



CITY OF HICKORY BENEFITS SUMMARY AND POLICY INFORMATION

Human Resources
FY 19-20

This publication contains general benefit and policy information and guidelines. It is not intended to address all possible applications of, or exceptions to, the general policies and procedures described. This publication does not create an express or implied contract between the City of Hickory and its employees. Employees are responsible for becoming familiar with the contents of this publication and must adhere to the policies described herein, as well as any other City and departmental policies applicable to employment.

CITY OF HICKORY BENEFITS SUMMARY AND POLICY INFORMATION

Welcome to employment with the City of Hickory!
Congratulations on being chosen from a large pool of applicants as the most qualified person for the position. During your interview it was evident that you exhibit the core values we believe in: Customer – focus, innovation, and teamwork. We are excited for you to become part of the City team and want to ensure you are successful in your new position! Please don't hesitate to contact Human Resources if you need assistance as you become familiar with our City organization, your department and your new role. We look forward to a positive and rewarding working relationship!



Best wishes for your success,

A handwritten signature in black ink that reads "Claudia Main".

Claudia Main
Human Resources
Director

Human Resources and Risk Division Staff Directory

Claudia Main	HR Director	828.323.7447	Department Head
Todd Shoebridge	Risk Manager	828.323.7442	Risk and Workers' Compensation
April Reese	Organizational Development Coordinator	828.323.7443	Training and Development
Dana Rhyne	HR Analyst	828.323.7446	Benefits
Tina Tate	HR Analyst	828-323-7471	Employment
Bessie Brown	HR Technician	828.323.7421	Office Support
Buffy Greene	HR Generalist	828.323.7480	Office Support
Stephanie Drum	Occupational Health Nurse	828.323.7404	Occupational Health/Work-related injuries

Hickory - Leading the way to a high quality of life with unlimited possibilities

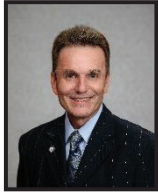
Hickory - Leading the way to a high quality of life with unlimited possibilities.

BE!

Customer Focused
Innovative
Team Player
Your Best



Hickory City Council



Mayor – Hank Guess



Ward 1 – Tony Wood



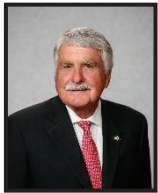
Ward 2 – Charlotte Williams



Ward 3 – Danny Seaver- Mayor Pro Tem



Ward 4 – David Williams



Ward 5 – David Zagaroli



Ward 6 – Jill Patton



City Administration

City Manager	Warren Wood
Assistant City Manager/CFO	Rodney Miller
Assistant City Manager	Rick Beasley
Airport Manager	Terry Clark
Communications and Marketing	Dana Kaminske
Manager Deputy City Attorney	Arnita Dula
Finance Officer	Melissa Miller
Fire Chief	Matthew Hutchinson
Human Resources Director	Claudia Main
Information Technology Manager	Mike Woods
Library Director	Sarah Greene
Parks and Recreation Director	Mark Seaman
Planning Director	Brian Frazier
Police Chief	Thurman Whisnant
Public Services Director	Kevin Greer

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The following pages outline information you will need to make employment, benefits and other decisions.

Please also bring the following information so we can complete your employment forms:

- Social Security Card
- Passport, driver's license, or alien registration card
- A voided check
- Name, address, social security number and date of birth for your beneficiaries
- Name, social security number, and date of birth for any dependents you wish to cover

The City requires **Direct Deposit**. Deposits will be made into the account for which you have provided banking information (voided check). Please notify Human Resources when you make banking changes to avoid interruption of your payroll deposit.

As City employees, we are fortunate to be part of the North Carolina **Local Government Retirement System**. All employees are required to contribute 6% of their salary which is the basis for your retirement calculation in later years. All City employees must log on to www.orbit.myncretirement.com and create a retirement account in the ORBIT system. We encourage you to make use of the great information provided on this website and to check on your account periodically. Please register on the website about 15 days after the effective date of your insurance, which will be provided to you during orientation.

Active Members' Registration

1. Go to www.orbit.myncretirement.com and click on the "ORBIT" image.
2. Select "Register" in the lower right corner.
3. On the next screen, enter your Social Security Number (no spaces or dashes 111121234)
4. Enter your date of birth **mm/dd/yyyy**
5. Click "next"
6. Enter your 5 digit zip code
7. **Create a user ID and password to access your account (save the user ID and password in a secure location)**
8. **Name your beneficiaries**

A **HIPAA Privacy Notice (Health Insurance Portability and Accountability Act)** will be provided to you in orientation. As a sponsor of a health insurance plan, the City of Hickory is required to develop and distribute a notice outlining our practices on maintaining the privacy of protected health information (PHI). A **COBRA notice (Consolidated Omnibus Budget Reconciliation Act)** will be provided to you in orientation.

Another exciting benefit the City of Hickory offers is its **Wellness Works!** Program.

The on-site clinic is available for all City coworkers and Synergy Healthcare provides those confidential services.

- Coworkers must complete an annual Health Risk Assessment.
- Coworkers must see the Nurse Practitioner in the City's Clinic according to the schedule for the number of risk factors you have. This will be noted in your HRA results letter.
- Beginning July 2016, improvements must be made in EACH high risk category or you will lose the premium incentive for that category.
- The premium incentive is the amount the City will not charge you toward your health care premium. Everyone is eligible for a total up to \$ 150 in incentive (money you don't have to pay) toward your health care premium.
- (That is broken down as: \$50 if you are a non-nicotine user and \$25 each for the 4 high risk factors if you have none).
- Each high risk category offers a \$25 premium incentive.
- Non-nicotine users will receive a \$50 premium incentive (money you don't have to pay toward your health insurance premium). All employees are subject to random nicotine testing.

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Waist Circumference High Risk is: > 39 Males ≥ 34 Females BMI ≥ 30 (considered ONE risk factor)	Glucose High Risk is: ≥ 110	Improvement Needed or Percentage Decrease (if high risk)	
Blood Pressure (Systolic - Top) High Risk is: ≥ 140	Blood Pressure (Diastolic - Bottom) High Risk is: ≥ 90		10% decrease BP systolic
			5% decrease BP diastolic
			5% decrease Glucose
		None for LDL	
		None Total Cholesterol	
		None for HDL	
		5% decrease or drop 1 BMI point	
		Medically certified achievable improvements	

To assist employees with their health and fitness needs, the City provides excellent opportunities:

Free membership at Highland Recreation Center

1451 8th Street Drive, NE

Hickory, NC 28601

Corporate Membership at the YMCA

<http://www.hickorync.gov/sites/default/files/Government/Departments/Administrative%20Services/Human%20Resources/Benefits/YMCA%20Employee%20Rates.pdf>

\$35.25/adult

\$51.00/family

Catawba Valley Medical Center Fitness Plus

<http://www.hickorync.gov/sites/default/files/Government/Departments/Administrative%20Services/Human%20Resources/Benefits/CVMC%20Fitness%20Plus.pdf>

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The City of Hickory Personnel Policy and other approved City policies may apply. City of Hickory employees may be eligible for various types of paid and unpaid leave. Please visit our organization's website at <http://www.hickorync.gov/content/hum-resources> for full detail on all City policies.

The Leave Policy shall be applied fairly and consistently to all full-time employees of the City of Hickory.

Sick Leave

Full Time Employees

- 12 days per year = 1 day per month

Sick leave with pay is not a right which an employee may demand, but a privilege granted by the City of Hickory for all full time employees.

Sick Leave is to be used for employee illness or disability of a member of the immediate family or a parent, child or spouse living outside the household who requires the employee's personal care or attention.

Sick leave shall accumulate with no limit on the maximum accumulation. Vacation hours exceeding 60 days will be added to sick leave in mid-January.

All sick leave hours may be credited toward creditable service with the NC Retirement Systems Division at time of retirement.

Family & Medical Leave (FMLA)

In accordance with the Family & Medical Leave Act as amended, the City of Hickory will allow all eligible employees to take, job protected leave for certain qualifying reasons. The maximum amount of leave an employee may use is twelve (12) weeks or twenty six (26) weeks within a twelve month period depending on the reason for leave.

All accrued compensatory, sick, vacation, and shared leave will be applied to the leave requested and will run concurrent with the FMLA Leave.

Funeral Leave

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 Personnel Policy Article V., Section 6.

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 for such duty.

Leave Without Pay

Employees may request leave without pay by submitting a "Leave Without Pay Request Form" to the Department Head for the following:

- Personal disability
- Personal illness
- Family illness
- Completion of education
- Special work which will benefit the City through the experience the employee gains or the type of work he or she performs
- Other reasons deemed justified by the City Manager. See Leave Policy Section V.

Military Leave

Military leave for required training shall be paid leave, up to a maximum of one hundred twenty (120) hours per calendar year; additional leave needed shall be charged to vacation or leave without pay.

No compensation shall be paid for weekend drill or training duty.

Full-time employees ordered to active duty will be paid up to a maximum of six (6) months. For longer periods of time differential pay may be requested. Leave Policy Section VI.

Shared Leave

The purpose of the Shared Leave Policy is to assist those employees who are unable to work due to their personal catastrophic illness or that of

an immediate family member that requires the care of the employee.

All employees who have been employed full time by the City of Hickory for one (1) year are eligible to enroll in the Shared Leave Bank by donating four (4) hours sick leave or vacation during the Annual Open Enrollment Period. All accrued time must be exhausted before requesting Shared Leave time. You must be a participating member for one (1) year before requesting Shared Leave Time.

Holidays

Employees must work the day before a Holiday and the day after OR be on approved leave to receive Holiday pay.

- New Year's Day
- Dr. Martin Luther King Jr Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving
- Day After Thanksgiving
- Christmas Eve
- Christmas Day
- Day After Christmas

Vacation

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

Length of Service	Annually
0-5 years	10 days
6-10 years	12 days
11-15 years	15 days
16-20 years	17 days
20 and over	20 days

Vacation may be accrued for a maximum of 60 days; time accrued after the maximum has been reached will be "rolled over" into your sick leave hours each January.



Health

Medical

The City is self-insured: The full cost of medical coverage and claims for employees, dependents, and retirees are funded by the City. We are proud to be able to offer 100% employee health insurance coverage!

The Medical Plans are administered by BlueCross BlueShield of North Carolina (BCBSNC). The City offers a Wellness Incentive on medical insurance premiums to the employee who is compliant with the Wellness Program.

Medical Rates are effective July 1, 2019 – June 30, 2020.

Blue Options Wellness PPO Plan Monthly Rates

Coverage	Employee	City	Total
Employee	\$ 60.00	\$516.90	\$576.90
Employee Child	\$291.76	\$516.90	\$808.66
Employee Children	\$672.07	\$516.90	\$1188.97

Deductible

Individual	\$1500.00
Family	\$3000.00

Blue Options Wellness Health Savings Account Monthly Rates

Coverage	Employee	City	Total
Employee	\$ 0.00	\$516.90	\$516.90
Employee Child	\$176.81	\$516.90	\$693.71
Employee Children	\$484.81	\$516.90	\$1001.71

Deductible

Individual	\$2000.00
Family	\$4000.00

The City will contribute \$850 per plan year to your HSA account that you establish at the Local Government Federal Credit Union. You may contribute \$3500 for individual coverage and \$7000 family coverage.

Additional catch-up contribution of \$1,000 for 55 or older single and family

You cannot have other medical coverage and participate in the HSA Plan.

Prescription Drugs

The City of Hickory PPO Prescription Plan currently offers four tiers for prescription medications. Copays are the responsibility of the covered member. The City of Hickory HSA Prescription Plan is subject to the HSA deductible and coinsurance. Enrollment in the medical plan automatically covers your enrollment in the prescription drug plan. Prime Therapeutic is the plan administrator.

PPO Tiers	Employee Copay
Tier 1: Generic Drug	\$15.00
Tier 2: Preferred Brand Name Drug	\$50.00
Tier 3: Non Preferred Brand Name Drug	\$80.00
Tier 4: Specialty Drug	\$120.00
Medication Dedication Generics – PPO Plan Only	\$0.00

The City of Hickory provides a “Medication Dedication” program that offers generic drugs to assist in the management of the Wellness Program’s High Risk Factors. There is no cost associated with this program available to members of the plan. This program is another benefit to support the wellness of our employees.

Medication dedication is only available on the PPO plan due to IRS regulations.

Dental

The Dental Plan is designed to help you and your family with preventative, basic and major dental services. Orthodontia services are included in the plan for children up to age 19. A summary of dental benefits is available on the website www.hickorync.gov. The plan is administered by ACS Benefit Services, LLC. There is no deductible and no network.

Spouses may elect Dental Coverage.

ACS Benefit Services Inc., LLC Monthly Rates

Coverage	Employee	City	Total
Employee	\$ 26.00	\$ 8.00	\$34.00
Employee Child	\$ 52.00	\$ 8.00	\$60.00
Employee Children	\$54.00	\$ 8.00	\$62.00
Employee Spouse	\$50.00	\$ 8.00	\$58.00
Employee Family	\$75.00	\$ 8.00	\$83.00

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Vision Care

The City of Hickory offers a voluntary vision plan through Community Eye Care to provide coverage for exams and eyewear through a participating network of providers.

Spouses may elect Vision coverage.

Vision Care

Community Eye Care Monthly Rates

Coverage	Rate
Employee Only	\$3.40
Employee Children	\$6.19
Employee Spouse	\$6.53
Employee Family	\$9.61

Flexible Spending Accounts

The Flexible Spending Accounts, for health care and dependent care, are administered by the City of Hickory. This program allows employees to pay for IRS approved expenses with pre-tax dollars.

Prior to enrolling, please review how the FSA accounts work for you as there are IRS guidelines that govern this plan.

The maximum yearly amount you are eligible to set aside for each account is:

\$2700 Health Care \$5000 Dependent Day Care

Employee Assistance Program

The City of Hickory is pleased to provide a program with up to five confidential counseling services, resources and other problem solving solutions to employees and their household members.

These services are provided by The Counseling Group.

828-322-8736

Wellness Program

The City of Hickory has implemented a Wellness Program with a goal for employees to improve and maintain their health by providing necessary tools and support through annual

- Health Assessments
- Risk Factor Management
- Unlimited Health Coaching by OHN
- Access to health resources and tools

Compliance

Compliance means completing an annual Health Risk Assessment conducted by the City, and seeing the Nurse Practitioner on site or your personal physician as determined

by the number of high risk factors identified by the HRA. When compliant, employees are eligible to receive “incentives”. For each high risk factor you will lose the \$25 incentive and must pay until you become compliant and improve the necessary percentage. At that time the employee will regain the incentive.

Employees that remain “non-compliant” will be charged the “Incentive loss” of \$25 per high risk factor per month along with being removed from the Wellness PPO or Wellness HSA plan and move to the HSA Plan which is a high deductible with no opportunity to receive the City contribution.

Nicotine Use

The City of Hickory has a “Non-Nicotine” Policy that must be adhered to by employees on the City’s insurance plan. For those that elect to continue nicotine use there is a \$50 monthly charge. You may recertify to change this status. **Random screening is performed on a regular basis. Please become familiar with the disciplinary actions associated with this policy.**

Educational Assistance-Tuition Reimbursement

The City of Hickory provides opportunities for coworkers to improve skills and job performance or to prepare themselves for promotion opportunities within the City service by means of a tuition assistance program.

All reimbursement is subject to availability of funds and approval of the department head. The maximum reimbursement per coworker per fiscal year (July 1-June 30) is \$2000 when the policy and procedure criteria are met.

NOTE:

Your medical insurance will take effect on the 1st day of the month, following the completion of 30 days of employment.

Contact Information

Health

Medical

BlueCross Blue Shield of North Carolina

Customer Service 877-275-9787

Provider Service 800-214-4844

bluecrossnc.com

Prescription Drugs

Prime Therapeutic Pharmacy Benefits

Administrator Help Desk

1-888-274-5186

Dental Plan

ACS Benefit Services,

Inc. Customer Service

1-866-257-3259

Vision

Community Eye Care

1-888-254-4290

www.cccvision.com

EAP Employee Assistance Program

The Counseling Group

1-828-270-3840

<https://www.thecounselinggroup.com/>

City of Hickory Human Resources

www.hickorync.gov

Financial Security

Short Term Disability, Dependent Life Insurance, Basic Life & AD&D Insurance, and Voluntary Life & AD&D

The Standard Insurance Company

1-503-321-7000

Prudential 401K and 457 Plans

Up to 2% City Match on 401K

1-866-627-5267

www.prudential.com/ncplans

Nationwide 457 Plan

1-877-677-3678

www.nrsforu.com

ICMACRC

1-800-669-7400

www.icmarc.org

Retirement Pension

NC Government Employee Retirement System (for general employees, firefighters, and sworn law enforcement officers)

1-877-627-3287 www.mynretirement.com and click on the ORBIT image. Active employees will need to establish an account to name beneficiaries and continue to receive updates published by the retirement system.

This guide is a brief summary of benefits. Please view the Summary Plan Descriptions for complete details of the City's benefits. The City of Hickory reserves the right to terminate, suspend, withdraw, amend or modify the plans at any times. Any such change or termination of benefits will be based solely on the decision of the City and may apply to active employees, future and current retirees.



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Financial Security

Basic Life & Accidental Death and Dismemberment Insurance (AD&D)

Basic Life and AD&D is a benefit provided by the City of Hickory. The monthly rate is \$0.17 per \$1000. The benefit is equal to 1.5 x the annual salary rounded to the next \$1000 to a max of \$125,000. The benefit reduces beginning at age 65.

Supplemental Life Insurance

Additional Life and AD&D Insurance is available to all full time employees. You may enroll at time of hire or enroll later and submit "Evidence of Insurability" for approval. The maximum Guaranteed Issue amount is \$100,000.

Monthly Rates for Employee Supplemental Life & AD&D

Coverage Amount	Monthly Rate
\$ 25,000	\$ 4.75
\$ 50,000	\$ 9.50
\$ 75,000	\$14.25
\$100,000	\$19.00

Dependent Life Insurance

Dependent Life Insurance is available to all full time employees in the following increments for \$1.25 per month per family unit.

\$10,000	Spouse
\$10,000	Child
\$ 1,000	Infant (14 days to 6 months)

Short-Term Disability

Short-term disability is equal to 60% of your salary or a maximum of \$300 per week for up to 26 weeks. This benefit is paid after sick leave has been exhausted.

Monthly Rate \$5.40

CHUBB

Accidental and Critical Illness

866-445-8874

www.combined.com

Retirement

The City provides a defined benefit pension with the NC Retirement Systems Division. Participation is required.

