

PERSONNEL ORDINANCE
CITY OF HICKORY
HICKORY, NORTH CAROLINA

ARTICLE I. THE PERSONNEL SYSTEM

SECTION 1. Merit Principle - Equal Employment Opportunity Policy. All appointments, promotions and other personnel actions by the City shall be made solely on the basis of merit and fitness. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. The City of Hickory embraces the following merit system principles in administering its personnel program:

- A. Applicants and employees shall be assured of fair treatment in all aspects of personnel administration without regard for political affiliation, religious creed, sex, national origin, color, or race. Individuals shall likewise be treated with proper regard for their privacy and constitutional rights as citizens.
- B. Persons with disabilities will be given equal consideration in all personnel actions, providing that they are able to perform the essential functions of the position. Reasonable accommodations will be made for disabilities of qualified applicants and employees in accordance with current federal or state law.
- C. Employees shall be recruited, selected, trained, and advanced on the basis of their relative ability, knowledge, and skill.
- D. Employees shall be retained on the basis of the adequacy of their performance and conduct. They shall be guided in ways to correct inadequate performance and separated when inadequate performance or conduct cannot be corrected.
- E. Employees shall be protected from harassment based on religion, age, creed, sex, national origin, color, race, disability, or any other affiliation as defined by law.
- F. Employees shall be protected against coercion for partisan political purposes.
- G. Employees shall receive equitable and adequate pay and benefits, and eligible employees shall receive merit pay increases based on the quality and quantity of their performance, subject to the availability of funds.
- H. The policy of the City is to foster, maintain, and promote equal employment opportunity. All management and supervisory personnel shall be equally responsible for compliance with this policy, along with its implementation.

SECTION 2. Responsibility of Manager.

- A. The City Manager shall be responsible for the administration of all personnel policies and rules that shall apply to all employees except those specifically exempt.
- B. The City Manager shall prepare and establish such personnel rules and procedures necessary or desirable to implement the provisions of this Personnel Ordinance and carry out the intention of City Council. Such rules and procedures shall be in compliance with all applicable laws and regulations.
- C. The City Manager shall appoint, transfer, suspend, and remove all City employees and heads of departments. The City Manager may delegate the authority for appointment, transfer, suspension, and removal of employees other than department heads to the appropriate department head.
- D. The City Manager shall appoint a Human Resources Director to oversee all phases of personnel administration and to perform all duties essential to effective personnel administration as directed by the City Manager.

SECTION 3. Employees Subject to Ordinance.

- A. The provisions of this ordinance shall be applicable to all employees except as provided below or as stated elsewhere in this ordinance:
 - 1. Elected officials shall be exempt from the provisions of this ordinance.
 - 2. Part-time officials appointed by the governing body, and employees of advisory or special boards and commissions who work an irregular schedule, shall be exempt from all provisions of this ordinance.
- B. The term "full-time employee" shall be defined as those employees who work an established schedule of at least thirty (30) hours per week and who are participating in the Local Government Employees' Retirement System.
- C. The benefits provided for in this ordinance shall be for full-time employees only. Part-time, temporary, or seasonal employees do not accumulate benefits.

ARTICLE II. THE CLASSIFICATION PLAN

SECTION 1. The position classification plan listed in the annual budget shall be the Classification Plan for the City of Hickory.

SECTION 2. Coverage of the Classification Plan. The classification plan shall include all permanent classes of positions except those exempted in Article I, Section 3.

SECTION 3. Allocation of Positions. The City Manager shall allocate each position to its appropriate class in the position classification plan.

SECTION 4. Administration and Maintenance of the Classification Plan.

- A. The City Manager, or person(s) designated by the City Manager, shall be responsible for the administration and maintenance of the position classification plan.
- B. Department heads shall be responsible for bringing to the attention of the manager the need for positions and material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classification of any existing position.
- C. Following the receipt of such information concerning any existing or proposed position, the manager or his authorized agent shall restudy the position and determine if the classification of the position should be changed.
- D. The City Manager may amend the classification plan based on internal and external analyses and surveys. Changes shall not increase the number of authorized positions approved by City Council; that number shall be increased only with the approval of the City Council.

ARTICLE III. THE PAY PLAN

SECTION 1. Approval of the Pay Plan. As part of the annual budget process, the City Manager shall recommend a pay plan to City Council. The adoption of the annual budget along with related pay appropriations shall constitute approval of the Pay Plan.

SECTION 2. Coverage of Pay Plan. The Pay Plan shall include all permanent classes of positions included in the classification plan.

SECTION 3. Administration and Maintenance of the Pay Plan. The manager shall be responsible for the administration and maintenance of the Pay Plan.

