City of Winston-Salem

Employee Handbook
The Employee Handbook is not intended to create contractual rights to employment and the City reserves the right to amend or modify the provisions of this Handbook at any time. The most current version of the Employee Handbook and copies of City policies are available on the Employee Center.
Welcome to the City of Winston-Salem!

I am happy for this opportunity to welcome you to City government. As an employee of the City of Winston-Salem, you are a member of a family of workers dedicated to providing quality service to our customers, the citizens of Winston-Salem.

We have a strong commitment to excellent service, and each of us has a tradition to live up to. I congratulate you on having been selected to be a part of this team.

Please use this handbook as your guide to understanding your job, benefits, and the policies and procedures of the City. If you need additional information, your supervisor and the Human Resources Department will be glad to help you.

My best wishes to you for a career that is challenging, rewarding and fulfilling. May we continue the teamwork that makes Winston-Salem City government successful.

Lee Garrity
City Manager
VISION

A municipal government deserving of public confidence, that provides excellent and innovative services, and is an active and cooperative partner in creating a vital community.

MISSION

The City of Winston-Salem provides quality, affordable services that ensure the health, safety and well-being of citizens, while collaborating throughout the community to ensure its economic, social and environmental vitality.

VALUES

* Openness  * Integrity  * Equity  * Accountability
* Teamwork  * Respect for all citizens  * Fiscal soundness
* Continuous learning and improvement

Winston-Salem
# Table of Contents

## I. GENERAL INFORMATION

A. **City of Winston-Salem History and Facts** .......................................................... 2
B. **Description of City Government** ......................................................................... 2
C. **City of Winston-Salem Organizational Chart** ...................................................... 4
D. **At-Will Employment** .......................................................................................... 5
E. **Equal Opportunity Employment** .......................................................................... 5
F. **Requests for Reasonable Accommodations** .......................................................... 5
G. **Harassment** ......................................................................................................... 6
H. **Respecting Diversity in the Workplace** ................................................................. 7
I. **New Employee Orientation** .................................................................................. 7
J. **Employer/Employee Responsibilities** ................................................................. 8
K. **Service Excellence** ............................................................................................. 8

## II. CLASSIFICATION AND PAY

A. **Classification Plan** ............................................................................................. 11
B. **Pay System** ........................................................................................................ 11
C. **Shift Differential Pay** ........................................................................................ 12
D. **Definitions of Employment Status** ..................................................................... 12
E. **Seasonal/Supplemental Staffing** ....................................................................... 13
F. **Re-Employment** ................................................................................................ 14
G. **Performance Management** ................................................................................ 15
H. **Pay Periods** ....................................................................................................... 19
I. **Overtime Pay** ..................................................................................................... 19
J. **Compensatory Time** .......................................................................................... 20
K. **On-Call Pay** ....................................................................................................... 20
L. **Payroll Time Sheets** .......................................................................................... 21
M. **Deductions from Pay** ........................................................................................ 22
N. **Public Agency Exemption-Permitted Reduction in Pay** .................................... 23
O. **Improper Deductions from Pay** ........................................................................ 24
P. **Job Transfers/Reductions in Job Classification** ................................................. 24
Q. **Job Re-grade** ..................................................................................................... 25
R. **Other Compensation Issues** ................................................................................ 25
S. **Promotion** .......................................................................................................... 25
T. **Demotion** ........................................................................................................... 27
U. **Reassignment** ................................................................................................... 27
V. **Job Reclassification** .......................................................................................... 28

## III. EMPLOYEE BENEFITS

A. **Paid Holidays** ..................................................................................................... 30
B. **Vacation Leave** .................................................................................................. 31
C. **Benefits for Part-Time and Temporary Employees** ............................................ 32
D. **Sick Leave** ......................................................................................................... 32
E. **Family and Medical Leave Act (FMLA)** ............................................................ 35
F. **Parental Leave** .................................................................................................. 40
I.

GENERAL INFORMATION
A. City of Winston-Salem History and Facts

One of the South's most progressive cities, Winston-Salem is a combination of two early communities: Salem, with the traditions of its Moravian founders; and Winston, a vigorous industrial center.

In 1753, a group of Moravians from Pennsylvania purchased land in the wilderness of Piedmont North Carolina and settled the town of Bethabara. "Wachovia," as they called their new land of approximately 100,000 acres, was named after the Austrian estate of Count Nicholas Lewis Von Zinzendorf, a protector of this early Protestant denomination in its search for religious freedom.

Because of their plan to build a central town for Wachovia, part of the Bethabara settlement moved a few miles southeast and founded the town of Salem in 1766. Meaning "Peace," Salem became the religious and cultural center of the area. The Moravians, who were industrious people, lured history to their community. In 1791, George Washington spent two nights in Salem Tavern, which still stands on the main street.

In 1849, the North Carolina Legislature created the new county of Forsyth from part of Stokes County, and Winston was founded as the county seat. Forsyth County was named for Colonel Benjamin Forsyth, hero of the War of 1812. Winston was named for Major Joseph Winston, a Revolutionary War hero. The City of Winston, unlike its neighbor Salem to the South, was based on industry.

However, in 1913, the citizens of Winston and Salem voted to unite under one common government, founded upon cooperation, and formed the City of Winston-Salem.

B. Description of City Government

The Mayor is the official head of City government and provides leadership for the establishment of priorities for City government and for the formulation of strategies to achieve those priorities. The Mayor presides at all City Council meetings, votes in case of a tie, recommends appointments to City boards and commissions, and carries out special responsibilities during emergencies. The Mayor Pro Tempore, elected by a vote of the Council, assumes the Mayor's duties in the absence of the Mayor.

The governing body for the City of Winston-Salem is an eight-member City Council. Voters go to the polls every four years in November to elect a Mayor and Council. The Mayor is elected at large, and Council members are elected by citizens, one in each of eight wards within the City.

The City Council is responsible for adopting and providing for all ordinances, rules and regulations as necessary for the general welfare of the City. It approves the City budget and sets property taxes and all user fees. The Council appoints the City Manager and City Attorney and approves appointments to City boards and commissions.
The City Council meets twice a month on the first and third Mondays at 7:00 p.m. in the City Council Chamber, second floor, City Hall. The committees of the City Council meet on the second Monday and Tuesday of the month. All meetings are open to the public.

The City of Winston-Salem operates under a council/manager form of government. The City Council makes policy decisions, which are carried out by the City Manager. The City Manager oversees the administration of City services with the help of the Assistant City Managers who coordinate the day-to-day operations of specific areas within City government.

The City Manager's Office is responsible for assisting the City Council in achieving policy goals and objectives; for providing professional leadership in administering and executing the policies and programs formulated by the Council; for communicating the actions of the Council to City departments, city residents, and public/private organizations; and for informing and advising the Council about administrative concerns of the City and its financial condition and needs.

City government is organized into offices and departments that assist the City Manager and provide services to the general public. Normal office hours are from 8:00 a.m. until 5:00 p.m.
C. City of Winston-Salem Organizational Chart

CITIZENS OF WINSTON-SALEM

BOARDS and COMMISSIONS

MAYOR and CITY COUNCIL

CITY ATTORNEY
Angela Carmon

CITY MANAGER
Lee Garrity

FINANCIAL MANAGEMENT SERVICES
Lisa Saunders

MARKETING & COMMUNICATIONS
Ed McNeal

OPERATIONS
Johnnie Taylor
Property & Facilities Management
Sanitation
Sustainability
Traffic Field Operations

ASSISTANT TO THE CITY MANAGER
Meridith Martin
City Secretary

ASSISTANT CITY MANAGER
Damon Dequenne
Emergency
Management
Engineering
Fire
Planning & Development Services
Transportation
Utilities

ASSISTANT CITY MANAGER
Evan Raleigh
Business Inclusion & Advancement
City Link
Community Assistance
Human Relations

ASSISTANT CITY MANAGER
Ben Rowe
Budget & Evaluation
Human Resources
Information Systems
Performance & Accountability
Public Assembly
Facilities

ASSISTANT CITY MANAGER
Tasha Logan Ford
Community Development
Police
Recreation & Parks
D. At-Will Employment

The City of Winston-Salem is an at-will employer. Employment is not for a specific term and is at the mutual consent of the employee and the City of Winston-Salem. Either you or the City may terminate your employment at any time, with or without notice and with or without cause. Except for City Council and only as to the employees hired by City Council, no employee or representative of the City of Winston-Salem has any authority to enter into any agreement for employment for any specific period, or to make any contrary agreement.

Nothing in this handbook is intended to create or shall be construed as creating an expressed or implied contract of employment.

E. Equal Opportunity Employment

Employment practices in City government shall at all times adhere to the spirit and letter of federal, state and local laws, rules and regulations promulgated; thereunder, guaranteeing equal employment opportunities and promoting fairness in compensation to all persons without regard to and prohibiting discrimination or harassment on the basis of race, creed, color, sex, pregnancy, sexual orientation, age, religion, political affiliation or beliefs, national origin or handicap, unless a bona fide occupational qualification exists.

All persons will receive impartial consideration for initial employment and promotion; will possess equal standing and security as City employees; and will have equal opportunity to receive training, develop skills, and opportunities to advance. Such opportunities shall be limited only by the individual’s abilities and the requirements of the workforce.

All activities, facilities, services and training operated, sponsored or participated in by the City shall be available to employees without any segregation or discrimination based on race, creed, color, sex, sexual orientation, age, pregnancy, religion, political affiliation or beliefs, national origin or handicap, unless a bona fide occupational qualification exists.

Individuals who believe they have been subject to discrimination or harassment shall be entitled, as a matter of right, to use any and all existing grievance procedures outlined in Section V(X) of the Employee Handbook. Such complaints may be filed with the City's Human Resources Director or his/her designee. All complaints of discrimination or harassment will be investigated promptly in accordance with the grievance procedure and kept confidential to the extent possible in accordance with all applicable laws.

F. Requests for Reasonable Accommodations

The City is subject to certain provisions within the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA). Should you have a question concerning the ADA or ADAAA, its application to the City, or a request for a reasonable
accommodation, please contact the Human Resources Department or the City Attorney’s office, for further information.

**G. Harassment**

1. General Harassment - The City of Winston-Salem is committed to maintaining a workplace where each employee's privacy and dignity are respected.

If harassment is suspected, witnessed, or encountered, the Human Resources Director, or his/her designee, and/or the Assistant City Attorney responsible for Human Resources should be contacted immediately. If a City employee is accused of harassment, or discrimination, Human Resources or the City Attorney’s Office staff will conduct an investigation to determine the facts related to the allegations. If this investigation confirms that harassment or discrimination occurred, the employee(s) involved will be subject to appropriate disciplinary action, up to and including termination.

2. Sexual Harassment - Pursuant to the guidelines on sex discrimination or sexual harassment issued by the Equal Employment Opportunity Commission (EEOC), the City of Winston-Salem endorses the following policy:

   It is illegal and against the policies of the City of Winston-Salem for any employee, male or female, to sexually harass another employee. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly, a term or condition of an individual’s employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

Individuals, who believe they have been subjected to sexual harassment or discrimination based upon sex, shall be entitled to any and all existing grievance procedures outlined in Section V(X) of the Employee Handbook without fear of coercion or reprisal. Such complaints may be filed with the City's Human Resources Director or his/her designee. All complaints of discrimination or harassment will be investigated promptly and kept confidential to the extent possible and in accordance with all applicable laws. An employee who has been found to have sexually harassed another employee will be subject to appropriate sanctions, depending on the circumstances, up to and including termination.
H. Respecting Diversity in the Workplace

The City’s employee population base is diverse and ever changing. The City expects and promotes respect for all of its employees. Harassment of any kind is unacceptable and will not be tolerated. Employees who feel they are being disrespected, harassed, or bullied may file a grievance under the City’s employee grievance process set forth in Section V(X) of the Employee Handbook. All complaints will be investigated and will be kept confidential to the extent possible and in accordance with all applicable laws.

I. New Employee Orientation

The purpose of new employee orientation is to ensure that all new employees have an opportunity to gain an understanding of their responsibilities, benefits and City policies and procedures. All new employees, and those employees newly eligible to be certified for benefits, will report to the designated location for New Employee Orientation – Day 1 at 8:30 a.m. on the first Monday of employment or status change (for newly benefited employees) and New Employee Orientation – Day 2 on the first Friday of employment. The days and locations of these orientations are subject to change. Orientation is mandatory. Upon completion, employees will have an understanding of:

- Employee Pay and Benefits
- Work Policies/Procedures and Expectations
- Retirement Planning
- Excellence in Customer Service
- Career Development
- Workers’ Compensation
- Safety and Health Services
- Diversity and Inclusion

Employees are expected to complete all benefit and payroll forms before leaving Benefits Enrollment.

All city employees who handle confidential information of fellow employees and the citizens of the City of Winston-Salem will be required to sign a confidentiality statement. The statement acknowledges that employees will keep personal information of both fellow employees and citizens of the City safe and confidential, and that they will not share this information with others outside the parameters of their job requirements.

This statement must be signed by any employee with direct or indirect access to personal information. This information may include but is not limited to payroll information, personnel issues within the meaning of North Carolina General Statute 160A-168 or the Health Insurance Portability and Accountability Act (HIPAA) of 1996, and any passwords, keys, security codes and devices utilized by the City and its employees.
The statement also covers any confidential information related to the identity of other employees or the City’s citizens. This includes but is not limited to credit card information, social security numbers, addresses, and other information that could potentially harm individuals if not protected.

A physical acknowledgement of the statement by signature of each employee with direct or indirect access to this information will be required. This statement will be signed separately from the receipt of the employee handbook and other acknowledgements that are signed at the hiring of new employees.

J. Employer/Employee Responsibilities

Employer's Responsibilities

As an employee, you may expect from the City of Winston-Salem:

- fair and impartial treatment at all times;
- adequate and competitive pay;
- reasonably safe working conditions;
- modern equipment and materials; and
- informed supervision.

Employee's Responsibilities

As your employer, the City of Winston-Salem expects you to:

- cooperative with the public and with fellow employees in getting the job done well;
- fair and courteous in meeting the public and working with your fellow employees;
- accountable for work performed;
- exhibit a positive attitude and enthusiasm towards your work, citizens and co-workers;
- prompt in reporting for work and in completing assignments;
- observant of all City policies and procedures;
- results-focused/achievement-oriented;
- neat in your work and personal appearance; and
- responsible in the use of supplies, equipment and technology

K. Service Excellence

The City of Winston-Salem is committed to providing the highest quality service to our citizens and customers. Our motto, "One Team Committed to Excellence," recognizes each employee’s responsibility to provide excellent service as a member of the larger team. This individual responsibility is further emphasized in our performance planning and evaluation system and in the organization’s stated values.

City of Winston-Salem Employee Handbook (September 2019 Revision)
Our customer-focused philosophy includes co-workers (our internal customers) as well as the citizens of Winston-Salem (our external customers). This philosophy not only emphasizes quality service skills but also the continuing improvement of our support systems, management practices, and employee relations.

**Customer Service Training**

All employees participate in a customer service session in new employee orientation. General and specific customer service classes are offered to employees during the year, and customized training is available to specific work groups/departments by request.

**Customer Service Employee Recognition**

The City Stars of Excellence program offers special recognition to City employees who exemplify excellence in one or more of the Four Keys to Service Excellence. Employees may be recognized for specific instances of exceptional customer service, OR for consistently providing excellent customer service above and beyond the normal requirements of their job.

All City employees (full-time, part-time, and temporary) are eligible for City Stars of Excellence recognition. Employees working under contracts with temporary staffing agencies are not eligible for individual recognition, but may receive recognition as part of a team winning recognition.

Recommendations for recognition may be submitted up to thirty (30) days before the awards event. Recommendation forms can be obtained from Human Resources Liaisons or the Human Resources Department. The forms are also available on the Employee Center at: https://www.cityofws.org/FormCenter/Human-Resources-16/City-Stars-of-Excellence-Nomination-Form-70.
II.

CLASSIFICATION AND PAY
A. Classification Plan

The City has established a position classification plan. Positions that are similar are grouped into "classes" based on their similarity of duties and responsibilities. A general description of your position, with its class title, definition, examples of work performed, required knowledge, skills and abilities, and desirable experience and training is maintained by the Human Resources Department. Should you desire an individual copy of your job description, you may obtain one from your supervisor, the City's web site at https://agency.governmentjobs.com/winstonsalemnc/default.cfm or the Human Resources Department.

B. Pay System

The primary goal of the City's compensation plan is to compensate employees fairly for the jobs that they perform. As part of the City’s commitment to providing a livable wage to all employees, no position shall pay less than an hourly rate of $13.00/hour. As a result of careful analysis that compares the salaries of City employees to those outside of the City serving in similar positions, equitable pay levels are established. There are currently three separate pay plans being utilized for all positions: the Revised General Pay Plan, the Public Safety Pay Plans (sworn Police and certified Fire), and the Flat Rate Pay Plan. Employees with salaries currently near or at the maximum of their assigned bands who were employed by the City when the Revised General Pay Plan was adopted on June 19, 2017, will be allowed to receive merit pay adjustments even if the merit increase causes the salary to exceed the pay grade maximum.

To ensure competitive wages and salaries, the Human Resources Department conducts wage and salary surveys. Based on the survey results, adjustments to the pay grade minimums, midpoints and maximums may be approved by City Council.

As an at-will employee, there is no guarantee of salary increases. All increases are subject to change at any time at the sole discretion of the City Council, or as City compensation polices, programs or practices are introduced, amended, or eliminated. The separate pay plans are described, generally, below:

1. Revised General Pay Plan consolidates all pay ranges for budgeted positions within the City (excluding certified fire, sworn police, and flat rate employees) into thirty pay grades, each of which has a minimum and maximum pay level. Pay grade minimum and maximums are established based on the market pay for positions classified in those pay grades. During this process, special efforts are made to include municipalities within North Carolina of similar size, as well as those municipalities that may be competing with the City for the same employees.

2. Public Safety Pay Plan sets a base pay range for each position with established minimum and maximum pay levels. Education and military service incentives increase the base pay ranges for sworn police and certified fire employees possessing an
Associate degree (base plus 5%) and Bachelor’s degree (base plus 10%), as well as those sworn and certified employees with previous and current military service.

3. **Flat Rate Pay Plan** determines pay levels for seasonal positions. Each position is assigned an hourly rate, which is based on job requirements and skill levels needed.

C. **Shift Differential Pay**  
*(Non-Sworn and Non-Fire Certified Employees Only)*

The City of Winston-Salem provides additional compensation for non-sworn and non-fire certified employees regularly scheduled to work either an evening or night shift. The rate of additional pay per hour is as follows:

$0.65 per eligible hour

The payment of shift differential is governed by the following:

1. Employees are eligible for shift differential pay if they are full-time and regularly scheduled to work 2nd or 3rd shift. The shifts may be permanent or rotating; and at least 50% of the hours worked must be worked between 2:00 p.m. and 8:00 a.m.
2. Eligible employees regularly scheduled on a rotating shift will have their pay pro-rated based on their rotating shift schedule.
3. Permanent assignment onto day shift will result in discontinuing the shift differential pay.
4. Employees receiving shift payments who are temporarily reassigned to a day shift will continue to receive shift payments for a period normally not to exceed one pay period.
5. Full-time employees on a day shift will receive temporary shift pay when they are temporarily reassigned to a shift, which makes them eligible to receive shift pay, for a period of time, which exceeds two (2) weeks.
6. Shift differential is not part of the base salary.
7. Shift differential pay is not included in the calculation for performance based “merit increases”. This additional compensation does not apply to sworn police or fire-certified employees.

D. **Definitions of Employment Status**

The City utilizes full-time, part-time, and temporary employees to fill positions throughout the organization. A description of each is shown below:

1. Full-time employees are assigned to positions that are scheduled for a minimum of forty work hours per week. Full-time employees, except for those hired to fill
temporary or seasonal positions, are eligible for enrollment in City-sponsored benefits on their date of hire; however, coverage does not begin until the first day of the first month following a full calendar month of employment.

2. Part-time employees are assigned to positions that require less than forty hours per week. These can be either temporary or continuous, depending on department need and budget considerations.

There are three levels of part-time employment in the City:

- The highest level (A) requires a minimum of thirty (30) hours of work per week and qualifies for limited benefits after six (6) months of continuous employment and merit increases, if approved by City Council in the current budget. Limited benefits for this level include medical and dental insurance, holiday and vacation pay, sick leave, Education Assistance Program, the City’s 2% 401(a) retirement contribution, required membership in the Local Government Employees Retirement System; eligibility for the voluntary benefits of medical and dependent care flexible spending accounts and short-term disability insurance; and eligibility for voluntary contributions to the deferred compensation plans – 401(k) and 457.
- Part-time (B) requires a minimum of fifteen (15) hours but less than thirty (30) hours of work per week. This status does not qualify for benefits, but does qualify the employee for merit consideration after six (6) months of continuous employment provided he/she has worked a minimum average of 15 hours each week.
- The last level (C) requires less than fifteen (15) hours of work per week and does not qualify for benefits or merit consideration.

3. Temporary employees are non-seasonal and are assigned to positions that have a specified and limited duration. These positions require a minimum of 40 hours per week. Employees hired on a temporary basis become eligible for limited benefits after working an average of 30 or more hours per week during six months of continuous service.

4. Seasonal employees are utilized for employment periods of limited duration that do not exceed ten (10) months of continuous employment. These positions may have assigned work schedules of forty hours per week or less. Seasonal employees become eligible for health benefits after the completion of an average of 30 or more hours per week during 6 months of continuous service. They are not eligible for other benefits or merit consideration.

E. Seasonal/Supplemental Staffing

Each year, certain departments and operating areas within the City hire seasonal, supplemental, or event-related personnel on a time-limited basis. To meet these short-term, high-volume staffing demands, the City contracts for temporary employees. The current provider for most
seasonal needs is Winston Personnel Group. Other local staffing agencies provide job-specific supplemental personnel as needed.

All forms needed for seasonal employees hired through the Winston Personnel Group are available at https://www.cityofws.org/1954/Employee-Forms on the Employee Center under the “Winston Personnel Group” heading.

As with any position, the budget process for hiring seasonal/supplemental workers begins with the completion of a Request for Position form in e-Works. A Work Order, found under the Winston Personnel Group heading on the Forms page, is also required and must be submitted to Human Resources as an attachment to the e-Works requisition.

Departments should carefully anticipate the need for seasonal/supplemental workers and budget appropriately for their utilization.

F. Re-Employment

Employees who leave the City are eligible for rehire if their previous employment record with the City was satisfactory. Any former employee of the City terminated for violation(s) of the City’s policies relating to workplace violence or sexual harassment will be automatically precluded from re-employment with the City in any capacity. When re-employment occurs, former employees must adhere to all pre-employment/post-offer requirements and conditions including background checks, drug tests, and physical examinations.

1. Former employees who are re-hired into positions that are different from the ones previously held will normally be assigned to the pay grade minimum of the new position's classification. Re-employment in the same position with the same rate of pay can only be granted by authorization of the City Manager or his designee. Any reemployment will be without accrued benefits. The exception is any vested interest in the North Carolina Local Government Employees Retirement System that has not been cashed out. Individuals re-employed on this basis will establish a new employment date.

An employee who is terminated as a result of a positive drug or alcohol test may be considered for reemployment after two (2) years from the date of termination. Former employees who are rehired under this provision will be subject to unannounced drug and/or alcohol tests within two (2) years after the effective date of employment including any additional restrictions as necessary for safety sensitive positions.

2. Re-Employment of retirees - If the need arises to utilize a retiree and his/her experience in a unique situation, please contact the Human Resources Department, as there are restrictions on the type of position that a retiree can be rehired in and the number of hours that a re-employed retiree may work and how much the retiree
can earn without adversely impacting the monthly retirement benefits. A retiree cannot be rehired into a position that is eligible for participation in the Local Governmental Employees’ Retirement System.

G. Performance Management

The City is committed to providing opportunities for employee development, a process that begins with effective performance management. Planning performance goals, executing the work plan, and conducting an annual performance review enable employees and supervisors to create an environment for a successful partnership.

Planning for an employee’s responsibilities should begin on the employee’s first day of work and includes coming to an agreement as to key job responsibilities and developing a common understanding of goals and objectives that must be achieved. This can be done by identifying core competencies that the individual should display in order to effectively and efficiently meet and exceed performance standards. A work plan outlining performance standards and expected work products should be completed for all positions and should be attached to the annual evaluation.

To ensure that employees are working effectively toward the departmental and individual goals, supervisors should conduct probationary reviews as required and a formal or informal mid-year review on a fiscal year cycle of each employee’s performance. This process includes addressing any existing issues relating to performance and any needed follow-up reviews to ensure performance is meeting and/or exceeding performance standards.

The City values its employees and recognizes that it is important to compensate them for their performance and contributions. As a result, performance evaluations are conducted on an annual basis during the fiscal year, so that the efforts of employees can be acknowledged and rewarded appropriately. When an employee is rated as a “solid performer” or above during a performance review, the employee is eligible to receive a performance increase consistent with established performance levels, provided the City Council has approved such. An explanation of the current performance levels utilized by the City can be obtained from the Human Resources Department. It is important to note that merit percentages awarded for performance are established annually by the City Manager, and approved by City Council, and may vary from year to year.

1. Probationary Period

Effective July 1, 2015, any employee hired, promoted, or transferred to a City position, excluding Police Officer trainee and Firefighter trainee positions, will be in a probationary status for six (6) months. During this time, it is expected that the department to which the employee is hired, promoted or transferred will provide the employee instruction and training regarding the new job responsibilities. At the completion of three (3) months of employment in the new position, the employee’s performance will be assessed using the Employee Performance Appraisal System.
(EPAS). At that time, it is expected that the supervisor will discuss the employee’s performance and establish a plan for addressing identified performance issues. At the completion of six (6) months of employment in the new position, a final probationary period performance assessment will be completed using EPAS. Both three-month and six-month probationary period assessments must be completed in the EPAS system.

For employees hired or transferred to Police Officer trainee and Firefighter trainee positions, the probationary period will be twelve (12) months. The first probationary period performance assessment will be done at the completion of the recruit school training, usually after six (6) months, using the established recruit school assessment protocols. The final probationary period assessment will be completed at the end of twelve (12) months of employment. The final probationary period assessment will be completed using the form provided in EPAS.

Should the City’s annual employee performance appraisal period take place during the newly hired, promoted or transferred employee’s probationary period, the employee’s performance will be appraised and merit pay adjustments will be applied according to the scheduled percentages or amounts, if any, approved by City Council. In this event, the three-month and six-month probationary period performance assessments must be documented using the EPAS system.

At the end of the probationary period, the employee’s job performance must be satisfactory as indicated by a minimum Solid Performer rating. Employees failing to achieve satisfactory performance at the end of the probationary period may be terminated. Employees terminated under this policy may exercise their rights in accordance with the City’s grievance policy.

2. Performance Improvement Plans (PIP)

A performance improvement plan (PIP), is a tool to given to an employee with performance deficiencies to allow that employee the opportunity to succeed. It may be used to address failures to meet specific job goals or to address behavior-related concerns. The PIP specifies expectations for performance, documents past issues with performance, establishes the definition for success for the individual, sets regular meeting times to discuss progress, and explains the consequences for failing to meet and sustain improved performance within an established timeframe.

Performance Improvement Plans may be instituted by the supervisor or on the recommendation of Human Resources. A PIP may be instituted for either 30-day, 60-day, 90-day or 180-day periods at the discretion of the supervisor and/or recommendation of Human Resources.

Performance Improvement Plans are required when an employee fails to earn at least a final rating of “Solid Performer” or higher on the annual performance evaluation. An employee who receives a final rating of “Low Performer” must be placed on a 90-day PIP. An employee who receives a final rating of “Non-Performer” must be placed on a
180-day PIP. At the end of a Performance Improvement Plan, which is tied to the annual evaluation, the employee must be rated again in the Employee Performance Appraisal System (EPAS). If the employee receives a final rating of “Solid Performer” or higher on this second evaluation, then they become eligible for any available merit increase from that point forward.

3. Performance Evaluation Period

All eligible employees shall receive a performance evaluation on a fiscal year cycle for the period July 1 – June 30. Evaluations are completed online through the Employee Performance Appraisal System (EPAS). The evaluation period opens on April 15 of each year, and all evaluations should be completed by May 31 of each year. Promotion, demotion, and/or transfer within or to another department will not affect your evaluation period.