Retirement Eligibility

Employee Type	Full Retirement	Early Retirement
General Employees	30 years (any age) 25 years (age 60)	20 years (age 50) 5 years (age 60)
Sworn Law Enforcement Officers	30 years (any age) 5 years (age 55)	15 years (age 50)
		25 (years any age) No separation allowance NC HB 284

CITY OF HICKORY BENEFITS SUMMARY AND POLICY INFORMATION

Retirement Contributions

General Employees	FICA (Social Security)	NCLGERS	401K
Employee Pays	7.65%	6.000%	Voluntary
City Pays	7.65%	7.750%	2% Match
Sworn Law Enforcement Officers			
Employee Pays	7.65%	6.000%	Voluntary
City Pays	7.65 %	8.000%	5%

The City of Hickory offers 2% for general employees and a 5% contribution for sworn law enforcement officers.

Voluntary Deferred Compensation

Plan	Provider	Contribution Limit for 2019 *
457	Prudential	\$19,000 *
457	Nationwide	\$19,000 *
457	ICMARC	\$19,000 *
401K	Prudential	\$19,000 *

*Anyone age 50 + may contribute an additional (catch-up) \$6,000 in 2019

PERSONNEL POLICY 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 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 and/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 exhibit adherence to the City's organizational culture and core values.

E 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.

F 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.

G Employees shall be protected against coercion for partisan political purposes.

H 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.

I 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, promote, transfer, suspend, and remove all City employees and heads of departments. The City Manager may delegate the authority for appointment, promotion, 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 Policy.

- A. The provisions of this policy shall be applicable to all full-time employees except as provided below or as stated elsewhere in 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 policy shall be for full-time employees only. Part-time, temporary, or seasonal employees *do not* have vested property rights, accumulate benefits, and are not covered by the protections and benefits in the City's personnel policy. These employees must, however, abide by the policies and procedures established by the department for which they work.
- D. Elected officials shall be exempt from the provisions of this policy.

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 full-time classes of positions except those exempted in Article I, Section 3

SECTION 3 Allocation of Positions. The City Manager shall allocate each full-time 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 City 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 City Manager or his/her 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.

ARTICLE III. THE PAY PLAN

SECTION 1 Administration and Maintenance of the Pay Plan. The City Manager shall be responsible for the administration and maintenance of the Pay Plan.

SECTION 2. Coverage of Pay Plan. The Pay Plan shall include all full-time classes of positions included in the classification 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 amend as necessary.
- 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 full-time 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 and becomes effective with his/her approval.

SECTION 4 Qualification Standards. All applicants considered 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 full-time 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 80.5 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 Human Resources Department/Risk.

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, before such work is scheduled to begin. Unreported or conflicting outside employment shall be grounds for dismissal or other disciplinary action.

SECTION 6. Anti-Nepotism Policy. The City of Hickory does not permit the employment of relatives of employees. Relative is defined as spouse, parent, child, sibling, uncle, aunt, nephew, niece, first cousin, grandchild, grandparent, (including corresponding half, step, in-law, and adopted relationships). The term relative also includes domestic partners (a non-marital relationship between two adults who live together as a couple and share a common domestic life) and a daughter or son of an employee's domestic partner.

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, 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 for their entire scheduled shift or on approved vacation, sick, compensatory, FMLA, educational or civil leave or were normally scheduled off, shall be eligible for holiday pay.
 - 1. Employees on suspension for one or more days in the month that has an observed holiday listed in Section 1 of this Article will not receive holiday pay.
 - 2. Employees on any Leave Without Pay status will not receive 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, FMLA leave without pay, or leave without pay do not accrue vacation leave when the leave without pay exceeds 5 working days in a month. These five days do not have to be consecutive. Employees on approved leave for required military training accrue vacation leave while absent.
- C Accrual of vacation leave during last month of employment. Employees who work through the 16th calendar day of the month will accrue vacation leave for that month. Employees who leave employment prior to the 16th day of the month shall not accrue vacation leave for that month.
- 1 Employees who have been on leave without pay for more than 5 days in their last month of employment will not accrue vacation leave.
 - 2 Employees who have been suspended for any amount of time during the month will not accrue vacation (or sick) leave for that month.
- D. 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. Vacation leave shall not be advanced to any employee.
- 1 Employees who work twenty-four (24) hour shifts will be charged two (2) days vacation leave for one (i) 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.
- E. Vacation Leave Accumulation. Vacation leave may accumulate to a maximum of sixty (60) days. When the maximum has been accrued, 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 accrued leave hours of vacation will be converted.
- F. Terminal Pay. Upon termination of employment, an employee shall be paid for accrued vacation leave up to a maximum of thirty (30) days provided the employee has given appropriate notice as specified in Section 7. In the case of the death of an employee or in the case of an employee who retires in good standing, the maximum accrued leave to be paid shall be sixty (60) days. An employee who does not submit the required notice of separation, or does not receive approval from the Department Head for less than the required notice, shall not be compensated for accrued vacation leave.
- G. Accrued vacation leave may be compensated by separate payment in the pay period following the employee's final regular pay period.
- H. The City Manager is responsible for developing and maintaining appropriate rules and procedures regarding vacation leave.

SECTION 3 Sick Leave.

- A. Sick Leave Earned. Sick leave is a benefit provided by the City. Abuse of sick leave policies and practices shall be considered a disciplinary offense. 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 or leave without pay do not accrue sick leave when the leave without pay exceeds 5 working days in a month.
- 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 6
- 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 ¼ days' (10 hours) sick leave.
- C. Physician's Statement. Department Heads and supervisors may require a physician's statement from the employee when one or more of the following applies:
- 1 Sick leave requested is in excess of three (3) business days.
 - 2 Reason for the sick leave request is unclear.
 - 3 Employee's sick leave patterns are suspicious.
- D. 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 accrued leave hours will be converted.
- E. Credit for Accrued 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 accrued 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.
- F. No employee shall be paid for accrued sick leave.
- G. The City will accept the transfer of sick leave for employees from other employers who are participants of North Carolina Local Government or State Employees Retirement System. The employee is responsible for requesting this sick leave transfer. This is done by obtaining a certification/letter from the previous employer and submitting same to the city's Human Resources department. This transfer and certification process must be completed within the employee's first 30 days of employment.
- H. 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 charged 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 full-time 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. Employees on up to six months' paid leave and employees receiving differential pay shall also receive holiday pay.
- 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. The court witness (or subpoena) must be from the government at its request. Civil Leave does not include personal subpoenas, child custody, divorce and other personal court appearances.

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 six (6) months.

SECTION 7 Resignation. An employee who terminates employment with the City of Hickory shall submit written notification to his/her immediate supervisor at least two weeks prior to the intended date of separation. Only the Department Head can approve less than two weeks' notice, provided the department shall not be adversely affected. The day the notice is submitted is not considered part of the notice period. Department Heads and Assistant Department Heads are required to provide three weeks' notice. If unapproved absences occur during the above listed notice period(s), the notice may be considered inadequate. If proper notice is not given, the employee waives payment for accrued vacation leave.

- A. An employee who is absent from work for two consecutive workdays without reporting to the supervisor the reasons for the absence shall be considered to have voluntarily resigned from employment and to have waived payment for accrued vacation leave.

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 6% of their salary (or the amount set by the Retirement System), and the City will contribute an actuarially determined percentage.

A Employees who are vested in the Local Government Employees' Retirement System

(LGERS) and meet the required criteria of LGERS may apply for retirement. Sick leave credit with the City of Hickory may be used to gain additional service time, as specified by the Local Government Employees' Retirement System.

B Employees shall notify their Department Head as soon as they have completed and signed initial retirement forms. Human Resources will inform the department head once the initial retirement application is completed and signed by the employee.

C Accrued sick leave may not be paid to the employee, nor should the employee request sick leave to cover any shifts/scheduled work hours prior to retirement (unless the employee has a bona fide illness). All City Policies remain fully in effect for the employee who has declared his/her intent to retire.

D Employees wishing to take vacation leave once they have announced their decision to retire, may do so only with the approval of the City Manager's Office.

SECTION 4 Workers' Compensation. Workers' compensation provides coverage to all employees to cover medical expenses and lost time from work due to work-related 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 full-time service and are subject to budgetary limitations.

ARTICLE VIII. MISCELLANEOUS

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

City of Hickory
Personnel
Policy

- 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.



Warren Wood, City Manager

Effective Date : 4/30/2019

(signed copy on www.hickorync.gov)

City of Hickory Electronic Communications Policy

1. Policy
Telephones, radios, voice mail systems, and computers, (including electronic mail systems and Internet access), are provided for official City business, and excessive personal use of these devices is prohibited.
2. General Rules
 - A. It is the user's responsibility to read and abide by topics set forth in this document.
 - B. It is the Department Heads' responsibility to ensure their department's users abide by the guidelines set forth in this and other related documents.
 - C. The City expects this policy to be followed in all communications technology use, including communications sent or received outside the City organization.
 - D. The following uses of the City's communications systems are prohibited:
 1. Use of the communications systems to send chain letters.
 2. Use of the communications systems to send copies of documents in violation of copyright laws.
 3. Use of the communications systems for purposes of satisfying idle curiosity about the affairs of others, with no substantial business purpose for obtaining access to the files or communications of others.
 4. Use of the communications systems to compromise the integrity of the City and its business in any way.
 5. Use of the communications systems to send messages containing offensive, abusive, discriminatory, threatening, harassing, or other language inappropriate for the organization.
 6. Use of the communications systems to send messages that violate the City's Policy Against Sexual Harassment
 - E. Use of the communications systems for moonlighting, job searches, or the advertisement of personal business may only occur in the Bulletin Board Public Folder.
 - F. Communication through these devices is subject to monitoring by the City.
 - G. All electronic communications are the property of the City and therefore are not considered private. The City will refrain from accessing employees' electronic communications, unless it has legitimate reasons to do so. These reasons may include, but are not limited to, the following:
 1. Upon leaving the employ of the City for any reason, a user's mail may be accessed for the purpose of saving those messages that pertain to City business. These files may be subject to transfer to another user if necessary to conduct city business.
 2. When necessary to investigate a possible violation of a City policy or a breach of the security of the communications systems.

CITY OF HICKORY BENEFITS SUMMARY AND POLICY INFORMATION

- 3. In the event there is reasonable suspicion a user has committed or is committing a crime against the City or for which the City could be held liable.
- H. The City will disclose any electronic mail message as required by law. Any questions regarding the legality of requests should referred to the City Clerk. The City will give notice of such disclosure to users who have sent or received such messages unless the City believes that it may have been a victim of a crime or has a legal obligation not to do so.
- I. When under legal obligation the Director, Information Services, in conjunction with the appropriate Department Head will be notified of, and will assist in complying with, any requests for access to the contents of electronic mail without the consent of a sender or recipient.
- J. Access solely for the purposes of assuring system security must be approved in advance by the Director, Information Services.
- K. Employees should take steps to assure City documents which should be available to other employees of the City are so available.
- L. If a user will be away from work for an extended period of time (i.e. annual leave, illness, and/or suspension) action should be taken to forward messages to another appropriate user.
- M. Messages that have been deleted from a user's in box or out box will be permanently deleted upon logging out every day. If a message needs to be kept, it should be saved in a system folder. Electronic mail files that are left in system folders are backed up nightly.
- N. Violations of any of the provisions of this policy will result in disciplinary action up to and including dismissal.

ACKNOWLEDGEMENT OF RECEIPT OF ELECTRONIC COMMUNICATIONS POLICY

I, _____ have received a copy of the City of Hickory's Electronic Communications Policy. I understand that violation of this policy will result in disciplinary action up to and including termination.

Coworker Signature

Date

City of Hickory Anti-harassment Policy and Procedure

1. Policy

The City of Hickory is committed to a work environment in which all individuals are treated with dignity and respect. The City prohibits any form of harassment of coworkers and applicants based on religion, age, creed, sex, national origin, color, race, disability, or any other affiliation as defined by law.

2. Definitions

- A. Harassment: Any type of behavior which is based on religion, age, creed, sex, national origin, color, race, disability, or any other affiliation as defined by law, that is so severe or pervasive that it interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment
- B. Sexual harassment: 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 an employment decision affecting such 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.

3. Responsibilities

- A. City Manager: The City Manager is responsible for providing direction and support in monitoring and enforcing this policy.
- B. Human Resources Director: The Human Resources Director is responsible for communicating the sexual harassment policy, coordinating training for coworkers, and initiating investigation of harassment complaints.
- C. Department heads and supervisors: Department heads and all levels of supervisors are responsible for maintaining a work environment free of harassment and for reporting all allegations of harassment regardless of the source of the complaint.
- D. Coworkers: Coworkers are responsible for treating others with respect and consideration, for establishing the parameters of their own social behavior, and, when necessary, informing other coworkers of behavior which is not acceptable and which must be stopped.

4. Procedures/Rules

- A. Any coworker who feels he/she has been harassed should notify his/her supervisor, department head, or the Human Resources director as early as it is practical. Normally, this report of harassment should be made no later than two weeks after the offense. Harassment reported later than 180 days after offenses occur will be investigated at the discretion of the City Manager. If the complaint is against a department head, the coworker should notify either the Human Resources Director or the City Manager. Coworkers who report harassment shall do so without fear of reprisals.

5. Upon oral or written notification from any source, a supervisor within 48 hours must report the complaint to the department head who will notify the Human Resources Director. The Human Resources Director, if notified by a coworker, will inform the appropriate department head of the complaint. The Human Resources Director will inform the City Manager of all harassment complaints. Failure to follow proper reporting procedures may result in disciplinary action, up to and including dismissal.
 - A. The Human Resources Department shall initiate an investigation of the complaint within 10 days of its receipt.
 1. The coworker will be asked, but not required, to submit a signed written statement regarding the charge or to sign a statement prepared by the investigator(s). The investigation will proceed with or without a signed statement.
 2. Investigations will be handled as confidentially as possible; charges will be discussed only with those who are involved in the investigation or those who have a need to know.
 3. Findings of the investigation will be documented in writing and filed with the Human Resources Director and the City Manager.
 4. The complainant will be notified when the investigation is complete, the results of the investigation, and, if appropriate, the action taken. If the coworker is not satisfied with the results of the investigation, the grievance procedure shall be the next option available to the coworker. The coworker shall have 10 days from the receipt of the findings to file a grievance.
 5. Verification of harassment charges shall subject the offender to disciplinary action up to and including dismissal.
 6. Verification that false allegations of harassment were deliberately and knowingly made will subject the complainant to disciplinary action up to and including dismissal.

Berry, City Manager

Mick

Approved December 11,
1991 Revised May 1, 2009

E-mail Retention Policy and Procedure

I. Purpose

The purpose of this policy is to provide guidance on the use and limited need for retention of e-mails sent or received by City of Hickory employees.

II. E-mail and the Public Records Act

E-mail is a method of communication commonly used in the City of Hickory. Most e-mail is a public record when sent or received as part of normal business transactions. Some examples of e-mail messages (including messages with attachments) that are public records include policies and directives, correspondence related to official business, meeting agendas or minutes, official reports, or material that has legal or historic value.

Personal e-mail is not a public record. E-mail related to legally protected issues such as Personnel, Economic Development, Attorney-client privilege, etc., are public records but may not be open to the public for review. If there is a question as to whether an e-mail is open to the public, please consult the City's Public Records Policy or confer with your supervisor or the City's Staff Attorney.

III. Custodian of e-mail messages

The custodian of an e-mail message will normally be the originator if that person is a City of Hickory employee; otherwise, it will be the person to whom the message is addressed once the message has been received. The custodian is responsible for ensuring compliance with the Public Records Act and with the Municipal Records Retention and Disposition Schedule issued by the North Carolina Department of Cultural Resources. Although the Information Technology department performs back-ups of the e-mail system, it is done as a safety measure and not for the purpose of complying with the retention schedule.

IV. Retention of e-mail messages

Many of the e-mails that are sent and received have limited or short-term value and should be deleted as soon as it no longer serves an administrative purpose. Some examples of this type of e-mail include e-mail that is equivalent to a phone conversation or brief discussion about daily functions, meeting requests, appointment confirmations, general announcements, advertisements, news from other organizations or companies, "junk" e-mails, personal e-mail, and e-mail that functions as telephone messages. The City's integrated phone/e-mail system creates e-mail from voicemail messages. These e-voicemail messages are not public record and should be deleted as soon as they no longer serve an administrative purpose.

E-mail containing information of lasting value, such as policy interpretation or decision issuance, must be retained in accordance with the Municipal Records Retention and Disposition Schedule. Each department has a copy of the schedule or it can be found on the internet at <http://www.ah.dcr.state.nc.us/records/local/>. Generally, if the e-mail must be retained for longer than one year, it should be printed and filed as a paper copy.

Other e-mails that are retained should be moved from the server to a personal folder that is stored on your hard drive and not on the server, and the folders should be organized logically so that records can be easily retrieved. The IT Department can help with setting up personal folders.

V.

Purging or deleting e-mails

All e-mail users should review e-mails (both received and sent) at least weekly. Those that need to be retained should be moved to the appropriate medium; those that do not need to be retained should be deleted. Each e-mail user should set up his/her e-mail account to automatically empty the deleted items upon exiting the e-mail system (Outlook). The IT Department can assist with this set up.

The IT Department will automatically purge e-mails from the server after eight (8) weeks. It is the user's responsibility to ensure that e-mails that are to be retained are removed from the server in a timely manner. E-mails that are stored on the server are those that are listed under the "Outlook Today - [Mailbox - User's Name]", including e-mails in Deleted Items, Drafts, Inbox, and Sent Items.

Approved:

Berry, City Manager

Mick

Date

City of Hickory

Disciplinary Action

Predisciplinary Conference

Grievance

Policy and Procedure

DISCIPLINARY ACTION

1. Policy

All City employees are required to conduct themselves in a professional and productive manner and in compliance with City and departmental policies and rules. Disciplinary action may be taken when an employee fails to perform work at a satisfactory level or engages in conduct that is unacceptable to the City.

2. Representation

The disciplinary action process, predisciplinary conference and grievance conferences shall be closed. No legal or personal representative may accompany the employee at any stage during the above listed processes.

3. Procedures

A. Performance of Duties – An employee may be reprimanded, suspended, demoted, or dismissed by the department head if he/she fails to perform work up to the standard of the position classification which the employee holds. Before taking such action, the following steps shall be taken:

1. A regular full-time employee whose work is not satisfactory shall be notified in what way his/her work is deficient and what he/she must do if the work is to be satisfactory.
2. The notice of employee deficiency shall be in writing and copies given to the employee and Administrative Services Director or his/her designee for inclusion in personnel records.
3. The department head will review the written notice of deficiency with the employee.
4. The deadline for the correction to be made should be stated in the notice of deficiency and should be a reasonable amount of time.
5. The department head should make certain that the employee's performance ratings are consistent with the proposed action.

