans shall remain unchanged as long as the employee meets plan requirements.
- b) This Agreement shall become effective as of the date first written above and shall remain in full force and effect until to the end of the period as stated above, unless extended by mutual agreement of the parties.
- c) The employee agrees to perform services for the city as a "Telecommuter." Telecommuter is a voluntary work alternative that may be appropriate for some employees and some jobs at the city's sole discretion. Employee's participation as a telecommuter is voluntary and is available only to eligible employees, at the City's sole discretion. There exists no right to have a telecommuting arrangement. Either party may terminate employee's participation as a teleworker, with or without cause, upon reasonable written notice of two weeks.
- d) The employee agrees that the use of equipment, software, and data supplies provided by the city for use at the off-site work location is limited to authorized persons and for purposes relating to the City of Whiteville business.
- e) For telecommuting assignments, the City will provide: 1) access to databases and necessary data, 2) IT support (not for personally owned devices/software), 3) policies governing Telework and Home base assignments. The decision to remove or discontinue use of such equipment, data, and software shall rest entirely with the City. The employee will provide a) internet access, b) work area conducive for conducting city business associated with employee's respective role and c) ability to secure all city data in employee presence/environment. The City does not assume liability for loss, damage, or wear of employee-owned equipment. All equipment and supplies provided by the City for use by an employee (either assigned or issued) remain the property of the City and is to be returned to the employee's supervisor/department head upon separation (city computers and its network as

well as other City supplied equipment). While occasional and reasonable personal use of computers is permitted, city assets are to be used primarily for work-related purposes – whether in city offices or at an off-site location, including the employee’s home.

- f) The employee agrees that management personnel may make on-site visits to the remote work location for determining the site is safe and free from hazards, and to maintain, repair, inspect, or retrieve city -owned equipment, software, data, and supplies. In the event legal action is necessary to regain possession of city -owned equipment, software data, and/or supplies, the employee agrees to pay all city-incurred costs of legal action(s), including attorneys’ fees, should the city prevail.
- g) In the event of equipment failure or malfunction, theft or loss of equipment, the employee agrees to immediately notify the management in order to effect immediate repair or replacement of such equipment. In the event of a delay in repair or replacement, or any other circumstances under which it would be impossible for the employee to telework, the employee understands that employee may be assigned to do other work.
- h) The employee agrees that any work-related travel from the alternate workplace to locations other than the central workplace shall be governed by the same standards as travel from the central workplace.
- i) The employee will complete all assigned work according to work procedures mutually agreed upon by the employee and the supervisor according to guidelines and standards stated in the employee’s work plan.
- j) The employee remains obligated to comply with all city rules, policies, practices, instructions, and this Agreement and understand that violation of such may result in preclusion from telecommuting and/or disciplinary action, up to and including termination of employment. The employee has read and fully understands the Telecommuting guidelines.

I have reviewed the above material prior to participation in the City of Whiteville telecommuting policy and procedure and I affirm by my signature below that, I have read this agreement, understand its subject matter, and agree to abide by its provisions.

Signatures	Dates
Employee:	
Department Head:	
HR Representative:	
City Manager:	

City of Whiteville North Carolina 	Name of Policy: Pornography on Government Networks and Devices		Subject: Prohibitions on Allowing Pornography to be Viewed
	Number: 26	Revisions: 0	Adoption Date: October 14, 2024
	Supersedes: 0	Effective Date: October 1, 2024	Pages: 3

Purpose

The purpose of this policy is to provide guidance for a new law, effective October 1, 2024, that prohibits local governments, state agencies, the judicial branch, and the legislative branch from allowing pornography to be viewed on their networks or devices. The law, found at Section 7 of S.L. 2024-26ⁱ establishes a deadline for government employees and officials to delete any pornography from their government devices, creates reporting requirements for unauthorized viewing or attempted viewing of pornography, and requires public agencies (including units of local government and public-school units) and the judicial and legislative branches to adopt policies governing the use of their networks and devices. It also contains some important exceptions for employees and officials who might need to view pornography (as that term is defined by this new law) as part of their official duties.

Policy

G.S. 143-805(b) mandates that public agencies, the judicial branch, and the legislative branch “shall not permit employees, elected officials, or appointees to view pornography on devices owned, leased, maintained, or otherwise controlled by a public agency, the judicial branch, or the legislative branch, respectively. Public agencies (which include public schools, community colleges, and institutions in the UNC System) are also prohibited from permitting students to view pornography on a device owned, leased, maintained, or otherwise controlled by a public agency (i.e., the school the student attends). A cell phone, desktop or laptop computer, or other electronic equipment capable of connecting to a network constitutes a “device” for purposes of this law.

Under G.S. 143-805(aⁱⁱ), all public agencies, the judicial branch, and the legislative branch “shall not permit” their employees to view pornography on their respective networks. Even if an employee brings their own personal cell phone or laptop to work, the City is required to prohibit that employee from viewing pornography via the City’s “network” (which includes internet access, per G.S. 143-805(g)(3)).ⁱⁱⁱ

There is an important distinction in how these two (2) prohibitions apply. Public agencies, the judicial branch, and the legislative branch are prohibited from permitting employees, elected officials, appointees, or students to view pornography on devices owned, leased, maintained, or otherwise controlled by the agency or branch. G.S. 143-805(b). But as for viewing pornography via their networks, the prohibition extends no further than the agency or branch’s employees.

ⁱ <https://www.ncleg.gov/EnactedLegislation/SessionLaws/HTML/2023-2024/SL2024-26.html>.

ⁱⁱ https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_143b/gs_143b-805.pdf

ⁱⁱⁱ https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_143b/gs_143b-805.pdf

Exceptions to the Prohibitions

- Investigating or prosecuting crimes, offering or participating in law enforcement training, or performing actions related to other law enforcement purposes;
- Identifying potential security or cybersecurity threats;
- Protecting human life;
- Establishing, testing, and maintain firewalls, protocols, and otherwise implementing G.S. 143-805;
- Participating in judicial or quasi-judicial proceedings;
- Conducting or participating in an externally funded research project at one of the constituent institutions of the University of North Carolina; or
- Researching issues related to the drafting or analysis of state laws as necessary to fulfill the requirements of the employee's official duties.

Public officials and employees who need to access or view material that constitutes "pornography" under the new law as part of their official duties will likely want to confer with the leaders or govern bodies of the public agencies to ensure that their work falls within the exceptions in the G.S. 143-805(d) and that such exceptions are accurately reflected in these new policies.

Disciplinary Action

Employees shall not intentionally access internet sites containing any sexually explicit materials or inappropriate material to include pornography on any devices owned, leased, maintained, or otherwise controlled by the City of Whiteville. Employee's personal cell phone, desktop or laptop computer, or other electronic equipment capable of connecting to the City of Whiteville's network, is subject to all other provisions within this policy.

In the City of Whiteville's Personnel Policy, Article IX, Section 2b and Section 5d, an employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance for careless, negligent, or improper use of City property or equipment and/or detrimental personal conduct for willful misuse or gross negligence in the handling of city funds or personal use of equipment or supplies. All cases of disciplinary suspension, demotion, or dismissal must be approved by the City manager prior to giving final notice to the employee.

Monitor Compliance

City of Whiteville shall be required under G.S. 143-805(f) to submit an annual report to the State Chief Information Officer, in the format required, no later than August 1st, starting in 2025. By October 1st of each year, starting in 2025, the State Chief Information Officer

must report on the information compiled from those reports to the Joint Legislative Oversight Committee on Information Technology.