- A. The Pay Plan is intended to provide equitable compensation for all positions when considered in relation to each other, to general rates of pay for similar positions in the public and private sector in the area, to changes in the cost of living, to financial conditions of the City, and to other factors. To this end, the City Manager shall, from time to time, make comparative studies of all factors affecting the level of salary ranges and shall recommend to the City Council such changes in salary ranges as are warranted.
- B. The Pay Plan shall be administered in a fair and systematic manner in accordance with work performed. The pay structure shall be externally competitive, shall maintain proper internal relationships among all positions based on relative duties and responsibilities, and shall recognize performance as the basis for pay increases within the established range.
- C. As needed, the City Manager shall assign and reassign positions to the pay grades established by the pay plan.
- D. The City Manager shall establish appropriate rules and procedures for salary administration, including starting salaries and salary adjustments due to reclassifications, promotions, transfers, demotions, or other change in status.

SECTION 4. Merit Pay Increases. Pay increases based on employee performance may be granted to deserving employees and according to the following provisions:

- A. When the employee holds a permanent appointment with the City, i.e., the employee satisfactorily completes the required probationary period.
- B. When such increases can be offered under that current year's budgetary constraints.
- C. The budget for such increases shall be determined on an annual basis pursuant to the adoption of the Budget Ordinance by the City Council.
- D. The City Manager shall establish appropriate systems and guidelines for implementing this merit provision and to see that it is carried out in a responsible manner.

ARTICLE IV. RECRUITMENT AND SELECTION

SECTION 1. Applicability of Article. The provisions of this article shall be applicable to all employees except those exempted in Article I, Section 3.

SECTION 2. Employment Opportunities. As appropriate, the City Manager will publicize opportunities for employment with the City. All employment opportunities publicized shall contain the statement "Equal Opportunity Employer."

SECTION 3. Recruitment and Selection. Each department head shall be responsible for assisting the City Manager in recruiting and selecting such employees as authorized for that department by the classification plan and by the budget. Employees shall be appointed according to procedures established by the City Manager.

SECTION 4. Qualification Standards. All applicants consider for employment or for promotion shall meet the qualification standards established by the class specifications for the position.

SECTION 5. Probationary Period.

- A. All employees appointed to or promoted to permanent positions shall serve a probationary period. The probationary period for new employees will generally be twelve (12) months and for promoted employees six (6) months. Employees serving a probationary period following initial employment in a permanent position shall receive all benefits provided in accordance with this ordinance with the following exceptions or as otherwise provided:
 1. The employee serving an initial probationary period may be dismissed at any time during the probationary period.
 2. An employee who is dismissed during the initial probationary period is not entitled to appeal that decision through the City's grievance procedure.
 3. An employee serving an initial probationary period is not entitled to any vested property rights in his/her employment position.
- B. Employees serving a probationary period following a promotion shall continue to receive all benefits provided in accordance with this ordinance and under supplementary rules and regulations.

SECTION 6. Reinstatement. An employee who has been separated because of reduction in force or who has resigned while in good standing shall be credited with previously accrued sick leave if the employee is reinstated within one year.

ARTICLE V. CONDITIONS OF EMPLOYMENT

SECTION 1. Fair Labor Standards Act. The City shall comply with all applicable provisions of the Fair Labor Standards Act. Every effort is made to ensure that pay is calculated correctly and that deductions are properly applied. For those employees covered by the overtime provisions of the FLSA, compensatory time shall be the preferred method of compensation for overtime hours. The following work periods shall be established for the purpose of calculating overtime earned:

- A. Sworn police personnel working on a shift basis shall be assigned a 14-day work period with a maximum of 86 work hours before accruing overtime.
- B. Firefighting personnel shall be assigned to a 27-day work period with a maximum of 204 work hours before accruing overtime.
- C. All other non-exempt City employees shall be assigned a 7-day work period with a maximum of 40 work hours before accruing overtime.

SECTION 2. Safety. All employees will be required to comply with safety and health standards, rules, regulations and departmental orders issued in accordance with the Occupational Safety and Health Act (OSHA).

SECTION 3. Use of City Property and Equipment. City equipment, materials, tools, and supplies shall not be available for personal use nor be removed from City property, except in the conduct of official City business. Regulations governing the use and operation of City equipment shall be prescribed by the City Manager and amended as required.

SECTION 4. Accidents Involving City Equipment. Accidents involving injuries of employees, other personnel, or damage to someone else's property occurring while using City equipment or damage to City equipment shall be reported immediately by the employee to his/her supervisor. The supervisor will be responsible for taking appropriate action and notifying his/her superior. The employee's supervisor or department head shall be responsible for immediately reporting the accident to the personnel department.