- B. Personal Conduct – An employee may be reprimanded, suspended, demoted, or dismissed when he/she engages in conduct that is unacceptable to the City.
- C. During the investigation, trial or appeal of an employee on any criminal charge, or during the course of any civil action involving an employee, or when suspension would be in the best interests of the employee or the governmental unit, the department head or the manager may suspend the employee without pay. The department head shall confer with the Administrative Services Director or his/her designee on the proposed suspension.
 - 1. During such suspension without pay the employee's pay-related benefits to include sick leave and vacation leave accumulation shall also be suspended.
 - 2. The employee shall be required to pay the full costs of medical and life insurance premiums after the thirtieth (30th) day of such suspension; failure to pay premiums will result in the termination of benefits.
 - 3. When such suspension shall be terminated by full reinstatement of the employee, all pay-related benefits shall be reinstated for the period of the suspension as well as the repayment to the employee of the city's portion of medical and insurance premiums and retirement contributions.
 - 4. When such suspension is terminated by dismissal of the employee, the aforementioned pay related benefits shall not be recoverable.

PREDISCIPLINARY CONFERENCE

- 1. Policy

In accordance with the due process rights afforded by the Fourteenth Amendment to the United States Constitution, the City Manager or appropriate department head will conduct a predisciplinary conference before taking any disciplinary action which would result in the employee's losing a right (money or status) through demotion, suspension without pay for more than five days, or dismissal.
- 2. Employees Affected
 - A. Only regular full-time employees who have completed their new hire probationary period are affected by this policy.

CITY OF HICKORY BENEFITS SUMMARY AND POLICY INFORMATION

3. Procedure

- A. The department head will discuss the situation with the Administrative Services Director or his/her designee prior to conducting the predisciplinary conference.
- B. Provide notice to the employee of the conference, either orally or in written form.
 - A. It is acceptable to give same day notice, provided that the employee is given notice at least two hours prior to the conference.
 - B. Schedule the predisciplinary conference during business hours. Business hours, for the purposes of this policy, are defined as Monday through Friday, 7:00 a.m. until 5:00 p.m. If, due to shift work, work away from the office or other scheduling difficulty, the hearing cannot take place during those hours, the Administrative Services Director may grant an exception.
 - C. The preferred method of delivery of the notice is in writing. A verbal notice is only acceptable if circumstances are such that a written notice cannot be produced. If the notice is verbal, the department head shall follow up with a memo to the employee, confirming that he/she was verbally notified.
 - D. Tell the employee that you are holding a predisciplinary conference to discuss a proposed personnel action in accordance with the predisciplinary conference policy.
- C. The Administrative Services Director or his/her designee shall serve as a "neutral advisor". This advisor is a witness not only on behalf of the City as to the impartial, informal predisciplinary conference but also serves as a witness to what the employee is told and to the employee receiving a full and fair opportunity to present his/her side of the situation.
- D. Conduct an informal, objective, impartial predisciplinary conference.
 - A. Present the allegations and provide a full opportunity for the employee to present defenses or reasons against the allegations.
 - B. Do not make a decision at the end of this predisciplinary conference, and do not have a pre-prepared letter concerning the disciplinary action, since this is perceived under the law as being a preconceived decision. Wait at least 24 hours before making a final decision.
 - C. Either audio-record the predisciplinary conference or take notes of the conference. The audio recording or notes are the property of the City and will not be given to the employee. The employee may record the meeting as well.
- E. If the final decision is to take disciplinary action, put that decision in writing listing specific reasons for the decision being made. A Notice of Personnel Action form should be used for this purpose. Give a copy of the written decision to the employee and send a copy to the Human Resources Division for inclusion in the employee's personnel record.
- F. Notify the disciplined employee that provisions of the formal grievance procedure are available after any suspension, demotion, or dismissal has taken place. The predisciplinary conference does not replace the formal grievance procedure.

4. Penalties for Failure to Conduct a Proper Conference

A procedural due process violation can result in a lawsuit against the City. Remedies under such a lawsuit include back wages. Reinstatement is not a remedy if the employer can prove that the employee would have been dismissed if the proper hearing had been held.

GRIEVANCE

1. Purpose

The grievance policy and procedure provide an adequate and fair means for hearing matters of concern to City employees.

2. Employees Affected

This policy applies to all regular, full-time employees who do not fall within a new hire probationary period.

3. Definition

A grievance is a claim or complaint based upon an event or condition that affects the circumstances under which an employee works or his/her employment relationship with the city, allegedly caused by misinterpretation, unfair application or lack of established policy pertaining to conditions of work or disciplinary actions. A grievance might involve alleged safety or health hazards, unfair or discriminatory supervisory or disciplinary practices, misapplication of departmental work rules, unsatisfactory physical facilities or equipment, or other complaint related to conditions of work or disciplinary actions.

4. Procedures

When an employee has a claim or complaint concerning the conditions of employment or a disciplinary action affecting his/her employment relationship with the city, the successive steps described below are to be taken toward resolution of the matter.

- A. The number of days indicated at each step of the grievance procedure should be considered as the maximum number of working days allowed for presentation of and response to the grievance at that level. However, specified time limits may be extended when mutually agreed upon by the parties concerned.
- B. All conferences provided for in the grievance procedure shall be held during business hours.

C. Grievance Procedure for Claims or Complaints Concerning Conditions of Work

1. *Step One.* An employee with a grievance concerning conditions of work shall present the matter to his/her immediate supervisor within ten (10) working days of its occurrence. The employee shall present that they are formally grieving a workplace condition either orally or in writing. The supervisor shall attempt to resolve the matter and shall give the employee an answer, either orally or in writing, no later than five (5) working days after the grievance is presented. The grievance and answer shall be reported to the supervisor's immediate superior.
2. *Step Two.* If the grievance is not resolved at Step One, the employee may present the grievance in writing to the head of the department within five (5) working days after the supervisor's answer is given or is due. The department head shall confer with the employee about the grievance within three (3) working days after the grievance is presented and shall render a written decision within three (3) working days after the conference is held.
3. *Step Three.* If the grievance is not resolved at Step Two, the employee may present the written grievance to the City Manager or his/her designee within five (5) working days after the department head's decision is rendered or is due. The City Manager or his/her designee shall confer with the employee about the grievance within five (5) working days after the grievance is presented to him and shall submit his written decision to the employee within ten (10) days after the conference is held.

CI. Grievance Procedure for Claims or Complaints Concerning Disciplinary Actions.

1. *Step One.* A regular, full-time employee with a grievance concerning his/her suspension, demotion, or dismissal may present the matter in writing to the department head within ten (10) working days of its occurrence or his/her knowledge of its occurrence. The department head shall confer with the employee about the grievance within five (5) working days after the grievance is presented and shall render a written decision within three (3) working days after the conference is held.

Exception. A regular, full-time employee who is suspended, demoted or dismissed by the department head or at the direction of the department head may present the matter within ten (10) working days to the Assistant City Manager responsible for oversight of the affected department. The Assistant City Manager shall confer with the employee about the grievance within five (5) working days after the grievance is presented and shall render a written decision within three (3) working days after the conference is held.

The Administrative Services Director or his/her designee shall attend the grievance conference as a neutral advisor. This advisor is a witness not only on behalf of the City as to the impartial, informal grievance hearing but also serves as a witness to what the employee is told and to the employee receiving a full and fair opportunity to present his/her side of the situation.

2. *Step Two.* The employee may appeal the decision of the department head (or Assistant City Manager

in the Exception scenario) to the City Manager by giving written notice of such appeal to both the Administrative Services Director and the City Manager within a period of five (5) working days after the decision is rendered by the department head, or within eight (8) working days after the conference, whichever is later.

The City Manager, upon receiving the appeal from the employee, shall set an appeal conference within five (5) working days after receiving notice of appeal. At the appeal conference the City Manager shall consider any written information concerning the employee which has been made known to the employee and the department head, together with any written summary of the evidence at the predisciplinary conference before the department head, and shall allow the appealing employee to be

heard as to the reasons for appeal. The City Manager shall submit a written decision to the employee within ten (10) working days after the appeal conference, and the City Manager's decision shall be final.

Reissued: December 6, 2011

Mick W. Berry, City Manager

Attachments:

- Attachment A - Written Notice of Predisciplinary Conference
- Attachment B - Follow-up To Verbal Notice of Predisciplinary Conference
- Attachment C - Department Checklist for Disciplinary Actions
- Attachment D - Disciplinary Action Form

ATTACHMENT A
(Written Notice of Predisciplinary
Conference)

Prepare on departmental letterhead

Office of _____

(DIVISION / DEPARTMENT)

To: _____

From: _____

Date: _____

Subject: **Notice of Predisciplinary Conference**

This letter is to provide you notice of a Predisciplinary Conference scheduled for you to attend with the _____ in the _____, _____, at _____.

(TITLE AND NAME) (NAME OF ROOM AND BUILDING LOCATION) (DATE) (TIME)

The purpose of the hearing is to present allegations related to your work performance and/or conduct and provide you the opportunity to respond to the allegations. This is a fact-finding meeting pursuant to the City of Hickory Personnel Ordinance, Article 5, Section 10, Employee Performance and Conduct.

In accordance with the City of Hickory Personnel Ordinance and City Policy and Procedure a Predisciplinary Conference is to be held prior to any possible disciplinary action which would result in a coworker's losing a right (money or status) through demotion, suspension without pay for more than five days, or dismissal.

The City reserves the right to take notes and/or audio record the conference and these notes and audio recordings become property of the City and do not have to be given to you. You also have the right to take notes and/or audio record the conference. Legal or personal representatives of any kind may not accompany you to this Predisciplinary Conference.

Sincerely,

ATTACHMENT B

(Follow-up to Verbal Notice of Predisciplinary Conference)

Prepare on departmental letterhead

Office of _____
(DIVISION / DEPARTMENT)

To: _____

From: _____

Date: _____

Subject: **Notice of Predisciplinary Conference**

This letter is to confirm the verbal notice you received from _____ at _____ on _____ on _____ which provided you notice of a Predisciplinary Conference scheduled for you to attend with the _____ in the _____, _____, at _____.
(NAME AND TITLE) (TIME) (DATE) (TITLE AND NAME) (NAME OF ROOM AND BUILDING LOCATION) (DATE) (TIME)

The purpose of the hearing is to present allegations related to your work performance and/or conduct and provide you the opportunity to respond to the allegations. This is a fact-finding meeting pursuant to the City of Hickory Personnel Ordinance, Article 5, Section 10, Employee Performance and Conduct.

In accordance with the City of Hickory Personnel Ordinance and City Policy and Procedure a Predisciplinary Conference is to be held prior to any possible disciplinary action which would result in a coworker's losing a right (money or status) through demotion, suspension without pay for more than five days, or dismissal.

The City reserves the right to take notes and/or audio record the conference and these notes and audio recordings become property of the City and do not have to be given to you. You also have the right to take notes and/or audio record the conference. Legal or personal representatives of any kind may not accompany you to this Predisciplinary Conference.

Sincerely,

(DEPARTMENT HEAD) (DATE)

(Acknowledged by Employee) (DATE)

ATTACHMENT C

CITY OF HICKORY PREDISMISSAL/PREDISCIPLINARY ACTION CONFERENCE CHECKLIST

Before taking any disciplinary action which would result in a coworker losing money or status (through suspension without pay for more than five days, demotion, or dismissal), the answers to the questions below should be "yes". This checklist applies to all regular full-time coworkers who have completed their new hire probationary period. If you need any assistance, please contact the Administrative Services Director.

1. Have you discussed the situation with the Administrative Services Director?
2. Have you arranged for the Administrative Services Director or his/her designee to attend the conference as a neutral advisor?
3. Have you notified the coworker of the conference to discuss a proposed disciplinary action? (Same day notice is fine – see attachment A or B).
4. Have you reviewed with the coworker the allegations against him/her?
5. Have you told the coworker what possible disciplinary actions could result from the allegations presented?
6. Have you given the coworker the opportunity to present defenses or reasons against the allegations and possible disciplinary action?
7. Have you listened objectively and impartially to the coworker?
8. Have you taken notes or audio recorded the conference? (The coworker may also audio record the conference).
9. Have you delayed your final decision until after hearing the coworker's reasons for his/her actions? (The final decision should not be made until at least 24 hours after the conference).
10. If the decision is to take disciplinary action, have you given that decision in writing and listed specific reasons for that decision? (See attachment D).
11. Have you informed the coworker of the grievance procedure?

ATTACHMENT D

CITY OF HICKORY
NOTICE OF PERSONNEL ACTION

To: _____
(Name of Employee) (Department/Division)

You are hereby notified that the following action has been taken concerning your employment with the City of Hickory:

Effective Date of Action: _____ day of _____, 20____.

REASON FOR ACTION:

NOTE: A PERMANENT EMPLOYEE WHO IS SUSPENDED, DEMOTED, OR DISMISSED HAS THE RIGHT OF APPEAL IN ACCORDANCE WITH THE CITY OF HICKORY'S GRIEVANCE POLICY.

(Date) (Acknowledged by Employee)

A copy of this notice is delivered to the employee this ____ day of _____, 20 ____.

_ (Department Head)

APPROVED:
(Required for Demotion)

City Manager

Drug and Alcohol Policy and Procedures

September 15, 2015

I. POLICY

The City of Hickory (City) is committed to providing coworkers with a safe, drug-free, and healthy work environment. In meeting this goal, it is our policy to (1) assure that coworkers are not impaired in their ability to perform their duties in a safe manner; (2) create a work environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) encourage coworkers to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their performance. It is the City's policy to comply with all applicable regulations regarding drugs and/or alcohol in the workplace. These regulations include, but are not limited to, the Drug-Free Workplace Act and the U.S. Department of Transportation (US DOT) regulations published in 49 CFR Parts 40, 382, 391, 392, 395, 653, 654 and 655 as amended. (www.dot.gov)

Supervisory personnel are expected to use and apply this policy in a fair and consistent manner. Anyone found to knowingly disregard the policy or deliberately misuse the policy shall be in violation of this policy.

Violation of any of the provisions of this section shall result in disciplinary action up to and including dismissal, as provided for in the Personnel Ordinance.

If an accident or other incident occurs after 5:00 p.m. or on a weekend, notify the Risk Manager at 8:30 a.m. on the next business day. Business hours, for the purposes of this policy, are defined as Monday through Friday, 7:00 a.m. until 5:00 p.m. If an immediate test is needed, take the coworker

to a hospital emergency room and ask them to perform the appropriate test. Ask the hospital for a release of information form stating that results of the tests will be sent to Risk Manager and have the coworker sign it.

All post-accident tests that are required for Federal Motor Carrier Safety Administration (FMCSA) coworkers after 5 p.m. or on weekends, will be done at Catawba Valley Medical Center (emergency room entrance). Under FMCSA authority, testing must be done as soon as possible, but not to exceed 8 hours for alcohol testing and 32 hours for drug testing.

II. APPLICABILITY

This policy applies to all coworkers and applicants as defined elsewhere in the policy. Provisions consistent with Federal Motor Carrier Safety Administration (FMCSA) regulations cover coworkers who are required by law to have a Commercial Driver's License (CDL) to perform their duties for the City. FMCSA regulations, when applicable, supersede the City's authority. Testing of coworkers not covered by FMCSA regulations and additional testing not required by FMCSA regulations are done under the authority of the City.

- III. DEFINITIONS Approved laboratory - laboratory approved and certified by the North Carolina Department of Health and Human Services (NCDHHS), Division of Human Resources or the U.S. Department of Health and Human Services (DHSS), the College of American Pathologists (CAP), the American Association for Clinical Chemistry (AACC), or the equivalent to conduct drug testing. Only laboratories certified by DHSS will be used for tests required by FMCSA (Federal Motor Carrier Safety Administration).
- A. Controlled substance - any substance regulated by state or federal law which has been determined to have a potential for abuse and which may lead to physical or psychological dependence. These include all forms of narcotics, depressants, stimulants, hallucinogens, marijuana, and all substances listed in North Carolina General Statutes 90-89 through 90-94. See Schedules I – VI, for listings and definitions.
(www.ncga.state.nc.us)
 - B. Coworker - any person employed in a full-time, part-time, or seasonal position with the City of Hickory.
 - C. Employee Assistance Program - program of counseling services provided by the City. Services include assessment, evaluation, referral for treatment, and follow-up procedures.
 - D. FMCSA – Federal Motor Carrier Safety Administration
 - F. Job Applicant - any person who applies to become a coworker with the City.
 - G. Medical Review Officer (MRO) - medical doctor (MD) or doctor of osteopathy (DO) who has knowledge of substance abuse disorders and who, among other duties, receives, reviews, and evaluates confirmed positive drug tests.
 - H. Program Manager - Person having overall responsibility for the City's Drug and Alcohol Policy and Procedure. The Human Resources Manager is the City's program manager; the Risk Manager is the primary contact person for day-to-day coordination of testing, including receiving test results and coordinating random testing.
 - I. Reasonable suspicion means an expressible belief based on specific objective facts and rational inferences drawn from those facts that a coworker has consumed or is under the influence of alcohol, drugs, or other impairing substance while at work. Circumstances which constitute a basis for determining reasonable suspicion may include but are not limited to:
 - 1. Direct observation of drug use or alcohol use and/or the physical symptoms of being under the influence of a drug or alcohol;
 - 2. Specific, contemporaneous (happening at the same time), and articulable observations concerning appearance, behavior, speech, or body odors;
 - 3. Direct or observable evidence that a coworker 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.

- J. Safety-sensitive duties - Involve such a great risk of injury to others that even a momentary lapse of attention can have disastrous consequences. For coworkers required to have a CDL, the City will follow FMCSA (Federal Motor Carrier Safety Administration) regulations. A list of safety-sensitive duties will be maintained in Human Resources. Safety sensitive positions are determined by the tasks listed in the job description as well as a joint review by Human Resources, Risk Management, and the department head.
- K. Substance Abuse Professional (SAP) - licensed MD or DO or a licensed or certified psychologist, social worker, employee assistance professional, or a National Association of Alcoholism and Drug Abuse Counselors (NAADAC) certified addiction counselor who has knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance related disorders.

IV. PROHIBITED SUBSTANCES

- A. Illegally used controlled substances or drugs or other impairing substances - Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, use of illegally obtained prescription drugs, and improper use of other impairing substances that may affect performance.
- B. Legal drugs - While the appropriate use of legally prescribed drugs and non-prescription medication is not prohibited, it is the coworker's responsibility to ensure that such use will not adversely affect his/her ability to perform job duties such as driving and operating heavy equipment safely. The use of prescription and/or non-prescription medication which carries a warning label indicating that mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel before performing work duties. In instances where the need for additional information has been identified by the department in consultation with the City Nurse and Risk Manager, the coworker may be requested to furnish additional information from his/her physician as to his/her ability to perform the essential functions of the job.
- C. Alcohol - any beverage, mixture, or preparation which contains alcohol.