The performance evaluation ratings from highest performer to lowest are listed as follows:

**Top Performer**
- Consistently performs above the standards established for the position.
- Knowledge, skills and abilities required for the job exceed the expectations of the position.
- Regularly makes positive contributions that demonstrate creativity and initiative.
- Demonstrates a complete understanding of all requirements of the position and how they relate to the goals of the City, the mission of the Department and the needs of other Departments.
- Representative of extraordinary accomplishments that have significant impact on the City.

**Strong Performer**
- Usually performs above the standards established for the position.
- Demonstrates a high level of knowledge, skills and abilities required for the job.
- Performs effectively and makes contributions, which are above the established standards.
- Occasionally demonstrates initiative/leadership to develop ideas on improving the level of service.
- Performance exceeds the high standards established by the City.
- Pursues goals and business process improvement objectives.

**Solid Performer**
- Maintains performance level in accordance with the standards established for the position.
- Demonstrates an acceptable level of knowledge, skills and abilities required for the job.
- Work is completed accurately, on-time and in accordance with established
standards.
• Performance is consistent with the high standards established by the City.

Low Performer
• Does not consistently meet all standards established for the position.
• Demonstrates a minimum level of the necessary knowledge, skills, and abilities required for the job.
• Additional training or counseling may be required.
• Only meets the minimum expectations for the position.
• Performance should be proactively managed through development, training, and/or coaching.

Non-Performer
• Does not meet the performance standards established for the position.
• Does not demonstrate the necessary knowledge, skills, abilities required for the job.
• Fails to adapt to changing job standards in the industry.
• Needs additional training.
• Performance improvement plan needs to be developed and successfully completed.
• Corrective measures may be necessary.

Full-time and part-time employees are eligible to receive an evaluation and merit increase, if rated solid performer or greater, prorated based upon the number of weeks/months worked during the evaluation period. Employees who receive a written disciplinary action during the evaluation year may not receive a final rating higher than “Strong Performer.”

If an employee is not actively working, excluding an employee called to active duty, at the end of the evaluation period; or has been on a leave of absence or light duty for six months or less during the evaluation period, a performance evaluation shall be completed upon the employee’s return to work.

Full-time and part-time employees on light duty, who have worked more than six months during the evaluation year, will receive an evaluation during the regular evaluation period. The six months do not need to be continuous. The evaluation should be completed by the light duty supervisor with input from the employee’s home department.

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1Light duty is defined as a temporary assignment or modified work duty to an alternative position or duties in which the employee is not performing the essential functions of his/her regularly assigned position to address work restrictions. An employee, who is performing the essential functions of his/her regularly assigned position or a position to which he/she has been transferred to, but with a temporary modification of nonessential functions, is not considered to be on light duty, and should receive a performance evaluation based on eligibility.
Due to Federal regulations governed by the Uniformed Services Employment and Reemployment Rights Act (USERRA), employees returning from active military duty (excluding leave of absence for contractual assignments), if eligible by employment status, must receive a performance evaluation upon re-employment, even if the leave of absence was for more than 6 months.

4. Increases Associated with Performance Evaluation

The City Council must review and approve annual merit percentage increases relating to an employee’s performance. All eligible full-time, temporary and part-time employees should receive annual performance evaluations and consideration for merit increases, if approved, as defined under “Definition of Employment Status” in this section.

Any potential increase will be pro-rated based on the number of pay periods an individual is employed by the City.

H. Pay Periods

Employees are paid bi-weekly. Employees are paid every other Friday for work done for the two preceding workweeks. This work period ends the Sunday preceding the payday. The calendar year contains twenty-six (26) bi-weekly pay periods. Should a regular payday fall on a holiday, employees will be paid the last working day prior to the holiday.

Electronic pay stubs are available from home or work. In addition to pay information, the e-pay stub also contains vacation and sick leave balances. You may access your e-pay stub through a link on the home page of the Employee Center. Concerns about your paycheck, such as shortages, overpayment or deductions, should be discussed immediately with your supervisor.

I. Overtime Pay

Overtime work shall be kept at a minimum and shall be authorized only when it is necessary to meet the City’s operating requirements and then, only by the department head or authorized representative. For the purposes of overtime compensation, four categories determine eligibility: Non-exempt, Exempt, Fire and Police.

a. NON-EXEMPT: This class is eligible for overtime pay at the rate of 1.5 times the regular rate of pay for hours worked in excess of 40 hours per week.

   Holiday hours are not counted as time worked for overtime purposes. Only hours worked will be considered to calculate overtime.

   Refer to Section III (A), “Paid Holidays”
b. **EXEMPT**: Federal law does not require payment of overtime compensation for exempt employees. Positions with executive, professional, or administrative responsibilities often require unlimited hours to perform.

Exempt employees may be granted overtime pay only upon the recommendation of the department, division or office head and upon the approval of the City Manager when such work is occasioned by an emergency or extraordinary circumstance.

c. **FIRE**: Non-exempt fire suppression employees may receive 1.5 times the regular rate of pay for all hours worked in excess of 159 hours in a 21-day work period. If no vacation or sick time is taken during that period, they receive an additional 9 hours of regular pay that accounts for the hours from 160 to 168. Hours worked in excess of 168 in a 21-day work period are paid at 1.5 times the regular rate of pay.

d. **POLICE**: Non-exempt sworn employees may receive 1.5 times the regular rate of pay for all hours worked in excess of 171 hours in a 28-day work period.

Overtime work for all employees must be authorized by the department and reported on the payroll time card.

**J. Compensatory Time**

Under the FLSA, compensatory time allows certain public employers to provide paid time-off in lieu of cash overtime for nonexempt employees. It shall **not** be used in lieu of overtime compensation for positions classified as “nonexempt”. “Exempt” positions are not eligible for monetary overtime compensation. Exempt employees are expected to perform unlimited hours of work to fulfill their professional, executive and administrative duties and responsibilities. When approved by the department head and/or the assistant city manager or city manager, exempt employees may be granted compensatory time off in an amount not to exceed hours worked above the employee’s normal work schedule.

For payroll reporting purposes, approved compensatory time for exempt employees is recognized and recorded as non-work time (NWT).

**K. On-Call Pay**

The primary goal of the City's on call policy is to compensate non-exempt employees who are periodically required to be in a formal "on-call" status where they are not required to
Employees who qualify for on-call status will be compensated as follows:

1. Any time spent in actually responding to a call to return to duty (including commuting time) will be considered work time and will be recorded and compensated as such.

2. Employees called back to duty for less than two hours duration will be compensated for two work hours. Employees called back to duty for two or more work hours will be compensated for the actual hours worked. All hours worked will be taken into consideration when determining the applicability of FLSA overtime provisions.

3. No additional compensation, except as described in this section, is authorized for "On-Call" or "Call-Back" situations.

4. In some cases, the normal type of rotational on-call arrangement anticipated by this policy may not be feasible or possible. The department head and Human Resources Director, in such cases, will work out an alternative compensation approach.

Exempt positions involving on-call or standby service in excess of regular work schedules should be directed to the attention of the City Manager so that provisions may be made for compensation for such service, where appropriate.

L. Payroll Time Sheets

For your convenience, payroll time sheets are provided for all employees at the beginning of each pay period.

You will record the hours worked and the leave taken for each day of the week. Time worked and leave time will be recorded to the nearest 10th of the hour and will be described by the use of the codes listed below:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>HCC</td>
<td>Hours worked for Home Cost Center</td>
</tr>
<tr>
<td>A</td>
<td>Authorized leave without pay</td>
</tr>
<tr>
<td>AS</td>
<td>Authorized leave without pay/Suspension</td>
</tr>
<tr>
<td>C</td>
<td>Call-Back</td>
</tr>
<tr>
<td>D</td>
<td>Death in immediate family</td>
</tr>
<tr>
<td>FS</td>
<td>Sickness in immediate family</td>
</tr>
<tr>
<td>H</td>
<td>Holiday</td>
</tr>
<tr>
<td>I</td>
<td>Work Injury</td>
</tr>
<tr>
<td>J</td>
<td>Jury Duty</td>
</tr>
<tr>
<td>K</td>
<td>Family and Medical Leave (FMLA)</td>
</tr>
</tbody>
</table>
Time sheets must be signed in ink by the employee and the supervisor.

Failure to have both the employee’s and the supervisor’s signatures may result in the employee's pay being delayed. In the absence of the employee, the supervisor may sign the card. In the absence of a supervisor, the person designated to act on his/her behalf may sign the card.

If you choose to use accrued paid sick leave in conjunction with unpaid FMLA leave, you must record the full amount of leave taken twice, once as S for paid sick leave and once as K for unpaid FMLA leave.

If you choose to use accrued paid vacation leave in conjunction with unpaid FMLA leave, you must record the full amount of leave taken twice, once as V for paid vacation leave and once as K for unpaid FMLA leave.

If you choose to use accrued paid holiday leave in conjunction with unpaid FMLA leave, you must record the full amount of leave taken twice, once as H for paid holiday leave and once as K for unpaid FMLA leave.

If you do NOT choose to use accrued sick, vacation or holiday leave in conjunction with unpaid FMLA leave, you must record the full amount of leave taken twice, once as A for authorized leave without pay and once as K for unpaid FMLA leave.

M. Deductions from Pay

The following standard deductions are authorized by law to be deducted from your pay:

- Pension Plan Contribution
- Social Security
- State Income Tax
- Federal Income Tax

There are other deductions that only you may authorize:

- Health Insurance
- Life Insurance
• Short-Term Disability
• Long-Term Care
• Dental Insurance
• Credit Union
• United Way
• Arts Council
• 401(K) (Traditional and ROTH)
• 457 Deferred Compensation
• Flexible Spending Accounts
• City Approved Health and Fitness Clubs
• North Carolina 529 College Savings Accounts

In addition to the deductions from pay for various employee benefits, the City Manager may consider approval of deductions for charitable organizations like United Way and Arts Council. In considering whether such a deduction will be approved, the organization must be a certified 501(c) (3) organization and the deduction must be available to all employees. The City Manager may consider the following additional guidelines in determining whether to approve requested deductions:

• The level of interest expressed by employees in contributing to the requesting organization through payroll deduction.
• The program for which the deduction is made would benefit the Winston-Salem community.
• The deduction would benefit individual employees and/or their family members.
• The deduction would not cost the City beyond expenses associated with executing and disbursing the deduction.

Organizations approved to receive contributions through payroll deduction after May 17, 1999 will not be allowed to solicit contributions by way of onsite employee workplace campaigns. However, the City will authorize the distribution of information about organizations approved to receive employee contributions through payroll deduction one time per year.

N. Public Agency Exemption-Permitted Reduction in Pay

Based upon principles of public accountability, an employee’s pay may be reduced or such employee may be placed on leave without pay for personal reasons or because of illness or injury of less than one work day or longer when accrued leave is not used by an employee because: (1) permission for its use has not been sought or has been sought and denied in which case the absence will be treated as unauthorized leave without pay; or (2) accrued leave has been exhausted in which case the absence will be treated as authorized leave without pay provided the absence has been approved.
O. Improper Deductions from Pay

The City of Winston-Salem prohibits improper pay deductions. To the extent an employee believes that he/she has been the subject of an improper pay deduction(s), the employee may file a grievance under the City’s grievance process to address such concern. The employee also has the option of contacting the Wage and Hour Division of the Department of Labor. To the extent the employee has been the subject of an improper pay deduction(s), the City will reimburse the said employee in accordance with the Fair Labor Standards Act. The City will continue to make a good faith effort to comply with the Fair Labor Standards Act.

P. Job Transfers/Reductions in Job Classification

Movement in assigned classification initiated by the department head or as a result of a classification study conducted by the Human Resources Department may be exercised when such action will promote morale, or serve budgetary, manpower or general organizational needs. Such movements do not represent disciplinary action. Employees transferred or reduced in classification in this manner will be notified by the department head in writing with a copy to the Human Resources Department and the City Manager’s Office. Employees moved as described in this policy will not have their pay rate or evaluation date changed, except as specified below:

1. Administrative Transfer

When special circumstances warrant and with approval of the City Manager, an employee may be considered for a monetary increase if the new assignment will result in placing the employee in a training and development stage for more than ninety (90) days to learn the methodology, procedures, policies and/or technology of the new assignment.

2. Lateral Transfer

Lateral (same level) transfers between divisions and departments may be authorized by the City Manager or designee. In the case of lateral transfers, the employee's pay rate will remain unchanged at the time of transfer, and the evaluation date will not change.

3. Reduction in Classification

Employees who are reduced in classification to a lower pay grade will retain their present pay and their evaluation date, with this exception: If their present pay is above the maximum of the new pay grade, they will retain their pay one (1) month for each full year of full-time service with the City, after which they will be moved to the maximum of the new pay grade.
Q.  Job Regrade

The Human Resources Department routinely conducts comprehensive salary surveys of other municipalities. As a result of these surveys, recommendations are made to the City Council for changes to certain job classifications. When a regrade (pay grade) change is approved to reflect a general change in the market level of a class, there shall be no immediate change in individual salary except when required to bring an employee's salary up to the new pay grade minimum. Such employees will retain their anniversary date.

R.  Other Compensation Issues

The City provides a performance management and competitive pay system to reward employees for overall meritorious job performance. However, when employees have exhibited performance that warrants immediate monetary recognition or in order to address market compensation issues, documented by the Human Resources Department for individual positions, the City Manager may initiate or act upon the supervisor’s recommendation to initiate an increase in an individual employee’s compensation. In these instances, only the City Manager is authorized to approve market or performance increases and the authorized increase shall not exceed ten percent of the recipient’s annual salary. In no case, shall the authorized increase exceed the maximum of the assigned pay grade. Employees are eligible for such increases once in a twelve month period and recipients of such increases shall retain their evaluation dates. A record of any such increases will be made and retained in the Human Resources Department.

S.  Promotion

Promotion is characterized by movement from a classification in a lower pay grade to a classification in a higher pay grade. Employees who are promoted and whose pay prior to promotion is below the minimum of the new pay grade will receive an increase to the minimum of the new pay grade, with a minimum increase of 5%. If the salary, prior to promotion, is above the minimum for the new position, a 5% increase in pay will be granted provided the increase will not exceed the maximum of the new pay grade. The Human Resources Director shall evaluate promotional increases recommended by the department that exceed 5% (other than to reach the new minimum) and submit them to the City Manager for approval.

1.  Promotion from Within Program

Consistent with this policy, the City has developed its "promotion-from-within" program. Whenever a position becomes vacant, the Human Resources Department advertises the position internally containing the title and a general description of the duties of the vacant position, its salary, and the required education and/or certification. Promotional opportunities can be found at https://agency.governmentjobs.com/winstonsalemnc/default.cfm.
Interested employees have at least six working days to respond to job postings by completing and submitting an Internal Application to the Human Resources Department. Internal applicants, as well as any external applicants meeting the position criteria, will be considered simultaneously for the vacancy. Therefore, internal applications should be completed carefully. This document represents your skills, knowledge and background as it pertains to the promotional opportunity for which you are applying. Internal applicants are encouraged to attach a resume or additional information that will help the interviewing supervisor to understand your qualifications. The interviewing supervisor may access your personnel record to review and verify past and present performance as authorized by the execution of an internal application. From this group of internal and external applicants, the employing supervisor will make a recommendation for promotion or employment.

Employees who are promoted and whose pay prior to promotion is below the minimum of the new pay grade will receive a sufficient percentage increase to place the salary at minimum of the new pay grade. If the salary, prior to promotion, is above the minimum of the new pay grade, a five (5) percent increase in pay will be granted provided the increase will not exceed the maximum of the new pay grade. Promotional increases recommended by the department that exceed five percent (other than to reach the new minimum) shall be evaluated by the Human Resources Director and submitted to the City Manager for approval.

The evaluation date, in the case of a promotion, will not change.

2. Promotion – No Harm, No Foul

A “No Harm, No Foul” reassignment may occur within 18 months of promotion with justifiable cause (due to inability to perform successfully in a new job).

When reinstated to the former job or class, the employee will be returned to the compensation prior to promotion.

When reassigned to a different class at the same pay grade as the former class, the employee will be returned to the compensation prior to promotion.

When reassigned to a different class at a lower pay grade than the former class, then the employee will be returned to the compensation prior to promotion but not less than the new pay grade minimum and not to exceed the maximum of the new pay grade.

3. Temporary Promotions

When an employee assumes responsibilities for a higher-level position for a period of time that exceeds ten (10) consecutive days, a temporary promotion may be recommended to the City Manager or his designee by the department, division or office head. In these instances, if approved, the employee will receive a minimum of a 5%
increase to their base pay or be moved to the minimum of the promotional pay grade, whichever is higher. When the employee ceases to function in the promotional role, the pay increase will be removed. The City Manager has the authority to enact procedures to initiate and manage promotional assignments by the city.

Employees who temporarily assume the full responsibilities of a position in a higher pay grade for two or more weeks may be entitled to a temporary increase in salary of 5%, or to the minimum of the pay grade for the higher position, whichever is greater. This action normally occurs when an employee is asked to assume greater responsibilities due to a vacancy at a higher-level position.

Temporary promotions require approval by the City Manager or designee and must be routed through the Human Resources Director. A Turnaround Report should be initiated by the department and sent to Human Resources. The temporary increase in salary will be removed when the employee is no longer assuming the responsibilities of the higher position.

T. Demotion

Demotion is movement from one classification to another classification in a lower pay grade for disciplinary reasons. The procedure for demotions used by the City is as follows:

- Pay for employees on the General Pay Plan will be reduced 15% but in no case shall the salary be less than the minimum for the lower classification nor exceed the maximum of the newly assigned pay grade.
- Pay for employees on the Public Safety Pay Plan will be reduced five (5) percent for each pay range/pay level demoted.

The evaluation date in the case of a demotion will not change.

An employee who has been involuntarily demoted may appeal the demotion to the City Manager within five working days of the action. The decision of the City Manager is final in accordance with the provisions of the grievance procedures.

U. Reassignment

Reassignment is movement from one classification to another classification at a lower pay range for non-disciplinary reasons. The types and procedures for reassignments by the City are as follows:

1. Employee requested reassignment to a classification in a lower pay grade without justifiable cause.
   a. The employee’s salary will be changed to reflect the average wage paid to all City employees in the new classification.
b. If no City employees are in the new classification, the salary will reflect the midpoint of the pay grade of the new classification.

c. If the employee’s salary prior to reassignment is within 5% of the average wage or midpoint of the pay grade, whichever applies, no change in salary will result.

d. At no time can this reassignment result in an increase for the affected employee.

e. The employee’s evaluation date will not change.

2. Reassignment due to reasons related to Workers’ Compensation injuries or compliance with the Americans with Disabilities Act (ADA) whereby the employee is offered continued employment in a lower classification. Sworn personnel are subject to the separate policies set forth and in accordance with Section 50-104(g) of the City Code.

   a. The employee’s salary will be changed to reflect the average wage paid to all City employees in the new classification.
   
   b. If no City employees are in the new classification, the salary will reflect the midpoint of the pay grade of the new classification.
   
   c. If the employee’s salary prior to reassignment is within 5% of the average wage or midpoint of the pay grade, whichever applies, no change in salary will result.
   
   d. At no time can this reassignment result in an increase for the affected employee.
   
   e. The employee’s evaluation date will not change.

V. Job Reclassification

A reclassification is a change of pay grade that reflects the significant changes in job duties. Reclassification of positions in City government is necessary when significant changes in job duties occur. Reclassification requests and a completed Position Description Questionnaire must be submitted by the department head to the Human Resources Department for study. The need for reclassification will be determined by the Human Resources Department study.

Employees who are reclassified to a higher pay grade will receive a sufficient percentage increase to place their salary at the minimum of the new pay grade but not less than 5%. If the salary prior to reclassification is above the minimum for the new pay grade, a 5% increase in pay will be granted, provided the 5% increase does not exceed the maximum of the assigned pay grade.

Reclassified employees will retain their current evaluation date.
III.

EMPLOYEE BENEFITS

You may access the Employee Center
https://www.cityofws.org/1625/Benefits
to obtain information about city benefits. You may also access the city’s
website https://www.cityofws.org/1954/Employee-Forms
to obtain the necessary forms(s) to make changes in your benefits. If you
are unable to obtain all that you need from the website, contact your
department’s HR Liaison or call the Human Resources Department at
336-747-6807.
Personnel Record Changes

In order to keep personnel records current, please notify your supervisor or your Human Resources Liaison promptly of changes in the following:

-- Name
-- Physical Address
-- Telephone number
-- Emergency Contact Information
-- Marital Status
-- Dependents
-- Beneficiaries
-- Additional Education and Training
-- Awards and Honors

These personal changes could affect your employee benefits such as pension, life insurance, and Social Security. Also, this information is needed to verify compliance with the City’s residency requirement.

POST OFFICE BOXES ARE NOT ACCEPTABLE AS A RESIDENTIAL ADDRESS. The City requires all employees to provide a residential address as your address of record.

These changes must be submitted in writing on a Change of Personnel Information form, which is available on the Employee Center: https://www.cityofws.org/1954/Employee-Forms or in the Human Resources Department.

A. Paid Holidays

The City grants full-time employees the following holidays with pay:

New Year's Day
Martin Luther King's Birthday
Good Friday
Memorial Day
Independence Day
Labor Day
Veterans Day
Thanksgiving Day
Day following Thanksgiving Day
Christmas Day
Day designated by City Manager
If one of these holidays occurs on a Saturday, the preceding Friday will be observed. When a holiday falls on a Sunday, the following Monday will be observed.

Holiday leave will accrue based upon the employee’s regularly scheduled workday. For work on holidays, employees who are eligible for holiday leave will be compensated for the actual hours worked at their regular rate of pay. The actual hours worked will be used in determining overtime compensation for non-exempt employees in accordance with FLSA. An eligible employee may be granted and may receive, in addition to compensation for the actual hours worked, another day off equivalent to their regular work day provided that the day is at the approval of the department head, and is taken within ninety (90) days from accrual. Failure to take the day off within ninety (90) days will result in loss of the accrued holiday.

At the end of the calendar year, all accrued unused holiday leave is automatically carried forward into the next year, up to but not to exceed 6 workdays based upon the employee’s regular scheduled workday. Any accrued unused holiday leave in excess of 6 days will be canceled as of the end of the year.

You may choose to use accrued paid holiday leave in conjunction with unpaid FMLA leave. In accordance with the provisions of the Family and Medical Leave Act, whenever holiday leave is used to cover an absence due to sickness or injury, the medical examination and/or certification requirements of the sick leave policy shall apply.

B. Vacation Leave

Your annual paid vacation leave is accrued on a pro-rated basis. The length of service you have had with the City will determine your rate of accrual. Scheduling of vacation is at the discretion of the supervisor and depends upon the staffing needs of the City and departmental vacation scheduling procedures.

As a full-time employee, you are eligible for annual paid vacation under the following schedule:

<table>
<thead>
<tr>
<th>YEARS OF SERVICE</th>
<th>RATE OF ACCRUAL/HOURS PER BI-WEEKLY</th>
<th>NUMBER OF VACATION DAYS/12 MONTHS OF EMPLOYMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3.08</td>
<td>10*</td>
</tr>
<tr>
<td>2-4</td>
<td>3.70</td>
<td>12</td>
</tr>
<tr>
<td>5-9</td>
<td>4.62</td>
<td>15</td>
</tr>
<tr>
<td>10-14</td>
<td>5.54</td>
<td>18</td>
</tr>
<tr>
<td>15-19</td>
<td>6.16</td>
<td>20</td>
</tr>
<tr>
<td>20+</td>
<td>7.40</td>
<td>24</td>
</tr>
</tbody>
</table>

*The first five days of accrued vacation will be credited after six months of continuous employment.
At the end of any calendar year, accrued unused vacation in excess of thirty (30) days shall be converted to sick leave on a one-for-one basis with no maximum. Upon termination of employment, an employee shall be paid for all accrued and unused holiday and vacation leave, but not sick leave.

An employee approved for leave under the Family Medical Leave Act (FMLA) may choose to use paid vacation leave while they are out to continue being paid. In accordance with the provisions of the FMLA, whenever vacation leave is used to cover an absence due to sickness or injury, the medical examination and/or certification requirements of the sick leave policy shall apply.

C. Benefits for Part-Time and Temporary Employees

Part-time and temporary employees will become eligible (certified) for health care and other benefits after they have worked an average of at least 30 hours work per week for a 6-month look-back period. The following benefits are available to part-time and temporary employees after they have worked an average of at least 30 hours work per week for a six-month period:

- Holidays. The number of paid holiday hours for each holiday is equal to the length of the employee's average workday: 6 hours for a 30-hour workweek; 7 hours for a 35-hour workweek and 8 hours for a 40-hour workweek.
- Vacation. The rate of vacation accrual is based on the number of years the employees has worked for the City. New employees accrue vacation at the average rate of 3.08 hours bi-weekly.
- Sick leave. Sick leave is accrued at the rate of 12 average workdays per year (1 day per month). Accrual begins immediately upon employment.
- Flexible benefits program
- Tuition reimbursement.

Part-time and temporary employees who are certified for benefits must attend Benefits Enrollment and New Employee Orientation. Employees exceeding 1,000 work hours per year must join the North Carolina Local Government Employees’ Retirement System (NCLGERS).

D. Sick Leave

1. Use of Sick Leave

Sick leave with pay is one of your most valuable benefits. Upon employment, you begin earning sick leave at the rate of one day per month. Earned and unused sick leave is carried forward each year.

Sick leave may be used for the following purposes:

- Maternity-related illness or injury
• Birth of a child
• Adoption of a child
• Placement of a child for foster care
• Personal illness or injury
• Visits to various medical professionals, i.e. doctors, psychiatrists, psychologists
• Personal dental care
• Illness or injury to members of your immediate family where your services are needed
• Serious health condition of the employee as defined under FMLA
• Military Exigency
• Serious health condition of the employee's spouse, child or parent as defined under FMLA
• Death in your immediate family (defined below)
• Addition to service time for retirement benefits

Immediate family members will include the following: employee's father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, grandchild, father-in-law, mother-in-law, or parental guardian.

2. Sick Leave Procedure

In order to use your paid sick leave, you must:

• Promptly report to your supervisor the reason for your absence as described in the WORK POLICIES AND PROCEDURES-ATTENDANCE Section V(C) of this Handbook
• Keep your supervisor informed of your condition on an agreed upon schedule
• Permit and agree to any medical examination and/or certification which the City may consider necessary
• In accordance with the provisions of the Family and Medical Leave Act, agree to any medical examination and/or certification which is required after an absence of more than three (3) days

Your supervisor is authorized to approve sick leave only if the above conditions are followed completely. Claiming sick leave under false pretenses is considered a flagrant violation of City policy and may result in disciplinary action up to and including termination, in which case all accrued sick leave will be forfeited.

3. Fitness for Duty

Employees returning from extended sick leave or leave without pay during which there has been major medical treatment will be required to provide a doctor's statement attesting to their fitness for duty.
4. Unused Sick Leave

Unused sick leave at the time of retirement is added to years of pension service at the rate of one month of credit for each 20 days of unused sick leave. One more month is allowed for any part of 20 days left over. If employment ceases before the time of retirement, all unused sick leave is forfeited. Employees shall not be paid for any accrued and unused sick leave upon separation from employment. Unless otherwise provided, accrued and unused sick leave shall be reinstated when an employee returns from authorized leave without pay or when reinstated within five (5) years from any type of separation.

5. Advanced Sick Leave

The City Manager must approve all requests for advanced sick leave for employees who are confronted with a major illness or injury and have exhausted all accrued leave. All advanced sick leave shall be restored to the City by the employee through normal accrual upon the employee’s return to work. Upon termination, any remaining advanced sick leave shall be charged against the employee’s accrued leave balances.

6. First Responders

In accordance with N.C.G.S. 160A-164.1, full time firefighters, police officers and other employees identified as first responders shall be allowed to use sick leave for any adverse medical reaction resulting from the employee receiving an employment vaccination against small pox pursuant to Section 304 of the Homeland Security Act. If you are employed as firefighter or a sworn police officer and you have an adverse medical reaction to an employment vaccination against small pox or become infected with small pox or with vaccinia, you will be treated as any other employee with a compensable occupational disease under the North Carolina Workers’ Compensation Act.

7. Sick Leave Transfer

Full-time, benefits-certified new hires coming to the City directly from a local or state government organization, who are members of either the North Carolina Local Government Employee Retirement System including Law Enforcement Officers, Legislative, Judicial, Teachers’ or State Employees’ Retirement System, may have his/her sick leave balance transferred to the City. Upon employment with the City and with proof of the prior, eligible sick leave balance, the employee will be immediately credited with his/her prior sick leave balance.