SECTION 5. Outside Employment. The work of the governmental unit shall have precedence over the other occupational interests of employees. All outside employment must be reported to and approved by an employee's department head. Unreported or conflicting outside employment shall be grounds for dismissal or other disciplinary action.

SECTION 6. Limitation on Employment of Relatives. Two members of an immediate family shall not be employed if such employment will result in an employee directly or indirectly supervising a member of his/her immediate family, or if one member occupies a position which has influence over the other's employment, promotion, salary administration, or other management or personnel consideration. Generally, the term immediate family means wife, husband, mother, father, brother, sister, daughter, son, uncle, aunt, nephew, niece, cousin, grandchild, grandparent, as well as the combinations of half, step, in-law, and adopted relationships that can be derived from the named family members.

SECTION 7. Training Expense. Training expenses to include registration (and other required fees), travel and subsistence expense and required texts and materials, shall be incurred for job related training programs that have been recommended and approved by the department head.

Job-related training shall be incurred at the nearest and most appropriate location to Hickory. A copy of the course certificate(s) shall be returned to the Human Resources Director for file. Advanced travel expense shall be authorized under such procedures as determined by the City Manager.

SECTION 8. Gifts and Favors. No employees shall accept any gifts, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his/her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City where the acceptance may influence his/her judgment, nor shall any employee accept any gift, or grant in the discharge of his/her duties any improper favor, service or thing. This is a serious breach of faith and any employee violating the provisions of this section shall be subject to suspension or termination.

SECTION 9. Political Activity.

- A. The City encourages an employee to exercise civic responsibility in supporting good government at all levels by voting for the political candidates and issues of his or her choice.
- B. An employee may join or affiliate with political organizations, may attend political meetings, and may advocate and support political principles and policies in accordance with the constitution and laws of the State of North Carolina and of the United States of America. However, an employee shall not
 - 1. Engage in political activity while on duty;
 - 2. Be required to contribute funds or support for political or partisan purposes as a condition of employment, pay raise, promotion or tenure of office;
 - 3. Use City-owned supplies, equipment, or facilities to display political slogans, posters, or stickers or for any other political purpose;
 - 4. Be a candidate for, or hold political office in the City of Hickory.
- C. Any violation of these provisions shall be deemed improper conduct and may result in discharge or other disciplinary action.

SECTION 10. Employee Performance and Conduct. Employees are required to conduct themselves in a professional and productive manner and in compliance with City and departmental policies and rules. An employee may be reprimanded, suspended, demoted, or dismissed for just cause, related to unsatisfactory work performance or to conduct that is unacceptable to the City. The City Manager shall develop and implement appropriate rules and procedures concerning disciplinary action that are in compliance with relevant laws and regulations and in accordance with acceptable personnel practices. Employees who have completed the initial probationary period may appeal disciplinary actions through the City's grievance process.

SECTION 11. Grievances. A grievance may arise concerning conditions of employment or disciplinary actions taken. The City Manager is responsible for developing and maintaining appropriate procedures for grievances.

ARTICLE VI. HOLIDAYS AND LEAVE

SECTION 1. Holidays. The following holidays that shall be observed:

New Year's Day

Martin Luther King's Birthday

Good Friday

Memorial Day

July 4th

Labor Day

Thanksgiving

Thanksgiving Friday

Christmas (See schedule that follows)

When Christmas falls on: These days are holidays:

Sunday	December 22, 23, 26 (Thursday, Friday, Monday)
Monday	December 25, 26, 27 (Monday, Tuesday, Wednesday)
Tuesday	December 24, 25, 26 (Monday, Tues, Wednesday)
Wednesday	December 24, 25, 26 (Tuesday, Wednesday, Thursday)
Thursday	December 24, 25, 26 (Wednesday, Thursday, Friday)
Friday	December 24, 25, 28 (Thursday, Friday, Monday)
Saturday	December 23, 24, 27 (Thursday, Friday, Monday)

- A. If a holiday falls on Saturday, the holiday will be observed on Friday; if a holiday falls on Sunday, the following Monday will be observed as the holiday. At the discretion of the City Manager, changes may be made to the schedule if the change is in the best interest of the City.
- B. All full-time employees required to work on an observed holiday shall be paid at their regular rate of pay for actual hours worked on the holiday if it is not feasible for the department head to grant compensatory time off. This shall be in addition to the regular rate of pay to compensate the employee for the designated holiday.
- C. Only full-time employees, who on the workday preceding and following the holiday were at work or on approved vacation, sick, compensation, disability, educational or civil leave or were normally scheduled off, shall be eligible for holiday pay.