V. PROHIBITED CONDUCT

- A. As required by the Drug-Free Workplace Act, all coworkers are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances while on City business. Coworkers who are charged with or convicted of a drug or alcohol related offense must notify their Department Head immediately on the first business day following such a charge or conviction. The Department Head must notify the City Manager immediately.
- B. All coworkers are prohibited from being intoxicated, impaired, or under the influence of a prohibited substance while conducting City business or while acting as a representative of the City.
- C. The consumption of alcohol while on duty is prohibited.
- D. FMCSA regulations prohibit the use of alcohol within four hours of reporting for duty and for eight hours following a testable accident (or until the test has been performed). FMCSA alcohol testing must be performed within 8 hours of the event. These prohibitions will apply to all City coworkers under the City's own authority.
- E. All coworkers are expected to comply with the testing requirements outlined in this policy as a condition of employment. Coworkers will be asked to sign an appropriate consent form before a test is performed. Refusal to sign and/or submit to a required test will be treated as a positive test result. Refusal to submit includes:

- failure to appear at the designated test site in a timely manner;
- refusal to provide a specimen;
- intentionally obstructing the collection process;
- tampering with, adulterating, or substituting a specimen; failure to provide adequate urine specimen without medical explanation within three (3) hours of giving the first insufficient amount; Under the City's own authority, an employee with a non-DOT drug test may request a blood test if it is determined that he/she cannot provide a sufficient specimen.
- failure to provide adequate breath specimen after two (2) attempts without medical explanation (a third attempt may be allowed if there is reason to believe it will be successful);
- failure to be available for testing after an accident;
- leaving the scene of an accident prior to testing without a reasonable explanation;
- failure to sign DOT required testing forms;
- leaving the collection site prior to test completion;
- failure to permit an observed or monitored collection when required;
- failure to take a second test when required;
- failure to undergo a medical examination when required; (FMCSA)
- failure to cooperate with any part of the testing process.

VI. TYPES OF TESTING

- A. Post-offer Testing- All applicants (as defined in section 3F) will be required to undergo a drug test upon an offer of employment. The final appointment to the position will take place after successful completion of the post-offer drug screening. Applicants for positions that require a CDL will be tested under FMCSA (Federal Motor Carrier Safety Administration) authority.
- B. Reasonable Suspicion Testing (under the City's own authority, see Section #2, page 1)
 1. A coworker will be required to undergo drug and/or alcohol testing when there are reasons to believe that the coworker is under the influence of alcohol, drugs, or other substance while at work.

2. Testing will be done under FMCSA (Federal Motor Carrier Safety Administration) authority only when a trained supervisor makes specific, contemporaneous, and articulable observation concerning appearance, speech, behavior, or body odors of a coworker.
The supervisor must be able to (1) substantiate specific behaviors that may indicate drug use or alcohol misuse; (2) identify job performance problems that may indicate prohibited drug use or alcohol misuse; and (3) actually observe physical indications that prohibited drug use or alcohol misuse may be occurring. Testing for alcohol can be done only when observations are made during, just preceding, or just after the performance of safety-sensitive duties.
3. Procedure:
 - a. Complete the "Request for Drug and/or Alcohol Test" form (copy attached). Use the "comments" section for any additional information, such as special circumstances, witnesses, etc.
 - b. The form must be signed by the department head or his/her designee.
 - c. Confer with the Risk Manager (323-7480) to arrange for the test(s).
 - d. The supervisor or his/her designee shall explain the City's drug and alcohol policy to the coworker, and accompany him/her to the test site.
 - e. Notify the coworker that he/she will be tested and the reason(s) for the test(s).
 - f. Have the coworker sign the appropriate consent form (either post-accident or reasonable suspicion).
 - g. Send the completed forms to the Risk Management division. If the City nurse is conducting the test, bring the forms with you when you bring the coworker for the test.

C. Post-Accident Testing

1. Under the City's own authority, a coworker will be asked to submit to a drug and/or alcohol test after a fatality, or any at fault vehicle or equipment accident which involves a fatality, significant property damage, or an injury requiring medical attention away from the scene. Testing will be done as soon as possible, but not to exceed 8 hours for alcohol and 32 hours for drugs.
2. The City's Risk Manager and/or the Human Resources Manager will confer and make the determination on whether a test will be performed when significant property damage is involved. On the rare occasion that neither of the above is available, the department head may make the decision to test when significant property damage is involved.
3. For coworkers subject to FMCSA regulations, testing will be done under FMCSA authority if there is a fatality, if the driver receives a citation, or for moving violations arising in an accident that requires a vehicle to be towed, or if an injury requiring medical attention away from the scene occurs. Testing will be done as soon as possible, but not to exceed 8 hours for alcohol and 32 hours for drugs. Testing will be done at Catawba Valley Medical Center (CVMC). Although testing is done under FMCSA (Federal Motor Carrier Safety Administration) authority, the coworker is also subject to city policy.

CITY OF HICKORY BENEFITS SUMMARY AND POLICY INFORMATION

4. The Risk Manager and/or Human Resources Manager , in consultation with the department head, will make the determination whether the coworker may continue to drive a City vehicle until a negative test result is received by Risk Manager.
5. If an accident or other incident occurs after 5:00 p.m. or on a weekend, notify the Risk Manager at 8:30 a.m. on the next business day. Business hours, for the purposes of this policy, are defined as Monday through Friday, 7:00 a.m. until 5:00 p.m. If an immediate test is needed, take the coworker to a hospital emergency room and ask them to perform the appropriate test. Ask the hospital for a release of information form stating that results of the tests will be sent to the Risk Manager and have the coworker sign it.
6. For post-accident tests that are required for Federal Motor Carrier Safety Administration (FMCSA) coworkers, testing will be done at Catawba Valley Medical Center. Under FMCSA authority, testing must be done as soon as possible, but not to exceed 8 hours for alcohol testing and 32 hours for drug testing.
7. Procedure:
 - a. The coworker or supervisor must call the Risk Manager as soon as the accident occurs.
 - b. The Risk Manager will alert the City Nurse, and should she not be available, make a screening appointment for the coworker. The City Nurse should not be contacted directly.
 - c. For accidents after office hours, please refer to item number 5. above.

D. Random Testing

1. Under the City's own authority, a coworker in a safety sensitive classification will be subject to random testing. The selection of coworkers to be tested will be through a scientifically valid method that ensures each covered coworker will have an equal chance of being selected. The random tests will be unannounced and will occur throughout the year. A list of position titles identified as safety sensitive is maintained in Human Resources. Titles may be added/deleted for business and safety reasons and will be reissued separately from the policy.
2. Random Testing will be done under Federal Motor Carrier Safety Administration (FMCSA) authority for coworkers covered by FMCSA regulations. The selection of coworkers to be tested will be through a scientifically valid method that ensures each covered coworker will have an equal chance of being selected. The random tests will be unannounced and spread throughout the year. Testing rates will comply with the rates established by US DOT (United States Department of Transportation).
3. Random testing is administered through the Risk Management division.

DI. Return-to-Duty Testing

1. Coworkers permitted to return to work after failing a drug or alcohol test will be required to submit to a drug and/or alcohol test before being returned to duty.

F. Follow-up Testing

1. Coworkers permitted to return to duty after a positive Federal Motor Carrier Safety Administration (FMCSA) test will be subject to FMCSA guidelines.

H. Coworker Requested Testing

1. A coworker who has been informed of positive drug test results and questions the validity of those results may request that an additional test on the same specimen be conducted at another approved laboratory. The cost for such tests will be paid by the coworker. The coworker has five calendar days to notify Human Resources that he/she is requesting another test.
2. For tests conducted under Federal Motor Carrier Safety Administration (FMCSA) authority, the coworker has 72 hours after notification of a positive test result to request another test. The request must be made to the MRO (Medical Review Officer) and the test must be conducted at another DHHS-approved (Department of Health and Human Services) laboratory on the split sample that was provided by the coworker when the original sample was given.

G. Coworkers awaiting test results

1. Post-accident tests – If the employee is drug or alcohol tested, at the discretion of the Risk Manager, the coworker should be sent home or removed from driving until a negative test result is received. If the employee is sent home, the time off will be without pay, or, at the coworker's option, vacation time or comp time may be used.
2. Reasonable suspicion tests - The coworker will not be permitted to remain at work. He/she will be taken home or the supervisor will arrange for other means of transportation. The coworker will not be permitted to return to work until a negative test result is received. The time off will be without pay; if the test results are negative, pay will be reinstated provided that disciplinary action is not taken for violation of other City or departmental policy.
3. Random tests - The coworker will be returned to his/her regular duties upon completion of the required test(s).

CONDUCTING THE TESTS

A. Drug tests

1. A urine test will be used to detect the presence of drugs. The City reserves the right to change to other medically approved testing methods as needed in the future.
2. Testing will be conducted in such a way as to assure a high degree of accuracy, reliability, and confidentiality.

For tests conducted under FMCSA authority the regulations include, but are not limited to, the Drug-Free Workplace Act and the U.S. Department of Transportation (US DOT) regulations published in 49 CFR Parts 40, 382, 391, 392, 395, 653, 654 and 655 as amended. Drugs or the metabolites of drugs tested for include amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, opiates, phencyclidine, Propoxyphene and Methadone. In addition, screening will also include Semi-synthetic opioids: Oxycodone, Hydrocodone AKA Vicodin, Hydromorphone AKA Dilaudid, Demerol, and Fentanyl. For tests performed under FMCSA (Federal Motor Carrier Safety Administration) authority, only amphetamines, cocaine, marijuana, opiates, semi-synthetic opioids and phencyclidine will be tested for; the City, however, reserves the right to test for additional substances.

3. Samples will be collected and processed using a strict chain of custody. For tests conducted under Federal Motor Carrier Safety Administration (FMCSA) authority, samples will be collected using the split sample method.
4. An initial drug screen will be conducted on each specimen. If the results of the initial screen are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed.
5. For Federal Motor Carrier Safety Administration (FMCSA) the test will be considered positive if the amounts present are above the US DOT established minimum thresholds.
6. Under the City's authority the test will be considered positive based on guidance provided by North Carolina State laws.
7. The MRO will make the decision of a positive or negative result if the test is reported as dilute. The City of Hickory has designated Heart Industrial Clinic as the MRO (Medical Review Officer).
8. For tests done under the City's authority, the Risk Manager will notify applicants and coworkers of the test results and of their right to explain a positive test result. For tests done under FMCSA authority, the testing laboratory will notify the MRO of positive test results. The MRO will receive and review test results, contact the applicant or coworker, and determine if there is a valid medical reason for a positive result. If there is a valid medical reason for a positive test, the test will be reported to the City as negative; if there is not a valid medical reason, the test will be reported to the City as positive. Test results will be reported to the City's program manager/contact person.
9. Applicants and coworkers have the right to have a sample retested at another certified laboratory according to the procedures explained in section 6H.

B. Alcohol tests

1. Alcohol tests will be conducted using blood, saliva or breath samples. For tests conducted under FMCSA authority, only breath or saliva samples will be used. Tests will be conducted using National Highway Traffic Safety Administration-approved testing devices operated by a trained alcohol technician.
2. When breath samples are used, an initial screening test will be done. If the results are not negative, a second confirmation test will also be performed.

3. The alcohol technician will release the results of the test to the employee and to the City's program manager/contact person.

VIII. CONSEQUENCES OF A POSTIVE TEST

IX. An applicant shall be denied employment unless drug test results are negative.

X. If a coworker's drug or alcohol test results are positive, the coworker will be subject to disciplinary action, up to and including dismissal. Coworkers will be encouraged to seek counseling through the Employee Assistance Program and to follow the recommendations of the counselor.

XI. As required by FMCSA (Federal Motor Carrier Safety Administration) regulations, a covered coworker who has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional for assessment who will determine what treatment, if any, is necessary. The coworker must pass a return-to-duty test before returning to safety-sensitive duties. Disciplinary action, up to and including dismissal, may still be taken by the City.

XII. In addition, for sworn police officers and coworkers, positive test results and refusals to be tested will be reported to the Chief of Police or his designee who will report said information as required by the North Carolina Department of Justice, Criminal Justice Standards Division.

XIII. CONFIDENTIALITY / DISCLOSURE OF INFORMATION

A. All drug and alcohol records will be maintained in a secure location with limited access so that confidentiality is maintained.

B. The City's program manager (Human Resources Manager) and/or contact person will receive test results and notify the appropriate department/division head.

C. The MRO (Medical Review Officer – Hart Industrial Clinic) may release information to the SAP (Substance Abuse Professional) who is evaluating an employee in the case of a drug-related violation. The MRO will obtain a release from the employee prior to doing so.

D. Information will be released to others only under the following circumstances:

1. To a third party only as directed by specific, written instruction of the employee;
2. To the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on the behalf of the employee tested;
3. To a subsequent employer upon receipt of a written request from the employee;
4. To the National Transportation Safety Board during an accident investigation;
5. To the Department of Transportation or any of its agencies with regulatory authority over the employer or its employees;

6. To the employee, upon written request.

X. ATTACHMENTS

- 1. City of Hickory Request for drug and/or Alcohol Test
- 2. Instructions for Requesting Drug and/or Alcohol Test
- 3. City of Hickory Drug and Alcohol Screening Employee Authorization and Consent Form

For questions regarding this policy and procedure, contact:

Risk Management or Human Resources

City Hall, 76 North Center Street

Hickory, NC 28601

828-323-7421

After hours contact: 828.323.7500 and ask to locate:

Todd Shoebridge, Risk Manager

Claudia Main, Human Resources Director

Todd Shoebridge, Risk Manager

_____/_____/2015

Date

Mick W. Berry, City Manager

_____/_____/2015

Date

CITY OF HICKORY BENEFITS SUMMARY AND POLICY INFORMATION

CITY OF HICKORY REQUEST FOR DRUG AND/OR ALCOHOL TEST

(Refer to the City of Hickory's Drug and Alcohol Policy and Procedure)

Coworker's Name _____ Date _____

Department/Division _____

Post Accident:

_____ Drug

_____ Alcohol

_____ Drug (DOT) – Testing will be done under FMCSA authority if there is a fatality or if the City of Hickory driver receives a citation. Test must be conducted within 32 hours of the incident. The employee must have a CDL license and be in a position that requires a CDL license.

_____ Alcohol (DOT) – Testing will be done under FMCSA authority if there is a fatality or if the City of Hickory driver receives a citation. Test must be conducted within 8 hours of the incident. The employee must have a CDL license and be in a position that requires a CDL license.

Reasonable Suspicion:

Definition -Expressible belief based on objective facts and rational inferences that an employee has used drugs/alcohol. Some indications include observation of use, abnormal conduct or erratic behavior (such as slurred speech, dulled reaction, glassy eyes, mood swings, etc), pattern of excessive absenteeism, tardiness, or poor work performance, pattern of unexplained preventable accidents and/or odor of alcohol.

_____ Drug

_____ Alcohol

Other (Example-Return to Duty Testing, Follow Up Testing, Coworker Requested Testing, etc):

Explain:

_____ Drug

_____ Alcohol

Comments: _____

Supervisor Date

Department Head or Designee Date

INSTRUCTIONS FOR REQUESTING DRUG/ALCOHOL TEST

1. Complete the form on the other side of this page. Use the “comments” section for any additional information you feel is needed, such as special circumstances, witnesses, etc.
2. Be sure the form is signed by the immediate supervisor and the department head or designee.
3. Contact the Human Resources Department (323-7421) to arrange for the test(s).
4. Explain the City’s drug policy to the coworker.
5. Notify the coworker that he/she will be tested and the reason(s) for the test(s).
6. Have the coworker sign the appropriate consent form.
7. Take the coworker to the test site.
8. Send the completed forms (this form and consent form) to the Human Resources Department. If the City Nurse is conducting the test, bring the forms with you when you bring the coworker for the test.
9. If an accident or other incident occurs after 5:00 p.m. or on a weekend, notify the Human Resources Department at 8:30 a.m. on the next working day. If you believe an immediate test is needed, take the coworker to a hospital emergency room (see special instructions below for CDL tests) and ask the hospital to perform the appropriate test (drug and/or alcohol). Ask the hospital for a release of information form stating that results of the tests will be sent to the City Nurse and have the coworker sign it.

For post-accident tests which are required for CDL drivers under the authority of Federal Motor Carrier Safety Administration (FMCSA), testing will be done by Catawba Valley Medical Center (emergency room entrance).

CITY OF HICKORY DRUG AND/OR ALCOHOL SCREENING
EMPLOYEE AUTHORIZATION AND CONSENT FORM
(IMPORTANT: Please read this notice before signing)

I hereby authorize the City of Hickory to obtain a sample of my urine and/or blood for the purpose of conducting a drug and/or alcohol screening test. I further authorize the testing laboratory to release the results of these tests to the City of Hickory.

I understand that:

1. Screening tests will be conducted to determine if I have been using illegal drugs, or if I am under the influence of drugs or alcohol on the job.
2. Refusal to consent to this test may result in termination of employment with the City of Hickory.
3. An initial positive drug test will be confirmed by a second test on the same sample.
4. A confirmed positive test will result in disciplinary action, up to and including dismissal.
5. I may discuss positive test results with the City Physician to determine if there are alternative explanations for the tests results.
6. Disciplinary actions following a positive result may be appealed through the City's Grievance Procedure.
7. Drug and/or alcohol counseling is available to City coworkers through the Employee Assistance Program.

Signature of Coworker _____ Date _____

Witness _____ Date _____

Coworker refused to sign (Witness should sign above and initial here) _____

THE CITY OF HICKORY IS COMMITTED TO MAINTAINING A DRUG-FREE WORKPLACE

City of Hickory

FITNESS FOR DUTY POLICY

I. Policy Statement

- A. The City of Hickory is committed to providing a safe working environment and protecting the health and safety of employees and citizens. In order to provide a safe working environment, employees must be able to perform their job duties in a safe, secure, productive and effective manner, and remain able to do so throughout the entire time they are working. Employees who are not fit for duty may present a safety hazard to themselves, other employees, or to the public. This policy is not a substitute for discipline or confidential counseling.
- B. Fitness for duty as it relates to this policy covers both, psychological and physical fitness for duty.
- C. The City may request a Fitness for Duty examination at any time, for any City employee, when there is a reasonable belief, based on objective evidence, that (1) the employee's ability to perform the essential functions of the his/her job is impaired by a medical or psychological condition or (2) that an employee will pose a direct threat due to a medical or psychological condition.