Rehires may be credited their sick time as long as they are rehired within 5 years.
E. Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act (FMLA) gives eligible employees unpaid leave for a period of up to 12 workweeks within 12 months for any of the reasons listed below. An “eligible” employee for FMLA purposes is one who:

- has been employed by the City for at least twelve months; and
- who has completed at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

In the event of an FMLA qualifying event, the City is responsible for designating leave as FMLA and providing notice to the employee of such designation. If the employee has FMLA available and the reason for the leave qualifies under the FMLA, the employee is required to take FMLA. If the employee wishes to receive pay while out on FMLA, the employee has the option of using paid leave concurrently with unpaid FMLA. Under these circumstances, the absence will be charged against the employee's FMLA balance and the employee's paid leave balance.

The FMLA qualifying events include:

- the birth of a son or daughter of the employee and the employee's need to care for the child (limited to 12 months after birth);
- the placement of a child for adoption or foster care (limited to 12 months after placement or adoption);
- the employee is needed to take care of a child (son or daughter under age 18 or over age 18 if incapable of self-care because of a mental or physical disability), spouse or parent with a serious health condition;
- the employee's own serious health condition, which makes the employee unable to do his or her job.

An eligible employee is entitled to 12 workweeks of FMLA leave within a “rolling” 12-month period measured backward from the first date an employee uses FMLA leave. Under this method, each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks, which has not been used during the immediately preceding 12 months.

For example, if an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If an employee used four weeks beginning February 1, 2007, four weeks beginning June 1, 2007 and four weeks beginning December 1, 2007, the employee would not be entitled to any additional leave until February 1, 2008. However, beginning on February 1, 2008, the employee would be entitled to four weeks of leave, on June 1 the employee would be entitled to an additional four weeks, etc.
A husband and wife who are both employed by the City, and meet the eligibility requirements are each permitted to take 12 workweeks for the qualifying reasons as stated above.

Generally, FMLA leave will be continuous. However, leave for a serious health condition may be taken on an intermittent or reduced basis if medically necessary. In these circumstances, the employee may, consistent with the FMLA, be transferred to a position better suited to the FMLA leave schedule.

A "serious health condition" is an illness, injury, impairment, or physical or mental condition that may involve:

- any period of incapacity or treatment in connection with inpatient care in a hospital, hospice, or residential medical care facility;
- any period of incapacity requiring absence from work, school, or other regular daily activity of more than three calendar days, that also involves continuing treatment by a health care provider; The first visit to a healthcare provider must be in person and within seven (7) days of incapacity and either a second visit within the first thirty days or a regimen of continuing treatment under the supervision of a health care provider.
- continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or for prenatal care. Chronic conditions require at least two (2) medical visits per year.
- Any period of incapacity or treatment due to a chronic health condition such as asthma, diabetes, or epilepsy.
- Any period of incapacity that is long-term or permanent due to a condition for which treatment may not be effective (cancer, AIDS)
- Any absence to receive multiple treatments (and recovery from said treatments) for a condition that would likely result in an incapacity for more than three consecutive days if left untreated (physical therapy, chemotherapy, dialysis)

Eligible employees are also entitled under the FMLA to:

- choose to maintain, while on FMLA leave, any health benefits provided by the City (the employee must pay directly his/her share of premiums for any portion of unpaid FMLA for which paid leave is not substituted);
- return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave unless the employee is unable to perform the essential functions of the job, in which case the employee may be covered by the Americans with Disabilities Act (ADA). Key employees (salaried employees among the highest paid 10 percent of all employees) may not be entitled to restoration if restoring them would cause substantial or grievous economic injury to the City.
When the necessity for leave is foreseeable, the employee must give the City at least thirty (30) days advance notice of the need for leave. If the need for leave is not foreseeable, the employee needs to give the City such notice as is practicable. Requests for Family and Medical Leave Forms may be made to the Human Resources Department.

Final approval of an FMLA leave request is contingent upon the Human Resources Department’s confirmation of eligibility and receipt of a completed Certification of Health Care Provider Form where required (provided by the department/division/office head). Certification may be required when the request for unpaid FMLA leave is based on a serious health condition of the employee or his/her spouse, child, or parent. Whenever accrued paid sick leave is substituted for unpaid FMLA leave, certification may be required as provided by the City's sick leave policy. Whenever certification is required, it must be provided within 15 days of the employee's request for FMLA leave.

In all situations requiring medical certification as described above, the City may require the employee to submit, at the conclusion of the FMLA leave, a fitness-for-duty statement signed by a health care provider familiar with the employee's condition. If the employee's physical condition ultimately renders him/her unable to return to work, a statement to that effect, signed by a health care provider familiar with the employee's condition, may be required.

The Family and Medical Leave Act will be enforced by the Wage and Hour Division of the U. S. Department of Labor. Specific violations of the FMLA are listed in "Your Rights and Obligations" notice posted throughout the City's employment area.

Should you anticipate Family and Medical Leave as described above, you may contact the Human Resources Department to discuss your rights and responsibilities. Failure to comply with City policies regarding FMLA may result in the denial of FMLA. Under such circumstances, the request for leave will be at the discretion of the supervisor in accordance with other applicable leave policies.

In January 2009, the Family Medical Leave Act was amended to add Qualifying Exigency Leave for family members of American servicemen/women, Military Caregiver Leave and other minimal modifications to FMLA leave issues.

An employee who is on Qualifying Exigency Leave is eligible for 12 work weeks of leave within a “rolling” 12-month period measured backward from the first date an employee uses such leave. Each time an employee takes this leave, the remaining leave entitlement would be any balance of the 12 weeks, which has not been used during the immediately preceding 12 months. The date to use for reference is each time they have taken leave in the preceding twelve (12) months. Exigency Leave is to be used by employees when a spouse, son, daughter, or parent is on active military duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Federal legislation provides such leave to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces. Qualifying exigencies include:
• Short notice deployment
• Military events
• Childcare
• Financial and legal arrangements
• Counseling
• Up to five days during rest and recuperation leave
• Post-deployment activities for up to 90 days following termination of active duty or death of covered military member.

Up to 26 weeks of Military Caregiver Leave is available in a single 12-month period beginning on the first day the employee takes leave for this reason and ends 12 months later. Military Caregiver Leave is available if an employee is the spouse, son, daughter, parent, or next of kin of a service member on active duty who has a serious injury or illness acquired in the line of duty that renders the service member unfit to perform his/her military duties. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period. Spouses who are both employed by the City are limited to a combined total of 26 workweeks in a single 12-month period. (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

It is important to note that the FMLA is not a "leave" benefit such as vacation or sick leave. The FMLA is simply a "job protection" benefit for employees who must be out on leave due to one of the qualifying events described. By entering the proper FMLA code on the time sheet, qualifying absences are officially recorded and tracked.

Because it is not an actual leave benefit in and of itself, FMLA coding must occur simultaneously with another form of City leave (S-sick, V-vacation, H-holiday, A-authorized leave - without pay, etc.). If an employee chooses to use accrued sick leave in conjunction with the FMLA, the medical examination and/or certification requirements of the sick leave policy will apply.

**Code "K" is used on the time sheet to represent the FMLA.** A duplicate entry for the same time period must also be present with the appropriate leave code.

In departments, which utilize time clocks, HR Liaisons and/or Kronos timekeepers make adjustments to the time clock entries to correct coding.

**Example:** John is scheduled for surgery and will be absent from work for ten days. During this period, he will use two days of vacation and three days of sick leave during the first week so that his pay will continue. John has chosen not to use paid leave during the second week. John's time sheets would be coded:
<table>
<thead>
<tr>
<th>Week 1</th>
<th>Week 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday K</td>
<td>Monday K</td>
</tr>
<tr>
<td>Monday V</td>
<td>Monday A</td>
</tr>
<tr>
<td>Tuesday K</td>
<td>Tuesday K</td>
</tr>
<tr>
<td>Tuesday V</td>
<td>Tuesday A</td>
</tr>
<tr>
<td>Wednesday K</td>
<td>Wednesday K</td>
</tr>
<tr>
<td>Wednesday S</td>
<td>Wednesday A</td>
</tr>
<tr>
<td>Thursday K</td>
<td>Thursday K</td>
</tr>
<tr>
<td>Thursday S</td>
<td>Thursday A</td>
</tr>
<tr>
<td>Friday K</td>
<td>Friday K</td>
</tr>
<tr>
<td>Friday S</td>
<td>Friday A</td>
</tr>
<tr>
<td>Total</td>
<td>Total</td>
</tr>
<tr>
<td>40.0 hrs.</td>
<td>40.0 hrs.</td>
</tr>
</tbody>
</table>

The **leave associated with the FMLA is based on a "rolling" twelve-month period**, measured forward from the date that the employee's first request for the FMLA leave begins. For example, if an employee's first request for leave begins on April 12, 2011, the employee would be eligible for another twelve-week period beginning April 13, 2012.

A husband and wife employed by the City, who meet the eligibility requirements, are each permitted to take twelve workweeks for the qualifying reasons previously stated.

**Normally, the FMLA leave will be continuous, but there are exceptions.** For a serious health condition, leave may be taken on an intermittent or reduced basis if medically necessary, as long as the total leave taken does not exceed twelve workweeks within the rolling twelve-month period. In these circumstances, the employee may be transferred to a position better suited to the FMLA leave schedule. Under the FMLA, eligible employees are also entitled to:

- choose to maintain, while using the FMLA leave, any health benefits provided by the City (the employees must directly pay their share of the premiums for any portion of unpaid FMLA leave for which paid leave is not substituted); and

- at the conclusion of the leave, return to the same position or an equivalent position with equivalent pay, benefits, and working conditions, unless the employees are unable to perform the essential functions of the job. In such cases, the employees may be covered by the *Americans with Disabilities Act* (ADA). Key employees, which are salaried employees among the highest paid 10% of all employees, may not be entitled to restoration if restoring them would cause substantial or grievous economic injury to the City.
F. Parental Leave

1. Purpose

The City of Winston-Salem will provide up to six weeks of paid parental leave to employees following the birth of an employee’s child or the placement of a child with an employee in connection with adoption, foster care or legal guardianship. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. The Family Medical Leave Act, while providing job protection in a paid or unpaid status does not address the lack of income experienced by many employees during the birth or placement of a child. This policy will provide paid leave in addition to accrued vacation and sick leave. The paid parental leave will run concurrently with FMLA leave. The policy is effective for births, adoptions, placements of foster children, and legal guardianships on or after July 1, 2017.

2. Eligibility

Eligible employees must meet the following criteria:

a. Have been employed with the City for at least 12 months; and
b. Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the qualifying event. A qualifying event is the birth of a child of the employee; the legal placement of a child under the age of 18 with the employee for adoption, foster care or guardianship; or the placement of a child under the age of 18 with the employee who permanently assumes or discharges parental responsibilities (in loco parentis).

c. Must work in a regular, full-time or benefitted part-time position. Temporary and seasonal employees are not eligible for this benefit.

3. Amount, Timeframe and Duration of Paid Parental Leave

a. Eligible employees will receive a maximum of six (6) weeks of paid parental leave per birth, adoption or placement of a child/children. The fact that a multiple birth, adoption or placement occurs (e.g. the birth of twins or adoption of siblings) does not increase the six-week total amount of paid parental leave granted for that event. Additionally, in no case will an employee receive more than six (6) weeks of paid parental leave in a rolling, 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month timeframe.
b. If both parents and/or legal guardians are City employees who meet the aforementioned eligibility criteria, the combined maximum paid parental leave allowed is a combined 12 weeks during the rolling 12-month period.

c. Each week of paid parental leave is compensated at 100% of the employee’s regular, straight-time weekly pay or equivalent weekly salary. Paid parental leave will be paid on the City’s customary biweekly pay schedule.

d. Employees must take paid parental leave in one continuous period of leave. Intermittent paid parental leave is not permitted.

e. Approved paid parental leave may be taken at any time during the six-month period immediately following the qualifying event and may not be used or extended beyond this six-month timeframe. Any unused paid parental leave will be forfeited at the end of the six-month timeframe.

f. Upon termination of employment with the City, the employee will not be paid for any unused paid parental leave for which the employee was eligible.

4. Coordination with Other Benefits and Policies

- Parental leave taken under this policy will run concurrently with leave under the FMLA. Any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption, foster care or legal guardianship will be counted toward the 12 weeks of available FMLA leave eligibility for the rolling 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave, paid or unpaid, granted to the employee under the FMLA exceed 12 weeks during the rolling 12-month period.
- If the qualifying event is covered under an employee’s Short Term Disability coverage, the paid parental may run concurrently with short-term disability.
- Vacation and sick leave will continue to accrue during the period of paid parental leave. However, the employee may not use accrued sick, vacation or holiday pay concurrently with paid parental leave.
- After the paid parental leave is exhausted, the balance of FMLA leave will be compensated through the employee’s accrued sick, vacation and holiday leave. When accrued sick, vacation and holiday leave are exhausted, any remaining leave will be unpaid.
- Please refer to the City of Winston-Salem Employee Handbook for further FMLA and Authorized Leave Without Pay guidance.
- The City will maintain all benefits for employees during the paid parental leave period on the same basis as when the employee takes sick, vacation or holiday leave. If a City holiday occurs while the employee is on paid
parental leave, the day will be charged as holiday leave and will not extend the total paid parental leave entitlement.

- An employee who takes paid parental leave that does not qualify for FMLA leave will be afforded the same level of job protection for the period of time that the employee is on paid parental leave as if the employee was on FMLA-qualifying leave.

5. Procedures - Employees applying for paid parental leave must:

a. complete and submit an application for FMLA and paid parental leave to Savers Admin specifying the number of paid parental leave weeks requested and

b. supply all required documentation. Documentation may include:
   - Birth of a child – a certificate of live birth or similar government issued document listing the requesting employee as a legal parent;
   - Legal placement of a child – a certified copy of a court order granting legal custody of the child to the requesting employee;
   - Adoption – certification of adoption specifying the requesting employee as legal parent/guardian of the child;
   - In loco parentis – a notarized statement from the employee asserting that he or she is assuming and discharging the obligations of a parent to the child. The statement must include the age of the child, the degree to which the child is dependent on the employee, the amount of support, if any provided by the employee, and the extent to which the employee exercises duties commonly associated with parenthood.

c. The requesting employee will receive written notification regarding the disposition of the request.

d. All approved paid parental leave will be coded as Approved Paid Parental Leave in the City’s time-keeping system.

G. School Activities Leave

Employees who are parents or guardians of a school-age child may take 4 hours of unpaid leave each year in order to attend or otherwise be involved in the child's school activities. Requests for such leave should be handled in accordance with policies regarding vacation, holiday or unpaid leave. Supervisors may request a written verification from your child's school.
H. Military Leave

Full-time or part-time employees who request military leave should provide their supervisor with a copy of the military orders before leave begins.

As a full-time or part-time employee entering active duty with any branch of the U.S. Armed Forces, you are entitled to certain re-employment rights under the law. You must apply for re-employment within ninety (90) calendar days after release from active duty to be placed in the former job, if available, or in one of equal pay and status, unless there has been a change in circumstances which would make it impossible or unreasonable to do so.

A full-time or part-time employee who is a member of a Reserve Unit or a National Guard Unit, and who is called to active duty of not less than three consecutive months, must, in order to be reinstated, apply for re-employment within thirty-one (31) days following release from active duty or upon discharge from a hospitalization which occurred as a result of active duty for training or one (1) year after the employee's scheduled release from training, whichever is earlier.

Any full-time City employee who attends an annual two-week military camp or naval reserve cruise shall be entitled to a salary supplement for the difference between military base pay and the employee’s regular pay for two (2) calendar weeks, excluding scheduled days off, plus authorized travel time, provided a statement from the commanding officer verifying military base pay is provided. "Authorized travel time" is the number of days extending beyond the basic fourteen-day period which is compensated for by the military organization.

A full-time City employee who is called to active military duty, other than for the annual two-week reserve training, shall be entitled to a salary supplement by the City, while on active military duty, for the difference between military base pay and the employee's regular pay for three (3) months for each completed full year of service with the City. Employees with less than one (1) year of service will be paid the supplement for one (1) month. The employee may receive the military supplement on a monthly basis provided the employee submits proof of base pay or leave earning statement. The City will continue to provide the supplement for a minimum of thirty (30) days or for three (3) months for each completed full year of service, whichever is longer, and flexible spending, health and dental insurance benefits as long as the full-time employee is on active military duty and continues to pay the employee’s normal share of the costs. Employees have the option of having the premium deducted from the supplement pay or making other arrangements for payments to be paid directly. Once the benefit period ends, the employee may elect to continue benefits under the Public Health Services Act (PHSA). The employee may also elect to continue benefits under the PHSA on the thirty-first (31st) day after military leave commences.

Part-time city employees who are certified for benefits will be eligible to continue flexible spending, health, and dental benefits for 30 days. On the 31st day, the employee

City of Winston-Salem Employee Handbook (September 2019 Revision)
may elect to continue benefits under the Public Health Services Act. Only full-time employees may receive a salary supplement.

Employees working in part-time, temporary or seasonal positions are not eligible for compensation by the City for Military Leave.

Reserve unit weekend drill schedules are normally distributed for the following calendar year in September. Within two weeks of receipt of this schedule, employees must notify their supervisor in writing of the dates they expect to be absent from work due to weekend drill schedule. When a weekend drill interferes with the City work schedule, the employee should, if possible, reschedule the weekend drill. Occasionally, weekend drills are rescheduled by the military. When this occurs, reservists are given at least a two-week notice of such change. It is the employee’s responsibility to notify their supervisor immediately upon receipt of the change in drill schedule.

Under the Uniformed Services Employment and Reemployment Rights Act (USERRA), employees have the right to be reemployed in their civilian job when they leave the job to perform service in the uniformed service and 1) the employee provides their employer with advance notice of the service; 2) the employee has five years or less of cumulative service in the uniformed services while with the employer; 3) the employee returns to work or applies for reemployment in a timely manner after conclusion of service; and 4) the employee has not been separated from service with a disqualifying discharge or under other than honorable conditions. If eligible to be reemployed, the employee must be restored to the job and benefits he/she would have attained if he/she had not been absent due to military service or in some cases, a comparable job. USERRA also covers disaster response work and authorized training for such work.

Should you anticipate military leave of any type, call the Human Resources Department to discuss your reinstatement rights and privileges.

I. Jury Leave

If you are summoned to duty as a juror, you should notify your supervisor immediately. Full-time city employees who are summoned as a juror will be granted leave with regular pay for the period of service. No charge will be made against your annual leave, and you may keep any juror's pay you receive. Part-time, temporary and seasonal employees may be granted time off without pay when summoned to serve as a juror.

J. Leave of Absence without Pay

Leave without pay for a justifiable reason may be granted by the department head to any employee certified for benefits, not to exceed two weeks within any twelve-month period of
time. Leave for a longer period of time must be approved by the City Manager or his designee, not to exceed one year per event unless required by law. Unless required by law, an employee on leave without pay shall not accrue benefits. Additionally, an employee on any amount of leave without pay will not receive service credit in the retirement system for that time period or any portion of that time period, even if combined with paid leave. Under such circumstances, the employee’s vesting rights, eligibility for retirement and benefits in the retirement system will be affected.

With the exception of FMLA and military leave, in order to be eligible for leave without pay, an employee:
- must have exhausted all paid leave appropriate for the situation, i.e., if the leave of absence is for personal illness, then all accrued sick, vacation, and holiday time must be exhausted first.
- must send a Personnel Action Turnaround Report form to Human Resources reflecting the change in employment status to "leave of absence – without pay." - Time sheets for the period are coded with "A".
- must send a second Turnaround Report to Human Resources when the employee returns, to change the employment status to "active."
- must submit a written request from the employee, along with a recommendation from the Department Head and Human Resources Director, must be submitted to the City Manager.

In order to request an extended leave for an employee (in excess of two weeks, but not to exceed one year unless required by law), first exhaust all accrued paid leave. This excludes unpaid leave covered under FMLA (K time), and military leave that may be available for the situation for which leave without pay (A time) is being requested. Once the unpaid leave covered under FMLA and the laws regarding military leave has been exhausted, the employee must exhaust all remaining accrued, available, and eligible paid leave for the situation before requesting additional leave without pay.

Employees on an approved leave of absence, including a leave of absence covered by FMLA or due to an on-the-job injury, are required to pay the employee’s normal share of the costs of employee health, dental, and life insurance benefits through payroll deduction or directly.

**Time spent on leave without pay will not apply toward creditable service for retirement. Employee paid leaves will not accrue during leave without pay absences.**
K. Shared Leave

The Shared Leave Program is an employee-to-employee benefit that is administered through the City’s Human Resources Department. The Shared Leave Committee is responsible for facilitating Shared Leave Bank and Direct Leave donations among employees in the case of either a catastrophic or serious medical condition.

1. Purpose

This program is intended to provide alternatives to extend paid sick leave options for employees or an immediate family member with serious or catastrophic medical conditions, as defined by the policy. This program is not intended to extend employment for an employee who is unlikely to return to work or who intends to resign or retire in the foreseeable future. The purpose of the Shared Leave Policy is to outline the conditions under which City employees may donate leave to the Shared Leave Bank, receive donations from the Shared Leave Bank, or receive direct donations from other employees.

2. Participation

Both full-time and part-time City of Winston-Salem employees with 12 or more months of employment are eligible to enroll in the Shared Leave Program. In order to become a participant, an employee must contribute at least eight (8) hours of vacation time during the annual enrollment period.

3. Definitions

a. **Serious Medical Condition.** Non-work related medical conditions as defined by the Family and Medical Leave Act (FMLA), which would cause the employee to be without wages for 160 consecutive hours that the employee otherwise would have been working.

b. **Catastrophic Medical Condition.** Serious, incapacitation and/or life threatening non-job related medical conditions requiring an extended treatment and/or recovery period causing the employee to be without wages for 160 consecutive hours for which they otherwise would have been compensated.

c. **Immediate Family Member.** Spouse, child (biological, legally adopted, court appointed, foster or legal guardianship), parent (including spouse’s parents).

d. **Direct Donation.** Leave donated from an employee to a qualified, named recipient.

e. **Shared Leave Committee.** A City Manager-appointed committee consisting of three (3) voting members from different city departments,
charged with evaluating requests to receive donated leave and making decisions accordingly.

f. **Recipient.** An employee meeting all requirements for the shared leave program who has also enrolled in the program, and is requesting or receiving shared leave.

g. **Donor.** Any city employee donating leave time to an eligible shared leave recipient.

h. **12 Month Period.** Measured from the time recipient begins receiving shared leave.

4. Program Requirements and Procedures

a. **Recipient**

Eligible employees with catastrophic medical conditions affecting either the employee or an immediate family member may request donations of leave from the Shared Leave Bank and may receive direct donations of sick leave from other employees. Eligible employees with serious medical conditions may receive direct donations of sick leave from other employees. In order to be eligible to receive leave, the requesting employee must have received a rating of “solid performer” or better on their most recent performance appraisal and must have donated eight (8) hours of vacation leave to the Shared Leave Bank during benefits open enrollment. Employees must have exhausted all other paid leave (sick, vacation, holiday, short-term disability) before receiving shared leave donations.

Applying for shared leave donations requires completion of two forms: the “Request to Receive Donated Leave” and “Shared Leave Medical Certification” forms which can be found on the Employee Center at https://www.cityofws.org/1954/Employee-Forms. The medical certification form must be completed by the treating physician for the serious or catastrophic medical condition for which the employee is requesting leave. All medical information received is confidential.

Employee may receive up to 12 weeks of shared leave in a 12-month period, and any unused shared leave remaining in a recipient’s leave accrual upon return to work will be returned to the Shared Leave Bank.
b. Donor

Employees wishing to donate to the Shared Leave Bank during annual enrollment must donate 8 hours of sick time to the Shared Leave Bank. If donating leave at any point other than annual enrollment, donors must donate at least 8 hours of sick time and a matching amount of vacation time. Donors donating at any point other than annual enrollment must retain at least 40 hours of sick time and 40 hours of vacation time after the donation is approved.

Employees may donate leave by filling out the “Shared Leave Donor Authorization” form located on the Employee Center at https://www.cityofws.org/1954/Employee-Forms. Employees are restricted from donating leave to immediate supervisors who conduct their performance appraisals. Terminating employees may donate accrued vacation and/or holiday time to another employee or the shared leave bank, but may not donate sick time.

The City of Winston-Salem reserves the right to modify or terminate the Shared Leave Program at its sole discretion, and at any time.

L. Basic Life/Accidental Death and Dismemberment (AD&D)

Automatic coverage under the City's group insurance program is provided to all full-time employees. Benefits now start the first day of the next pay period following your first date of employment or certification for benefits.

The City pays the entire cost for the following coverage:

- Life Insurance: Amount equal to annual base salary rounded to highest $1,000 (up to a maximum of $150,000.)
- Accidental Death and Personal Loss: Amount equal to life insurance amount (up to a maximum of $150,000.)
- The City pays for your basic life and accidental death and personal loss; therefore, any coverage of more than $50,000 is considered “taxable income” by the IRS. These earnings are called “imputed income”.

The insurance remains in force as long as you are an employee of the City. If you are still employed by the City at age 70, the coverage is automatically reduced by 25% and at age 75 by 50% and at age 80 by 75%. The reduced amount will be rounded to the highest $1,000. An Accelerated Benefit Option (ABO) is also a part of the group life benefits. Under this option, if you are diagnosed as having a terminal illness, you may be eligible to receive a portion of your group life benefits.
Upon termination of employment, any employee may convert their policy to a whole life policy without a medical examination for up to 100 percent of life insurance coverage so long as the retiree agrees to pay the full amount of the monthly premium. Rates will be based on age and amount of coverage. Premium information is available in the Human Resources Department.

Employees who retire or resign from the City of Winston-Salem after completing fifteen or more years of full-time employment with the City receive a death benefit of $2,000. Employees terminated for cause are not eligible to receive this benefit. The benefit is paid upon the death of the former employee to his or her named beneficiaries. If the City for any reason cannot complete payment to a beneficiary (for example, if a beneficiary predeceases the former employee), then the amount to which that beneficiary would have been entitled will be paid to the employee’s estate. Beneficiaries must make a written request to the City within two years of the death of the former employee in order to receive payment. The City has no responsibility for paying this benefit until it receives written notification.

**It is important to notify the Human Resources Department when you wish to make a change in your beneficiary.**

**M. Supplemental Life Insurance**

Additional life insurance may be purchased by full-time employees at group rates at their Benefits Enrollment. It would become effective the first day of the next pay period following your first date of employment or certification of benefits.

The amount of Supplemental Life Insurance you may purchase will be equivalent to either one (1), two (2) or three (3) times your annual base salary up to a maximum of $300,000 (or $400,000 upon completion of the Evidence of Insurability Form) rounded to the highest $1,000. As your salary increases, your supplemental life insurance coverage automatically increases. If you are still actively working at age 70 the coverage is automatically reduced by 25%, at age 75 reduced by 50% and at age 80 reduced by 75% and premiums are reduced accordingly.

The Supplemental Life Insurance remains in force as long as you are an employee of the City. At separation or retirement, it may be transferred without medical examination provided you pay your premiums on an individual basis. If under age 65, you may continue your insurance on a term basis with rates based on age. Premium information is available in the Human Resources Department.

**It is important to notify the Human Resources Department when you wish to make a change in your beneficiary.**
N. Dependent Life Insurance

Dependent life insurance may be purchased by full-time employees at low group rates. The following coverages are allowable:

Spouse...................................................................................................................................$10,000
Children between 15 days - 19 years of age and up to 26 years if full-time student .............$5,000

Dependent Life Insurance remains in effect as long as you are an employee of the City. At separation, it may be converted without medical examination provided you pay your premiums on an individual basis. Premium information is available in the Human Resources Department.

O. Permanent Universal Life Insurance

The City offers an optional permanent life insurance benefit. This benefit provides permanent life insurance for employees and/or dependents. This life insurance will continue even after an employee terminates employment with the City. The policy builds cash value and the premiums are paid through payroll deduction. Premium rates are based on the age of the employee and whether he/she is a smoker or non-smoker. Employees interested in this coverage should arrange a meeting with the insurance company representative. Contact the Human Resources Department for contact name and number.

P. Short-Term Disability Insurance

All full-time employees and temporary/part-time employees certified for benefits are eligible for short-term disability insurance.

It becomes effective the first day of the next pay period following your first date of employment or certification of benefits.

The benefit is from $100 - $650 per week, not to exceed 70% of pay. Rates are based on age. Benefits begin on the first day of disability due to an off-the-job accident and the eighth day of disability due to a sickness. In order to receive benefits, you must be under the care of a licensed physician. During open enrollment, employees who wish to enroll for coverage or increase the amount of coverage will be subject to medical underwriting.
Q. **Long Term Care Insurance**

The City no longer offers Long Term Care Insurance to new employees. There are some employees however, who remain under this plan because it was offered a long time ago as a benefit. This section only applies to those employees who already have this benefit.