SECTION 2. Vacation Leave.

A. Vacation Earned. Each full-time employee shall earn paid vacation according to his/her length of continuous service as follows:

Length of Service	Monthly	Annually
0 through 5 years	.8333	10 workdays
6 through 10 years	1.0000	12 workdays
11 through 15 years	1.2500	15 workdays
16 through 20 years	1.4166	17 workdays
Over 20 years	1.6660	20 workdays

B. Employees hired on or before the 15th calendar day of each month, shall earn annual leave from the first calendar day of the month. Employees hired after the 15th calendar day of the month, shall earn annual leave after the first day of the following month. Employees on approved educational leave, suspension, or leave without pay do not accrue vacation leave when the leave without pay exceeds 5 working days. Employees on approved leave for required military training accrue vacation leave while absent.

C. Granting of Vacation Leave. Employees shall be granted the use of earned vacation leave upon request or at those times designated by department heads which will least obstruct normal operations of the department. However, an employee serving a probationary period shall not be granted vacation leave until three (3) months service has been completed unless the denial of the leave would create an unusual hardship.

1. Employees who work twenty-four (24) hour shifts will be charged two (2) days vacation leave for one (1) twenty-four (24) hour shift off duty.
2. In view of the scheduling of some employees who work 10-hour shifts, one 10-hour shift will be charged as 1 1/4 days' (10 hours) vacation leave.

D. Vacation Leave Accumulation. Vacation leave may accumulate to a maximum of sixty (60) days. When the maximum has been accumulated, additional vacation leave hours will be transferred to sick leave; this transfer will normally be done at the end of each calendar year. Employees who transfer to a different workday (12-hour workdays, 8-hour workdays or 7.5-hour workdays) will have their leave accumulation converted to equivalent workdays in the new job. The number of vacation leave days will remain the same, but the number of accumulated leave hours of vacation will be converted.

E. Terminal Pay. Upon termination of employment, an employee shall be paid for accumulated vacation leave up to a maximum of thirty (30) days provided the employee has completed three or more months of continuous service. In the case of the death of an employee or in the case of an employee who retires in good standing, the maximum accumulated leave shall be sixty (60) days.

F. The City Manager is responsible for developing and maintaining appropriate rules and procedures regarding vacation leave.

SECTION 3. Sick Leave.

- A. Sick Leave Earned. Each full-time employee shall earn sick leave at the rate of one (1) working day per full calendar month of service. Employees on approved educational leave, maternity leave, suspension, or leave without pay do not accrue sick leave when the leave without pay exceeds 5 working days.
- B. Granting of Sick Leave. An employee may be granted sick leave from work with pay if an absence is due to sickness, bodily injury, quarantine, required physical or dental examinations, or treatment, exposure to a contagious disease when continued work might jeopardize the health of others, or illness in the employee's family which requires the care of the employee. Three (3) days sick leave may be granted by the department head for the funeral of an immediate member of the employee's family as defined in Article V, Section 8.
1. For employees who work twenty-four (24) hour shifts, one (1) twenty-four hour shift off duty will be charged as two (2) days sick leave.
 2. For employees who work 10-hour shifts, one 10-hour shift will be charged as 1 1/4 days' (10 hours) sick leave.
- C. Sick Leave Accumulation. Sick leave shall be cumulative with no limit on the maximum accumulation. Employees who transfer to a different workday (12-hour workdays, 8-hour workdays or 7.5-hour workdays) will have their sick leave accumulation converted to equivalent workdays in the new job. The number of sick leave days will remain the same, but the number of accumulated leave hours will be converted.
- D. Credit for Accumulated Sick Leave. Employees who retire, resign in good standing, or are dismissed from employment because of reduction in force and who are reinstated within one (1) year shall be credited with their previously accumulated sick leave. Employees who are dismissed from employment for reasons other than reduction in force and who are not reinstated within one (1) year shall lose all sick leave credit. No employee shall be paid for accumulated sick leave.
- E. The City Manager is responsible for developing and maintaining appropriate rules and procedures regarding sick leave.

SECTION 4. Military Leave.