II. Scope

- A. This policy applies to all employees of the City of Hickory. This policy cannot be applied if the coworker is currently on FMLA leave, returning from FMLA leave or is out on Worker's compensation leave. This policy does not supersede the City of Hickory Leave Policy or the Workers' Compensation Policy.
- B. The policy can be enacted once the employee returning from leave is reinstated to his/her position.
- C. It is the intent of this policy to meet all obligations set forth by ADA, FMLA and the Workers' Compensation Act. The department head, supervisor and Human Resources will work as a team when the department intends to utilize this policy to ensure fairness and consistency.

III. Definitions

- A. ADA – Americans with Disabilities Act 1990
- B. Fitness for Duty – Able to perform the essential functions of the job, both physical and mental, in a safe, secure, productive and effective manner. Must be consistent with business necessity.
- C. Fitness for Duty examination – A designated professional, third party assessment of an employee's or prospective employee's physical, emotional and/or mental capacities, carried out by a licensed healthcare provider with expertise to determine if an employee is or is not capable of effectively performing his/her essential job functions without posing a threat to his/her own safety or the safety of others.
- D. Accommodation – Any change in the work environment in the way things are customarily done that enable an individual with a disability to enjoy equal employment opportunities.
- E. Direct threat – (ADA, EEOC, CFR 1630) – A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.
- F. Disability – Physical or mental restrictions in major life activities, including work.
- G. FMLA – Family and Medical Leave Act 1993
- H. Health Care Provider – Physician's, dentists, clinical social worker, chiropractor or any other provider recognized under the City's group benefits plan.
- I. Serious Health Condition – Any period of incapacity or treatment due to inpatient care; any absence of more than three days due to continuing treatment by a healthcare provider;

- J. PHI – Private Health Information – Any health information held by a covered entity which concerns health status, provision of health care, or payment for health care that can be linked to an individual.
- K. Professional Third Party Provider – Health Care provider designated by the City of Hickory. .

IV. Employee Responsibilities

- A. Employees must manage their health in a manner that allows them to safely perform their job responsibilities.
- B. Employees must come to work fit for duty and must perform their job responsibilities in a safe, secure, productive and effective manner during the entire time they are working.
- C. Employees are responsible for informing their supervisor when they are not fit for duty due to psychological/physical impairment or medications taken. See also p. 3, Section IV.B., City of Hickory Drug and Alcohol Policy.
- D. Employees are responsible for notifying the supervisor when they observe a coworker acting in a manner that indicates the coworker may be unfit for duty. If the supervisor’s behavior is the focus of concern, an employee may inform the department head or call Human Resources for assistance.

V. Employer Responsibilities

- A. Supervisors shall be responsible for observing the attendance, performance and behavior of the employees they supervise.
- B. Department Heads have the obligation to report, document and investigate inappropriate workplace behavior.
- C. Supervisors and department heads are responsible for following this policy’s procedures when presented with circumstances or knowledge that an employee may be unfit for duty.
- D. Supervisors and department heads must maintain confidentiality of medical records. Any document containing medical information about an employee is considered a medical record and is regarded as confidential.
- E. Human Resources will maintain records pertaining to fitness for duty in a separate file (electronic) from all other employee records.

VI. Procedures

- A. Fitness for Duty Exam for Current Employees
 1. A supervisor or department head may receive reliable information that an employee may be unfit for duty or may make a personal observation that the employee is unfit for duty.
 2. The supervisor or department head will validate and document the information or observations as soon as is practicable.
 3. Actions that may trigger a request for a fitness for duty examination include but are not limited to:
 - i. Decreased productivity
 - ii. Excessive or patterned absences
 - iii. Agitation or nervous behavior
 - iv. Problems with dexterity, coordination, memory, alertness, vision and speech
 - v. Inappropriate interactions with coworkers or supervisors
 - vi. Inappropriate reactions to criticism

- vii. Suicidal or threatening statements
 - viii. Notes from personal physicians giving severe restrictions or liberal absence
 - ix. Excessive, documented work absences
 - x. Drastic changes in appearance and grooming
 - xi. Violence in the workplace
 - xii. Any other factor or combination of factors that causes a supervisor or department head to reasonably suspect that a Fitness for Duty evaluation may be necessary.
4. All requests for a Fitness for Duty exam must be made to the department head. The department head will consult with the Administrative Services Director and/or his designee.
 5. The Administrative Services Director and/or his designee will ensure that all obligations set forth by ADA, FMLA and the Workers' Compensation Act are met.
 6. The fitness for duty examination will be conducted by an independent, licensed health care professional, designated and paid for by the City of Hickory.
 7. Failure to comply with a Fitness for Duty examination and all necessary releases for information may result in disciplinary action up to and including dismissal.
 8. The employee must follow the medical directives of the City of Hickory's designated medical provider. This includes, but is not limited to, further examination by specialists as deemed necessary by the City's medical provider.
 9. If an employee is deemed unfit for duty, but deemed fit with a reasonable accommodation, the City will make every effort to ensure that accommodation is made in compliance with the ADA, FMLA and the Workers' Compensation Act.
 10. Any information obtained as a result of the fitness for duty evaluation will be maintained in a separate file (electronic) and treated as a confidential record. The confidential files are maintained by and housed in the Human Resources Division.
 11. Costs associated with the Fitness for Duty Exam shall be paid by the employee's department.
 12. City requested second opinions shall also be paid by the employee's department.
 13. Second opinion evaluations requested by the employee shall be paid by the employee and must involve an appropriate credentialed mental health or health care provider.

VII. Other Fitness Testing

- A. Police: Refer to the Police Department's policy and/or procedure for the Police Officer Physical Agility Testing (POPAT).
- B. Fire: Refer to the Fire Department's policy and/or procedure for the Job Related Performance Ability Test (JRPAT).

For assistance with this policy, please contact the Administrative Services Director or his designee.

Date: October 1, 2014

Signed:

Mick Berry, City Manager

CITY OF HICKORY

Workers' Compensation Policy

General Statutes Statement

The City of Hickory (City) strives to provide a safe working environment for all employees by following the North Carolina Workers' Compensation Act, North Carolina General Statutes, Chapter 97. Procedures are set forth for clarification of responsibilities only and are not intended to contradict or take the place of the governing General Statutes, which shall take precedence. The Human Resources Division of the Administrative Services Department administers workers' compensation claims through a third party administrator. Additional information can be found at www.ic.nc.gov and www.ncga.state.nc.us.

Coverage: All full-time, part-time, and temporary employees occupying budgeted City positions shall be subject to this policy. Employees working on a contracted basis for the City shall not be covered, as defined by the North Carolina Workers' Compensation Act.

Notice of Injury

- A. Every injured employee or his/her representative must immediately, on the date of the accident or incident, notify his/her supervisor and complete an accident report, which provides written notice of the accident to the City. Failure to report an injury or illness immediately will be subject to disciplinary action up to and including dismissal.
- B. The employee will not be entitled to physician's fees or any compensation prior to giving notice of the accident/illness. No compensation shall be payable unless such written notice is given within 30 days after the occurrence of the accident unless the Industrial Commission rules otherwise.
- C. The City will complete a North Carolina Industrial Commission Form 19, "Employer's Report of Employee's Injury or Occupational Disease" which notifies the Industrial Commission of the accident.
- D. A North Carolina Industrial Commission Form 18 will be sent to each employee who has an injury. The employee is responsible for filing the Form 18, which is the "Employee's Notice of Accident", with the North Carolina Industrial Commission.

Medical Treatment

The City has the right to request and receive all medical records and reports related to the injury or illness for which the employee is seeking medical treatment or compensation. Under North Carolina Workers' Compensation law, the employer (the City) has the right to direct medical care for employees who suffer work related injuries or illnesses.

- A. For life-threatening or potentially life-threatening injuries, the employee will be taken to either the nearest hospital emergency room or emergency assistance will be immediately requested by calling 911. Human Resources must be contacted immediately after the coworker is assisted.
- B. For non-life threatening injuries, the City Nurse must be contacted through Human Resources. The City Nurse will assess the illness/injury and provide medical treatment as needed. The City Nurse may refer the injured employee to the authorized treating physician.

- C. **Hart Industrial Clinic** is the City's authorized treating physician and designated healthcare provider. Unless the injury/illness is a true emergency, unauthorized charges for treatment at any other healthcare facility or physician's office will not be paid by the City and will be the responsibility of the employee.
- D. If the injury or illness occurs outside of Hart Industrial Clinic hours, the designated provider is **Frye Care Urgent Care**.
- E. Use of the emergency room is strongly discouraged unless there is a true emergency (see III.A.) or the authorized City healthcare providers are closed (see III.C & D).
- F. If the authorized treating physician, employer, or insurance company declares the injury is not work related, only the initial approved visit will be approved for payment. Any visits other than the initial approved visit will be the financial responsibility of the coworker.
- G. All referrals to specialists or requests for further tests must be preapproved by the workers' compensation insurance carrier. The workers' compensation carrier pays for approved prescription medications for compensable injuries. Human Resources can provide a list of pharmacies who have agreed to bill the carrier for payment. In cases where the pharmacy will not bill the carrier, Human Resources will submit the receipts to the carrier for the employee.
- H. Employees will not be required to use accrued time for authorized follow-up visits to the approved treating physician.

Compensation

To provide for the prompt payment of compensation within the time prescribed in General Statute 97, the employee or employee's representative must present a statement from the authorized treating physician, stating that the employee cannot return to work either on full or light duty. This statement must be sent immediately to Human Resources to be forwarded to the workers' compensation insurance carrier who will in turn notify the North Carolina Industrial Commission. Compensation will be paid after the claim is investigated and accepted as compensable.

- A. If the approved, treating physician states the employee is unable to work, the employee will be placed on Leave Without Pay Status.
- B. On the date/day of the injury, the employee will receive pay from the City for the remainder of his/her scheduled shift.
- C. Under the North Carolina Workers' Compensation Act there is no compensation entitlement for the first seven (7) calendar days the coworker is placed out of work. Employees may use accrued leave time during this seven (7) day waiting period.
- D. After the seven (7) day waiting period, the employee will receive wages of up to two-thirds (2/3) of his/her salary.
- E. No additional accrued or compensatory time may be used while the employee is receiving wages under the North Carolina Workers' Compensation Act.

- F. If the injury results in lost work time of more than twenty-one (21) days, compensation will be paid from the first (1st) day of lost time. The employee will not be required or allowed to reimburse the City for the seven (7) day waiting period to reinstate his/her accrued time.
- G. Salary Payments are made by the City's workers' compensation carrier after the claim has been accepted.
- H. Holidays are included in regular compensation paid by the workers' compensation carrier and no additional holiday pay will be paid by the City.
- I. After more than five (5) working days of workers' compensation leave, the employee ceases to earn accrued leave for that month. This is consistent with the City of Hickory Leave Policy.
- J. The City will continue to pay the health insurance premium for the employee while he/she is on approved workers' compensation leave and still employed with the City of Hickory.
- K. The employee is responsible for all deductions for elected insurance coverages, including but not limited to: Dependent medical, dental, AFLAC, etc.

Family and Medical Leave Act

Family and Medical Leave shall run concurrent with Workers' Compensation Leave beginning when the authorized, treating physician places the employee out of work.

Return to Work

The employee must return to work once he/she is released following medical treatment unless the treating physician indicates otherwise. The employee must notify his/her supervisor immediately following medical treatment of the physician's determination of ability to return to work and must report any changes in work status to the supervisor. Failure to report for duty upon release from the authorized, treating physician shall be considered a resignation.

- A. Restricted Duty: If the physician indicates that the employee may return to work with some temporary restriction in duties, a modified work assignment meeting those restrictions will be provided when possible.
- B. Modified duty assignments are intended to complement and facilitate the healing process. The maximum modified duty assignment shall be twelve (12) weeks unless additional time is approved by Human Resources.
- C. If the approved treating physician indicated that the employee is unable to return to work on full duty status, an equivalent position will be held for a maximum of six (6) months (180 days) from the original date of injury. The six months (180 days) include the 90 days of FMLA leave, which is running concurrently. The City Manager or designee may grant an exception or extension provided there is support for the decision from the approved medical provider.
- D. Reasonable accommodations will be attempted by the City in order to be in compliance with the Americans with Disabilities Act. The City will try to reasonably accommodate to the point where it does not jeopardize the City's operations.

E. Injuries requiring Emergency Room treatment shall be accompanied with appropriate discharge instructions for the employee. If no follow-up instructions are given, or if the instructions are unclear, the employee shall notify his/her supervisor so that proper follow up occurs before the employee returns to work. If it is deemed necessary that a follow-up is needed, an appointment shall be made at Hart Industrial Clinic through the Occupational Health Nurse or the Risk Manager.

Right to Appeal

If the City or its workers' compensation insurance carrier decides to deny liability in a claim, the insurance carrier will send the employee a statement detailing the reasons for the denial. Should the employee wish to appeal the decision, he or she must send a "Request that Claim be Assigned for Hearing" Form 33 to the North Carolina Industrial Commission.

Personnel Ordinance and City Policies

The City's Personnel Ordinance continues to apply to the employee who is out on Workers' Compensation Leave. Other approved City policies may apply.

Contact Information

For assistance with claims/appeals or general questions/concerns regarding workers' compensation, please contact the Human Resources Division at 828.323.7443.

Mick Berry, City Manager

Date

CITY OF HICKORY ETHICS POLICY AND PROCEDURE

1. POLICY AND PURPOSE

Ethics is a system of moral principles that govern the behavior of an individual or group of people. The purpose of this ethics policy is to establish ethical standards of conduct for employees of the City of Hickory. It is not a substitute for the law or for a City employee's best judgment. The City upholds, promotes, and requires the highest ethical standards of all City employees, including full-time, part-time, seasonal, and temporary workers. In establishing this ethics policy, the City desires to promote public and employee confidence in City government, preserve government integrity, and protect the public against decisions affected by undue influence, conflicts of interest, or any other violation of this policy. Adherence to this policy will help the City to deliver high quality services through excellent and ethical employees focused on innovation, communication, and customer service.

2. PRINCIPLES

A. **ETHICAL:** Employees will be ethical.

1. Employees shall not reveal classified or private information (including photographs and videos) or use such information for speculation or personal gain.
2. Employees shall not use their position to obtain official information about any person or entity outside of the performance of official responsibilities.
3. Employees shall decline any gift valued at more than twenty-five dollars (\$25.00) for themselves or their families.
4. Employees shall not use their office or position for their personal benefit, gain, profit, or to obtain special privileges or exceptions for themselves or their immediate family, or to improperly benefit other entities.
5. Employees shall not take advantage of any person under their supervision for personal gain or to benefit any other City employee.
6. Employees shall not use any City-owned vehicles, equipment, materials, money, or property for personal convenience or profit. Use is restricted to services that are available to the general public. Employees shall follow established practices and procedures for using equipment for City business.

B. **EQUALITY:** Employees, prospective employees, and citizens will enjoy equal treatment.

1. The City shall not discriminate on the basis of race, color, religion, gender, age, national origin, veteran status, disability, sexual orientation or marital status.
2. The City and its employees shall avoid bias and respect cultural differences as a part of decision-making.
3. The City shall abide by the Genetic Information Nondiscrimination Act of 2008 (GINA). This means that the City shall not discriminate based on family medical history, genetic disorder, etc., nor shall employers ask for such information.
4. The City shall extend equal opportunities to all.

C. **BEHAVIOR:** Employees are to be trustworthy, honest, respectful and service-oriented toward the public, and will perform duties to the best of their ability.

1. Employees shall maintain public confidence in their office and performance through professional conduct and appearance.
 2. Employee influence on others shall remain professional. Employees are expected to maintain the highest level of professional behavior when dealing with employees that they supervise or could influence.
 - a. Employees shall not pressure other employees, verbally or otherwise, to do unethical, illegal, or immoral acts.
 - b. Employees shall not grant or request personal favors (shift assignments, working conditions, etc.).
 3. City employees shall at all times be aware of public perception and avoid even the appearance of improper behavior.
 4. Employees demonstrate the core values of the City – innovation, communication, and customer service.
- D. DRUG AND ALCOHOL:** All employees are prohibited from engaging in the unlawful manufacture, distribution, possession, or use of controlled substances. All employees are prohibited from being intoxicated, impaired, or under the influence of a prohibited substance while conducting City business or while acting as a representative of the City as stated in the Drug and Alcohol Policy.
- E. HARASSMENT AND VIOLENCE:** Employees are prohibited from threatening, harassing, and acting violently toward others while on duty. The City of Hickory has a zero tolerance policy for acts and threats of violence, intimidation, coercion, harassment, and sexual advances or conduct. In the event an employee violates this rule, disciplinary action will take place potentially including dismissal and arrest in accordance with the Workplace Violence Policy and the Anti-harassment Policy.
- F. LAW AND POLICY:** City employees are to abide by the law.
1. Employees will uphold the laws and regulations of the United States as well as those of state and local governments, and will not engage in activities that undermine that authority.
 2. Employees' illegal actions off-duty may be cause for disciplinary action by the City, including suspension or termination.
 3. Reporting unlawful or improper actions is appropriate. Employees are expected to use the proper chain of command, or contact the Human Resources Department for further investigation.
 4. Employees will be familiar with and abide by all City policies. The Human Resources Department is responsible for training on these policies.
 5. Employees should set the public example by obeying the law on and off duty and should be aware that inappropriate private actions can send a negative public message.
- G. CONFLICTS OF INTEREST:** City employees will avoid conflicts of interest and the appearance thereof.
1. Conflicts of interest occur when an employee is no longer able to remain impartial when choosing between the interests of the City and his or her personal interests.
 2. Employees shall not engage in any activity that conflicts with their duties or responsibilities.
 3. Employees shall immediately inform their supervisor or manager if involved in a situation that may cause a conflict of interest or presents the appearance of conflicting interests.
 - a. The employee shall identify his or her interest, that is, the benefit or advantage that would be gained or lost if the City acted on the matter in various ways, and

the underlying basis of it, such as ownership, an investment, contract, claim, employment, relationship, etc.

- 4. No City employee will influence the City’s selection of or conduct of business with a corporation, person, or firm proposing to do business with the City if the employee has a personal relationship or any financial interest in the company.
- 5. 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 business dealings with the City. Any employee violating the provisions of this section shall be subject to suspension or termination in accordance with Personnel Ordinance Art. V, Section 8.
- 6. Failure to disclose conflicts of interest is grounds for discipline including termination and any participation of the officer or employee in the matter shall be null and void (in accordance with North Carolina G.S. §14-234(f)).