Long-term care is a variety of support services that are provided for people who are unable to take care of themselves, whether temporary or permanently. Individuals need long term care coverage when they cannot perform two of the six activities of daily living - bathing, dressing, toileting, transferring, continence, or eating. Long Term Care may also be required when a person has a cognitive impairment, such as Alzheimer's Disease.

This benefit will assist with the cost of skilled nursing facilities, adult daycare centers and home health care. Employees currently enrolled have a choice of three daily benefit levels for three or five year terms. Rates are based on age through payroll deduction.

This benefit is also extended to parents, parents-in-law, grandparents and grandparents-in-law of employees who are currently enrolled.

R. **Flexible Spending Account (FSA)**

The Flexible Spending Account plan allows an employee to set aside money on a pre-tax basis through salary reduction to pay certain expenses. The City offers its employees two types of spending accounts: Medical Reimbursement and Dependent Care Accounts.

Under the medical reimbursement account, an employee is reimbursed for eligible health care expenses that are not covered or reimbursed under health insurance. Typically, these include deductibles, co-payments and uninsured expenses such as dental, vision care, and hearing exams.

Unused funds of $500 or less may be rolled over into the next plan year.

Under a dependent care spending account, an employee can be reimbursed for qualified dependent care expenses so that the employee may continue to work instead of having to provide childcare.

For more information on spending accounts, contact the Human Resources Department.

S. **Health Insurance**

All full-time employees and those temporary and part-time employees certified for benefits are eligible for health insurance benefits. The City offers two different PPO plans from which the employee can choose: Basic or Basic Plus.
Plan descriptions explaining each plan in detail are available on the Human Resources Employee Center webpage at: https://www.cityofws.org/1625/Benefits

For each plan, the City offers five categories of coverage: individual, employee/child, employee/children, employee/spouse, and family. Insurance premiums are collected biweekly during the month that coverage is provided.

A $50 wellness health insurance premium discount is offered to employees who complete the program requirements, including cotinine testing for tobacco use. In accordance with provisions of the Affordable Care Act, employees who test positive for tobacco use may continue to receive the health care premium discount if they complete an approved tobacco cessation program.

Coverage becomes effective the first day of the next pay period following your first date of employment or certification of benefits. Questions about group health insurance can be addressed by contacting the Human Resources Department.

Changes to group health insurance can be made only during the fall annual enrollment period unless there is a qualifying life event. Please see the list of qualifying life events in the “Premium Conversion Plan” section below.

T. Dental Insurance

The City of Winston-Salem offers a no-cost direct dental reimbursement plan to its full-time employees and those part-time and temporary employees certified for benefits. This plan is administered by a third party provider.

The City’s direct dental reimbursement plan is designed to assist the employee by sharing the financial burden of good dental health. The maximum calendar year benefit is $1,300. Benefits are provided as follows:

- City pays 100% of the first $300.00
- Employee pays the next $50.00 as a deductible
- City pays 80% of the next $250 up to $200
- City pays 50% of the rest of the charges up to an additional benefit of $800.00

Total benefit paid by City = $1,300.00 per member per year

In addition, a lifetime orthodontia benefit of $1,500 is available for covered dependent children up to age 18.

Summary plan documents detailing the dental plan are available in the Human Resources Department. Claims may be filed by either the dentist or the employee. Employees wishing to
Claim forms can be obtained by contacting the department’s Human Resources Liaison or the Human Resources Department. Claims and reimbursement forms can also be found on the Employee Center forms page at https://www.cityofws.org/1954/Employee-Forms.

Coverage becomes effective the first day of the next pay period following your first date of employment or certification of benefits. Dependent coverage is also available through payroll deduction. Contact the Human Resources Department for the current rate.

U. Premium Conversion

Effective September 1, 1988, the City of Winston-Salem adopted a Premium Conversion plan for the purchase of certain non-taxable fringe benefits. This plan provides for the deduction of your medical and dental premiums, along with flexible spending account contributions, from your gross salary before Federal, State, and Social Security taxes are applied. This benefits you by lowering your gross taxable income and by using "tax-free" dollars to fund the premiums and spending account contributions.

Premium conversion plans are governed by State and Federal guidelines, which impose strict requirements, particularly when it comes to plan enrollments and changes. For these plans, it is important to note that changes can only be made once a year during the annual open enrollment period, unless there is a documented family status change or other qualifying event. As defined by Section 125 of the Internal Revenue Code, these events include:

- marriage
- divorce
- legal separation or annulments
- death
- birth
- adoption
- loss of dependent eligibility (i.e. aging out, change in student status)
- gain or loss of spouse's employment and benefits
- you, or your spouse's unpaid leave of absence
- loss or gain of Medicare or Medicaid benefits
- court order, judgment or decree requiring coverage for an employee's child or foster child
- significant changes in plan costs or benefit options
- change in hours from part-time to full-time (or vice-versa)
- relocation

It is also important to remember that in order for a change to be made as a result of a qualifying event, Section 125 guidelines require that the appropriate forms and supporting documentation must be submitted to Human Resources within 30 days of the event date.
Changes received after the 30-day window will be rejected and must wait until the following open enrollment for processing.

Employees may elect or decline participation in the City’s sponsored health insurance plans.

V. Public Health Services Act (PHSA)

Under the provisions of this Federal Law, any employee who terminates employment with the City is eligible to continue in the City’s Group Health and Dental Plans for a period not to exceed 18 months. However, the terminated employee must pay the full cost of coverage plus 2% administrative costs.

W. Education Assistance

The City of Winston-Salem encourages employees to further their education. Financial assistance is available under the Education Assistance Program to full-time employees and part-time employees, who are certified for benefits, to pursue part-time or full-time studies at accredited institutions. The policy also covers continuing education courses and preparation courses, including self-guided courses, for certification and licensure tests for professional development, which are provided by accredited institutions or professional associations. A printable copy of the policy is available on the policy page of the Employee Center at www.cityofws.org/employeepolicies.

This program is in accordance with section 127 of the Internal Revenue Code.

The policy below should be followed carefully for expenses to be eligible for reimbursement.

1. College and Continuing Education Courses
   a. Applications can be obtained from the Human Resources Department and at https://www.cityofws.org/1954/Employee-Forms on the Employee Center web site.
   b. Employees must complete an Application for Education Assistance and submit it to Human Resources for approval every semester or block. The application must be submitted to Human Resources PRIOR to the beginning of the course(s). A copy will be returned to you after it is approved. Keep the approved form until you are ready to file for reimbursement.
   c. Courses started or completed prior to approval of education assistance are not eligible for reimbursement.
d. Course work must be related to current or prospective position(s) within the organization, and must be completed at a nationally accredited institution.

e. Eligible expenses are limited to the cost of tuition, certain lab fees, and books/software required for the class and purchased from that school’s bookstore (or if purchased elsewhere, the book receipt must be accompanied by an official listing of books required for the course).

f. Reimbursement for college courses shall be made only for course work completed at accredited business schools, trade schools, colleges, and universities. Employee must have received a grade of “C” or better.

g. Reimbursement for continuing education courses shall be made only for courses completed through nationally accredited schools, colleges, or universities, and professional or community organizations partnering with nationally accredited institutions. Employee must have evidence of satisfactory completion of the course.

h. To file a claim for reimbursement of education expenses, submit the following to the Human Resources Department at the completion of the course(s) or no later than 60 days after the end of the calendar year in which the class was completed:

i. Prior-approved Application for Education Assistance

ii. Itemized statement/invoice of tuition cost with each fee listed separately

iii. Receipt for tuition payment

iv. Receipt for books/software

v. Official grade report

i. The city will reimburse the first $1,000 of eligible expenses at 100% and then 50% of the next $2,000 until a $2,000 per calendar year maximum reimbursement per employee has been reached.

j. Employees who terminate employment with the City within six (6) months or less after receiving an educational reimbursement will be required to reimburse the City for the full amount reimbursed.

2. Professional Certifications and/or Licenses

a. Employees are eligible to receive reimbursement for expenses incurred for preparation of professional certifications and/or licenses that are granted through national and/or state agencies, governing boards, and/or professional organizations. The certification and/or license cannot be a requirement of employee’s current position.

b. Employees must complete an Application for Education Assistance and submit a letter of recommendation from the employee’s department to the Human Resource Department for approval PRIOR to beginning the course. The letter should confirm that the certification/license is not required by the department and that it would be of benefit to the department for the employee to earn the certification/license.
c. Expenses for review courses, books/manuals/software, and exam fees are eligible for reimbursement. This includes self-guided courses.
d. Reimbursement shall be made for eligible expenses after the employee has received a satisfactory score on a qualifying exam and credit has been granted toward the certification and/or license.
e. To file a claim for reimbursement of Certification/License expenses, submit the following to the Human Resources Department at the completion of the course(s) or no later than 60 days after the end of the calendar year in which the exam was completed:
   1. prior-approved Application for Education Assistance
   2. itemized statement/invoice of tuition/fees – there should be separate line items for tuition and fees
   3. receipt for payment
   4. receipt for books/software
   5. official grade report/score/credit issued
f. The city will reimburse the first $1,000 at 100% and 50% of the next $2,000 until a $2,000 per calendar year maximum reimbursement (per employee) has been reached.

Seminars, workshops, supplies, non-academic fees, and other charges are not eligible for reimbursement.

3. Spanish Language Courses

   In an effort to enhance services and programs available to our Spanish-speaking residents, the City of Winston-Salem has developed the following policy on Spanish language skill acquisition. Employees are encouraged to develop skills in speaking Spanish, and the city will support bona fide efforts to help accomplish this goal in the following ways:

   - **Educational Assistance** – PRIOR to enrolling in a college/university Spanish course, employees should apply for reimbursement through the city’s Education Assistance program. (See complete instructions in college courses section.) This assistance applies to levels of Spanish equivalent to the first two years of college-level foreign language study. Classes must be a minimum of 30 contact hours in length.
   - **Workplace Training** – The city will, from time to time, provide work site classes in Spanish and will pay the fees associated with this work site training. Employees who enroll in these classes must sign an agreement with the city that if they fail to successfully complete this training, they will reimburse the city for their participation expense. Requirements for successful completion and the reimbursable cost will be published with each class announcement.
   - **Time away from work** – The work of the city must come first. Employees and their supervisors will work together to ensure that attendance and time away from work is manageable. The employee is responsible for furnishing documentation to the supervisor as to meeting time and location for the Spanish class. The supervisor will ensure that the employee knows the allowable time he/she may be away from the work site. The city will provide up to two hours a week of regular paid work time for
employees to attend a Spanish class. If classes meet more than two hours a week, the employee will need to use accrued leave time in excess of the possible two hours of city-allowed time.

- **One-Time Financial Incentive** – Upon completion of an approved Spanish language course (of at least 30 instruction hours in length) with a final grade of “C” or above, the City of Winston-Salem will pay its employees a one-time cash incentive of $100.00 gross. This incentive may be claimed only once. To be eligible, Spanish instruction cannot be a requirement of the employee’s current position. If eligible, an employee should request this incentive when submitting the application for education assistance.

- **Spanish Language Pay Incentive** – An incentive of $1,104 is authorized for demonstrated competency in oral Spanish when there is an existing business need for the employee to use Spanish in their position.

The employee must submit a completed Spanish Language Certification Application to his/her supervisor. Once the supervisor completes the supervisory section of the application, the department/division/office head must approve the form before sending it to the City Manager’s Office for the approval of the appropriate Assistant City Manager. The form is available at https://www.cityofws.org/1954/Employee-Forms.

If the application is approved, the employee will then take an exam of oral Spanish language skills that is tailored specifically to the work area. Upon satisfactory completion of this exam, the employee will be eligible for the salary increase.

If an employee receiving the Spanish Language Incentive is promoted to a position where the Spanish language skills will be utilized, the employee may be recertified for the incentive by completing the Spanish Language Recertification application available at https://www.cityofws.org/1954/Employee-Forms.

**X. Employee Development**

The Employee Development division of the Human Resources Department is committed to providing relevant and effective learning opportunities to help each employee perform at a fully successful level. The City of Winston-Salem recognizes that lifelong learning for each employee is critical if its vision of being seen as “a municipal government deserving of public confidence that provides excellent and innovative services, and is an active and cooperative partner in creating a vital community” is to be realized.

Employees and their supervisors need to carefully consider skills and improvements needed in order for each employee to become fully successful and view training as one way to achieve this goal. Specific needs should be communicated to Employee Development, and both employees and supervisors should regularly check the Employee Development e-learning platform http://cityofws.mrooms.net for current development opportunities.
Employees and departments maintain a lending library of books and videos for use. The lending library is located on the first floor of the Bryce A. Stuart Municipal Building. Inquiries about resources should be directed to Employee Development.

Y. Retention Incentive

Because the achievement of the City’s strategic objectives is dependent upon the City’s ability to attract and retain a trained, skilled and committed workforce, employee retention is vital. This is particularly important for positions in the organization that require specialized skills and are difficult to recruit, and positions for which the City commits substantial training and skill building resources. The purpose of the Retention Incentive Policy is to express the intent of the City of Winston-Salem to retain employees who have received job offers for comparable positions from outside employers and to outline the circumstances under which the city of Winston-Salem will offer financial incentives for retention.

Employees presenting a valid job offer from an external organization for a comparable position to the employee’s current position may be eligible for a one-time base salary increase of 5%. In order to be eligible for this incentive, the employee must have received a rating of “strong performer” or higher on their most recent annual performance appraisal and must be recommended by their department head based on one of the following criteria:

- The employee must be difficult to replace and possess a specialized skill, certification or knowledge base that is necessary for the operation of the department to which the employee is currently assigned.
- The employee must have received significant City-provided training in a specialized field necessary for the performance of his/her current position.
- The employee must hold the sole position within the organization that performs a specific function.

Employees requesting the one time retention incentive must submit the Retention Incentive Request Form found on the Employee Center to their department head for completion and submission to the Human Resources Director.

Z. Longevity Pay

1. Only full-time employees and part-time employees certified for benefits, as of August 31, 1996, are eligible to receive an annual longevity payment. Longevity payments shall be made during the first half of the month of December of each year in accordance with this longevity pay plan to all full-time and part-time certified employees who shall be in the employ of the city as of November 30th of the year in which the longevity payment is made and shall have completed at least five (5) years of continuous service as of December 1st of the preceding year. The amount that an eligible employee receives in December 2003 shall be based on the base salary of the employee as of July 8, 2003 and the schedule that follows:
(1) Two and one-half (2½) per cent of base annual salary after five (5) years of service.

(2) Four and one-half (4½) per cent of base annual salary after ten (10) years of service.

(3) Six (6) per cent of base annual salary after fifteen (15) years of service.

(4) Seven and one-half (7½) per cent of base annual salary after twenty (20) years of service.

The schedule set forth above shall not apply to longevity payments made in 2004 and subsequent years. Except as provided below, the amount of any longevity payment made after 2003 shall be the same dollar amount as the employee's 2003 longevity payment.

An eligible employee who takes leave without pay during 2003 will have his/her base salary as of July 8, 2003 diminished by the pay the employee did not receive due to leave without pay. An eligible employee, who takes leave without pay during 2003 and whose 2004 longevity payment would be lowered because of said leave without pay, shall have his/her 2004 and subsequent longevity payments calculated based upon the employee's percentage rate and years of service used to calculate the December 2003 payment and the employee's base salary as of July 8, 2003 as if the employee had not been on leave without pay in 2003. An eligible employee who takes leave without pay during 2004 or subsequent years will receive a lower longevity payment reflecting the employee's loss of pay while on leave.

An otherwise eligible employee, whose salary in 2004 or subsequent years is lower than his/her salary as of July 8, 2003 due to demotion, change in status from full-time to part-time certified for benefits, or for some other reason will receive a lower longevity payment based upon the employee's years of service and percentage rate used to calculate the December, 2003 longevity payment, and the employee's salary as of June 30th of the year of the longevity payment.

An eligible employee, who is on military leave or whose longevity payment is lowered because he/she is on military leave without pay, will receive a longevity payment based upon the employee's years of service and percentage rate used to calculate the December 2003 longevity payment and the employee's projected salary as of July 8, 2003.

An employee shall not be considered in the employ of the city if the employee is suspended pending termination on or before November 30th in the year in which the longevity payment is to be made. In the event a grievance is filed and the suspension pending termination is not upheld, the employee shall receive any longevity payment for which the employee is otherwise eligible.
2. Employees who die or retire under early, normal or disability retirement provisions of the city during any year in which longevity payments shall be made under this longevity payment plan, and who, because of such retirement, shall not be in the employment of the city as of November 30th of that particular year shall, nevertheless, receive a pro rata longevity payment for that year based on the number of full months of employment from the last December 1st to the date of the employee's retirement. Such longevity payments shall be computed on the basis of the employee's base salary either at the time of retirement if prior to July 8, 2003, otherwise as of July 8, 2003. Any longevity payment made after 2003 shall be the same as the 2003 longevity payment amount pro-rated as indicated above. Such payment shall be made at death or at the time of retirement or immediately thereafter.

3. The provisions of this section shall apply to and shall include the administrator of the City of Winston-Salem Board of Alcoholic Control.

4. Employees who are transferred from employment by the City of Winston-Salem to employment by Forsyth County or by some other governmental agency as a result of the transfer of a particular governmental function or service from the city to the county or to such other governmental agency shall receive pro rata longevity payment for the year in which such transfer occurs, computed on the same basis and paid in the same manner as hereinabove provided for employees who retire.

5. Where full-time employment immediately follows temporary employment (for at least thirty (30) hours per week), without any intervening break in such employment with the city, the period of such employment up to, but not in excess of, six (6) months shall be counted as part of the employee's continuous service for the purpose of determining the employee's eligibility for longevity payments.

6. During the annual budgetary process, or at other times as appropriate, the city council may undertake a review of the longevity pay plan during which time the city council shall determine the availability of funds and the possibility of future changes.

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<thead>
<tr>
<th>Years of Service</th>
<th>Percentage of Base Annual Salary</th>
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<tbody>
<tr>
<td>5-9</td>
<td>2 1/2%</td>
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<tr>
<td>10-14</td>
<td>4 1/2%</td>
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<tr>
<td>15-19</td>
<td>6%</td>
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<tr>
<td>20+</td>
<td>7 1/2%</td>
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**AA. Social Security**

All employees of the City are covered by Social Security with the exception of certain law enforcement personnel. Social Security tax (FICA) is automatically deducted from your pay. The City of Winston-Salem matches the employee's contribution to Social Security.
Corrections to your Social Security account can be made only within certain periods. It is wise to check the amounts credited to your Social Security account every three years. To check on your account, request an "Estimate of Benefit Earnings Statement" from the Social Security Administration.

BB. Retirement/Pension Plans

Each new full-time employee or part-time employee averaging 1,000 or more hours of work each year automatically becomes a member of the North Carolina Local Government Employees’ Retirement System (LGERS) and makes a **MANDATORY** contribution of 6 percent of their annual salary to the system on a pre-tax basis. This provision enables employees to have federal and state income taxes on their contributions deferred until after retirement.

Sworn law enforcement personnel sworn on or before December 31, 2013 become members of the Winston-Salem Police Officers' Retirement System (WSPORS). Sworn law enforcement personnel sworn on January 1, 2014 or later become members of the Winston-Salem Police Officers Defined Contribution system (WSPO-DC). The City of Winston-Salem contributes to the retirement fund. The City's contributions are based on actuarial calculations so that employee benefits can be provided on a sound basis.

The provisions and benefits of the City's retirement plans are summarized below:

- **VESTED RIGHT** - After five years of creditable service, an employee qualifies for monthly retirement benefits, available at age 60. (age 55 for Police Officers)
- **SERVICE RETIREMENT WITH 30 YEARS** - After 30 or more years of creditable service, regardless of age, an employee is eligible for full retirement benefits.
- **SERVICE RETIREMENT AT AGE 65** - At age 65 or older, with at least 5 years of service, an employee is eligible for retirement at an unreduced rate.
- **SERVICE RETIREMENT AT AGE 60** - At age 60, with at least 25 years of service, an employee is eligible for unreduced monthly retirement benefits.
- **EARLY RETIREMENT** - After age 50, with 20 or more years of creditable service, an employee qualifies for reduced retirement benefits.
- **DISABILITY RETIREMENT** – Should an employee become permanently disabled after five years of creditable service, the employee may make application to the retirement system for disability retirement. If the application for disability retirement is approved by the medical board of the retirement system, the employee may retire on a disability retirement allowance. The amount of retirement allowance is calculated as service retirement.

The City’s retirement program offers several options. These options are discussed more fully in your retirement handbook. The Human Resources Department staff is available to discuss the complete pension program including pension calculation and options.
CC. Supplemental Retirement Income Plans

The City has two plans that enable employees to save a portion of their income for retirement through payroll deduction. **These two plans are available to City employees:**

- 457 deferred compensation
- 401(K) Traditional and Roth options

These plans, while differing in detail, both provide that the amount saved along with the accrued interest is exempt from income taxes until such time as it is received by the employee at retirement or separation. The Roth 401K is a POST TAX investment, which provides tax-free earnings.

Any employee interested in participation in either of these plans should contact the Human Resources Department for further information.

DD. 529 College Savings Plan

The City offers all employees the opportunity through payroll deduction to establish a college savings program (529 Plan) to set aside funds for qualified higher education expenses, free of taxes. To inquire or to enroll, contact the Human Resources Department.

EE. Retiree Health and Life Insurance Benefits

1. Retiree Health Insurance

   After fifteen (15) years of full-time employment, individuals employed by the City on or before July 1, 2010 earn the right to participate in the retiree health insurance benefit upon retirement from the City or at the age of 62 if the vested employee leaves the City prior to retirement. Any employee hired after July 1, 2010 is ineligible to receive the retiree health insurance benefit. (Do you need the comma?) full-time employees who retire on a disability retirement shall earn the right to participate in the retired health insurance benefit upon the date of disability retirement.

   Full-time employees employed by the City prior to September 16, 1991 shall continue to earn the right to participate in the retiree health insurance benefit upon retirement from the City with at least five (5) years of service. Employees hired after September 16, 1991 but before July 1, 2010 must have been employed for the fifteen (15) years as mentioned above to be eligible. Any employees who are terminated for cause will forfeit the right to participate in retiree health insurance benefits.

2. Death Benefit
Employees who retire or resign from the City of Winston-Salem after completing fifteen or more years of full-time employment with the City receive a death benefit of $2,000. Employees terminated for cause are not eligible to receive this benefit. The benefit is paid upon the death of the former employee to his or her named beneficiaries. If the City for any reason cannot complete payment to a beneficiary (for example, if a beneficiary predeceases the former employee), then the amount to which that beneficiary would have been entitled will be paid to the employee’s estate. Beneficiaries must make a written request to the City within two years of the death of the former employee in order to receive payment. The City has no responsibility for paying this benefit until it receives written notification. Full time employees who retire on a disability retirement shall earn the right to participate in the life insurance benefit upon the date of disability retirement. Employees participate in the life insurance benefit upon the date of disability retirement. Employees who are terminated for cause will forfeit the right to participate in the life insurance benefit.

3. Prior Service Time from Previous Employer

For the sole purpose of determining eligibility and calculating the fifteen (15) years of full-time employment required by the provisions relating to retiree health insurance and life insurance only, the City will count one-half of full-time service, as determined by the City Manager, when the eligible employee has come or the applicant comes directly from a previous employer that participated at that time in either the North Carolina Local Government Employee Retirement System including Law Enforcement Officers, Legislative, Judicial, Teachers' or State Employees' Retirement System not to exceed seven (7) years. Under no circumstances will the City allow the calculation of fifteen (15) years of full-time employment to include more than seven (7) years of prior service time. The provisions herein relating to prior service time apply to prospective and current employees and apply to retiree health insurance and death benefits only.

4. Notification Requirement

All vested employees retiring from the City, former vested employees who terminated employment with the City prior to retirement, and families and/or administrators of deceased vested employees must make a written request to the City for any earned post-employment benefits and the City shall have no responsibility for paying such post-employment benefits until the date that such written notification has been received by the City.

FF. Job-Related Injury and Workers’ Compensation

All City employees are protected from job-related injury or disability arising while working. Accidents and injuries arising while working MUST be reported to the supervisor in writing. If you are injured as a result of an accident while on the job, regardless of how minor it may seem, you are required to report your injury at once to your immediate supervisor.
Accidents involving City-owned equipment should also be reported immediately to your supervisor and other appropriate agencies. Failure to report an accident or injury could result in the loss of workers’ compensation benefits as well as needed medical attention and possible disciplinary action.

An employee is provided benefits for certain injuries or disabilities that occur while at work under the North Carolina Workers' Compensation Act. Although Workers' Compensation payments are issued under and regulated by North Carolina State Law, they are paid to the employee by the City of Winston-Salem for their benefit and protection.

While out of work due to an injury compensable under the Act, an employee will receive a weekly benefit of two-thirds (2/3) of the employee's average weekly wages up to a maximum set by state statute following a waiting period of seven (7) days. The employee will receive a full day's pay for the day of injury and may use accrued leave during the required seven-day waiting period. After the waiting period, the employee will be paid a benefit equal to two-thirds (2/3) of your average weekly wages up to a maximum set by state statute. This benefit may be supplemented with sufficient accrued leave to provide a total compensation amount equal or close to, but not exceeding your regular net pay.

If an employee is out of work more than twenty-one (21) days due to a compensable injury, they will be paid two-thirds (2/3) of their average weekly wages for the seven-day waiting period or the leave time used during the waiting period will be restored. If an employee is injured on a secondary job with the City, which results in not being able to work either job, the workers’ compensation benefit will be based on the pay for the job on which you were injured. If an individual is employed as firefighter or a sworn police officer and has an adverse medical reaction to an employment vaccination against small pox or becomes infected with small pox or with vaccinia, they will be treated as any other employee with a compensable occupational disease under the North Carolina Workers’ Compensation Act.

GG. Employee Bus Pass Program

All employees are eligible to purchase a monthly bus pass at approximately one-half the cost. This pass allows the employee unlimited travel on Winston-Salem Transit Authority buses during the month. Bus passes may be obtained in the Revenue Department.

Acceptable forms of payment are cash, personal check, money order, credit card or debit card. You must present your employee ID in order to purchase this bus pass.

HH. Employee Recognition

As an expression of its appreciation, the City presents awards to employees who complete 10 years of continuous service and for each succeeding five-year period until retirement. These awards are presented by the Mayor, City Council and City Manager at the annual Employee Excellence Awards Program.
In addition to the above-mentioned service recognitions, the City recognizes employees for outstanding performance. An external committee of citizens reviews nominations and selects a winner in each of six employment categories: Team Player, Core Values, Leadership, Outstanding Supervisor, Rising Star and Customer Service.

II. Employee Suggestion Program

The Employee Suggestion Program is designed to help employees develop and demonstrate their initiative and ingenuity by providing them with an opportunity to offer constructive ideas for improving City operations. It provides awards to eligible employees for practical ideas, which offer savings in time and material or result in improved methods of safety.

Any employee who wishes to offer a suggestion under this program should complete a suggestion form. These forms are available through the Marketing and Communications Department or at https://www.cityofws.org/1954/Employee-Forms.
IV

EMPLOYEE SERVICES
A. Credit Unions

There are two primary credit unions serving City government that employees may join depending upon the department in which they are employed. The City provides both credit unions with payroll deduction privileges so employees may have savings and payment of loans deducted directly from their paychecks. These credit unions are:

(1) Winston-Salem Federal Credit Union
    711 Salem Ave.
    (336) 727-2663

    Membership Eligibility: Full-time employees and those employees certified for the North Carolina Local Governmental Employees' Retirement System of the City of Winston-Salem, and members of their immediate families, excluding employees of the Winston-Salem Fire Department. "Immediate family" means spouse, children, mother, father, brothers and sisters.

(2) Emergency Responders Credit Union
    1777 Link Road
    (336) 723-0619

    Membership Eligibility: Employees of the Winston-Salem Fire, Police and Emergency Management Departments; retirees of these departments; and members of each group’s immediate families.

    You are encouraged to talk with the managers of these credit unions about benefits and services available to members.

B. Direct Deposit

Employees must authorize the City to deposit paychecks directly to a financial institution of the employee’s choice. Authorization forms are available from your department Human Resources Liaison, the website forms page or the Human Resources Department.