- A. An employee who is a member of an armed forces reserve organization or the National Guard shall be allowed leave for all required military training duty. The employee desiring such leave shall request the same as far in advance as is possible in order that provisions may be made concerning work while the employee is on military leave. Military leave for required training shall be paid leave, up to a maximum of 120 hours per calendar year; additional leave needed for training shall be charge to vacation leave or leave without pay at the discretion of the employee. No compensation shall be paid for weekend drill or training duty.
- B. Employees who are ordered to active duty shall also be granted military leave. For fulltime employees, this leave shall be paid leave, up to a maximum of six months. If active duty is ordered for longer than six months, employees may receive differential pay for an additional six months. Differential pay shall be the difference between military pay and the employee's City

pay, if military pay is the lesser; employees requesting differential pay must submit a report of all military compensation received.

C. Employees on military leave shall continue to accrue vacation and sick time and to receive all benefits provided in accordance with this ordinance and under supplementary rules and/or regulations.

D. All employees requesting military leave shall submit to their department head an official set of orders or a letter from the commanding officer of a military unit.

SECTION 5. Civil Leave. An employee called for jury duty or as a court witness for the federal or state government or a subdivision thereof shall be entitled to leave with pay for such duty in addition to keeping fees received for such duty.

SECTION 6. Leave Without Pay. Upon the recommendation of the department head and with the approval of the City Manager, an employee may be granted a leave of absence without pay for reasons of personal disability, personal illness, or family illness. Leave without pay may also be granted for completion of education, or special work which will permit the City to profit by the experience gained or the work performed, or for other reasons deemed justified by the City Manager. Leave without pay shall not exceed one (1) year.

ARTICLE VII. BENEFITS

SECTION 1. Insurance Programs. The City may make group life, accident, sickness, and group hospitalization insurance programs available to full-time employees. Employees shall be enrolled in the programs upon their request or in accordance with the provisions of the insurance contracts, and the City shall participate in the cost of the programs, as approved by the City Council.

SECTION 2. Retirement Benefits. All full-time employees shall be enrolled in the Local Government Employees' Retirement System. Employees will contribute 8% of their salary (or the amount set by the Retirement System), and the City will contribute an actuarially determined percentage.

SECTION 3. Clothing Allowance. Law enforcement officers required to wear civilian clothing in the performance of their official duties shall be paid a clothing allowance not to exceed the average expenditure for uniforms of other officers. Other employees as designated by the City Manager may also receive a clothing allowance.

SECTION 4. Workers' Compensation. Workers' compensation provides coverage to all employees to cover medical expenses and lost time from work due to workrelated injuries. The City shall comply with all applicable workers' compensation laws and regulations.

SECTION 5. Educational Reimbursement. The City of Hickory encourages continuing education and will reimburse full-time employees for certain educational expenses upon successful completion of coursework, provided that such expenses have not been paid by an outside agency. The City Manager shall develop appropriate procedures for the reimbursement of educational expenses.

SECTION 6. Longevity Pay. Funds appropriated by the City Council for longevity pay awards shall be distributed to eligible employees in a manner determined by the City Manager and approved by the City Council. All longevity pay awards shall be based on continuous fulltime service and are subject to budgetary limitations.

ARTICLE VIII. MISCELLANEOUS

SECTION 1. Awards to Retired Law Enforcement Officers or Families of Deceased Officers.

- A. Surviving spouses or, if none, surviving children of City law enforcement officers killed in the line of duty or who are law enforcement officers of the City of Hickory at the time of their deaths shall receive, upon request and at no cost to them, the badge and service revolver worn or carried by such deceased member, upon securing a permit as required by G. S. 14-402 or G. S. 14-409.1 or without such permit provided the revolver shall have been rendered incapable of being fired.
- B. Retiring members of the Hickory Police Department shall receive, upon request and at no cost to them, the badge and service revolver worn or carried by such retiring member, upon securing a permit as required by G. S. 14-402 or G. S. 14-409.1 or without such permit provided the revolver shall have been rendered incapable of being fired. Retirement for the purpose of this section shall mean that the officer has retired following a minimum period of active service for such police department for (1) a minimum of ten years, if the retirement is for total disability; (2) a minimum of fifteen (15) years if retirement has been designated as "early retirement" under the Law Enforcement Officers' Benefit and Retirement Fund; (3) a minimum of twenty (20) years if retired under normal retirement.

SECTION 2. Appointment of Employees to Committees. Employees of the City shall not be eligible for appointment by the Hickory City Council to standing or permanent committees. City employees may, however, be appointed by the City Council to temporary or special committees for specific purposes.

THE CITY OF HICKORY,
A North Carolina Municipal Corporation

By: *Rudy Wright*
Rudy Wright, Mayor

Date: 9-16-08

Attest:

(SEAL)



Pamela S. Tallent
Pamela S. Tallent, City Clerk

Approved as to form on behalf of the City of Hickory only:

Arnita M. Dula
Arnita Dula, Staff Attorney