H. OUTSIDE EMPLOYMENT: Outside employment should not impair independence of judgment or action in the performance of official City duties, nor will it interfere with the time and attention devoted to the employee’s City job. Employees will not use City equipment for an outside job. Employees must obtain written City approval of the intent to engage in outside employment. Unreported or conflicting outside employment shall be grounds for disciplinary action or dismissal in accordance with the Personnel Ordinance Art. V, Sections 3 & 5.

I. POLITICS: Any political action should be done as a private citizen. The intent of this section is not to prevent City employees from exercising their freedom of speech and engaging in civic activities (in accordance with the Personnel Ordinance, Art. V, Section 9).

3. PROCEDURES

- A.** Employees are expected to:
 - 1. Report concerns through the proper chain of command or contact the Human Resources Department.
 - 2. Provide the information necessary to make a fair and honest assessment and determination of concerns.
 - 3. Report ethical concerns based on fact rather than hearsay, gossip, or personal bias.
 - 4. Not use the reporting system to discuss issues other than ethical concerns.

- B.** Supervisors, Division Managers, Department Directors, Assistant City Managers, and the City Manager will:
 - 1. Create an environment where employees are encouraged to discuss work concerns of an ethical nature.
 - 2. Investigate concerns based on facts.
 - 3. Be open and honest while maintaining confidentiality to the extent possible.
 - 4. Treat all employees fairly and consistently, without bias.

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For more information see the full versions of the Personnel Ordinance, Conflict of Interest Ordinance, Drug and Alcohol Policy, Workplace Violence Policy, Anti-Harassment Policy, Outside Employment Policy, Title II of the Genetic Information Nondiscrimination Act, and North Carolina General Statutes §14-234, §133-32, and §160A-169.

City of Hickory Leave Policy

The City of Hickory Personnel Policy and other approved policies may apply. City of Hickory employees may be eligible for various types of paid and unpaid leave. This policy describes the types of leave available, as well as the conditions that must be met to qualify for each type of leave. It is the intent of this policy to meet the obligations set forth by ADA, FMLA, FLSA and the Worker's Compensation Act.

This policy shall be applied fairly and consistently to all full-time employees of the City of Hickory.

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.

I ACCRUED LEAVE

Non-exempt employees must use all their accrued compensatory time prior to using any accrued vacation and/or sick leave.

A VACATION LEAVE

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

Length of Service	Annually
0 through 5 years	6
through 10 years	11
through 15 years	16
through 20 years	17
Over 20 years	20

1 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 leave without pay do not accrue vacation leave when the leave without pay exceeds a total of five (5) working days in that month. Employees who are suspended for any amount of time during the month will not accrue vacation leave in that month. Employees on approved leave for required military training accrue vacation leave while absent.

2 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.

a) 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. b) Employees who work ten hour (10) shifts, one ten (10) hour shift will be charged as 1 1/4 days' (ten hours) (10) vacation leave.

3 Vacation Leave Accumulation.

a) 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.

4 Terminal Pay. Upon termination of employment an employee shall be paid for accumulated vacation leave up to a maximum of thirty (30) days provided employee has submitted the required notice of separation as per the City of Hickory Personnel Policy. 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.

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

B SICK LEAVE

Sick leave with pay is not a right which an employee may demand, but a privilege granted by the City of Hickory.

1 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, or leave without pay do not accrue sick leave when the leave without pay exceeds a total of five (5) working days in a month.

a) Non-exempt employees who are suspended for any amount of time during the month shall not accrue sick leave in that month.

b) Exempt employees who are suspended for serious infractions of workplace conduct rules, such as rules prohibiting sexual harassment, workplace violence or drug or alcohol use or for violations of state or federal laws for one or more full work days, shall not accrue sick leave in that month. FLSA 29 C.F.R. §541.602(b)(5)

2 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 6 of the City of Hickory Personnel Policy.

a) 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.

b) For employees who work ten (10) hour shifts, one ten (10) hour shift will be charged as 1 1/4 days (ten hours, 10) sick leave.

3 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.

4. 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 not reinstated within one (1) year shall lose all sick leave credit. No employee shall be paid for accumulated sick leave.

5. Physician Certification. The employee's supervisor may require a statement from a physician, or other acceptable proof, that the employee is unable to report for work as a condition of approving sick leave. At the end of an authorized sick leave period, the employee's supervisor may require physical and/or mental examination at the City of Hickory's expense by a physician of the City's choice to determine if the employee is able to resume his/her regular duties. If the employee is returning from FMLA leave, with certification that he or she is cleared for duty by the treating physician, no second or third fitness for duty certification may be required. See p.6, E.2.d.

6. The City Manager is responsible for developing and maintaining appropriate rules and procedures regarding sick leave.

II. FAMILY AND MEDICAL LEAVE

In accordance with the Family and Medical Leave Act (FMLA) of 1993 as amended, the City of Hickory will allow all eligible coworkers to take unpaid, job-protected leave for certain specified reasons. The maximum amount of leave a coworker may use is either twelve (12) weeks or twenty-six (26) weeks within a twelve (12) month period depending upon the reasons for the leave. Longer periods of leave or leave for other reasons may be granted in accordance with Article VI, Section 6, of the City of Hickory Personnel Policy. All accrued sick, vacation, compensatory time and shared leave will be applied to the leave requested and will run concurrent with FMLA Leave.

A To be eligible for FMLA leave, a coworker must have worked at least twelve (12) months for the City of Hickory and have worked at least one thousand two hundred fifty (1,250) hours for the City of Hickory over the preceding twelve (12) months.

B Reasons for Family and Medical Leave.

- 1 Family/medical leave may be taken for the following reasons:
 - a) For the birth of a child or to care for a newly-born child (up to twelve (12) weeks);
 - b) For the placement of a child with the coworker for adoption or foster care (up to twelve (12) weeks);
 - c) For the care of an immediate family member (coworker's spouse, child, or parent) with a serious health condition (up to twelve (12) weeks);
 - d) For the coworker's serious health condition that makes the coworker unable to perform the coworker's job (up to twelve (12) weeks);
 - e) For certain qualifying exigencies arising out of the fact that the coworker's spouse, son, daughter, or parent is on active duty or is under a call or order to active duty in the Armed Forces, including the National Guard or Reserves; or

f) For the care for a Covered Service Member with a serious injury or illness related to certain types of military service (up to twenty-six (26) weeks during a single twelve (12) month period).

2. The maximum amount of leave that may be taken in a twelve (12) month period for all reasons combined is twelve (12) weeks, with one exception. For leave to care for a Covered Service Member, the maximum combined leave entitlement is twenty-six (26) weeks, with leaves for all other reasons constituting no more than twelve (12) of those twenty-six (26) weeks.

C Definitions.

1 Covered Service Member. A coworker's spouse, child, parent, or next of kin who is a 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. A coworker's spouse, child, parent, or next of kin who was a veteran of the Armed Forces at any time during the period of five (5) years preceding the date of such medical treatment, recuperation, or therapy is also a covered service member.

2 Leave year - the twelve (12) month period measured forward from the date a coworker's first FMLA leave begins.

3 Qualifying exigencies - issues arising out of the fact that the coworker's spouse, son, daughter, or parent is on active duty in the Armed Forces, including the National Guard or Reserves, or has been notified of an impending call or order to active duty. Included are activities such as short-notice deployment, military events, arranging alternative childcare, making financial and legal arrangements related to the deployment, rest and recuperation, counseling, and post-deployment debriefings.

4 Single twelve (12) month period for caring for a covered service member - begins on the first day the coworker takes leave for this reason and ends twelve

(12) months later.

5 Serious health condition - an illness, injury, impairment, or physical or mental condition that involves either:

a) An overnight stay in a medical care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care; or

b) Continuing treatment by a health care provider, which includes:

(1) A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:

(a) Two (2) or more treatments by a health care provider, the first within seven (7) days and both within thirty (30) days of the first day of incapacity;

(b) One (1) treatment by a health care provider with a continuing regimen of care (e.g., prescription medication, physical therapy); or

(2) Any period of incapacity caused by pregnancy or for prenatal care; or

- (3) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity; or
- (4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
- (5) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

6. Serious injury or illness of covered service member - an injury or illness incurred by the member in the line of duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

D. General Rules

- 1 All accrued sick, vacation, compensatory time and shared leave will be applied to the leave requested and will run concurrent with FMLA Leave.
- 2 After all available sick leave (if the use of sick leave is permitted by the City's policy on the use of sick leave), vacation leave, compensatory time and shared leave (if eligible) has been exhausted, the remainder of the twelve (12) week FMLA period may be taken without pay.
- 3 Leave taken for the birth or placement of a child must be taken within one (1) year of the birth or placement.
- 4 Spouses who are both employed by the City are entitled to a total of twelve (12) weeks of leave (rather than twelve (12) weeks each) for the birth or placement of a child or for the care of a sick parent or a total of twenty-six (26) weeks if the leave is to care for a covered service member with a serious injury or illness.
- 5 Eligible coworkers may take FMLA leave intermittently (in separate blocks of time) or by reducing the normal work schedule when medically necessary for the serious health condition of the coworker or immediate family member, or in the case of a covered service member, his or her serious injury or illness. Eligible coworkers may also take intermittent or reduced-scheduled leave for military qualifying exigencies.
- 6 When leave is needed for planned medical treatment, the coworker must make a reasonable effort to schedule treatment so as not to unduly disrupt City or departmental operations.
- 7 Coworker Notice
 - a) A coworker must provide thirty (30) days advance notice when the need for FMLA leave is foreseeable and such notice is practicable. When the need for leave is not foreseeable thirty (30) days in advance, the coworker must provide as much notice as possible.

b) If a coworker knows that he/she will need leave in the future but does not know the exact date(s), such as for the birth of a child or to take care of a newborn, the coworker shall inform his/her supervisor as soon as possible about the leave that will be needed.

8 Providing false or misleading information or omitting material information in connection with an FMLA leave may result in disciplinary action up to and including immediate termination.

E Procedures

1 A Request for Family and Medical Leave Form must be completed by the coworker, signed by the department head, and forwarded to the Human Resources Department. If possible, the request should be submitted thirty (30) days before the leave is scheduled to begin.

2 When seeking FMLA leave, a coworker is required to provide to Human Resources the information listed below. Failure to comply with these requirements may result in delay or denial of leave, or disciplinary action, up to and including termination.

a) Enough information for the City to determine if the requested leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Enough information may include that the coworker is unable to perform job functions, a family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave;

b) Medical certification supporting the need for leave due to a serious health condition affecting the coworker or an immediate family member within fifteen (15) calendar days of the City's request to provide the certification (additional time may be permitted in some circumstances). Failure to do so may result in the delay of the start of the leave, withdrawal of the designation of FMLA leave, or denial of the leave, in which case the leave of absence would be treated in accordance with standard leave of absence and attendance policies.

c) Periodic reports as deemed appropriate during the leave regarding the coworker's status and intent to return to work; and

d) Medical certification of fitness for duty before returning to work if the leave was due to the coworker's serious health condition. The City will require this certification to ensure that the coworker can perform the essential functions of his/her position.

3 Status of Job and Benefits During Leave.

a) Upon returning to work, the coworker will typically be returned to the same position held at the time leave was granted or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

b) During the first twelve (12) weeks of family/medical leave (or twenty-six (26) weeks if applicable), the City will continue to pay its portion of medical, dental, and life insurance premiums. If leave is granted for a longer period, the coworker is responsible for paying all of the cost for insurance once all accrued leave (sick and vacation) and compensatory time is exhausted. Premiums must be paid in full. Insurance benefits will be terminated if premiums are more than 90 days past due.

- c) Following the conclusion of FMLA leave, the City's obligation to maintain the coworker's health plan benefits ends (subject to any applicable COBRA rights). Moved from item f
- d) The coworker is responsible for paying the premiums for any elected insurance coverage. The coworker is responsible for contacting the Human Resources Department to make arrangements for payments.
- e) All available unused accumulated leave will be retained. The earning of additional leave, however, stops when a coworker is on leave without pay for more than five working days.
- f) A coworker who fails to return to work as scheduled after FMLA leave or exceeds the twelve (12) week FMLA entitlement (or in the case of military caregiver leave, the twenty-six (26) week FMLA entitlement), will be subject to the City's standard leave of absence and attendance policies. This may result in disciplinary action and/or termination if there is no other City-provided leave available that applies to the coworker's continued absence.

III. WORKER'S COMPENSATION LEAVE

A When an on-the-job injury results in a serious health condition, as defined by FMLA, the workers' compensation leave will run concurrent with FMLA. The employee shall be notified by Human Resources that the leave is being counted as FMLA leave.

B If the Worker's Compensation Leave exceeds the twelve (12) week FMLA period, the coworker will be responsible for paying all the cost for insurance coverage. Premiums must be paid in full. Insurance benefits will be terminated if premiums are more than 90 days past due.

IV. SHARED LEAVE

The purpose of the shared leave policy is to provide assistance to coworkers who are unable to work due to a catastrophic illness or the catastrophic illness of the coworker's immediate family member that requires care by the coworker.

A Criteria

- 1 All coworkers who have been employed full time by the City of Hickory for 1 (one) year are eligible to enroll in the shared leave bank.
- 2 Eligible coworkers may join the shared leave bank during open enrollment which is the month of May each year. A new membership form and donation must be completed each year to continue to be eligible to use the shared leave account.
- 3 Full time coworkers must be a member of the shared leave bank for one year prior to requesting shared leave. Switched items 2 and 3
- 4 To become a member of the shared leave bank, a full time coworker must contribute four (4) hours of leave time per year. This leave time may be either sick leave or vacation leave. Donation of time is irrevocable.
- 5 The leave may not be used in conjunction with workers' compensation.

6. Maximum benefit eligible to receive is sixty (60) work days of time. This time is in conjunction with the Family Medical Leave Act. All City of Hickory provided benefits will be paid during this twelve (12) week period.
7. Shared leave may not be used for the birth of a child unless the requested leave time is due to complications beyond the six (6) weeks of normal maternity recovery.
8. Shared leave may not be used in conjunction with the short-term disability insurance benefit.
9. The bank must be self-supporting. If a request is approved and the bank is low or empty, a notice will be sent to coworkers, anonymously, that the bank is low and there is a need for additional donated time. If additional time is not donated, the requesting party will be unable to receive shared leave.

B Eligibility for Benefits

1. Only full-time coworkers who have exhausted all vacation leave, sick leave and compensatory time and have a physician certified serious health condition that prevents them from returning to work for a projected minimum of twenty (20) working days may request leave from the shared leave bank. The serious health condition may be that of the coworker or a coworker's immediate family member if the physician requires the coworker to care for the immediate family member. The Family Medical Leave Act will be reviewed to determine if the illness meets the criteria of being serious. Serious health condition is defined as a condition or illness affecting one's health to the extent that inpatient care is required, or absences are necessary on a recurring basis or for more than three days for treatment or recovery. The definition of Family and Medical Leave is unpaid leave of up to twelve (12) weeks per year granted for (1) birth, adoption or placement of a child; (2) serious health condition of a spouse, son, daughter, or parent; or (3) serious health condition of the coworker.
2. The request for shared leave must be presented to Human Resources. After the request is verified to make sure the minimum criteria is met, the request will be forwarded to the Review Committee.
 - a) The Review Committee will include a representative from Human Resources, the Department Head and/or supervisor and a representative from the City Manager's office.

The following factors will be considered when reviewing a coworker's request for shared leave:

- b) Doctor's certification of a serious health condition. The certification should include the diagnosis and length of time the coworker is expected to be out of work. If the leave is to care for an immediate family member, a physician's order for this care must be included.
- c) No abuse of sick leave time over the past three (3) years. Two of the factors that will be considered will be the opinion of the direct Department Head or the use of twelve (12) days of sick leave per year for the previous 3 years without the presence of a serious health condition. Any time that was designated as FMLA will not be considered to be abuse of sick leave.

C Administration

- 1 The accrued time donated to this bank will be disclosed in the annual financial audit. Human Resources will track and administer the plan.

V. LEAVE WITHOUT PAY

A Employees may request leave without pay from their department head by submitting a "Leave Without Pay Request" form.

B Leaves of absence without pay may be granted to employees by the City Manager or his designee upon recommendation of the department head. Leaves will be evaluated on a case by case basis.

C Employees may request leave without pay for the following:

- 1 Personal disability;
- 2 Personal Illness;
- 3 Family Illness;
- 4 Completion of education;
- 5 Special work which will benefit the City through the experience the employee gains or the type of work he or she performs;
- 6 Other reasons deemed justified by the City Manager;

D Employees who are granted "leave without pay" will have exhausted all accrued vacation leave and compensatory time. For items C 1, 2 and 3,, employees must also have exhausted all accrued sick leave to be considered for leave without pay.

E Department Heads may approve any leave without pay that does not exceed 5 working days. A copy of the leave documentation must be sent to Human Resources. Leave without pay of 5 days duration or greater requires approval from the City Manager or his designee.

F Employees on leave without pay for more than 5 working days will not accrue vacation and sick leave. Employees on leave without pay will not receive holiday pay, as stated in the City of Hickory Personnel Policy.

G Leave without pay shall not exceed six (6) months. In rare circumstances, the City Manager may grant an exception provided there is support for the decision from the employee's medical provider.

H A coworker must provide thirty (30) days advance notice when the need for leave without pay is foreseeable and such notice is practicable. When the need for leave is not foreseeable thirty (30) days in advance, the coworker must provide as much notice as possible.

I The coworker is responsible for paying all of the cost for insurance once all accrued leave and compensatory time is exhausted. Premiums must be paid in full. Insurance benefits will be terminated if premiums are more than 90 days past due.

VI. MILITARY LEAVE

A. An employee who is a member of the 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 one hundred twenty (120) hours per calendar year; additional leave needed for training shall be charged to vacation leave or leave without pay at the discretion of the employee. No compensation shall be paid for weekend drill or training duty. The employer (City of Hickory) may not require the employee to use accrued vacation, annual or similar leave during a period of service in the uniformed services. (1002.153 CFR).

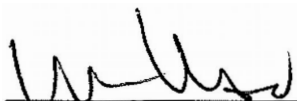
B. Employees who are ordered to active duty shall also be granted military leave. For full-time employees, this leave shall be paid leave, up to a maximum of six (6) months. If active duty is ordered for longer than six (6) months, employees may receive differential pay for an additional six (6) months. 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.

Employees on military leave shall continue to accrue vacation and sick time and to receive all benefits provided in accordance with the City of Hickory Personnel Policy and applicable federal laws.