C. Employee Medical Services

The City requires that potential employees have a physical examination completed as a condition of employment. The Human Resources Department is authorized to schedule this examination, without expense to the employee. The purpose of the physical examination is to determine whether or not an individual is capable of performing the duties of the position to which they have been assigned.

    During your employment, you may wish to participate in selected physical screening programs, such as hypertension, cholesterol and breast cancer, which are provided by Employee
Medical Services. You may visit Employee Medical Services for first aid treatment and personal health consultations with the Health Services Coordinator.

A nurse practitioner clinic is offered Monday – Thursday for employees at no cost. Employees can be seen without a co-pay for non-work related illnesses and injuries. Medical tests to diagnose strep throat, flu, and diabetes; and dipstick urinalysis can also be performed at no cost to employees. The nurse practitioner can write prescriptions, provide confidential health counseling, make medical referrals and treat a wider variety of health problems.

D. Employee Assistance Program (EAP)

The City of Winston-Salem realizes that, from time to time, employees and family members may need counseling services. The Employee Assistance Program offers all employees and their immediate family professional and confidential help. Through the Employee Assistance Program, experienced counselors provide employees and/or immediate family members with help in understanding concerns with stress, marital or family difficulties, alcoholism and drug abuse, depression, financial pressures and other personal concerns.

While the program may be used on a voluntary basis, supervisors who have documented a decline in an employee’s work performance, disturbing behavior, substance abuse, time and attendance issues or other related performance or conduct concerns, may strongly encourage or require participation in the Employee Assistance Program. If an employee is required to attend EAP counseling sessions as a result of a Supervisor Referral, the employee must sign the referral form to allow the counselor to submit information to Human Resources under the terms of the Supervisory Referral. Failure to sign the referral form may lead to disciplinary action.

If an employee tests positive for alcohol under the City's drug and alcohol testing policy, they will be required to participate in the EAP, if the employee is not terminated. While participating in mandatory EAP sessions, employees will be subject to unannounced drug and alcohol testing. If asked and/or required to participate in the Employee Assistance Program, the EAP consultant will provide information to your supervisor to verify participation in the Employee Assistance Program. Only that information which is relevant to your particular work related situation will be released to your supervisor. All other information and contacts with the EAP consultant are confidential.

Services are provided by a third party contractor. You will be offered an appointment with an EAP professional counselor or you can discuss your situation over the telephone. Together you will decide if the nature of the problem requires additional counseling. Twenty-four hour emergency service is available.

The City pays for the professional assessment counseling to evaluate the problem and make recommendations regarding further help, if needed. Additional counseling or treatment may require payment by you or a family member. Any expenses incurred in seeking additional counseling or treatment, beyond that which is covered by the City's medical insurance, will be your responsibility.
V.

WORK POLICIES AND PROCEDURES
A. City of Winston-Salem Notice of Privacy Information Practices

This notice describes how your medical information may be used and disclosed and how you can get access to this information. Please read it carefully.

Introduction

A federal regulation, the Health Insurance Portability and Accountability Act of 1996, also known as the HIPAA Privacy Rule, requires the City to provide a detailed notice in writing of its privacy practices. This notice is long because the HIPAA Privacy Rule requires the City to address a number of specific issues in its notice of privacy information practices.

Uses and disclosures of health information

Group Health Plan and Administrative Entity
The City of Winston-Salem (hereinafter “City”), which is self-insured, provides several Group Health Plans for which it is the Plan Sponsor. The City has entered into Administrative Services Agreements. These entities, (hereinafter collectively referred to as the “Administrative Entity”) and others that will serve in this same capacity in the future receive, use and disclose, on behalf of the Group Health Plan(s), protected health information (hereinafter “PHI”) as defined by the Health Insurance Portability and Accountability Act of 1996 (hereinafter “HIPAA”), for the purpose of providing, managing and coordinating your health care and related services including treatment, health care operations and payment. The Administrative Entity may also receive and use PHI to ascertain, on behalf of the Group Health Plan(s), ways to improve the quality of health care and to possibly reduce health care costs. The Administrative Entity may use and disclose PHI for billing, claims management, and collection activities.

The vast majority of the PHI that is received, used, and maintained by the Administrative Entity, on behalf of City's Group Health Plan(s), is never seen by the City in its capacity as Plan Sponsor nor in its capacity as Employer. In addition to this notice, you may also receive a separate privacy notice from the Administrative Entity regarding the use and disclosure of PHI. When you receive your notice, please read it carefully. Should you have any questions regarding the notice(s), you may contact the Administrative Entity for the appropriate plan or the City's Human Resources Department.

Below is a general list of the type of uses and disclosures of PHI the Administrative Entity may make, on behalf of the Group Health Plan, in compliance with HIPAA. The Administrative Entity may use and disclose your protected health information:

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2 For purposes of HIPAA, the term Group Health Plan, as used herein, includes the City's group health plans, the dental plan and the employee assistance program; however, the term does not include accident or disability income insurance or any combination thereof; coverage issued as a supplement to liability insurance, liability insurance including general liability insurance and automobile insurance, workers' compensation (cont'd.) or similar insurance, automobile medical payment insurance; credit-only insurance; coverage for on-site medical clinics and other similar coverage, specified in the regulations, under which benefits for medical care are secondary or incidental to other insurance benefits.
1. As permitted or required by law;
2. As authorized pursuant to a general consent form obtained during the enrollment process or a separate authorization obtained from you, which may be revoked at any time;
3. For public health activities including public health authorities or to other persons authorized by law to carry out certain activities related to public health including the following activities:
   a. To prevent disease or control disease, injury or disability;
   b. To report disease, injury, birth or death;
   c. To report child abuse or neglect to a public health authority or governmental entity as authorized by law;
4. To a person subject to the jurisdiction of the Food and Drug Administration (FDA)
   a. To report reactions to medications or problems with products or devices regulated by the Food and Drug Administration (FDA) or other activities related to quality, safety or effectiveness of FDA-regulated products or activities;
   b. To locate and notify persons of recalls of products they may be using;
5. To notify a person who may have been exposed to a communicable disease in order to control who may be at risk of contracting or spreading the disease;
6. To a health oversight agency in compliance with any applicable law;
7. To law enforcement or other governmental authorities when required or authorized by law;
8. To any insurance regulatory agency when required or authorized by law;
9. For research purposes under certain limited circumstances providing only limited PHI;
10. To coroners and medical examiners as authorized by law;
11. To organizations that procure, locate and transplant organs and tissue if you are an organ donor;
12. In limited circumstances, to avert a serious threat to health or safety;
13. Under certain conditions for specialized government functions including national security and intelligence activities, for certain military and veteran activities including determination of eligibility for veterans benefits and where deemed necessary by military command authorities.
14. To the Secretary to the United States Department of Health and Human Services for disclosures required by HIPAA.

There are other circumstances, as set forth in HIPAA, in which the Administrative Entity or Group Health Plan(s) may be required or allowed to disclose PHI without your authorization. HIPAA also allows for other permissible uses and disclosures of PHI which the Administrative Entity, on behalf of the Group Health Plan(s), may make to which you may object; however, because there are more stringent state laws, including but not limited to N.C.G.S. Section 160A-168 which may protect this information, said uses and disclosures will not be made without your consent or authorization. For example, HIPAA permits the Administrative Entity or Group Health Plan, under certain circumstances, to disclose PHI to individuals involved in your care; however, because of state law said disclosure will not be made without your consent or authorization.
Each Administrative Entity has established certain reasonable safeguards, procedures and policies to prevent impermissible uses and disclosures of your PHI to the Group Health Plan and others and to limit uses, disclosure and requests for PHI, which are permissible or authorized by law, to that PHI minimally necessary for the intended purpose. Likewise, the City has instituted reasonable safeguards, procedures and policies to prevent and prohibit impermissible uses and disclosures of PHI from the Administrative Entity and the Group Health Plan to the City as Plan Sponsor. These safeguards, procedures and policies will serve to limit legally authorized and permissible uses, disclosures and requests for PHI, only to that PHI which is minimally necessary for the intended purpose. Finally, as indicated below, the City has also instituted reasonable safeguards, procedures and policies to make sure any information used, maintained or disclosed to the Administrative Entity, the Group Health Plan or the City as Plan Sponsor is not used by personnel of the City for employment related decisions. The employee must provide any information obtained by the City for employment related purposes or the employee must sign the appropriate form authorizing the employee's health care provider to release the information to the City for employment related purposes.

Each Administrative Entity has entered into a Business Associate Agreement with the City outlining the uses and disclosures of PHI, the privacy policies, standards and procedures in accordance with HIPAA. The City has also amended its Plan documents to incorporate the Agreement along with the permitted and required uses and disclosures of PHI and other information as required by 45 CFR Section 164.504 (f)(2).

Individual rights regarding PHI

As indicated above, the Administrative Entity will assist the Group Health Plan(s) in meeting its obligations under HIPAA. Pursuant to HIPAA, you have certain rights as listed below. You may exercise these rights by contacting the appropriate Administrative Entity directly or contacting the City's Privacy Official. You have the:

(1) Right to request restrictions regarding PHI: You may request additional restrictions on the Group Health Plan’s or the Administrative Entity’s use and disclosure of PHI for treatment, payment and health care operations. You may also request additional restrictions on the disclosure of PHI to certain individuals involved in your care that otherwise are permitted by HIPAA. The Group Health Plan(s) or the Administrative Entity is not required to agree to your request. Pursuant to 45 C.F.R. there are certain situations, like disclosures under 45 C.F.R. 164.514 (j) (1) (i) relating to serious and imminent threats, in which the request may not be honored. If the Group Health Plan(s) or the Administrative Entity agrees to your request, the Group Health Plan and the Administrative Entity will comply with that agreement except where disclosure is required by law. To request restrictions, you must make your request in writing to the appropriate Administrative Entity or the City's Privacy Official. In your request, you must include: (1) the information that you want to restrict; (2) how you want to restrict the information; and (3) to whom you want those restrictions to apply.

(2) Right to Receive Confidential PHI Communications in a certain manner or location: You have the right to request that you receive communications regarding PHI in a certain manner or a certain location. For example, you may submit a request to receive
communication(s) at work rather than home. You must make your request in writing to either the appropriate Administrative Entity or the City's Privacy Official. The Group Health Plan and the Administrative Entity are required to accommodate only reasonable requests.

(3) Right to inspect and copy: You have the right to request the opportunity to inspect and receive a copy of PHI about you in certain maintained records. This includes your medical and billing records but does not include psychotherapy notes or information gathered or prepared for a civil, criminal or administrative proceeding. The Group Health Plan or Administrative Entity may deny your request to inspect and copy PHI only in limited circumstances. To inspect and/or copy PHI, please contact the appropriate Administrative Entity or the City's Privacy Official. If you request copies, the Administrative Entity and/or Group Health Plan will charge you a reasonable fee. You should request information about the fee before requesting copies.

(4) Right to Amend: You have the right to amend inaccurate or incomplete PHI about you as long as such information is kept by the Administrative Entity and/or the Group Health Plan. To make this type of request, you must submit your request in writing to the appropriate Administrative Entity or the City's Privacy Official. You must also give the reason for your request. The Administrative Entity or Group Health Plan may deny your request in certain cases including failure to submit a written request or failure to state the reason for the request.

(5) Right to Receive Accounting of Disclosures: You have the right to request an accounting of certain disclosures of PHI about you that were made by the Group Health Plan and/or the Administrative Entity for the six (6) years immediately preceding the date of the Group Health Plan's request. This right to accounting of certain disclosures does not include disclosures made by the Administrative Entity and/or the Group Health Plan(s): (1) for treatment, payment, health care operations; (2) to family members or friends involved in your care; (3) to you directly; (4) pursuant to your or your personal representative's authorization; (5) for certain notification purposes (including national security, intelligence, correctional, and law enforcement purposes; (6) certain incidental disclosures that occur as a result of otherwise permitted disclosures as part of a limited data set of information that does not directly identify you and (7) disclosures made before April 14, 2003. You will be charged a reasonable fee for any costs incurred in accordance with HIPAA.

The City as Plan Sponsor

As Plan Sponsor, the City may receive, from the Administrative Entity/Group Health Plan, enrollment and disenrollment information, which is necessary to determine the participating members in each Group Health Plan. The City, as Plan Sponsor, may also receive from the Administrative Entity/Group Health Plan summary health information (hereinafter “SHI”) that is “de-identified” which means that the information does not identify the individual or contain information that leads to your identity. To the extent possible, this information is used for the purpose of making payments; however, there are occasions when it may be necessary, as indicated below, for the City, as Plan Sponsor, to receive more detailed information in order to make payment. SHI may also be used for obtaining bids from the Administrative Entity or for
modifying, amending or terminating the Group Health Plan(s). This information is normally
provided to the City's Human Resources Department and the City's Finance Department.

There are instances in which it may be necessary for the City, as Plan Sponsor, to receive
and use PHI about you for certain purposes consistent with 45 C.F.R. 164.504, 164.506 and
164.512. To the extent the City, as Plan Sponsor, receives any PHI from the Administrative
Entity/Group Health Plan(s), it will receive only that information which is minimally necessary
to be used solely for the purpose of making payments, billing the separate entities that participate
in the City's Group Health Plans, and for health care operations as defined in HIPAA Privacy
Rule, 45 C.F.R. 164.501 and consistent with 164.512. Again, the Administrative Entity or Group
Health Plan will only disclose PHI to the Plan Sponsor that PHI which is minimally necessary
for the City, as Plan Sponsor, to perform, the aforementioned functions. Additionally, that
information will be received and reviewed by personnel limited to the City's Human Resources
Department, in particular the Human Resource Analyst(s), and the City's Finance Department, in
particular Financial Systems/Employee Accounting Technicians, that are assigned the
responsibility for payment, billing the separate entities that participate in the City's Group Health
Plans, and for health care operations as defined in 45 C.F.R. 164.501. To the extent the City, as
Plan Sponsor, needs to disclose any information to the Affiliated Employers participating in the
City's Group Health Plan(s), the City will only disclose enrollment and disenrollment
information and summary health information minimally necessary for said Employers to
understand the bill submitted by the City to each of them.

You have the same rights as outlined above with respect to any PHI the City, as Plan
Sponsor, receives about you. Except as stated above, the City, as Plan Sponsor, will not disclose
any PHI about you without your authorization unless required by law or by emergency
circumstances as authorized by law. If you choose to sign an authorization to disclose PHI, you
can later revoke that authorization to stop any future uses and disclosures. Again, the City
considers all PHI confidential and will treat it as such.

Employer-Employee Related Functions3

As indicated earlier, the City, in its role as an employer, shall not receive PHI from the
Administrative Entities, the Group Health Plan(s) or employees performing the City's role as
Plan Sponsor. As an employer, the City may receive from health care providers certain medical
information as it carries out its employer-employee related functions, which are not directly
covered by HIPAA. For example, the City may receive medical information from health care
providers pursuant to the Family and Medical Leave Act, the Americans with Disabilities Act,
the Workers' Compensation Act, and other functions carried out by the City's Human Resources

3If you are an employee of one of the Affiliated Employers participating in the City's Group Health Plan(s), this
paragraph does not apply to you. You must contact your employer regarding medical information received, used
and disclosed by said employer in its capacity as your employer.
Department and pursuant to its various leave policies. There are state laws, such as the Personnel Privacy Act and other federal laws that may apply to the City's receipt, use and disclosure of said information. These laws also address your right to inspect and copy this information. This medical information is considered confidential and will only be viewed by staff involved in administering the program(s) or activity for which the information was requested. In administering these programs and policies, the City will obtain the necessary authorization or consent forms, as required by law, prior to obtaining, using and disclosing this information in accordance with the applicable law.

To the extent the health care provider releasing the medical information to the City, as employer, is covered by HIPAA, the City will make a reasonable effort to make sure the health care provider releases the information in accordance with the applicable law. Again, any information which the City receives in its capacity as employer will be kept separate and apart from any PHI received by the Administrative Entity, the Group Health Plan(s) and the City, as Plan Sponsor.

Changes to the Notice

The Administrative Entity or the City may change its privacy policies at any time. Before either makes a material change, as determined by the Administrative Entity or the City, in its privacy policies, the Administrative Entity and/or the City will change its notice(s) and provide an updated notice(s) to all affected members/employees within sixty (60) days of a material revision. You can also request a copy of the notice(s) at any time. For more information about the privacy practices of the Administrative Entity, or the City, contact the City's Privacy Official listed below.

Complaints under HIPAA

If you are concerned that either the City or the Administrative Entity has violated your privacy rights under HIPAA, or you disagree with a decision made, pursuant to HIPAA, about access to your records, you may contact the Administrative Entity or City's Privacy Official. You may also send a written complaint to the U.S. Department of Health and Human Services. The City's Privacy Official can provide you with the appropriate address upon request. No person shall be retaliated against for filing a complaint or exercising rights provided for under HIPAA or any other applicable law. If you have questions about this Notice, you may contact the City's Privacy Official at the address and telephone number listed below.

Privacy Official Contact Information

Camille French, Assistant City Attorney
City of Winston-Salem Privacy Official
100 E. First Street, Suite 131
Winston-Salem, N.C. 27101
(336) 747-6877
Our legal duty

We are required by law to protect the privacy of your information, provide this notice about our information practices, and follow the information practices that are described in this notice. In accordance with 45CFR Section 164.520(c)(1)(iii), this notice is provided to the named insured under the Group Health Plan(s). It is the responsibility of the named insured to share this notice with his/her dependents. This notice was published on April 14, 2003 and became effective on April 14, 2003.

B. City of Winston-Salem Notice of HIPAA Security Policy

1. Introduction

The City of Winston-Salem’s health plan(s) is covered under HIPAA including the security rules. The security rules, which became effective April 20, 2005, and were amended January 17, 2013, required the City to conduct a gap assessment and security risk analysis of its electronic transmissions related to its health plan(s), which the City has conducted. The security rules also require the City to develop, implement and provide notice to employees of its security policy and various other aspects of the security rules. This document, which outlines the City’s security policy, constitutes your notice as required by the security rules. This notice also supplements the HIPAA Privacy Notice provided to employees and published on April 14, 2003, and updated September 14, 2014.

The security rules apply to all individually identifiable health information that is in an electronic form, whether it is being stored or transmitted. This includes all administrative and financial healthcare transactions covered by the HIPAA Transactions Standards Rule, including internal transmissions. All healthcare providers, health plans, or clearinghouses that electronically store or transmit individual health information must comply.

The security rules focus on both external and internal security threats and vulnerabilities. Threats from “outsiders” may include breaking through network firewalls, e-mail attacks through interception or viruses. Internal threats are of equal concern, and are far more likely to occur according to many security experts. Consequently, organizations must protect against careless staff or others who are unaware of security issues.

2. Security Officer

The security rules require the designation of a security officer. The City has designated Camille French, Assistant City Attorney, as both Privacy and Security Officer. As Security Officer, Camille French will provide leadership and guidance in ensuring the City’s compliance with HIPAA and the security rules. Should an issue arise regarding the City’s compliance with the HIPAA Privacy and the Security rules, you may contact the Security Officer or her alternate at:
3. Security Measures

As indicated in the City’s Privacy Notice, which can be found in your employee handbook, the vast majority of protected health information (hereinafter “PHI”) is held in confidence and is not disseminated to the City. The City’s limited access is facilitated by a system maintained by our health insurance carrier. When PHI, which is limited primarily to enrollment and disenrollment information and payment of claims, is disseminated to the City, it is provided to certain key personnel in the Human Resources Department whose personnel have been trained on the importance of confidentiality and HIPAA. Employee’s entrusted with access to this limited PHI agree to maintain the confidence of PHI in accordance with HIPAA and any other applicable federal and/or state laws. Access is limited to personnel with specific passwords, which change on a routine basis, and whose offices are locked after hours. This information is not maintained on a desktop PC and is not accessible from anywhere on the City’s network. When an employee entrusted with PHI leaves the City’s employment, that former employee’s password is immediately erased from the system, and keys and passes are retrieved immediately. The security officer is responsible for seeing that all new members of the City’s workforce receive the notices regarding privacy and security within 30 days of hire.

4. Physical Safeguards/Computer Access/Workstation Control

In general, the City has a number of other key security resources in place including but not limited to a password protection program which requires passwords to be changed every 90 days and which will lock out prospective users who fail to enter the correct password three times in a row. The City has also installed virus protection software and firewalls at every point where the computer system is connected to other networks, including the Internet. Conversations regarding PHI are conducted in a manner that attempts to insure confidentiality. Computer screens at the affected workstations have been positioned so that only authorized users can read the display. The security officer is responsible for routine verifications of electronic data. The security officer can request a periodic system audit report to review for unauthorized access and potential weaknesses in the system.

5. Violations

All violations of the City’s HIPAA policies, including the security policy, will be treated seriously. Disciplinary action, up to and including a suspension pending
termination, will be rendered for said violation(s) in accordance with the City’s policies regarding conduct. There are also HIPAA established penalties for a knowing misuse of unique health identifiers and individually identifiable health information, including a fine of not more than $50,000 and/or imprisonment of not more than one year. If the misuse is “under false pretenses”, a fine of not more than $100,000 and/or imprisonment of not more than five years; and if misuse is with intent to sell, transfer or use individually identifiable health information for commercial advantage, personal gain, or malicious harm, a fine of not more than $250,000 and/or imprisonment of not more than 10 years. These penalties do not affect penalties that other federal programs and/or the state may impose. The sentence for a HIPAA violation varies depending on the violator’s intent.

The City has addressed the technical security services and mechanisms set forth in the security rules.

C. Safety Policy

The City of Winston-Salem adheres to the guidelines of the Occupational Safety and Health Administration (OSHA) and other State and Federal regulations. The Risk Management Department is charged with ensuring compliance with the regulations. All employees are expected to understand and comply with OSHA regulations as it relates to their job requirements.

It is the policy of the City of Winston-Salem to provide and maintain reasonably safe and healthful working conditions under a safety program, which has the approval of the City Manager, and to follow operating practices that will safeguard employees and citizens and thereby result in reasonably safe working conditions and efficient operations at all times. Implementation and integration of the safety program is dependent upon management within each department. Identification and correction of potentially hazardous operations or conditions shall be reported for immediate management attention and positive action. Safety requirements, as contained in the safety documents, will be followed. All levels of training will be used to ensure that the City’s workforce is capable of performing its task in a reasonably safe manner. The City’s Safety Committee is tasked with reviewing safety policies and procedures monthly and recommending changes accordingly. The committee is comprised of employees from various departments.

Our Position

Workplace safety requires the following:

1. Safety is an everyday expectation, not an occasional practice.
2. Safety training is the key to a successful program.
3. Employees are responsible and accountable for their own safety.
4. Management (at all levels) is responsible and accountable for the safety of employees.
5. Injuries and occupational illnesses are preventable.
6. Recognize, report and resolve unsafe acts, conditions and near misses.
7. Disciplinary actions are necessary when employees violate safe operating procedures and endanger themselves, co-workers, citizens, or property.

Support of Our Position

Workplace safety shall focus on:

1. Regular employee training developed from Job-Specific Safety Analysis.
2. Providing the leadership, training, expertise, skills and tools necessary to perform the job safely.
3. Job-site and facility inspections by trained inspectors.
4. Regular safety audits, housekeeping and maintenance performed by department management and employees.
5. Incident investigations led by department supervisors, and examined by the Employee Safety Department for validity and reliability to determine both root and direct cause and concluding with recommendations for corrective actions.
6. Regular (monthly) safety committee meetings to evaluate and investigate all accident and near miss incidents, to determine if safety procedures were violated, to recommend corrective actions, and to identify injury trends. Safety committees are also charged with communicating safety issues between employees and management.
7. Safety performance shall be included on all annual evaluations including management and supervisory employees. Ultimately, Department Heads will be held accountable for the safety of their employees.
8. A structured disciplinary process for all City employees.

Disciplinary Process

All employees are subject to disciplinary actions when safety policies are violated. This applies to all unsafe acts or near misses where an employee violates an established safety procedure. Depending on the severity of the incident, predetermined disciplinary measures will be imposed on the employee.

All disciplinary actions will be administered in a fair and non-discriminatory manner. Disciplinary actions are based upon whether the safety policy violation is life threatening or non-life threatening. The decision as to whether a violation was life threatening shall be made by the Department Head and the City Safety Officer within two working days of the incident. If there is not an agreement on the type of safety violation, it will be determined by the City Manager or his designee. The appropriate disciplinary actions required by this policy will be determined by the Supervisor after consultation with the Department Head. If an employee was injured as the result of a safety policy violation and is written out of work due to this injury, the disciplinary action will be administered immediately regardless of the employee having been written out of work. Safety violations that involve unsafe driving and vehicle accidents shall be controlled by the Vehicle Management Policy.
• **Life Threatening Violations**

Life threatening violations are those that present a potential or imminent danger of death or serious injury. Any employee who commits a life threatening violation will be subject to a suspension of 3-5 working days without pay or termination. Examples of life threatening violations are: entering an 'unsecured and unprotected' trench, operating heavy equipment in ways other than for which it was designed, failure to comply with confined space entry regulations, unsafe driving practices, and repeatedly ignoring the City's Personal Protective Equipment Policy.

• **Non-Life Threatening Violations**

Non-life threatening violations are those that are not likely to cause 'serious' injury or death, but have potential to cause injury to the employee, co-workers, City property, or a combination of these factors. These violations provide for a 'three strikes' rule. First offenders will receive a written reprimand and retraining. Second time offenders within two years will receive retraining and disciplinary action ranging from a 1-5 working day suspension without pay. Third time offenders within two years are subject to retraining and a disciplinary action ranging from a suspension of more than 5 working days without pay to termination. Examples of non-life threatening violations are not reporting hazardous or potentially hazardous conditions, not reporting near misses, not wearing the appropriate Personal Protective Equipment, horseplay, and failure to comply with the Hazard Communication Policy.

**D. Ethics Policy**

All City of Winston-Salem representatives should maintain high standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties. They must 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. City representatives should guard against decisions that are affected by undue influence and conflicts of interest.

The Ethics Policy specifically prohibits city representatives from improperly using their positions, improperly using city property or personnel, engaging in inappropriate private employment, disclosing confidential information, having beneficial interests in city contracts, having beneficial influence in contract selection, representing private persons at city proceedings, and engaging in prohibited political activity in the workplace.

1. **Policy Statement**

The City of Winston-Salem **upholds, promotes, and demands the highest standards of ethics from all City representatives**, including employees, appointed members of boards and commissions, and elected officials. 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.

No City representative is expected to 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 complete City of Winston-Salem Ethics Policy is available on the Employee Center at: www.cityofws.org/employeepolicies.

2. Prohibited Conduct

• Conflicts of Interest: No City representative shall obtain personal gain as a result of obtaining knowledge to any City actions (or potential actions) that are not public knowledge.

• Acceptance of Compensation, Gifts, Favors, Rewards or Gratuity: No City representative will directly or indirectly give or receive or agree to give or receive any gift (including but not limited to money, gift cards, food, beverage, loans, promises, services, or entertainment), favor, reward, or gratuity for matters connected with the City’s official business except in these circumstances:
  - Attendance of a City representative at a banquet or professional association event provided by someone doing business with the city when it is provided in conjunction with a meeting directly related to city business or when the City representative is representing the City of Winston-Salem;
  - A plaque publicly presented in recognition of public service;
  - Receipt of honorariums for participation in meetings;
  - Advertising items or souvenirs of nominal value, where $25 is presumed to be nominal;
  - Meals or non-solicited discounted meals not to exceed $25 per meal and the representative has no current or anticipated future business relationship to the giver.
  - Publicly acknowledged and approved discounts for all employees.

However, if the circumstances of the gift, of any value, would lead a reasonable person to conclude that the gift was given with the intent to influence an official action or decision, to affect the performance of a City representative, or to expect a reward, then the gift cannot be accepted.

• Improper Use of Position: No City representative will knowingly use his/her office or position to secure personal benefit, gain, employment, or profit, or use his/her position to secure special privileges or exceptions for him/her or immediate family or to improperly benefit other entities.
• Improper Use of City Personnel: No City representative will employ or use any person under his/her direction/supervision for the personal gain, benefit, or profit of the City employee (supervisor).

• Improper Use of City Property: No City representative will use City-owned vehicles, equipment, materials, money, or property for personal or private convenience or profit. Use is restricted to services that are available to the general public.

• Certain Private Employment: No City representative will accept private employment or render services where it would tend to impair independence of judgment or action in the performance of official City duties. Specifics may be found in Section 19 of the City’s Personnel Resolution.

• Disclosure of Confidential Information: No City representative will disclose or use any confidential, privileged, or proprietary information gained by reason of his/her position for a purpose that is for other than a City purpose.

• Beneficial Interests in Contracts: No City representative will use his/her employment with the City or information gained as a result of his/her employment with the City for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself/herself, or other persons.

• Beneficial Influence in Contract Selection: No City representative will influence the City’s selection of or conduct of business with a corporation, person, or firm having or proposing to do business with the City if the representative has a personal and/or financial interest in the company.

• No public officer or employee may solicit or receive any gift, favor, reward, service or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency he or she serves.

• Representation of Private Person at City Proceeding: No City representative will accept a retainer or compensation to appear on behalf of another person, before any regulatory governmental agency or court of law in an action in which the City is a party, or that is contingent upon a specific action by the City.

• Impermissible Conduct Pertaining to Political Activity: No City representative will subject others to political or partisan coercion or solicitation while performing his/her City responsibilities and will not use public funds, supplies, or equipment to endorse candidates. City representatives may not be required as a duty or condition of employment, promotion, or tenure of office to contribute funds for political purposes.

3. Ethics Complaint Procedures

a. Except as otherwise provided herein, a complaint that this policy has been violated may be reported to the Ethics Officer (the Assistant City Attorney assigned to Human Resources) or the Human Resources Director. The Ethics Officer will investigate the complaint, and report the findings to the City Manager for review and additional action if warranted. In the event a complaint pertains to the City Manager, the investigation will be forwarded to the City Attorney and the
City Council. Likewise, if a complaint pertains to the City Attorney, the investigation will be forwarded to the City Manager and City Council. In the event a complaint pertains to an elected official or an appointed member of a board or commission, the investigation will be conducted by the Ethics Officer and only forwarded to City Council if further action is necessary.

b. No person should knowingly file a false complaint or report of a violation of this policy. All reports of complaints are confidential and there will be no retaliation upon the person reporting the complaint.

4. Duty to Notify Potential Ethics Policy Conflicts

Any City employee who is aware that he/she may have a potential conflict with this policy in the course of his/her City duties will notify his/her supervisor of the conflict. Once notified, the supervisor will resolve the potential conflict, including but not limited to designating an alternative employee to perform the duty that is involved in the potential conflict. The supervisor should maintain a written copy of actions reported and taken.

5. Gifts and Favors

To comply with Section 133-32 of the North Carolina General Statutes, officers and employees of the City of Winston-Salem may neither receive nor accept gifts or favors from any contractor, subcontractor or supplier doing business with the City. With regard to gifts and gratuities, no city representative will directly or indirectly give or receive or agree to give or receive any gift (including but not limited to money, gift cards, food, beverage, loans, promises, services, or entertainment), favor, reward, or gratuity for matters connected with the city’s official business. Specific exceptions to this rule are:

a. Attending a banquet or professional association event provided by a city vendor when it is provided in conjunction with a meeting directly related to city business;
b. A plaque publicly presented in recognition of public service;
c. Receiving an honorarium for presenting or participating in a meeting;
d. Receiving advertising items or souvenirs of nominal value, where $25 is presumed to be nominal;
e. Receiving meals or non-solicited discounted meals, not to exceed $25 per meal, from someone with no current or anticipated future business relationship with the city; and
f. Receiving a discount that is available to all employees.
6. Conflicts of Interest

Purchasing, in the name of the City or for the City government, is authorized only with the expressed approval of the City Manager or his designee. All contracts must be signed by the City Manager.

Requesting or in any way encouraging or accepting a discount in the purchases of personal goods or services directly or indirectly, as a result of city employment, is prohibited. Such discounts offered by merchants, vendors or professionals, solicited or unsolicited, can compromise the City's purchasing position with competitors and jeopardize both the City's and employee's reputation.

Employees must avoid conflicts of interest and shall not seek personal gain as a result of obtaining knowledge as to any City actions or potential actions that are not public knowledge. Officers of the City and City employees who administer Community Development Block Grant (CDBG) program activities, who are involved in the process of acquiring or disposing of community development property, or who are engaged in the development and adoption of community development plans or programs, and who exercise any administrative or decision-making authority, including the designation of housing conditions by housing services staff with respect to CDBG activities, shall not be eligible to receive any community developmental loans or grants or other benefits (except relocation benefits mandated by law) under that program. Determination of the applicability of this policy shall be made by the City Manager or his designee.

City employees may not participate in any manner in the bidding, awarding or administering of contracts in which they, or a member of their immediate family, their business partner, or any organization in which they serve as an officer, director, trustee, or employee, have a financial interest.

Additionally, no City employee or officer involved in any manner in the designation, handling or disposition of surplus City property or who maintains custody, control or possession of surplus City property shall bid upon surplus City property. This prohibition extends to any member of the employee’s or officer’s immediate family, business partner, or any organization in which either serves as an officer, director, trustee or employee. This prohibition also extends to any individual, business or organization that places a bid upon surplus City property in order to sell or with the intent to sell the property to a City employee or officer to circumvent the prohibition against City employees and officers bidding on surplus City property. This provision applies regardless of the method of sale utilized by the City.

Violation of these regulations is considered misconduct and may result in disciplinary action as described under the Conduct section of this handbook. Check with the City Attorney's Office if you have questions about this policy.
7. Political Activity

It is the civic responsibility of every employee to support good government in an appropriate manner and to exercise the right to vote in all legal elections. However, City employees shall not:

- Engage in any political activity while on duty;
- Be required as a duty of office or employment or as a condition for employment, promotion or tenure of office, to contribute funds for political or partisan purposes;
- Coerce or compel contributions for political or partisan purposes by any other employee of the City, or use official authority or influence to coerce the political action of any person or party;
- Use any supplies or equipment of the City for political purposes;
- Be a candidate for political or partisan elective office, unless on unpaid leave of absence authorized by the City Manager for such purpose.

It is improper for any employee of the City of Winston-Salem to file and/or campaign for a public elective office while actively serving as a City employee.

Any employee who wishes to run for public elective federal, state, county or City office may request permission from the City Manager to be placed in unpaid leave of absence status for the duration of the campaign. Violations of any of these prohibitions may result in loss of employment.

Employees holding federally funded positions may be subject to the provisions of the Hatch Act, which regulates political activities by federal or federally funded employees.

8. Whistleblower Protection

City employees are encouraged to report, verbally or in writing, to their supervisor, department head, the City’s ethics officer, Human Resources Director, or other appropriate authorities, evidence of any activity by a city employee, officer or agent constituting:

- A violation of local, state or federal law, rule or regulation;
- Fraud;
- Misappropriation of City resources;
- Substantial and specific danger to the public health and safety; or
- Gross mismanagement, a cross waste of monies, or gross abuse of authority.

It is the City’s policy that all employees be free of intimidation or harassment when reporting such matter of public concern to the appropriate oversight personnel or agency, including testimony to or before the same. No City official shall recommend or approve adverse employment action against any employee’s status,
compensation, terms, conditions, locations or privileges of employment in retaliation
against an employee acting under the assumption that the information reported was
true and accurate to the best of their knowledge at the time of report. This policy
does not provide protection for employees who knowingly and/or willingly report
false accusations.

9. Ethics Policy Acknowledgement Receipt

All employees are given a copy of the City Ethics policy in New Employee
Orientation and are required to sign a form acknowledging that they have received
the policy.

Please contact the City’s Ethics Officer for additional policy interpretation.

Camille French, Assistant City Attorney
Email to camillef@cityofws.org or telephone (336) 747-6877

E. Gift Cards

The use of gift cards is generally discouraged since they are taxable income to the
recipient. Gift cards given to employees should not be given in denominations less than $25.00
in order to comply with applicable local and federal regulations. A list of all employees
receiving gift cards should be given to the Payroll Supervisor before giving them away, and a
follow up list confirming that employees have received the gift cards should also be given to the
Payroll Supervisor. Gift cards given to non-employees may not total more than $600 to a single
person within a calendar year. A list of all gift cards given, with signatures for receipt should be
provided to the Payroll Supervisor.

F. Attendance

Reporting to work on time each workday is expected of every City employee. Services
performed by the City are continuous and require your complete cooperation in avoiding
unnecessary absences or tardiness. Being absent or late for work affects fellow employees, and
often they must do the work of the absent employee.

Being dependable is an important factor in eligibility for promotion. If you are often
absent or tardy, it may also affect your continued employment. If you are absent without excuse
you will be subject to suspension. Continued or repeated unexcused absences will result in
dismissal as described in the section V(U) - Conduct, and section III(D) - Sick Leave, of this
Handbook.

When you are unable to report for work, you must notify your supervisor by telephone,
either by text message or call, in accordance with an agreed-upon schedule. Reporting your
absence is your responsibility - do not depend on a fellow employee to relay the message for
you. Call as soon as you know you will be unable to work; explain the reason and the estimated
length of your absence. This will help your supervisor arrange to have someone else handle your work. Your supervisor may require you to justify your absence by providing a doctor's certification in the case of illness.

Other attendance requirements may be implemented by your department. Be sure to ask about your department's attendance rules. It is your responsibility to adhere to your departmental policy.

G. Inclement Weather

City employees are expected to report to work each day, including bad weather days. Employees should make every effort to report to work on time and should employ all necessary safety techniques to do so such as carpooling, allowing extra driving time, etc. All absences or tardiness because of poor weather conditions will be charged to: earned and unused vacation, earned and unused holiday leave, or authorized leave without pay. Exceptions to this policy must be authorized by the City Manager.

H. Employment of Relatives

1. Employment of relatives of the mayor, members of the city council, city manager, deputy city manager or assistant city manager.
   a. The initial employment of relatives, as defined in section 2-312 of the City Code, of the mayor, members of the city council, or city manager, is strictly prohibited.
   b. The initial employment of relatives of the deputy city manager or assistant city manager is not prohibited, provided that there is no direct or indirect supervision of the employee by the deputy city manager or assistant city manager who is a relative as defined by Section 2-312 of the City Code.
   c. The continued employment, transfer or promotion of such relatives of the mayor, members of the city council, city manager, deputy city manager, or assistant city manager is not prohibited, provided that there is no direct supervision of the employee by the mayor, a member of the city council, the city manager, deputy city manager, or an assistant city manager who is a relative as defined by section 2-312 of the City Code. In all cases, the city manager shall review the relationship to assure that there are no potential conflicts, difficulties or misunderstandings. Such review shall be determinative.

2. Employment of relatives of other employees.
   a. The initial employment, continued employment, transfer or promotion of a relative as defined by section 2-312 of the City Code, to a position directly supervised by a relative is strictly prohibited.
   b. The initial employment, continued employment, transfer or promotion of a relative, as defined by section 2-312 of the City Code, in any position where the employee is not directly supervised by such other city employee is
not prohibited, provided that review by the city manager indicates no potential conflicts, difficulties or misunderstandings. Such review shall be determinative.

For purposes of this section, relative is defined as a spouse, mother, father, brother, sister, child, stepchild, aunt, uncle, niece, nephew, grandparent and grandchild.

I. Residency Requirement

No person shall be hired, promoted, reclassified or transferred to the position of Assistant Contact Center Director, Assistant Director of Transportation, Assistant Finance Officer, Assistant Fire Chief, Assistant Police Chief, Assistant Property & Facilities Management Director, Assistant Recreation Director, Assistant Sanitation Director, Assistant Stormwater Director, Assistant to the City Manager, Assistant to the Director of Operations, Budget & Evaluation Director, Call Center Director, Community Development Director, Chief Financial Officer, Chief Information Officer, City Engineer, City Secretary, Deputy Budget & Evaluation Director, Deputy Community Development Director, Deputy Director of Traffic Field Operations, Deputy Sanitation Director, Deputy Marketing & Communications Director, Deputy Director of Transportation, Deputy City Attorney, Deputy City Secretary, Deputy Human Resources Director, Deputy Information Systems Director, Director of Operations, Director of Traffic Field Operations, Director of Transportation, Director of Office of Business Inclusion & Advancement, Director of the Office of Performance & Accountability, Director of Office of the Mayor, Fair Director, Fire Chief, Human Relations Director, Human Resources Director, Marketing & Communications Director, Police Chief, Property & Facilities Management Director, Public Assembly Facilities Manager, Recreation & Parks Director, Sanitation Director, Senior Community Assistance Liaison, Stormwater Director, and Vegetation Management Director, in accordance with the residency ordinance, unless that person maintains his/her principal residence within the corporate limits of the City, or establishes his/her principal residence within the corporate limits of the City within one-hundred and eighty (180) days of the effective date of the personnel action. Please note that this list of positions is subject to change and should be discussed with Human Resources for updates.

All persons hired, promoted, reclassified or transferred to a public safety position (sworn police personnel or fire suppression personnel below the level of Department, Division or Office Head) shall be required to maintain his principal residence in Forsyth County or any county contiguous to Forsyth County or establish his/her principal residence within one of said areas within one-hundred and eighty (180) days of the effective date of the personnel action.

All persons hired, promoted, transferred or reclassified to Assistant Planning Director, City-County Purchasing Director, City-County Utilities Director, Deputy Planning & Development Services Director, Deputy Utilities Director, Emergency Management Director, and Planning and Development Services Director, shall maintain their principal residence in Forsyth County or establish their principal residence in the County within one hundred and eighty (180) days of the effective date of the personnel action.
Post office boxes are not acceptable as a residential address. The City requires all employees to provide a residential address as your address of record.

Violation of the residency requirement will result in the imposition of appropriate sanctions, which may include immediate discharge, suspension without pay, discharge upon happening of subsequent acts, reprimands, or such other sanctions as the supervisor or city manager deem appropriate.

J. Operating City Vehicles

Except as otherwise stated herein, anyone who operates a City vehicle must complete the Defensive Driving class offered by Risk Management and pass a test with a satisfactory score prior to operating a City vehicle. New employees will have ninety (90) days from the date of employment to complete the class and pass the test. During this ninety (90) day period, the new employee will be allowed to operate a city vehicle.

K. Commercial Driver’s License

Certain positions within City government require the possession of a valid North Carolina Commercial Driver's License (CDL). If you are required to possess a CDL in order to perform the work assigned to you, you must adhere to all requirements set forth in the North Carolina Commercial Driver's Manual.

Except as otherwise provided and with the exception of parking violations, you must notify your supervisor within 30 days of a conviction for any traffic violation. This is true no matter what type of vehicle you were driving. In order to ensure this procedure is followed, the City, except as otherwise provided, requires that written notification of traffic violations be given to your supervisor within 30 days of the infraction.

You must notify your supervisor within 24 hours of receipt of notice and in writing if:

(1) Your CDL has been suspended, revoked, cancelled, or subject to disqualification, or

(2) You are in possession of more than one driver's license.

All employees required to possess a CDL must immediately inform their supervisor in writing of all driving jobs held since September 1, 1990. If you fail to provide the written notification or the information required by the North Carolina Commercial Driver License Act, you will be subject to disciplinary action up to and including termination.

If you are not currently in a position requiring a CDL but are considering applying for such a position, you are required to list all driving jobs worked in the last 10 years and submit this information with your application to the Human Resources Department.
Any employee charged with driving while impaired or charged with a drug related offense shall notify his/her department head of such charge no later than five (5) days after said charge. Failure to notify the department head of such charge is grounds for dismissal.

Effective December 1, 2006, G.S.20-37.19, House Bill 740 was passed into Law requiring the employer of any employee who tests positive in a drug or alcohol test required under 49 C.F.R. Part 382 and 49 C.F.R. Part 655 to notify the Division of Motor Vehicles, in writing, within five (5) business days following the employer’s receipt of confirmation of a positive drug test.

L. Driver’s License as a Bona-Fide Occupational Qualification

If your position requires that you possess and maintain a valid North Carolina driver's license in order to perform your assigned work for the City, you MUST notify your supervisor, within twenty-four (24) hours, if (1) your driver’s license/privilege is suspended, revoked or limited in any manner; or (2) you have been convicted of a moving traffic violation. Pursuant to the Federal Drivers Privacy Protection Act and for the purposes of maintaining motor vehicle and driving safety, the City of Winston-Salem, will use an employee’s motor vehicle record to evaluate their suitability to fulfill driving duties related to their current job position. An employee’s consent is required and is applicable both during the application process as well as on a continuing basis during the duration of employment. Failure to notify your supervisor within twenty-four hours will result in a recommendation of suspension pending termination of employment. The following shall apply in addition to the notification requirement:

1. If your driver's license/privilege is suspended, revoked or limited in any manner, you shall not operate a City vehicle. This applies to anyone who operates a city vehicle including those who occasionally operate a city vehicle

2. If you have a limited driving privilege imposed on your valid North Carolina License, which allows you to operate a vehicle, you must present evidence of this valid limited driving privilege to your supervisor and receive the approval of your supervisor before operating a City vehicle.

M. City Vehicles

The City maintains a fleet of vehicles for use by employees and City officials on official City business unless otherwise permitted by the City Council and/or City Manager.

Anyone using a City vehicle should refer to the “Vehicle & Equipment Management Policy Manual” for information and guidelines available. These guidelines include prohibitions against the use of tobacco in City vehicles, the use of cell phones while operating a City vehicle (other than outlined in the City’s cell phone policy), and the placement of bumper stickers or other personalized items attached to the vehicles, among other guidelines.
Employees operating City vehicles are expected to have read the “Vehicle & Equipment Management Policy Manual” and are responsible for adhering to the guidelines it sets forth.

N. Drug-Free Workplace Program

1. General Policy

The City of Winston-Salem desires to protect its employees and the public by ensuring that its employees are fit to perform their jobs. To that end, the City of Winston-Salem has adopted an Applicant and Employee Drug and Alcohol Testing policy. Applicants will be tested for drugs. The policy does not negate the application of other provisions of the Personnel Resolution and the Policies and Procedures of the Fire and Police Departments. The text of the testing policy is located in Article I, Section 26 of the City of Winston-Salem Personnel Resolution.

(a) Definitions.

(1) Employee means, for the purposes of this policy, any person employed in a classified position with the city. For purposes of this policy only, the term "employee" shall include participants in the section 3 construction-training program. Volunteers and interns are addressed below.

(2) Job applicant means any person who applies to become an employee in a classified position with the city. For purposes of this policy only, the term "job applicant" shall include persons certified for eligibility to participate in the section 3 construction-training program, age eighteen (18) or older.

(3) City means the City of Winston-Salem.

(4) Reasonable suspicion means an expressible belief based on specific objective facts and rational inferences drawn from those facts that an employee has consumed or is under the influence of illegal drugs or alcohol while at work. Circumstances, which constitute a basis for determining “reasonable suspicion”, may include, but are not limited to:

a. Observable occurrences, such as direct observation of drug use and/or the physical symptoms of being under the influence of a drug or alcohol.

b. A pattern of excessive absenteeism, tardiness or deterioration in work performance and abnormal conduct or erratic behavior while at work.

c. A report of drug or alcohol use, by an employee while at work, provided by a reliable and credible source.

d. Evidence that an employee is involved in the unauthorized possession, sale, solicitation or transfer of drugs or alcohol while working or while on the city's premises or operating a city vehicle, machinery, or equipment.

e. Alcohol testing based upon reasonable suspicion must be conducted within two (2) hours of the reasonable suspicion determination. If the test is not administered within two (2) hours, the supervisor must prepare a statement indicating the reasons why the alcohol test was not administered promptly and all efforts to conduct the alcohol
test must cease after eight (8) hours following the determination. The affected employee shall refrain from consuming any alcohol, even while off duty, for eight (8) hours or until the employee submits to an alcohol test, whichever comes first. The affected employee shall not drive a city vehicle until the supervisor receives written notification from the human resources department, the approved laboratory, the medical review officer (MRO) or the professional standards division that the affected employee has tested negative for drugs and/or alcohol and the supervisor authorizes the employee to drive a city vehicle.

(5) **Drug interdiction.** Positions involved in drug interdiction include those positions within the police department which have some responsibility for storing, maintaining or disposing of drugs or drug paraphernalia. This includes employees who are transferred or promoted to a position involved in drug interdiction.

(6) **Safety-sensitive job position.** A position in which an employee's inability or impaired ability to perform job-related tasks could result in a direct threat to the employee's safety or the safety of others, or whose duties involve risks or hazards in which a momentary lapse of attention, a delay in action, or a mistake could lead to harm to the employee, co-workers, or members of the general public. Safety-sensitive positions include, but are not limited to, sworn police officers, fire suppression personnel, employees who drive commercial motor vehicles, employees whose job position requires the custody and/or care of children, employees who manage hazardous waste or other dangerous chemicals, and employees who drive more than fifty (50) per cent of their working day. Employees who drive less than fifty (50) per cent of their working day, but perform no other safety-sensitive job functions, are not considered to be safety-sensitive. Employees in safety-sensitive job positions are subject to random drug testing and post-accident drug testing.

(7) **EAP.** Employee assistance program means a program of counseling services for participants including assessment, evaluation, referral for treatment and follow-up procedures provided by the city.

(8) **Laboratory.** Approved laboratory means a laboratory approved and certified by the Department of Health and Human Resources, or the National Institution on Drug Abuse, the College of American Pathology, or the American Association for Clinical Chemistry or the equivalent, to conduct employee drug and alcohol testing and job applicant drug testing.

(9) **Post-accident drug and alcohol testing.** Except as otherwise provided, an employee shall be required to submit to drug and/or alcohol testing after a workplace accident or vehicle accident while driving a city vehicle, when: (1) the accident involves a fatality; (2) the accident results in an injury to any individual and such injury is severe enough to require medical treatment immediately away from the scene of the accident, including if an individual requires immediate transportation to the emergency department or an urgent care facility, but not including employees requiring first aid treatment at Employee Medical; (3) the accident results in disabling damage to any vehicle or equipment; or (4) there is reasonable suspicion to test the employee.

For sworn police personnel, post-accident drug and/or alcohol testing will be conducted after an accident involving a city vehicle when: (1) the supervisor has reasonable suspicion to believe the
employee has any amount of alcohol and/or controlled substance in his/her system; the employee's commission of a major safety violation may be considered in determining whether reasonable suspicion exists; or (2) the accident resulted in death or serious bodily injury of anyone involved in the accident requiring transport by emergency medical services to the hospital emergency room and it was determined that the employee was at fault or contributed to the accident; or (3) there is significant damage to any vehicle involved in the accident requiring the vehicle(s) to be towed away; or (4) the employee received a citation as a result of the accident.

(10) **Major safety violation.** Major safety violation includes, but is not limited to, running a red light, failure to yield in an intersection, careless and reckless driving, and speeding in excess of ten (10) miles over the posted speed limit without legal excuse.

(11) **Volunteers and interns.** While volunteers and interns are not considered employees, members of each group who are at least age eighteen (18) years of age and who either operate dangerous or heavy city equipment or routinely drive a city vehicle, are subject to the city's reasonable suspicion and post-accident drug and alcohol testing program and the city's random drug testing program. Notice of the application of the aforementioned provisions of the drug and alcohol-testing program must be provided to each volunteer and intern before testing. Before testing, the volunteer and/or intern must sign a consent form. The city shall discontinue the services of any volunteer or intern that tests positive for drugs and/or alcohol in violation of this policy.

(12) **Accident.** An unexpected, unintentional incident that results in physical injury or disabling damage to a vehicle and/or other property.

(13) **Disabling damage.** Damage to a vehicle and/or other property that prevents the equipment or vehicle from performing its usual operations. Disabling damage also refers to damage, which precludes the departure of a motor vehicle from the scene of an accident in its usual manner in daylight after simple repairs, as well as damage to motor vehicles that could have been driven, but would have been further damaged if so driven. Disabling damage does not include damage that can be remedied temporarily at the scene of an accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlight or taillight damage, or damage to turn signals, horns, or windshield wipers that makes them inoperable. The determination as to whether damage to a windshield and/or mirrors is disabling shall be left to the discretion of the investigating supervisor.

(14) **United States Department of Transportation (DOT) Drug Test.** A drug testing procedure required for employees falling under DOT jurisdiction and drug-testing requirements.

(15) **Medical review officer (MRO).** A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanation for certain drug test results.

(16) **Semi-synthetic opioid.** Manmade chemicals derived from naturally occurring opiates, specifically hydrocodone, oxycodone, hydromorphone, and oxymorphone.
(b) *Drugs to be tested for.* When drug screening is required under the provisions of this policy, a urinalysis test will be given to detect the presence of the following drugs:

1. Amphetamine (e.g., speed).
2. Barbiturates (e.g., amobarbital, butobarbital, phenobarbital, secobarbital).
3. Cocaine.
4. Methaqualone (e.g., Quaalude).
5. Opiates (e.g., codeine, heroin, morphine, hydromorphine, hydrocodeine).
6. Phencyclidine (PCP).
7. THC (marijuana).
8. Hydrocodone.
9. Oxycodone.
11. Oxymorphone.
12. Any other controlled substance as defined in North Carolina General Statute section 90-87(5) or metabolite thereof.

The content level of each substance needed to determine whether an employee has consumed or is under the influence of a drug as listed above will be determined by a certified toxicologist of the approved laboratory.

(c) *Prescription drugs.* Any employee found to have abused prescription drugs will be subject to the terms and conditions of this policy.

(d) *Job applicant testing, general standard.* All job applicants for full-time employment, applicants for those part-time or temporary job classifications determined by the city manager or his designee to come under this policy, and persons certified for eligibility to participate in the section 3 construction-training program will be required to undergo a drug test upon an offer of employment and prior to their final appointment.

(e) *Current employee testing.*

1. *Reasonable suspicion; alcohol and drugs.* The city manager or his designee is hereby directed to establish such procedures as are needed to maintain effective organizational control over the determination of reasonable suspicion and the ordering of drug or alcohol tests. This procedure shall emphasize centralized control so as to maintain uniformity of application and equitable treatment of employees.

2. *Post-accident; alcohol and drugs.* The city manager or his designee shall also develop and provide for the implementation of a post-accident drug and alcohol testing procedure for city employees in safety-sensitive job positions involved in a workplace accident or an accident while operating a city vehicle. Employees shall not operate a city vehicle while impaired or under the influence of alcohol or illegal drugs. Any employee subject to post-accident testing shall be transported to the approved laboratory by his supervisor or someone authorized by his supervisor. The affected employee shall refrain from
consuming any alcohol, even while off duty, for eight (8) hours or until the employee submits to an alcohol test, whichever comes first. The affected employee shall not drive a city vehicle until the supervisor receives written notification from the human resources department or the professional standards division (sworn police) that the affected employee has tested negative for drugs and/or alcohol and the supervisor authorizes the employee to drive a city vehicle. Except as otherwise provided, the alcohol test shall be conducted within eight (8) hours after the accident and determination by the employee safety and claims office and/or the employee's supervisor. In the case of an employee required to possess a commercial driver's license, the alcohol test shall be done within eight (8) hours of the accident. If a test is not conducted within two (2) hours after either period, a statement shall be prepared by the employee's supervisor indicating why the test was not done within two (2) hours and all efforts to conduct an alcohol test shall cease after the expiration of the eight-hour time period. Except as otherwise provided, a drug test shall be conducted within thirty-two (32) hours after the accident and determination by the employee safety and claims office and/or the employee's supervisor. In the case of an employee required to possess a commercial driver's license, the drug test shall be done within thirty-two (32) hours of the accident. If a test is not conducted within the thirty-two-hour time period, a statement shall be prepared by the employee's supervisor indicating why the test was not done within the thirty-two-hour time period, and all efforts to test the employee shall cease. All procedures shall emphasize centralized control so as to maintain uniformity of application and equitable treatment of employees.

(3) Random testing. The city manager or his designee shall also develop and provide for the implementation of a random drug testing procedure for individuals employed in safety-sensitive positions and/or positions involved in drug interdiction, as determined by the city manager or his designee, and shall provide written notification of said procedures to all affected employees prior to performing and enforcing the testing procedures. This procedure shall emphasize centralized control so as to maintain uniformity of application and equitable treatment of employees.

(4) Registry of safety-sensitive positions. The human resources department shall maintain a registry of safety-sensitive job positions. The city will use federal laws and regulations, as well as court decisions, as guidance in determining which positions are safety-sensitive. When a new job title is created, the city manager or his/her designee shall review the job duties of that position to determine if the position qualifies as safety-sensitive. If the position is deemed to be safety-sensitive, it will be added to the aforementioned registry.

(f) Prior notice of testing policy. The city shall provide written notice of its drug testing policy to all applicants and its drug and alcohol testing policy to all affected employees. The notice shall contain the following information:

(1) Employee.
   a. The reason for drug and alcohol testing;
   b. The circumstances under which testing may be required;
   c. The procedure for confirming an initial positive drug and alcohol test result;
   d. The consequences of a positive drug and alcohol test result;
e. Consequences of refusing to undergo a drug and alcohol test;
f. The right to explain a positive test result and appeal procedures available; and
g. The availability of drug and alcohol abuse counseling and referral services.