C. 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.

VII. CIVIL LEAVE

A. 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 for such duty.



Warren Wood, City Manager

3-18-19

Date

THIS POLICY REPLACES THE FOLLOWING INDIVIDUAL POLICIES: FAMILY AND MEDICAL LEAVE POLICY AND PROCEDURE, SHARED LEAVE POLICY, AND THE ADMINISTRATIVE LEAVE POLICY. THIS POLICY REFLECTS THE LANGUAGE FOUND IN THE CITY OF HICKORY PERSONNEL POLICY REGARDING ACCRUED LEAVE.

City of Hickory
Dress and Appearance Policy
Effective June 15, 2009

1. Policy

As representatives of the City of Hickory, all coworkers are expected to maintain acceptable standards of personal grooming and attire and present a neat, professional appearance while at work.

Departments may establish specific dress codes and uniform policies appropriate for the work setting and the work being performed.

2. General rules

- A. Workplace attire must be neat, clean, properly fitting, and appropriate for the work setting.
- B. Clothing should not be tight, revealing, low cut, or otherwise inappropriate.
- C. Excessive or inappropriate tattoos must be covered.
- D. Body Piercings: Only earrings worn in the earlobe should be visible.
- E. Department heads may permit more casual clothing during special circumstances. On these occasions, coworkers are still expected to present a neat appearance and are not permitted to wear ripped, frayed or disheveled clothing, or similarly inappropriate clothing.
- F. Dress and appearance criteria apply any time city buildings are open to the public.
- G. Coworkers who are issued uniforms will comply with their departments' uniform policies and procedures.

3. Guidelines for Those Working in an Office Environment

Listed below are some guidelines on appropriate and inappropriate attire. These guidelines are not meant to be an all-inclusive list but are simply given to help set the parameters of suitable business wear. The City reserves the right to determine the appropriateness of attire.

Appropriate

- Dresses/skirts (no more than 2 inches above the knee)
- Suits/pantsuits/ties

Inappropriate

- Mini-skirts, stirrup pants, and leggings
- Any denim or denim-like material
- Shorts, sweatpants, cargo pants

- Pants in suitable business fabrics
- Dress capris
- Dress split skirts (skorts, gauchos) in appropriate fabric and length
- Blazers
- Blouses/shirts
- Collared polo shirts
- Sweaters and vests
- Dress shoes, dress boots, loafers, flats, dress sandals
- Jogging suits or lounging outfits
- Casual/sport T-shirts (including logo merchandise)
- Any clothing with offensive language or pictures
- Flannel shirts, sweatshirts, tank tops, halter tops
- See-through or mesh material
- Athletic shoes, sneakers, flip-flops, slippers, crocs

4. Non-compliance

- A. If a coworker reports to work dressed inappropriately, the supervisor or department head will discuss the violation with the coworker.
- B. If the inappropriate clothing is extreme, the coworker may be sent home to change clothing and then return to work. Time needed to do this will be charged to the coworker's vacation time or, if no vacation time is available, leave without pay.
- C. Subsequent incidents of non-compliance will result in disciplinary action, up to and including dismissal.

Mick W. Berry, City Manager

6/30/09

Date

CITY OF HICKORY POLICY PROHIBITING WORKPLACE VIOLENCE

POLICY PURPOSE

The City of Hickory is committed to providing a safe work environment. For this reason, the City has adopted a zero tolerance policy for workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion which involve or affect the City of Hickory or which occur on City property will not be tolerated. Violations of this policy will result in disciplinary action up to and including termination and may result in arrest and/or prosecution.

POLICY STATEMENT

A. Acts or Threats of Violence Defined

“Threats or acts of violence” include conduct against persons or property that is sufficiently severe, offensive, or intimidating so as to alter the employment conditions at the City of Hickory, or to create a hostile, abusive, or intimidating work environment for one or more City of Hickory employees.

B. Examples of Workplace Violence

General examples of prohibited workplace violence include, but are not limited to, the following:

- All threats or acts of violence occurring on City of Hickory property, regardless of the relationship between the City and the parties involved in the incident.
- All threats or acts of violence not occurring on City property but involving someone who is acting in the capacity of a representative of the City of Hickory.
- All threats or acts of violence not occurring on City property involving an employee of the City of Hickory if the threats or acts of violence affect the legitimate interests of the City of Hickory.
- Any threats or acts resulting in the conviction of an employee or agent of the City of Hickory, or of an individual performing services on the City’s behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of the City of Hickory.

C. Specific Examples of Prohibited Conduct

Specific examples of conduct that may be considered “threats or acts of violence” prohibited under this policy include, but are not limited to, the following:

- Hitting or shoving an individual.
- Threatening to harm an individual or his/her family, friends, associates, or their property.
- The intentional destruction or threat of destruction of property owned, operated, or controlled by the City of Hickory.
- Making harassing or threatening statements by telephone, letter or other forms of written or electronic communications.
- Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the City.
- Harassing surveillance, also known as “stalking”, the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety.
- Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on City property.

D. Scope

The City of Hickory prohibition against threats and acts of violence applies to all persons involved in the City’s operation, including but not limited to City personnel, contract and temporary workers, and anyone else on City of Hickory property. Violations of this policy by any individual on City property, or by any individual acting off of City property when his/her actions affect the public interest or the City’s business interests will be followed by legal action, as appropriate. Violation by an employee of any provision of this policy may lead to disciplinary action up to and including termination. This policy and any sanctions related thereto are to be deemed supplemental to the City’s Personnel Ordinance and provisions related thereto, and applicable State and Federal laws.

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on City of Hickory property shall be removed from the premises as quickly as safety permits and shall remain off City premises pending the outcome of an investigation.

E. Employee Obligations

Each employee of the City and every person on City of Hickory property is encouraged to report incidents of threats or acts of physical violence of which he/she is aware.

In cases where the reporting individual is not a City employee, the report should be made to the City of Hickory Police Department.

Managers and supervisors should inform all employees that workplace violence in any form will not be tolerated and reinforce the importance of employee participation in the prevention of workplace violence.

F. Procedure for Dealing with Acts of Workplace Violence

CITY OF HICKORY BENEFITS SUMMARY AND POLICY INFORMATION

1. If an act or altercation constitutes an emergency, call 911. After 911 has been contacted, immediately contact a manager or supervisor.
2. In situations that are not emergencies, contact your immediate manager or supervisor. If possible, separate the parties involved in the altercation. If the parties cannot be separated or if it would be dangerous to any employee to separate the parties, call 911. (If the immediate supervisor cannot be contacted, notify Human Resources. The incident must be reported at the time of its occurrence).
3. The supervisor must contact the Department Head as soon as the incident is under control. The Department Head will contact Human Resources and work with them on coordinating a response to the incident.
4. If the incident involves a supervisor, the employee must contact the Department Head as soon as the incident is under control.
5. If the incident involves a Department Head, the employee must contact Human Resources as soon as the incident is under control. Human Resources will immediately notify the City Manger.
6. In instances that involve emergencies or criminal activities, Human Resources will contact the City Manager's Office and the Police Department. The Police Department may be called upon to investigate the incident. The Police Department will furnish a report to Human Resources. This report will be utilized in determining disciplinary action, up to and including dismissal.
7. If the incident is not referred to the Police Department, Human Resources will coordinate the internal investigation process.
8. Employees and supervisors should make as many observations as possible on the actions and appearance of all involved parties, including any indication that they may be under the influence of alcohol or drugs.
9. Observations should be documented as soon as safely possible. The document must be dated.
10. If other parties are present, ask them to document and date their observations.
11. Give all information to the investigating party (Human Resources or Police).
12. Depending on the seriousness of the particular circumstance, an employee may be suspended (with pay) and ordered not to return to work until the investigation is complete. During the investigation process management shall review the facts of the situation and determine if disciplinary action should be taken resulting in the suspension or termination of the employee.

G. Employee Questions

Employees shall refer any questions regarding his/her rights and obligations under this policy to the Human Resources Division.

H. Training

The City will provide opportunities for employees to be trained in the risk factors associated with workplace violence and proper handling of emergency situations in order to minimize the risks of violent incidents occurring in the workplace.

I. Anti-Retaliation Clause

This policy prohibits retaliation against any employee who reports a workplace violence concern in good faith. Management shall be sensitive and responsive to the reporting employee's fear of reprisal. Human Resources will investigate any incidents of retaliation. Parties engaging in retaliatory acts will be subject to discipline, up to and including dismissal.

J. Dissemination of Policy

All employees will be given copies of this policy. All new employees will be given a copy of this part of this policy as part of their orientation by the Human Resource Division.

Reissued:

Mick Berry, City Manager

_____ Date

**City of Hickory Safety Policy
Risk Division**

**Date: September 24, 1998
June 01, 2016**

1.0 Policy Statement

It is the policy of the City of Hickory that every coworker is entitled to a safe and healthy place to work. The City will make every reasonable effort in the interest of accident prevention and preservation of health. Coworkers are required to exercise care in the course of their work to prevent injuries to themselves and their fellow workers. This responsibility must be accepted by everyone, regardless of their position in the organization.

2.0 Mayor, City Council and City Manager

The Mayor and City Council support a City-wide safety program through risk management policies and budgetary considerations.

The City Manager's Office, through the Risk Manager, is responsible for the overall management and administration of the City's safety program.

The City Manager's Office will hold Department Heads accountable for injuries incurred by coworkers in their department that have multiple occurrences, have not had corrective action, or are obviously preventable. Reports of these conditions will be placed into an evaluation file by the Risk Manager, with copies made available to the City Manager's Office at their request.

The City Manager's Office, through the Risk Manager, will audit each department and division annually, for safety deficiencies, recommendation compliance, and required documentation.

3.0 Executive Risk Management Team

The Executive Risk Management Team members will be made up of the City's Risk Manager, who will serve as the chairperson, department heads from Public Services, Fire, Parks and Recreation, Police, Airport, Human Resources Director, and the Assistant City Manager / Chief Financial Officer. The Executive Risk Management Team will function as an advisory body to develop and recommend to the City Manager's Office matters of policy and procedure affecting the administration of the City of Hickory's safety programs.

The Executive Risk Management Team will, through the City's Risk Manager, track Workers' Compensation costs, accidents and injuries of City employees, accident and incidents related to city property, vehicles, and equipment.

Members of this committee are responsible for promoting safety and good work habits within their respective departments and throughout the City.

4.0 Meetings

The Executive Risk Management Team will meet monthly. Agendas will be sent out prior to each meeting.

Team Members not able to attend monthly meetings will be mailed copies of materials discussed via inter-departmental mailings.

5.0 Department Heads

Each Department Head is responsible to the City Manager for employee safety. Each Department Head will:

Hold supervisors accountable for injuries incurred by their coworkers that are multiple occurrences, have not had corrective action, or are obviously preventable.

Require accidents to be immediately reported and thoroughly investigated by supervisory personnel and/or the city's Risk Manager and properly documented within twenty-four hours. In addition corrective actions should be reviewed to ensure unsafe conditions, substandard training and management or supervisory failures have been eliminated.

Require accident, incident, and injury reports are filled out in their entirety, documented thoroughly, and reported to the Risk Management Division within twenty-four hours.

Ensure that coworkers understand the tasks assigned to them and are fully trained to operate equipment to be used. All coworkers operating city owned equipment or vehicles should have all required license and certifications. A report must be made to the City Manager's Office, when any coworker with driving duties is found not to have a valid Driver's License.

Develop safety policies and procedures which are consistent with the City's Safety Policy, and ensure that all supervisors and coworkers comply with the policies.

Ensure that all required documentation for safety training, work practices, and inspections and audits are maintained for the entire department and each employee.

Require monthly safety meetings "Tailgate Training" to review accidents, analyze their causes and promote free discussion of hazardous work problems and possible solutions.

6.0 Supervisors and Managers

Supervisors will assume the responsibilities of thoroughly instructing their personnel in safe work practices. They will consistently enforce safety standards and requirements to the utmost of their ability and authority, as a condition of employment.

Supervisors will:

Enforce all safety rule and procedures.

Promptly investigate (within 24 hours) all accidents and complete required reports. Submit copies of all accident reports, with any corrective actions taken to prevent future accidents, to the Risk Division.

Ensure that employees understand the tasks assigned and are fully trained, and certified to operate equipment, and complete the tasks in a safe manner.

Provide employees with complete safety instructions regarding their duties prior to the coworker's actually starting work. Documentation of this training should be kept in the coworkers personnel file in their respected departments, unless special arrangements for specific documentation of certain training have been made.

Properly maintain equipment and issue instructions for the elimination of fire and safety hazards.

Continuously inspect for unsafe practices and conditions and properly undertake any necessary corrective action.

Give full support to all safety procedures, activities and programs as defines in all Safety Standard Operating Procedures.

7.0 Employees

As a condition of employment, employees will be required to perform their assigned duties in a manner which will prevent injuries to themselves and their fellow employees.

Employees will adhere to the Basic Safety Rules of the City of Hickory.

8.0 Safety Suggestions

Employees are encouraged to make suggestions regarding any policy, procedure, program, or work activity in an effort to create a safer work environment.

Suggestions can be made in writing, and go through the proper supervisory chain. Verbal suggestions can also be made to supervisors, or any member of the Executive Risk Management Team. The suggestion will then be evaluated and a decision will be determined.

Employees will be informed in writing by the Risk Manager of the status of his or her safety suggestion.

Supervisors and Department Heads, and the Risk Manager can recommend coworkers for awards through the City of Hickory Awards program.

9.0 Disciplinary Actions

All employees are required to adhere to the procedures and basic safety rules set forth in the basic safety policy. Failure to do so will result in disciplinary action up to and including termination. Determination of appropriate discipline will be made by each department and in no way conflict with disciplinary procedures of the City of Hickory's Personnel Ordinance.

Attachment:

10.0 Employee Basic Safety Rules

10.1 Basic Safety Rules Acknowledgment Form

SAFETY STANDARD OPERATING PROCEDURES

10.0 Basic Safety Rules

- 1) Immediately report all injuries to your supervisor.
- 2) Follow instructions for equipment operation, transportation, and all departmental specific safety rules, policies, and procedures. In addition all coworkers are required to follow all State, Federal, and nationally recognized standards as referred in the safety program, procedural manuals, and Departmental Policies and Procedures
- 3) Wear safe clothing, good comfortable shoes, eye, ear, face, and hand protection are required when working around equipment, all entanglement hazards such as loose fitting clothing, jewelry, or loose long hair is prohibited. OSHA approved eye, ear, and face protection shall be worn where there is a hazard from loud noises (over 85db), or there is a hazard from flying objects and particles, such as when grinding, cutting, burning, welding, weed trimming, chainsaw, mowing etc. Approved hand protection shall be worn when there is a chance of lacerations, pinching, burns, or crushing due to the handling of hot, sharp objects, or unknown materials. Proper personal equipment shall be worn when there is a hazard from poisonous vegetation, or the possibility of insect stings or bites.
- 4) All lifting shall be performed (with legs and not back) in accordance with training provided by supervisors. Employees shall request assistance, when practical, if lifting awkward objects, or those objects greater than 50 pounds, or lifting to a height of greater than 48” inches.
- 5) **SEAT BELTS** shall be worn at all times while operating any City of Hickory owned motor vehicle, or any city owned equipment that restraint devices are attached from the manufacturer, and/or any city owned equipment with roll over protection. This includes but not limited to lawn mowers, tractors, mini excavators, and skid steers. Roll over protection on all city owned equipment shall be used in accordance with manufacturer’s specifications. Deviation from this will result in disciplinary action, up to and including termination of employment.
- 6) Never operate any machinery unless all guards, grounding, and safety devises are in place, and in proper safe operating condition. No employee should operate any machine unless trained in the operation of the machine and authorized by his/her supervisor. Any machine that is found to be unsafe, or missing parts shall be tagged “**OUT OF SERVICE**” for repair, or replacement.
- 7) Report all unsafe conditions immediately. Examples include, but are not limited to the following: faulty scaffolding, ladders, blocked exits, un-safe tools, improper guarding of equipment, machinery not grounded. Any tool and/or machine that is found to be unsafe, or missing parts shall be tagged “**OUT OF SERVICE**” for repair, or replacement.
- 8) Horseplay is forbidden at work.
- 9) All traffic work zone regulations will be followed as defined in the City of Hickory Safety Standards Operating Procedures “Work Zone Safety Policy”.
- 10) All posted safety procedures shall be obeyed and not removed except by management’s authorization.
- 11) No employee shall enter excavations greater than 48 (forty-eight) inches unless evaluated and authorized by a certified **COMPETENT PERSON**, as certified by the completion of the required OSHA training, and equipped with proper personal protective equipment (PPE), including but not limited to: hardhat, gloves, eye protection, and harness if applicable.
- 12) No employee shall enter any tank, pit, manhole, sewer line, storm drain, or other defined confined space without written permission for **PERMIT-REQUIRED CONFINED SPACE** as detailed in the Safety Standard Operating Procedures, Permit-Required Confined Space Entry Policy, OSHA requirements, and is equipped with proper personal protective equipment (PPE), including but not limited to: hardhat, gloves, eye protection, air monitoring, harness if applicable, and a trained rescue team in place per OSHA 1910.146 (k) (2)(i)(ii)(iii)(iv), and 1910.146 (k) (3) (i)(ii).

CITY OF HICKORY BENEFITS SUMMARY AND POLICY INFORMATION

13) Employees have the **“RIGHT TO KNOW”**, and shall be trained about any chemical, which is known to be present in the workplace, whereby employees may be exposed under normal conditions or in a foreseeable emergency, as detailed in Safety Standard Operating Procedures, **HAZARD COMMUNICATION POLICY**, required standards as governed by the Occupational Safety and Health Administration (OSHA).

14) Good housekeeping practices as it relates to all work areas and job sites. Employees are responsible for keeping their work areas and job sites free from health and/or injury hazards. This includes but not limited to: hazardous storage of chemicals, or flammable liquids, trip hazards, blocked exits, or fire hazards. Employees may contact their supervisors to assist in the corrections of safety hazards.

15) Newly hired employees will receive a copy of these safety rules in their orientation packet. Once read, agreed on, and signed, it will be electronically entered into their personnel file.

_____, _____, ____/____/20____ Employee
Risk Manager Date

10.1 Appendix

Basic Safety Rules Acknowledgment

I acknowledge receipt and review of the City of Hickory Safety Policy.

I have been allowed to ask questions and I fully understand my responsibilities under this policy.

I further understand that violations of this policy may result in disciplinary action, up to and including termination of employment.