(2) Applicant.

a. The reason for drug testing;
b. The circumstances under which testing may be required;
c. The procedure for confirming an initial positive drug test result;
d. The consequences of a positive drug test result;
e. The consequences of refusing to undergo a drug test.

(g) Consent. Before a drug or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those city officials with a need to know. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the city's drug and alcohol testing policy. The consent form shall also set forth the following information:

(1) The procedure for confirming an initial positive test result.
(2) The consequences of a positive drug or alcohol test result.
(3) The right of an employee to explain a positive drug or alcohol test result and the appeal procedures available to employees; and
(4) The consequences of refusing to undergo a drug or alcohol test.

(h) Refusal to consent: applicant. A job applicant who refuses to consent to a drug test will be denied employment with the city.

(i) Refusal to consent; employee. An employee who refuses to consent to a drug or alcohol test when required by this policy and the procedures established by the city manager or his designee, shall be subject to termination.

(j) Confidentiality; general standard. The city, or approved laboratory with access to drug reports and other information acquired in the testing process, shall keep this information confidential. The city-approved laboratory shall not release to any person other than the employee or job applicant, human resources director, or other personnel as designated by the employer on a need to know basis, information related to drug test results unless the employee or job applicant has expressly, in writing, granted permission for the release of such information. The results of a positive drug test shall not be released until the tests are confirmed. The records of unconfirmed positive drug test results and negative test results shall be destroyed by the testing laboratory. Any city employee found to have violated the city's policy on confidentiality will be subject to disciplinary action.

(k) Test: procedures.

(1) Drugs. A urine test will be used to determine the use of drugs. Guidance and instructions in administering the drug tests will be provided by an approved laboratory to ensure that proper steps are followed in collecting and evaluating samples. A strict chain of custody will be maintained by the approved testing laboratory. If a test result is positive, the
employee or applicant shall be notified in writing by the human resources director of the test result. The letter of notification shall identify the particular substance found.

Within ninety (90) days of notification of a positive drug test result, an employee or applicant may request that the original sample be sent to an approved laboratory for another test at his or her own expense. The results of this test will be taken into consideration for future employment of a job applicant. The results of this test will be taken into consideration on appeal of any disciplinary action if the test is requested within five (5) days of notification.

(2) Alcohol. Alcohol testing will be done by using evidential breath testing devices (EBT) approved by the National Traffic Safety Administration. The breath tests shall be administered by a breath alcohol technician (BAT). Two (2) breath tests are required to determine if an employee has a prohibited alcohol concentration. A screening test will be conducted first. If the alcohol concentration level is less than 0.02, the test is considered "negative." If the alcohol concentration level is 0.02 or greater, a second, confirmation test will be conducted with the results verified, in writing, by the BAT and the employee tested. Except for sworn police personnel, an employee with an alcohol concentration level of 0.02 or greater will be referred to the employee assistance program, which does not automatically suspend disciplinary action. In the case of sworn police personnel, an alcohol concentration level of 0.01 or greater shall result in disciplinary action up to and including termination. Additionally, sworn police personnel may be required to submit to a blood test to determine the employee's alcohol concentration level when an injury to the employee prevents or impairs the administration of a breath test. This action will only be taken in connection with an administrative investigation. The blood test must be performed in accordance with methods approved by the Commission for Health Services and must be performed by an individual possessing a permit issued by the Department of Environment Health and Natural Resources or comparable state agency.

All alcohol test results will be forwarded by the lab directly to the medical review officer (MRO). In all cases, the employee will have an opportunity to discuss a positive test result with the MRO, if desired. After review by the MRO, positive confirmations will be communicated, in writing, to the appropriate department head by the human resources department. The confirmation or second test, along with any applicable federal or state law, will be used by the city to determine what action to take in this matter.

(i) Consequences of a positive drug or alcohol test.

(1) Applicants: A job applicant shall be denied employment with the city if his drug test is positive. Applicants for sworn positions are also subject to subsection (r) of this policy.

(2) Employees: An employee who has a positive drug test will be terminated. Except as otherwise provided in subsections (l)(3) or (r) of this policy, an employee who has a positive alcohol test will be subject to disciplinary action up to and including termination. Appeal of the disciplinary action shall be in accordance with subsection (m) of this policy. Factors to be considered in determining the appropriate disciplinary response for a positive alcohol test include the employee's work history, job assignment, length of employment, current job performance, and existence of past disciplinary actions. Additionally, unless the employee has been terminated, the employee will be required to

City of Winston-Salem Employee Handbook (September 2019 Revision)
participate in the employee assistance program outlined in subsection (n) of this policy. Employees, who voluntarily, without reasonable suspicion of a supervisor, identify themselves as drug and/or alcohol users, may petition the city manager or his designee for assistance under the EAP and for continued employment. Such petitions will be considered using factors described above. Sworn police personnel who voluntarily admit illegal drug use will not be permitted to continue employment in positions requiring sworn status.

(3) **Semi-synthetic opioids.** If an employee performing in a safety-sensitive job position tests positive for any semi-synthetic opioid drug, the medical review officer (MRO) will conduct an interview with that employee to determine if there is a legitimate medical explanation for the result. If the employee has a valid prescription, he/she should provide it to the MRO, who will determine if the prescription is valid and if the employee has consumed the drug in accordance with said prescription. If the prescription is valid, the MRO will also determine whether or not the employee can perform their safety-sensitive job position while on their current medication(s). If a legitimate medical explanation is established, and the MRO determines that the employee can perform his/her safety-sensitive job duties while on their current medication regimen, the MRO will report the result as "negative." If the employee does not have a valid prescription, the MRO will report the result as "positive."

If the employee has a valid prescription, but the MRO does not believe that he or she can safely perform his/her safety-sensitive job duties, the MRO will notify the employee who will then have five (5) days to have their prescribing physician contact the MRO.

The prescribing physician should be prepared to discuss whether the employee could safely perform his or her safety-sensitive job position in a safe manner while taking the medication(s), or the prescribing physician may consider changing the medication regimen to one that does not make the employee medically unqualified or does not pose a significant safety risk.

After this discussion, if the MRO is satisfied that the employee will be able to safely perform his/her safety-sensitive job position, the test result will be reported to the city as "negative." However, if the MRO is not satisfied that the employee will be able to safely perform his/her safety-sensitive job position, the MRO will report the result to the city as "negative with safety-sensitive concerns," which will result in that employee being immediately removed from all safety-sensitive job duties.

(m) **Right to hearing.** An employee may appeal any disciplinary action rendered in accordance with subsections (l) or (r) of this policy. The employee must make a written request for a hearing to the city manager within five (5) days of receipt by the employee of the positive drug or alcohol test result or upon notification of any disciplinary action, whichever occurs last. The conduct of the hearing shall be in accordance with section 17 of the city's personnel resolution.

(n) **Employee Assistance Program (EAP).**

(1) **Mandatory EAP.** Except as provided in subsection (r) of this policy, the city shall refer employees who test positive for alcohol to the EAP for assessment, counseling, and
rehabilitation unless the employee's alcohol use results in an act serious enough to warrant dismissal. For employees who test positive for alcohol, participation in the EAP is mandatory. Employees, while participating in the EAP, will be subject to unannounced drug and alcohol testing. Employees, who are required to participate in the EAP and who satisfactorily complete the program prescribed by the EAP, will be subject to unannounced drug and/or alcohol tests within two (2) years after completion of the EAP. Satisfactory completion of the EAP shall be determined by the city with the guidance of the staff of the EAP. Failure to enter or complete the prescribed program shall be considered by the city as voluntary termination of employment initiated by the employee. Disciplinary action is not automatically suspended by an employee's participation in the EAP. Disciplinary action may be taken against employees for performance issues or conduct violations. Employees who test positive for a drug(s) in violation of this policy will be subject to termination.

(2) Voluntary referral. Those employees participating in the EAP based upon a voluntary self-referral for drugs or alcohol or a mandatory referral for alcohol will be subject to unannounced drug and/or alcohol tests in accordance with the aforementioned testing procedures. Upon a positive drug or alcohol test result, the employee will be subject to termination. Those employees participating in the EAP who satisfactorily complete the program prescribed by the EAP will be subject to unannounced drug and/or alcohol tests within two (2) years after completion of the EAP. Satisfactory completion of the EAP shall be determined by the city with the guidance of the staff of the EAP. Failure to enter or complete the prescribed program shall be considered by the city as voluntary termination of employment initiated by the employee.

(o) Use of results in criminal action. No test results of the city's drug or alcohol testing program may be used as evidence in a criminal action against an employee or job applicant tested except by order of a court of competent jurisdiction.

(p) Notification of charge. Any employee charged with driving under the influence or while impaired or charged with a drug-related offense shall notify his or her department head no later than five (5) days after such charge. Failure to notify one's department head of such charge shall be grounds for dismissal.

(q) Outside charges. Any employee officially charged with a drug- or alcohol-related offense off the job may be suspended and/or dismissed according to the existing policies and procedures for employees facing civil or criminal charges.

(r) Additional standards: police department.

(1) Testing. All applicants for employment as criminal justice officers will be subject to the additional drug testing policies and procedures of the North Carolina Department of Justice Criminal Justice Standards Division.

(2) Reporting requirements. The human resources director will report all positive drug test results of applicants for sworn positions and current officers to the North Carolina Department of Justice Criminal Justice Standards Division.

(3) Consequences of a positive test result. All sworn police personnel who test positive will be denied continued employment in a position requiring sworn status.
Rehire eligibility. An employee who is terminated as a result of a positive drug or alcohol test may be considered for reemployment after two (2) years from the date of termination. Former employees who are rehired will be subject to unannounced drug and/or alcohol tests within two (2) years after the effective date of employment and additional restrictions as necessary for safety-sensitive positions.

Additional standards as required by federal or state law.

1. The city manager or his designee shall develop and provide for the implementation of additional standards for alcohol and/or drug testing of individuals as required by federal or state law from time to time. This drug and alcohol testing policy supplements the federal drug and alcohol testing requirements for employees required to possess a commercial driver's license and is not intended to limit, impair, or contradict any federal or state law regulating drug and/or alcohol testing of said employees.

2. Written notification of said standards shall be provided to all affected employees.

O. Workplace Violence Policy

The City of Winston-Salem is committed to providing a workplace that is free from violence. To that end, we have adopted a policy of zero tolerance for violence. Threats, threatening behavior, or acts of violence against employees or citizens by anyone will not be tolerated. To promote workplace safety, all employees are required to report immediately any threat, incident or potential incident of workplace violence to a supervisor. Any behavior regarded as threatening or violent, that might occur on City property, or is connected with City employment, must be reported in accordance with this policy. Violations of this policy will lead to disciplinary action, which may include termination; however, termination shall occur with Level 1 and 2 threats. (Levels are defined below) Criminal prosecution may result if federal, state or local laws are violated.

1. Definitions
   a. Workplace Violence includes, but is not limited to, intimidation, threats, physical attack, or property damage.
   b. A threat is the expression of intent to cause physical harm as would be perceived by a reasonable person. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out, without regard to the overt or subtle nature of the expression, and without regard to whether the expression is contingent, conditional or future.
   c. A Reasonable Person is a person who exercises those qualities of attention, knowledge, intelligence, and judgment which society requires of its members.
   d. Physical Altercation is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects, grabbing, holding, touching, or any unwanted physical contact.
   e. Weapons include but are not limited to, firearms, explosives, caustic chemicals, ammunition, knives, switchblades, or other dangerous or deadly weapons. Use of other items as weapons (such as a tool or furniture) is also prohibited.
2. Prohibited Behaviors. The City will not tolerate the following acts of aggression and violence from members of the general public while on City property, from employees in the course of their duties, or from the general public against City employees acting in the course of their duties. These acts include but are not limited to:

- Any act or threat of bodily harm, including subtle or implied threats
- Fighting or other physical altercations
- Possession of firearms, explosives, pocket knives with blades measuring over two inches, switch blades, and caustic/dangerous chemicals, whether concealed or visible, on/in City property, except by sworn law enforcement/security personnel and by other employees as required to perform their job duties. Section 38-10 of the City Code contains a ban on the possession and/or discharge of firearms and other weapons with certain exceptions. The exceptions listed in Section 38-10 of the City Code shall also apply to this policy.
- Use or threat of use of weapon on/in City property, except by sworn law enforcement/security personnel
- Use of language which would be regarded by a reasonable person as likely to provoke violence
- Stalking and threatening another person with the intent to place the other person in reasonable fear of his/her safety
- Making harassing or threatening telephone calls, letters or other forms of written or electronic communications
- Intentionally damaging or threatening to damage City or employee property

3. Employee Responsibilities

Any employee who experiences or witnesses any acts, conduct, behavior, or communication which is in violation of the Policy Prohibiting Workplace Violence, must immediately contact his or her supervisor, and/or the Human Resources Department, and if needed, the Winston-Salem Police Department or other local law enforcement agency. **Employees should not try to handle a violent or potentially violent incident.**

a. When reporting an imminent threat and/or act of violence, an employee should first secure his or her own safety, immediately contact the Winston-Salem Police Department by calling 911 or other local law enforcement personnel at their emergency phone number, and if possible, alert persons in the immediate area.

b. Employees who are threatened, assaulted, or attacked, while on official duty in the field, should immediately report such incidents to both the Winston-Salem Police Department or other local law enforcement agency and their immediate supervisor.

c. If anyone commits a violent act or makes a direct threat while on city property, the person will be asked to leave by a supervisor. Should the person refuse to leave, the Winston-Salem Police Department or other local law enforcement agency will be called to assist in removing the person from City property. The person may not return to any City property until authorized. The City will begin
an administrative investigation and take appropriate action.

d. Any employee who violates the Policy Prohibiting Workplace Violence will receive appropriate disciplinary action, which may include termination.
e. Employees who know of information about workplace violence but do not report it in accordance with this procedure, will be subjected to appropriate disciplinary action, which may include termination.
f. Any employee who receives a suspicious package should notify his or her supervisor, call the Winston-Salem Police Department at 911 or other local law enforcement personnel at their emergency telephone number and initiate emergency evacuation procedures.
g. The City will not tolerate retaliation against an employee for reporting instances of workplace violence. Incidents of retaliation should be reported in accordance with the City's grievance process and/or Winston-Salem Police Department.

4. Managerial/Supervisory Responsibilities

Managers/supervisors should support the City's policies created to provide work environments that are safe from violence, threats, and harassing/aggressive behavior. To that end, they shall:

a. Inform all employees that violence or other abusive, aggressive, or disruptive behavior in any form will not be tolerated in the workplace. All threats, including those made jokingly, will be taken seriously.
b. Review the City's Policy Prohibiting Workplace Violence and procedures periodically with employees. Explain to the employee that the policy prohibiting Workplace Violence requires the participation of all employees.
c. Ensure that all existing and new employees receive a copy of the City's Policy Prohibiting Workplace Violence, which is included in this handbook. Provide training as necessary for all existing and new employees.
d. Be aware of any patterns or changes in employee behavior that could pose a concern for the workplace. Such behavior should be documented by the supervisor for the record. Changes in behavior should be addressed with the employee after consultation with the Human Resources Director.
e. Be alert to the possibility of workplace violence on the part of former employees, citizens or others. Take preventive or corrective action, when necessary, in accordance with the Policy Prohibiting Workplace Violence.
f. Be aware of the location and telephone numbers of resources available to you as a supervisor in responding to any actual or potential workplace violence.
g. When made aware of a threat or imminent danger of violence toward an employee, notify that employee of the potential danger. All threats, including those made jokingly, will be taken seriously.
h. Notify the Winston-Salem Police Department and the Risk Manager when they receive a notice or complaint of workplace violence or if they suspect that these acts are occurring or have occurred. All threats, including those made jokingly, will be taken seriously.
5. Workplace Violence Response

To respond to an event of actual or threatened workplace violence, the City will use a three-level plan for action. The City's Risk Manager will serve a pivotal role and will assemble others as needed.

a. Level 1 – An Act of Violence That Results In Injuries or Death

When a violent act occurs in the workplace, the first priority will be to attend to the immediate danger and injuries. The first response to an actual act of violence is to contact emergency response personnel by calling the Winston-Salem Police Department at 911 or other local law enforcement personnel at their emergency telephone number.

As soon as possible, the supervisor on location will contact the Risk Manager. The Risk Manager will be responsible for coordinating the administrative investigation of the incident and determining what other resources are needed for the City to respond to the incident. The City's response, at a minimum, will include assembling resources to address employee needs and media requests. Details of the administrative investigation will be kept confidential in accordance with the Personnel Privacy Act.

b. Level 2 - Danger Is Imminent

An immediate threat of violence shall be reported in accordance with the procedures set forth above. After the police have been called to secure the work location, the supervisor on location will contact the Risk Manager.

The Risk Manager will be responsible for coordinating the administrative investigation of the incident and determining what other actions are needed. Details of the administrative investigation will be kept confidential in accordance with the Personnel Privacy Act.

c. Level 3 - Threats

When an individual states or implies a threat of violence, the employee(s) who received or observed the threat shall immediately contact his or her supervisor to alert the supervisor of the situation. The supervisor, within twelve hours, should notify and consult with the Risk Manager. After consulting with the Risk Manager, the supervisor will document the incident and the action taken. Details of the incident and the documentation will be kept confidential in accordance with the Personnel Privacy Act.

6. Investigations

Generally, an investigation is opened when an employee or supervisor reports to Risk Management that an employee has allegedly committed an act of workplace violence. If the allegation meets the threshold definition of one of the three levels of workplace violence, Risk Management will arrange interviews with all witnesses to the act and with the alleged
perpetrator. Risk Management will not ask about the alleged perpetrator’s work history. The investigation focuses only on the facts of the alleged act of workplace violence.

If Risk Management determines that an act of workplace violence has occurred, Risk Management will make a disciplinary recommendation. **Departments are ultimately responsible for recommending appropriate disciplinary action.** The Departments are advised that failure to discipline the employee upon the finding of workplace violence may open the City up to future liability if the employee commits a later act of workplace violence and injures someone. The recommended disciplinary action for a level 3 workplace violence act is always a written reprimand and a fitness for duty evaluation by EAP. Risk Management will likely recommend termination for a Level 1 or 2 act.

7. **Documentation**

All files generated, because of administrative investigations, will be forwarded to the Human Resources Department and the Risk Manager.

**P. Tobacco-Free Workplace Policy**

City employees may not use tobacco products or electronic cigarettes on City property or in City vehicles and equipment. Use of these products by City employees must be at least 50-feet away from a City building. Employees must continue to coordinate breaks within their department in accordance with established departmental policy. Employees should not leave the work area without authorization.

To encourage safe and healthy lifestyles, the City will continue to offer **tobacco cessation classes and 100% coverage of tobacco cessation aids.** With supervisory approval, employees may attend City tobacco cessation classes during work hours, but will **not** have to use leave time. You should contact the Health Services Coordinator at 336-748-3866 if you would like to take advantage of these resources.

**Q. Cell Phone Use Policy**

When a City employee is operating a City vehicle or a personal vehicle on City business, cell phones and other portable electronic communication devices should not be operated for placing or receiving a call, or sending or reading a text message unless the operator is using “hands-free” technology.

The policy does not apply to two-way radio devices or Nextel push-to-talk phones. It also does not apply to the use of cell phones by law enforcement or fire personnel during the performance of their official duties.

Employees who violate the policy will be subject to disciplinary actions.
R. Information Technology and Computing

1. Introduction and Purpose

The City of Winston-Salem is committed to the use of information technology for the support of government operations and services. The City has made a substantial investment in its technology infrastructure. This infrastructure includes, but is not limited to, the hardware, software, data, cabling, configurations, and services to provide valuable information and communication tools to help in the accomplishment of city business. These policies are intended to encourage responsible and acceptable use of these resources while continuing to support the needs of citizens and City employees.

2. Security

The City of Winston-Salem relies heavily on its technology infrastructure. Infrastructure failure and/or corruption of data could seriously inhibit the City’s ability to perform duties prescribed by law and to provide services to its citizens. It is essential that information technology resources be properly protected and maintained in a secured environment.

Access to the City computer network is provided to approved department personnel for the purpose of supporting business operations and services. It will be controlled as appropriate under guidelines established by the Chief Information Officer and the Information Systems Department.

All technology infrastructure resources and access to those resources must be protected by practices, standards, and controls appropriate for the size, complexity, and sensitivity of the resource. Security management will be defined, documented, and implemented by the Information Systems Department under the direction of the Chief Information Officer.

3. Privacy

The city technology infrastructure is the property of the City of Winston-Salem. User activities may be subject to monitoring, recording, and periodic audits to ensure they are functioning properly and to protect against unauthorized use. The City has the right to view, copy, or remove any Internet, e-mail, fax, voice, data file or other electronic communication or document. The technology infrastructure is monitored to ensure proper operation, verify the functioning of applicable security features and assure policy compliance. Persons authorized to access the City’s technology infrastructure expressly consent to such monitoring. If monitoring activities reveal evidence of possible criminal activity, system personnel may provide the evidence of such activity to City management and law enforcement officials. Unauthorized attempts to upload or change information, to defeat or circumvent security features, or to utilize these resources for other than their intended purposes are prohibited.
4. Infrastructure Management

The City’s technology infrastructure is a complex asset requiring the proper interaction among its various components. Due to the numerous solutions available to meet city business needs and the cost of resources needed to support and maintain the infrastructure, it is important that care be taken to coordinate additions and enhancements to the infrastructure. The Information Systems Department will be responsible for the coordination, review, and implementation of all changes to the City’s technology infrastructure in keeping with its business objectives.

5. Electronic Communications

The Internet, E-mail, fax service, telephones, cellular phones, pagers and other communication devices are part of the City’s technology infrastructure assets and are provided as tools to accomplish the City’s business objectives. Failure to use these tools in a proper manner exposes the City to ever increasingly complex legal, security and productivity risks.

Use of these tools during personal time (breaks, after hours) is acceptable. Personal use of the Internet and E-mail on City time should be kept to a minimum. Use of these tools is subject to the City’s Computer Code of Ethics, employee expense reimbursement policies, and information technology practices.

6. Desktop Environment

The desktop computer used to access technology infrastructure components is provided to aid the individual in the accomplishment of City business. As part of the City’s technology infrastructure, the desktop must operate in coordination with other infrastructure elements. To assure compatibility of all hardware and software, any software installed on the desktop must conform to the City’s standard desktop requirements.

7. Software Use

A software license grants the purchaser permission to use the software, but does not transfer ownership. The unauthorized duplication of software constitutes copyright infringement, violation of federal law, regardless of whether it is done for sale, for free distribution or for the copier’s own use. Software usage should observe the following guidelines:

- All software used on the network and on individual desktops must be licensed.
- All software is to be used in accordance with the software license agreement.
- Unlicensed software will be removed and its use reported to the appropriate department head and assistant city manager.
- Employees who make copies of software are liable for the resulting copyright infringement whether or not they know their conduct violated federal law.

It is the responsibility of each person who uses City technology resources to adhere to a basic code of computing ethics. Individuals using the City network should adhere to the guidelines set for in the Information Technology Policies and Procedures, which can be found on the Employee Center at: www.cityofws.org/employeepolicies.

The Code of Ethics requires that employees:

- use available technology resources to promote City operations and services in accordance with the City’s information technology objectives and goals.
- use technology resources in an effective and efficient manner.
- remove files and messages when no longer needed, consistent with state retention laws.
- demonstrate respect for the privacy and rights of others in all communications.
- clearly identify all communications and acknowledge authorship of personal opinions and observations.
- not engage in advertising or commercial activities for personal gain or non-city business purposes.
- not send repeated communications that are unsolicited, unwanted, or intrusive.
- not engage in any activity, which is unlawful, illegal, or inappropriate.

9. Disciplinary Action

Any violation of City computing policies will result in appropriate disciplinary action up to and including termination. It is the responsibility of each supervisor to enforce proper staff compliance with computing policies.

S. Workplace Inspections

In order to ensure compliance with various City policies, it may be necessary for the City to conduct workplace inspections. The items in the workplace which are subject to inspection include City-owned or leased property ("City property") including, but not limited to, voice-mail, e-mail, computers, telephone records, lockers, pagers, cell phones, offices, vehicles, equipment and desks, all of which are items provided by the City to employees to conduct City business. The City's technology infrastructure, as defined in the Information Technology and Computing policy, is subject to monitoring, recording, periodic audits and inspection in accordance with said policy. All other City property shall be subject to inspection based upon the workplace inspection policy. Unless otherwise provided, all City property shall be subject to inspection when the City has reasonable suspicion to believe that an employee:

1. is in possession of, has used or has immediate access to, or has stored or transported a weapon in violation of the City's policy on preventing violence in the workplace; or
2. is in possession of, has consumed, stored, or transported alcohol and/or drugs in violation of the City's policy on drug and alcohol testing; or
3. has abused, damaged, misappropriated, stolen or engaged in the careless waste of City property including City funds; or
4. has engaged in other work-related misconduct, which justifies a workplace inspection.

Personal items, including, but not limited to, purses, briefcases, book bags, knapsacks, and lunch containers, brought by an employee into the workplace are subject to inspection based upon reasonable suspicion as defined herein and for the same reasons, as outlined above, for which City property may be inspected.

Workplace means all City property as well as any location or facility where an employee may be expected to perform any task related to the requirements of his or her job.

Reasonable suspicion means an expressible belief based on specific observed facts or behaviors and rational inferences drawn from those facts or behaviors. Reasonable suspicion may include, but is not limited to, direct observation(s), an admission by the employee, or a report from a reliable and credible source (including another employee). The scope of the inspection should be reasonably related to the objectives of the inspection and should not be excessively intrusive.

Workplace inspections conducted pursuant to this policy shall be conducted by supervisory personnel only; however, this policy does not prevent law enforcement personnel or the security service(s) retained by the City from conducting searches in accordance with any and all applicable laws. Before conducting a workplace inspection, the supervisor is encouraged to contact the Human Resources Director or the City Attorney's office for guidance. If the inspection reveals that an employee has violated a City policy, the employee will be subject to disciplinary action in accordance with City policy and practice. When warranted, the appropriate law enforcement agencies may be contacted for appropriate action as well. The employee shall have the right to file a grievance in accordance with Section 17 of the Personnel Resolution and Section V(U) of the Employee Handbook.

T. Employee Parking

The City makes every effort to provide parking for all employees. However, at some work locations, adequate parking space may be limited. In using parking, please be courteous and observe general safety rules and posted regulations.

Parking by employees in the metered parking spaces around City Hall and the Bryce A. Stuart Municipal Building is prohibited during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. City employees shall not park their city or personal vehicles on the streets around City Hall and the Bryce A. Stuart Municipal Building during these hours. Employees working in City Hall or the Bryce A. Stuart Municipal Building are provided parking in the Church Street parking deck. Employees visiting City Hall or the Bryce A. Stuart
Municipal Building shall use the public spaces provided in the Church Street parking deck or the public parking lot, located north of City Hall. In all cases, the metered parking spaces shall be left for use by citizens visiting either building.

The Church Street parking deck has designated spaces for handicapped City employees. Handicapped employees who can demonstrate that they cannot be reasonably accommodated in the deck should submit medical documentation and a request for exemption from this policy to the Human Resources Director or his/her designee. Once your request is approved, you may park in areas other than those designated for employees. Violation of this policy will result in disciplinary action, up to and including termination.

U. Conduct

Appropriate conduct of City employees, while on the job, is expected. Improper conduct may result in immediate discharge, suspension without pay, reprimands, or other disciplinary action deemed appropriate by the supervisor or City Manager.

Examples of the types of job misconduct, which could result in disciplinary action, include, but are not limited to:

1. Deliberate damage to City or private property or to the property of other employees while on duty;
2. Stealing;
3. Fighting;
4. Carrying concealed weapons;
5. Immoral or indecent conduct;
6. Willful interference with work schedules;
7. Misrepresentation and/or falsification of records or attendance reports;
8. Insubordination;
9. Misappropriation of City property or City funds;
10. Willful violation of the City policy concerning partisan political activity;
11. Gambling;
12. Reporting to work under the influence of intoxicants or unprescribed or illegal drugs, or the possession of intoxicants or unprescribed or illegal drugs, or under the influence of opioid substances as previously defined in section V(K) on city property;
13. Sleeping on the job;
14. Misusing, damaging, taking or refusing to surrender any City-owned property when directed by a supervisor, or interfering with or willfully damaging City property assigned to any other employee;
15. Careless waste of materials and equipment;
16. Violation of established safety rules;
17. Carelessness and negligence in performing work;
18. "Horseplay";
19. Disorderly conduct;
20. Carelessness and recklessness in operating City vehicles and equipment;
(21) Abusive and threatening language to the Supervisor, fellow employees, or the
general public;
(22) Willful failure or refusal to carry out instructions or assignments;
(23) Violation of the City's policy concerning outside employment or secondary
employment;
(24) Unreported absences;
(25) Repeated absence from the work area without permission or without an excusable
reason;
(26) Leaving the job or work area without permission before the end of the regular
work period;
(27) Failure to report personal injury;
(28) Failure to report absence properly;
(29) Poor attendance;
(30) Absence without justifiable cause, or habitual tardiness;
(31) Improper parking or abuse of parking privileges in City parking lots;
(32) Violation of the City's policy concerning Information Technology and
Computing;
(33) Violation of the City's policy concerning personal purchase discount;
(34) Sexual harassment;
(35) Violation of the City's policy concerning Employee Parking
(36) Violation of the City's policy concerning Workplace Violence;
(37) Violation of the City’s Residency Policy; and
(38) Conduct, including conduct off the job, which might interfere with the successful
completion of an employee’s job duties. Under these circumstances, the City will
determine if there is a link, or connection, between the employee’s activity and
their employment with the City. Determining factors may include but are not
limited to: whether the employee used their status as a city employee to perpetrate
or further these inappropriate activities; or whether they connected their city
status to their behavior, or took efforts to make that connection publicly known.
Any disciplinary action is not dependent upon the disposition of any case in court.

This list is not intended to limit the City of Winston-Salem’s right to discipline or discharge
employees for any reason permitted by law, or to initiate discipline at any step for any
misconduct. While the city values each employee, the City of Winston-Salem retains the right to
terminate an employee on an “at-will” basis.

V. Suspension

An immediate supervisor may suspend an employee for a period not to exceed five
workdays. Recommendations by an immediate supervisor for suspensions exceeding five (5)
workdays up to thirty (30) days must be approved by the department head. Recommendations
for suspensions in excess of the thirty (30) days must be approved by the City Manager.
Any suspension without pay of any exempt employee shall be for an entire workweek(s) unless the disciplinary action is due to a violation of a safety rule of major significance or violation of another workplace conduct rule(s). In those cases, the employee may be suspended on the basis of one or more full workdays consistent with the treatment of non-exempt employees who violate the same or similar workplace conduct rule(s). For purposes of this section, the term workplace conduct rule(s) does not include performance or attendance issues, but may include examples of which are set forth in section V(U) - Conduct above.

Any suspension of an exempt employee for a performance or attendance issue(s) shall be for an entire workweek(s). Except as otherwise provided in the Fair Labor Standards Act, the City’s suspension policy shall be applied uniformly to exempt and non-exempt employees. Documentation of such action shall be forwarded to the Human Resources Department on a disciplinary action form (DAR) by the end of the next workday. The provisions of the Employee Handbook section V(X) - Grievance Procedure are available.

Suspensions as herein provided shall become effective upon imposition or approval by the supervisor, department head or city manager, as applicable, notwithstanding an appeal unless otherwise determined by the supervisor, department head or city manager. Documentation of such action shall be forwarded to the Human Resources Department on a Disciplinary Action Report Form by the end of the next workday to become a permanent part of the employee's record.

W. Dismissal

If an employee is dismissed, he/she shall be notified, in writing, by his/her department/division/office head or the City Manager. The notification shall be delivered personally to the dismissed employee or by registered mail to his/her last known address. A copy of the dismissal is to be placed in the personnel files for such employee and is to be treated as confidential and subject to inspection only in those instances stated herein section V(GG) - Privacy of Employee Personnel Records. No city personnel staff shall disclose to anyone other than the employee (except as provided above) any facts relating to the dismissal, it being the purpose of this section that the reasons for dismissal shall not become public information as a result of a voluntary disclosure by any City personnel.

All dismissals must be preceded by a suspension of no less than five workdays to allow you to appeal to the City Manager, as provided in the City of Winston-Salem Personnel Resolution, and must be approved by the City Manager.

If notice of appeal is filed timely, the suspension shall remain in effect until the appeal procedure is completed. The suspension runs concurrently with the appeal period.

If you are suspended pending dismissal, appeals of this action should follow the provisions of the grievance procedure. The employee may seek the assistance of supervision, Human Resources staff, counsel or chosen representative in preparing his/her appeal.
In accordance with the hearing provisions of the grievance procedure, the decision of the City Manager in such cases is final.

X. Grievance Procedure

All employees of the City of Winston-Salem have the right to submit grievances for orderly settlement. It is City policy to address all grievances promptly and fairly.

A grievance is a complaint, view or feeling that insufficient consideration or unfair treatment has been given the employee or the employee's group in the employee's department pertaining to employment conditions, to relationships between the employee and the employee's supervisor, or to relationships between the employee and other employees.

Any complaint or grievance, which is covered under another set of rules, is excluded from this procedure. City employees are encouraged to present complaints or grievances initially to immediate supervisors and then to higher levels of supervision. Employees who have a grievance against their supervisor may present the grievance to the next higher level of supervision or succeeding higher levels of supervision. No employee shall be retaliated against or suffer discrimination, coercion, restraint, or reprisal of any kind as a result of filing a grievance under the provisions contained herein.

An employee also has the right to be represented by a single citizen or an attorney beginning at the division head level through the final stage of the grievance procedure before the City Manager.

1. All grievances shall be presented in writing and must be received within 5 working days of the action taken. Otherwise, the recommended action will become final.

2. The employee with a complaint or grievance should first file the grievance with the immediate supervisor. If the employee has a grievance against his/her supervisor, the employee should discuss the grievance with the next higher level of supervision.

3. The supervisor (or successively higher levels of supervision to which an appeal may be made) shall be allowed up to five (5) working days after receipt of the grievance to respond to the aggrieved employee. All responses shall be in writing. A copy shall be provided to the employee and to the supervisor's superior.

4. If the grievance is resolved to the satisfaction of both the employee and the supervisor, the grievance is closed. The supervisor will then complete a Report/Grievance Discussion form containing the employee's and supervisor's signatures with a copy to be sent to the Human Resources Department.

5. The employee has the right to appeal the supervisor's decision (or the decision of higher levels of supervision) to the next higher level up to five days after the decision is made. A copy of all written documentation, discussion report forms, etc. generated at all previous levels of the grievance process shall be forwarded immediately to the Assistant City Manager for his or her information.
6. The employee may appeal the decision of the immediate supervisor in the following manner:

**First Step:** The employee may request that the immediate supervisor arrange a meeting with the second level supervisor so that the problem can be discussed further, or the problem may be presented in writing to the second level supervisor with a copy to the Human Resources Department. The Report/Grievance Discussion form shall be used for this purpose. The response shall be in writing and a copy shall be provided to the employee and the second level supervisor's superior.

**Second Step:** If the employee is not satisfied with the decision of the second level supervisor, the employee may appeal it to successively higher levels of supervision, following the same general procedure described in the "First Step." Each supervisor to whom a complaint or grievance is referred is responsible for recording it and his/her response on a jointly signed Report/Grievance Discussion form. When a satisfactory resolution to an employee's grievance is reached, it is the responsibility of the supervisor making the decision to implement the resolution of the matter. The final level of the grievance process is the City Manager. Any decision of the City Manager shall be final.

The employee may ask for a formal or informal hearing with the City Manager. The City Manager, in cases involving suspension, demotion and dismissal, if requested by the employee, shall give the employee an opportunity to be heard at a mutually convenient time. However, the hearing will be held no later than 30 days after the employee's request, for the purpose of a final grievance hearing. The employee shall be advised in writing of the charges against him/her. An employee may be represented by legal counsel or any other person of his/her choice. An employee may present evidence and witnesses and may cross-examine any adverse witnesses. An employee may have a court reporter present to record the hearing at the employee's expense. After the hearing, the City Manager shall make the final decision regarding the grievance and notify the employee in writing of the action taken. The final decision by the City Manager shall be made within 30 days following the hearing, unless unusual circumstances make compliance within 30 days impracticable.

The term "City Manager" shall mean either the City Manager, Deputy City Manager, or an Assistant City Manager duly authorized by the City Manager to act on his/her behalf. If a hearing is held by the Deputy City Manager or an Assistant City Manager, a report containing findings of fact and a recommendation is to be prepared for review by the City Manager. The City Manager shall study the report and consider the recommendations of the Deputy City Manager or Assistant City Manager holding the hearing, and shall then make the final decision on the matter.

The staff of the Human Resources Department is available to advise and provide guidance at any level of the grievance procedure.
Y. **Reduction in Force**

Reduction in force results from changes in programs, cutbacks in funding, outsourcing of services, or decreased workload. Affected employees will be evaluated for continued employment on the basis of the needs of the organization, past performance, skills and education levels and seniority.

a. **Area of Reduction in Force (Layoff).** The department head, with approval of the City Manager, will outline the business reasons that make the reduction in force (RIF) necessary and shall prepare a rationale. The department head will identify the area of layoff in which a RIF will occur. The area of RIF may include all or any part of government; a department, a division, or any organizational or program sub-unit of a department or division. As part of the reduction in force, the department head or his designee will also develop a plan of action for affected employees. The plan will include the name, classification title, performance rating, years of service and a skills/education inventory of all affected employees in the area of the RIF. The plan will also include a description of: options for placement within the department; options for placement with an outside agency or firm; and options to be explored with Human Resources for placement within the City. Copies of these plans will be submitted to the City Manager and Human Resources Department. The layoff of temporary or part-time employees with or without benefits and employees under the terms of a time-limited appointment will not be considered a RIF layoff. In addition, dismissal of employees for job misconduct and/or performance failure shall not be considered a RIF layoff.

b. **Retention in the Area of RIF.** To provide an equitable basis for determining the order of retention, all affected employees in the area(s) of RIF are to be evaluated against one another to determine their retention standing.

All regular employees in the area of RIF will be grouped together by current position classification title. If the reduction in force affects more than one class title, each class title will be treated separately. (Note: A classification is a specific group of positions, which are similar in duties, and responsibilities such that they justify common treatment in selection, compensation and other employment processes and the same description title may be used to designate all positions in the same class, regardless of the organizational units in which they are located.)

To determine regular employees’ retention standing, the following factors shall be considered:

- The needs of the organization
- The performance of employees as documented
- The skills/education levels of employees as documented
- Should the performance standing and skills/education levels of any affected employees be considered equal, employee(s) to be retained will be selected on the basis of seniority.
- In no instance will employees be separated from employment based on age, sex, sexual orientation, race, disability, religion, national origin, or other status protected by applicable Federal or State law.
c. Continued Employment Outside of the Area of the RIF. Although the City cannot guarantee placement of all affected employees, every effort will be made to place employees who have an overall performance rating of “Solid Performer” in areas outside of the RIF. An employee must notify his department head or designee within five (5) working days of notification of the reduction in force of his desire to be considered for such placement. First priority for placement will be within the department where the reduction in force occurred. The next level of priority will be placement elsewhere in the City.

When vacant positions exist in the same or a lower classification, employees scheduled to be laid off will be considered for those positions for which they meet the minimum training, education, experience, and certification or licensure requirements in lieu of layoff. Employees who are reduced in classification pay grade will retain their present pay and their evaluation date, with this exception: If their present pay is above the maximum of the new pay grade, they will retain their pay one (1) month for each full year of full-time service with the City, after which their pay will be moved to the maximum of the new pay grade. If a suitable position is not found within sixty (60) calendar days of notification of the reduction in force, the employee will be laid off and will then be eligible for the severance pay option.

d. Training and Employment Counseling. The City Manager, or his designee, is authorized to provide for employment counseling, job training and outplacement assistance to employees that are scheduled to be laid off. The extent of services, if any, provided to the employee under this section shall be determined by the City Manager or his designee.

e. Issuing Notice to Employees Affected by the Layoff. Each employee identified for RIF shall be given a written notice of the date of the RIF, the reason(s) for the layoff, a copy of this policy and appeal rights, at least sixty (60) days prior to the effective date of the action. All appeals must be filed in writing with the City Manager within five (5) working days of the receipt of the RIF notice. The City will also follow all requirements of the Worker’s Adjustment Retraining Act, if applicable.

f. Reduction-In-Force Appeal. When an employee believes that reduction-in-force procedures have not been correctly applied to him/her, he/she may file a grievance in accordance with Article I, Section 17 of the City of Winston-Salem Personnel Resolution. However, the employee must file the grievance within five (5) working days of receiving a RIF notice. All such grievances; however, will proceed directly to the City Manager who will either personally hear each case or designate a representative on his behalf. The City Manager shall make the final decision with respect to each case.

g. Continuation of Medical Benefits. Employees laid off under this RIF policy shall be eligible for continuation of medical and dental benefits according to the requirements of the Public Health Services Act (PHSA) as in effect at the time of the employee’s layoff.

h. Severance Pay Option. A regular, full-time employee who has lost his position with the City as a result of a reduction in force will be eligible for the severance pay option. An eligible employee who elects to receive severance pay under this option must agree to waive
his/her eligibility for re-employment, and will not be eligible for re-employment with the City for the number of weeks calculated in the severance payout, unless repayment is made in advance of re-employment for any severance payment received in excess of the amount due for the period of actual separation from the City. Repayment must be made prior to re-employment and the City will not negotiate any repayment plans. Eligible employees who elect to receive severance pay must sign a written release as a condition of receiving severance pay benefits under this policy. In order to be eligible for severance pay, the employee must waive his or her right to file a grievance or to pursue any legal action relating to the RIF.

An eligible employee who agrees to the terms and conditions of the severance pay option will receive a lump sum payment according to the following schedule of severance payments:

<table>
<thead>
<tr>
<th>YEARS OF SERVICE</th>
<th>SEVERANCE PAYMENT (of BASE SALARY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - &lt;5</td>
<td>4 Weeks</td>
</tr>
<tr>
<td>5 – 9</td>
<td>8 Weeks</td>
</tr>
<tr>
<td>10 – 14</td>
<td>12 Weeks</td>
</tr>
<tr>
<td>15 – 19</td>
<td>16 Weeks</td>
</tr>
<tr>
<td>20 +</td>
<td>20 Weeks</td>
</tr>
</tbody>
</table>

A minimum payment of three thousand dollars ($3,000.00) severance, regardless of years of service or number of weeks of severance, will be provided to employees subject to a RIF.

The following employees will not be eligible for severance pay: any employee for whom the City has arranged comparable employment with a non-City business or agency; any employee who is in a time-limited/grant-funded position; and any employee who is separated from City employment based on job misconduct or performance failure. Comparable employment is defined as employment with a non-City business or agency doing similar work tasks at a comparable pay rate. The City Manager or his designee is authorized to make a determination of comparable employment on a case-by-case basis. All severance pay will be disbursed in a lump sum payment and will not be governed by the Employment Retirement Income Security Act. The City will withhold applicable State and Federal taxes from the lump sum payment.

i. **Re-employment.** Employees laid off under this RIF policy who are re-employed by the City within one (1) year of layoff shall retain their original seniority prior to layoff with respect to vacation leave accrual. In addition, eligible employees who are re-employed within five (5) years of layoff will have all unused sick leave that was accrued prior to layoff, reinstated. They will not be eligible for reinstatement of any longevity pay eligibility. Reinstatement into the Retirement System shall be governed by the rules of the North Carolina Local Governmental Employees’ Retirement System.

j. **Policy Clarifications.** The City Manager is authorized to interpret and clarify any issues related to this policy.

Pursuant to this provision:
• the City Manager has decided that a RIF employee who has elected not to be considered for placement in a vacant city position under the RIF policy will be eligible for severance pay,

• the City Manager’s Office has the authority to extend the aforementioned sixty (60) day time period for extenuating circumstances.

• the City Manager has also determined that if the employment of a RIF employee, who is otherwise eligible for longevity, ceases before November 30th, he or she will not be entitled to longevity payment unless the RIF employee retires from the City simultaneously therewith. Payment of longevity to a retiring RIF employee is dependent upon funds being available and the terms of the longevity pay plan as determined by City Council.

An employee, who meets the minimum qualifications of a vacant position, has a performance rating of solid performer or above and who, contemporaneous with said vacancy, is subject to the City’s Reduction in Force policy and elects to be considered for placement, shall receive consideration for said vacant position(s) prior to the posting or publishing of said vacancy. If the employee, subject to the Reduction in Force policy, is selected to fill a vacant position, that position shall be excluded from the City’s procedural and policy requirements regarding posting or publishing of vacant positions.

Z. Resignation, Retirement and Final Pay

1. Resignation - In the event of resignation, employees should give a two-week advance notice, preferably in writing. This time is necessary, not only to enable the City to locate and train your replacement, but also to provide official notice so that your final check can be delivered on a scheduled pay day.

2. Retirement - When retirement paperwork is completed in Human Resources, immediate supervisors and department heads will be notified of the completed application and retirement date of the separating employee. Unused sick leave at the time of retirement is added to years of pension service at the rate of one month of credit for each 20 days of unused sick leave. One more month is allowed for any part of 20 days left over.

If employment ceases before the time of retirement, all unused sick leave is forfeited. Employees shall not be paid for any accrued and unused sick leave upon separation from employment. Unless otherwise provided, accrued and unused sick leave shall be reinstated when an employee returns from authorized leave without pay or when reinstated within five (5) years from any type of separation.

3. Final Pay - Your final payment will include any hours worked during the pay cycle as well as the balance of vacation and holiday hours. The City does not pay out the balance of your sick leave or longevity pay due to your termination or resignation. However, exiting employees who are leaving to begin employment with another local or state
government organization that is a member of either the North Carolina Local Government Employee Retirement System including law enforcement officers, legislative, judicial, teachers’ or state employees’ retirement system may be allowed to transfer his/her sick leave balance if allowed by the new employer.

North Carolina Retirement Pension will be deducted from your final pay amount. Any additional deductions you may have can only be stopped according to the plan rules.

Failure to comply with this policy will create difficulties in processing your final pay and also may result in your being ineligible for re-employment with the City. All final paychecks are physical checks and can either be mailed or picked up in the Human Resources Department.

AA. Exit Interview

In order to make sure that all employees who leave City employment are sufficiently informed as to their final pay, continuation of benefits under the Public Health Services Act (PHSA) section III(V) of this handbook, and rights and conditions of separation, exit interviews are conducted by the Human Resources Department staff.

If you leave the City for any reason, you must schedule an exit interview with the Human Resources Department. For your convenience, final checks will be forwarded to the Human Resources Department for delivery.

BB. Reemployment

A former employee of the City may be re-employed provided the previous City employment record was satisfactory. Any former employee of the City terminated for violation(s) of the City’s policies relating to workplace violence or sexual harassment will be automatically precluded from re-employment with the City in any capacity. Re-employed individuals are subject to the conditions of employment in effect at the time of re-employment. A former employee re-employed in a new classification will normally begin at the pay grade minimum without accrued benefits except as otherwise provided. (See Section III(D)(7), Benefits - Sick Leave/Transfer)

Re-employment in the same classification, and at the same rate of pay from which the employee was separated, can only be granted with the approval of the City Manager or his designee. This re-employment will be without accrued benefits, except for vested interest, as described in the pension plan. Individuals re-employed on this basis will establish a new employment date.

A full time employee who is terminated as a result of a positive drug or alcohol test may be considered for reemployment after two (2) years from the date of termination. Former employees who are rehired under this provision will be subject to unannounced drug and/or
alcohol tests within two (2) years after the effective date of employment including any additional restrictions as necessary for safety sensitive positions.

**CC. Outside Employment – Non-City employment**

Working for the City has precedence over all outside employment. No time during City working hours shall be used to promote or carry on outside employment.

No employee shall engage in outside employment, which impairs the efficiency of City services or results in any conflict of interest.

No employee shall engage in the preparation of any work as a professional, contractor, or subcontractor for any outside employer, whose work will be submitted to any City or City/County agency for review, approval or inspection.

No employee shall use any equipment, supplies, or office space owned by the city, except public safety uniforms, vehicles and weapons when used in approved outside employment activities as specified by the City Council and/or City Manager.

Any hours accumulated by a City employee through outside employment shall be excluded by the City in the calculations of hours for which the employee is entitled to overtime compensation in accordance with the Fair Labor Standards Act.

An employee must submit information regarding outside employment for approval by the employee's department head who must determine if the requested employment violates any of the terms of this policy. This approval or disapproval shall be placed in the employee's personnel file. Employees may appeal the department head's decision to the City Manager or his designee.

Any violation of this policy on outside employment shall be grounds for disciplinary action or dismissal as described in section V(U) - Conduct of this handbook.

**DD. Secondary Employment – Employment Within the City**

The work of the employee in their full-time position with the City shall have precedence over all secondary employment with the City. No employee shall engage in secondary employment with the City, which impairs the efficiency of City services or results in any conflict of interest.

The secondary employment must be part-time and in a different capacity from that for which an employee is regularly employed by the City, and must be performed at the employee's option and on an occasional or sporadic basis.
The hours an employee accrues in performing this secondary employment with the City shall be excluded by the City in the calculation of the hours for which the employee is entitled to overtime compensation.

An employee must, prior to assuming secondary employment with the City, and otherwise annually, submit information regarding the secondary employment for approval by the employee's department head who must determine if the requested employment violates any of the terms of this policy. This approval or disapproval shall be placed in the employee's personnel file. Employees may appeal the department head's decision to the City Manager or his designee.

Any violation of this policy on secondary employment shall be grounds for disciplinary action or dismissal as described in this handbook, Section V (U) - Conduct.

EE. Unauthorized Work Interruptions

The following personnel policies shall apply during periods of time declared by the City Manager as a work stoppage, work slow-down, strike, sickout or other deliberate work interruptions:

1. **Failure to report for duty:** Any employee who deliberately fails to report for duty, without an excuse approved by the employee's department head, or who fails to fully and faithfully perform the duties of his/her job, shall be suspended without pay and subject to disciplinary action, including dismissal.

2. **Unauthorized leave:** All unauthorized leave by an employee shall be without pay. In the event of a declaration of work interruption, all previously approved requests for leave that has not begun are cancelled, and employees will be required to re-submit leave requests for approval only by department heads. The City Manager has the authority to recall all employees on authorized leave status. After notification, failure to report will constitute an unauthorized leave and subject the employee to appropriate disciplinary action.

3. **Sick Leave:** An employee claiming sick leave will be considered to be on unauthorized leave unless a written statement from a qualified licensed physician is presented. It must indicate:

   - that the physician performed a personal examination of the patient (the employee or member of immediate family) during the period of claimed sick leave;
   - that the physician found objectively observable or measurable symptoms (i.e. not patient history); and
   - that the physician made a diagnosis (which must be stated) that the patient is suffering from an illness making it essential to the patient's health to refrain
from working and specifying the dates on which the patient should not work.

4. **Suspension and Dismissal**: An employee who is determined to be engaged in any unauthorized work stoppage, strike, sickout or other deliberate work interruption will be immediately suspended. If, after being notified by the City Manager or a designee to return to work, the employee fails to report and faithfully perform his/her duties, the employee will be officially dismissed. A dismissed employee will lose all seniority and benefits and will be separated from the city's payroll. Any former employee requesting re-employment will be considered on an individual basis and will have to adhere to the city's employment procedure. If rehired, an individual will be re-employed as a new employee.

Any suspended employee who returns to work as ordered by the City Manager may be considered for reinstatement by the City Manager to the same status as existed at the time of suspension. Employees returning under these terms will not be paid for the hours suspended nor will the employee be credited with any accrual of benefits during the suspension.

During the time an employee is suspended, the accrual of employee benefits will be stopped. Sick leave, vacation, holidays, longevity, pension, hospitalization and any other benefits to which the City contributes will be stopped. Such benefits will be continued only if an employee returns to work and is reinstated following a suspension. In addition, all merit increases, promotions, transfers, reclassifications and other work status considerations will be withheld and lost during the period of suspension.

5. **Grievance Procedure**: During the time of a declaration of a work interruption as stated above, normal grievance procedures of successive hearings at the various levels of supervision and management will be suspended. All grievances will proceed directly to the City Manager who will either personally hear each case or designate a representative to act in his stead. The representative acting in this capacity will recommend appropriate action in each case to the City Manager who makes the final decision.

**FF. Reporting Accidents and Injuries**

If you are injured as a result of an accident while on the job, regardless of how minor it may seem, you are required to report your injury at once to your immediate supervisor. Accidents involving City-owned equipment should also be reported immediately to your supervisor and other appropriate agencies. Failure to report an accident or injury could result in the loss of workers’ compensation benefits as well as needed medical attention and/or disciplinary action.
GG. Privacy of Employee Personnel Records

According to General Statute 160A-168, the following information concerning all City employees is a matter of public record:

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

The term “salary” includes pay, benefits, incentives, bonuses, and all other forms of deferred compensation paid by the City. This information is available through the Human Resources Department. Request for personal information should be directed to the Human Resources Director or the Director’s designee or the City Attorney’s Office.

City departments shall maintain the following personnel information: name, city employee number, class title and code, payroll data, job description, current attendance records and a copy of performance appraisals.

All other personnel information, with the exception of records required by the State of North Carolina Criminal Justice Standards Division pertaining to the official status of sworn law enforcement officers, shall be maintained in the Human Resources Department.

All information, other than the public records noted above, is confidential and shall be "open" to inspection in the Human Resources Department only in the following instances:

1. An employee or his duly authorized agent may inspect the personnel file except for letters of reference solicited prior to employment and medical disability information that a prudent physician would not divulge to his/her patient;
2. A physician designated in writing by the employee may examine the employee's medical record;
3. An employee's supervisor may examine the employee's entire personnel file;
4. A court order may provide anyone access to examine a personnel file in accordance with the terms of the order;

5. An official of any agency or federal, state or governmental subdivision may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be necessary and essential to the pursuance of a proper function of the inspecting agency. **No information may be divulged to assist in a criminal prosecution or assisting in investigation of tax liability;**

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 persons specified in the release;

7. The City Manager, with the concurrence of the City Council, may inform any person of the employment or non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer or termination of a City employee and the reasons for that personnel action. Before releasing the information, the City Manager or City Council 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 City Manager's Office or the City Secretary's Office and will be available for public inspection and shall become part of the employee's personnel file.

Even if considered part of an employee's personnel file, the following need not be disclosed to an employee nor to any other person:

1. Testing or examination material used solely to determine individual qualifications for appointment, employment or promotion in the City's service, when disclosure would compromise the objectivity of 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 is taken, or until the criminal action is concluded;

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/her duly authorized agent shall have a right to inspect such materials.

The City Council may permit access, subject to limitations it may impose, to selected personnel files by a professional representative of a training, research or academic institution if that person certifies that he/she 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.

Any City employee who objects to material in his/her file on grounds that it is inaccurate or misleading may seek to have the material removed from the file through the grievance procedure or may place in the file a statement relating to the material.

Any public official or employee who knowingly, willfully and with malice permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by law, is guilty of a misdemeanor and is subject to a fine.

Any person not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine a file in its official filing place, or remove or copy any portion of a confidential personnel file, shall be guilty of a misdemeanor and is subject to a fine.

**HH. Recording and Use of Recording Devices at work**

a. The City acknowledges that N.C.G.S. §15A-287 allows one party recording. This means that employees are entitled to record their conversations with other employees at work without notifying the other party. However, when an employee records during a work meeting using his or her personal electronic recording device, and confidential information about a third party, employee or citizen, is recorded, that employee is subject to disciplinary action, including termination, if the information about said third party is released without that party’s consent. This constitutes a breach of confidentiality. The City reserves the right to ask the recording employee to inspect their personal device to determine if confidential information is on the device. If found, the City will ask that the employee either edit the information so that the confidential information is no longer accessible, or destroy the recording altogether. The employee will also be asked to sign a statement indicating that any and all other copies that the employee has will be destroyed and that they have not been shared with any other parties inside or outside of work. This provision does not apply to our law enforcement personnel who have to record in the course of their regular duties.

b. N.C.G.S. §132-1.7 prohibits the audio or visual recording of specific facilities which would constitute a disclosure of sensitive public safety information. These recordings are not allowed in the interest of public safety. If an employee makes recordings in violation of this policy, they will be subject to termination.

c. Exceptions to this policy
   i. If the City owned recording equipment fails to operate properly, an employee, with prior permission from a supervisor, would be allowed to record on the employee’s device ONLY to conduct departmental business.
   ii. City owned and created recordings must be released if compelled by court order. These recordings are also subject to discovery in any civil or criminal matter.
iii. Mandatory recordings that are made in conjunction with an employee’s work responsibilities are allowed. This could possibly involve recording on personal devices. These recordings are also subject to discovery in any civil or criminal matter.