Print Name (Employee)

Signature

Date

Todd Shoebridge
Risk Manager

Date

VI. APPROVAL:

This policy has been reviewed and approved by:

Mick Berry, City Manager

_____/_____/2016
Approval Date

Todd Shoebridge, Risk Manager

_____/_____/2016
Approval Date



Nurse's Schedules

Occupational Health Nurse

Stephanie Drum

MONDAY

7:00-12:00 Public Services
12:00-12:30 Lunch
12:30-3:00 City Hall

TUESDAY

7:00-8:30 Office @ City Hall
8:30-11:30 City Hall 11:30-12:00
Lunch
12:00-3:00 City Hall

WEDNESDAY

7:30-11:30 City Hall
11:30-12:00 Lunch
12:00-3:00 City Hall

THURSDAY

7:00-12:00 Public Services
12:00-12:30 Lunch
12:30-3:00 City Hall

FRIDAY

8:00-11:15 City Hall
11:15-11:45 Lunch
11:45-4:00 City Hall

City Hall 323-7404 Public
Services 323-7565

Synergy On-Site Clinic

Dianna Kale, FNP

MONDAY

8:30-5:00 City Hall

TUESDAY

6:45-3:45 Public Services

WEDNESDAY

6:45-12:45 Public Services

FRIDAY

6:45-12:45 Public Services

To schedule your own appointment:
www.timecenter.com/cityofhickory
click on an appointment time, fill out
info requested. Be sure to write down
your computer generated password.
You will then have your own private
account in the scheduler.

City Hall 261-2206 or 7206
Public Services 323-7565

If you need to contact the nurse at a time that she is not at your worksite, please call HR @ 323-7421, we will contact her for you.

CITY OF HICKORY HEALTH PLAN NOTICE OF PRIVACY PRACTICES

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY. THIS NOTICE IS EFFECTIVE MAY 1, 2016.

Introduction

This notice of privacy practices is provided in compliance with the Health Insurance Portability and Accountability Act (HIPAA). It describes the practices of the City of Hickory Health Plan and any third party that assists with Plan administration with respect to your Protected Health Information (PHI). PHI includes individually identifiable information which relates to your past, present, or future health, health care, or payments for health care services. We are required to take reasonable steps to ensure the privacy of your individually identifiable health information and to provide this Notice to inform you about:

- how we may use and disclose your PHI to carry out Treatment, Payment, Health Care Operations and for other purposes that are permitted or required by law;
- your rights to access and control your PHI;
- our duties with respect to your PHI;
- your right to file a complaint with us and with the Secretary of the U.S. Department of Health and Human Services; and
- the person or office to contact for further information about our privacy practices.

How We May Use and Disclose Your PHI

The following categories describe different ways that we, along with any third party that assists us in administering the Plan, use and disclose your PHI. Not every use or disclosure in a category will be listed, but all of the ways we are permitted to use and disclose information will fall within one of the categories.

For Treatment: We may disclose your PHI to providers, including doctors, nurses, or other hospital personnel who are involved in taking care of you. For example, we may disclose to a treating orthodontist the name of your treating dentist so that the orthodontist may ask for your dental x-rays from the dentist.

For Payment: We may use and disclose your PHI to determine your eligibility for Plan benefits, to facilitate payment for the treatment and services you receive from health care providers, to determine benefit responsibility under the Plan, or to coordinate coverage. For example, we may tell a doctor whether you are eligible for coverage or what percentage of the bill may be paid by the Plan, or we may provide your doctor with information about your medical history to determine whether a particular treatment is experimental, investigational or medically necessary. We may also disclose PHI to another health care provider or to a company or health plan required to comply with the HIPAA Privacy Rule for the payment activities of that health care provider, company, or health plan. For example, we may allow a health insurance company to review PHI to determine the insurance benefits to be paid for your care.

For Health Care Operations: Health Care Operations include, but are not limited to quality assessment and improvement; reviewing competence or qualifications of health care professionals; underwriting, premium rating and other activities relating to creating or renewing insurance contracts; disease management and case management; conducting or arranging for medical review, legal services and auditing functions including fraud and abuse compliance programs; business planning, development, and management; and general administrative activities. We may use and disclose your PHI for any of these Plan operations. For example, we may use information about your claims to refer you to a disease management program, to project future benefit costs, to respond to a customer service inquiry from you, or to audit the accuracy of claims processing functions.

To Business Associates. We may contract with individuals or companies known as Business Associates to perform various functions, activities, and services for the Plan. In their performance of these functions, activities and services, our Business Associates may receive, create, maintain, use or disclose PHI, but only after agreeing in writing to contract terms designed to appropriately safeguard the information.

To the Plan Sponsor. Your PHI may be disclosed to another health plan maintained by City of Hickory for purposes of facilitating claims payment under that plan. In addition, your PHI may be disclosed to City of Hickory personnel for purposes of Plan administrative functions or pursuant to an authorization signed by you. The City of Hickory may not use this information to retaliate against you in any way which violates the Health Insurance Portability and Accountability Act.

Where Required By Law or for Public Health Activities: We will disclose your PHI when required to do so by federal, state or local law. Examples of such mandatory disclosures include notifying state or local health authorities regarding particular communicable diseases or providing PHI to a governmental agency or regulator with health care oversight responsibilities. We may also release PHI to a coroner or medical examiner to assist in identifying a deceased individual or to determine the cause of death

Legal Proceedings: We may disclose your PHI as required for judicial and administrative proceedings, in response to an order of a court or administrative tribunal, and in response to a subpoena, a discovery request or other lawful process. For example, if you are involved in a lawsuit or dispute, the Plan may disclose your PHI in response to a court or administrative order.

Law Enforcement Purposes or Specific Government Functions: We may disclose your PHI if requested by a law enforcement official in response to a court order, subpoena, warrant, summons or similar process. We may also disclose PHI to federal officials for intelligence, counter-intelligence, or other national security activities authorized by law.

To Avert a Serious Threat to Health or Safety: We may use or disclose your PHI when consistent with applicable law and standards of ethical conduct, if we believe, in good faith, it is necessary to prevent or lessen a serious and immediate threat to your health or safety or the health and safety of the general public.

Required Disclosures of Your PHI: We are required to disclose most of your PHI to you upon your request. We are also required, upon your request, to provide an accounting of certain disclosures of your PHI. Your rights to request this information and the Plan's related duties are described in the section below entitled "Your Rights With Respect to Your PHI". We are also required to disclose your PHI to the Department of Health and Human Services when the Secretary is investigating or determining our compliance with the Privacy Rule.

Incidental Disclosures. We may use or disclose PHI incident to a use or disclosure permitted by the HIPAA Privacy Rule where the Plan has reasonably safeguarded against such incidental uses and disclosures and limited them to the minimum necessary information.

Limited Data Set Disclosures. We may use or disclose a limited data set (PHI that has certain identifying information removed) for the purposes of research, public health, or Health Care Operations provided we have entered into a Data Use Agreement with the recipient of the information obligating the recipient to protect the information.

Uses and Disclosures that Require You Be Given an Opportunity to Agree or Disagree Prior to Use or Disclosure. We may disclose your PHI to family members, other relatives, your close personal friends or other persons identified by you if the information is directly relevant to that person's involvement with your care or payment for that care and you have either agreed to the disclosure, have been given an opportunity to object and have not objected, or in certain other cases of incapacity or emergency.

Other Uses and Disclosures of PHI. Other uses and disclosures of PHI not covered by the Notice or permitted by HIPAA or the laws that apply to the Plan will be made only with your written authorization. If you provide authorization for us to use or disclose your PHI, you may revoke that authorization, in writing, at any time. If you revoke your authorization, we will no longer use or disclose your PHI for the reasons covered by your written authorization. We are unable to take back any disclosures already made pursuant to your authorization, and we are required to retain records of the care provided to you.

Your Rights With Respect to Your PHI

Right to Request Restrictions on Uses and Disclosures of Your PHI. You may ask us to restrict or limit the PHI we use or disclose about you for Treatment, Payment or Health Care Operations. You may also ask us to restrict the PHI we disclose to family members, relatives, friends, or other persons identified by you who are involved in your care or payment for your care. However, we are not required to agree to your request. To request a restriction, you must make your request in writing to City of Hickory Human Resources Director, P.O. Box 398, Hickory, NC 28603. The request must include (1) what information you want to limit; (2) whether you want to limit the Plan's use, disclosure, or both; and (3) to whom you want the limits to apply, for example, to disclosures to your spouse.

Right to Inspect and Copy Your PHI. You have a right to inspect and obtain a copy of your PHI that may be used to make decisions about your plan benefits. To inspect and/or copy your PHI, submit your request in writing to City of Hickory Human Resources Director, P.O. Box 398, Hickory, NC 28603. If you request a copy of the information, the Plan may charge a fee for the costs of copying, mailing or other supplies associated with your request. We may deny your request to inspect and copy in certain very limited circumstances. If you are denied access, you may request that the denial be reviewed.

Right to Amend Your PHI. If you feel that the PHI the Plan has about you is incorrect or incomplete, you may ask us to amend your PHI or a record about you for as long as the PHI is maintained by or for the Plan. To request an amendment, your request must be submitted in writing to City of Hickory Human Resources Director, P.O. Box 398, Hickory, NC 28603, and your request must contain a reason to support the request. We may deny your request for an amendment if it is not in writing or it does not include a supporting reason. We may also deny your request if you ask us to amend information that is not part of the medical information kept by or for the Plan; was not created by us (unless the person who created the information is no longer available to make the amendment); is not part of the information you would be permitted to inspect and copy; or is accurate and complete. If your request is denied in whole or in part, we will provide you with a written denial that explains the basis for the denial. You may then submit a written statement disagreeing with the denial and have that statement included with any future disclosures of your PHI.

Right to Receive an Accounting of Disclosures. At your request, we will provide you with an accounting of disclosures by the Plan of your PHI during the six years prior to the date of your request. However, such accounting need not include disclosures of your PHI made: (i) to carry out Treatment, Payment or Health Care Operations; (ii) to you about your own PHI; (iii) prior to the compliance date; or (iv) based on your written authorization. You must submit your request for an accounting in writing to the City of Hickory Human Resources Director, P.O. Box 398, Hickory, NC 28603. Your request must state a time period which may not be longer than 6 years and may not include dates before April 14, 2004. Your request should indicate in what form you want the list (for example, paper or electronic). The first list you request within a 12-month period will be free.

CITY OF HICKORY BENEFITS SUMMARY AND POLICY INFORMATION

For additional requests, we will charge a reasonable cost based fee. We will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred. The accounting will include the date(s) of the disclosure, to whom the disclosure was made, a brief description of the information disclosed, and the purpose of the disclosure.

Right to Request Confidential Communications. You have the right to request that we communicate with you about medical matters in a certain way or at a certain location. For example, you may request that we only contact you at work or by mail. We will not ask the reason for your request, and we will accommodate all reasonable requests. Your request must be made in writing to the City of Hickory Human Resources Director, P.O. Box 398, Hickory, NC 28603.

Right to Paper Copy of the Notice. You have the right to a paper copy of this Notice. You may ask us to give you a copy of the Notice at any time, even if you have agreed to receive this Notice electronically. To obtain a paper copy of the Notice, contact the City of Hickory Human Resources Director. You may also obtain a copy of this notice at our website, www.hickorygov.com.

Note on Personal Representatives. You may exercise your rights through a personal representative. Your personal representative must produce evidence of his or her authority to act on your behalf before that person will be given access to your PHI or allowed to take any action for you. Proof of such authority may be a valid power of attorney for health care purposes; court order of appointment of the person as the conservator or guardian of the individual; or a person who is the custodial parent of a minor child. We retain the discretion to deny access to your PHI to a personal representative if we reasonably believe that (i) you have been, or may be, subject to domestic violence, abuse or neglect by such person; (ii) treating such person as your personal representative could endanger you, or (iii) we determine that it is not in your best interest to treat the person as your personal representative

Our Duties

We are required by law to maintain the privacy of your PHI and to provide you with a copy of this Notice. We reserve the right to change this Notice and to make the revised or changed Notice effective for PHI we already have about you as well as any information we receive in the future. If a privacy practice is changed, a revised version of the Notice will be provided to all past and present beneficiaries for whom the Plan still maintains PHI. The revised Notice will be posted on our website (www.hickorygov.com) and will be distributed to all participants within 60 days of the effective date of the revision.

Minimum Necessary Standard. When using or disclosing your PHI or when requesting your PHI from another covered entity, we will make reasonable efforts not to use, disclose or request more than the minimum amount of PHI necessary to accomplish the intended purpose of the use, disclosure or request, taking into consideration practical and technological limitations. However, the minimum necessary standard will not apply in the following situations:

- disclosures to or requests by a health care provider for treatment;
- uses or disclosures made to you;
- disclosures made to the Secretary of the U.S. Department of Health and Human Services;
- uses or disclosures that are required by law; or
- uses or disclosures that are required for the Plan's compliance with legal regulations.

The Notice does not apply to information that has been de-identified. De-identified information is information that does not identify you as an individual.

Complaints

If you believe that your privacy rights have been violated, you may file a complaint with the City of Hickory Human Resources Director, P.O. Box 398, Hickory, NC 28603, telephone 828-323-7421.

You may also file a complaint with the Secretary of the U.S. Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue S.W., Washington, DC 20201.

All complaints must be submitted in writing and there will be no retaliation against you for filing a complaint.

General Notice of COBRA Continuation Rights

Introduction

You're getting this notice because you recently gained coverage under a group health plan (the Plan). This notice has important information about your right to COBRA continuation coverage, which is a temporary extension of coverage under the Plan. This notice explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect your right to get it. When you become eligible for COBRA, you may also become eligible for other coverage options that may cost less than COBRA continuation coverage.

The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you and other members of your family when group health coverage would otherwise end. For more information about your rights and obligations under the Plan and under federal law, you should review the Plan's Summary Plan Description or contact the Plan Administrator.

You may have other options available to you when you lose group health coverage. For example, you may be eligible to buy an individual plan through the Health Insurance Marketplace. By enrolling in coverage through the Marketplace, you may qualify for lower costs on your monthly premiums and lower out-of-pocket costs. Additionally, you may qualify for a 30-day special enrollment period for another group health plan for which you are eligible (such as a spouse's plan), even if that plan generally doesn't accept late enrollees.

What is COBRA continuation coverage?

COBRA continuation coverage is a continuation of Plan coverage when it would otherwise end because of a life event. This is also called a "qualifying event." Specific qualifying events are listed later in this notice. After a qualifying event, COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the Plan is lost because of the qualifying event. Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

If you're an employee, you'll become a qualified beneficiary if you lose your coverage under the Plan because of the following qualifying events:

- Your hours of employment are reduced, or
- Your employment ends for any reason other than your gross misconduct.

If you're the spouse of an employee, you'll become a qualified beneficiary if you lose your coverage under the Plan because of the following qualifying events:

- Your spouse dies;
- Your spouse's hours of employment are reduced;
- Your spouse's employment ends for any reason other than his or her gross misconduct;
- Your spouse becomes entitled to Medicare benefits (under Part A, Part B, or both); or
- You become divorced or legally separated from your spouse.

Your dependent children will become qualified beneficiaries if they lose coverage under the Plan because of the following qualifying events:

- The parent-employee dies;
- The parent-employee's hours of employment are reduced;
- The parent-employee's employment ends for any reason other than his or her gross misconduct;
- The parent-employee becomes entitled to Medicare benefits (Part A, Part B, or both);
- The parents become divorced or legally separated; or
- The child stops being eligible for coverage under the Plan as a "dependent child."

When is COBRA continuation coverage available?

The Plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. The employer must notify the Plan Administrator of the following qualifying events:

- The end of employment or reduction of hours of employment;
- Death of the employee;
- The employee's becoming entitled to Medicare benefits (under Part A, Part B, or both).

For all other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify the Plan Administrator within 60 days after the qualifying event occurs. You must provide this notice to the Primary Contact identified on the COBRA Contacts page included with this notice.

How is COBRA continuation coverage provided?

Once the Plan Administrator receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their children.

COBRA continuation coverage is a temporary continuation of coverage that generally lasts for 18 months due to employment termination or reduction of hours of work. Certain qualifying events, or a second qualifying event during the initial period of coverage, may permit a beneficiary to receive a maximum of 36 months of coverage.

There are also ways in which this 18-month period of COBRA continuation coverage can be extended:

Disability extension of 18-month period of COBRA continuation coverage

If you or anyone in your family covered under the Plan is determined by Social Security to be disabled and you notify the Plan Administrator in a timely fashion, you and your entire family may be entitled to get up to an additional 11 months of COBRA continuation coverage, for a maximum of 29 months. The disability would have to have started at some time before the 60th day of COBRA continuation coverage and must last at least until the end of the 18-month period of COBRA continuation coverage.

Second qualifying event extension of 18-month period of continuation coverage

If your family experiences another qualifying event during the 18 months of COBRA continuation coverage, the spouse and dependent children in your family can get up to 18 additional months of COBRA continuation coverage, for a maximum of 36 months, if the Plan is properly notified about the second qualifying event. This extension may be available to the spouse and any dependent children getting COBRA continuation coverage if the employee or former employee dies; becomes entitled to Medicare benefits (under Part A, Part B, or both); gets divorced or legally separated; or if the dependent child stops being eligible under the Plan as a dependent child. This extension is only available if the second qualifying event would have caused the spouse or dependent child to lose coverage under the Plan had the first qualifying event not occurred.

Are there other coverage options besides COBRA Continuation Coverage?

Yes. Instead of enrolling in COBRA continuation coverage, there may be other coverage options for you and your family through the Health Insurance Marketplace, Medicaid, or other group health plan coverage options (such as a spouse's plan) through what is called a "special enrollment period." Some of these options may cost less than COBRA continuation coverage. You can learn more about many of these options at www.healthcare.gov.

If you have questions

Questions concerning your Plan or your COBRA continuation coverage rights should be addressed to the contact or contacts identified on the COBRA Contact Information page. For more information about your rights under the Employee Retirement Income Security Act (ERISA), including COBRA, the Patient Protection and Affordable Care Act, and other laws affecting group health plans, contact the nearest Regional or District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) in your area or visit www.dol.gov/ebsa. (Addresses and phone numbers of Regional and District EBSA Offices are available through EBSA's website.) For more information about the Marketplace, visit www.HealthCare.gov.

Keep your Plan informed of address changes

To protect your family's rights, let the Plan Administrator know about any changes in the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Plan Administrator.

City of Hickory Use of Personal Web Pages, Social Networking Websites, and “Blogs” Policy and Procedure

1. Purpose

The purpose of this policy is to establish policies and procedures related to the use of electronic technology, including City approved sites, personal web pages, internet postings, social networking websites, weblogs “blogs”, and recording or broadcasting devices by City coworkers and to ensure such usage is not detrimental to other City coworkers or the City organization. All content posted on social media is subject to all City policies.

2. Definitions

For the purpose of this administrative procedure, the following terms are defined as provided below:

- A. Personal Web Page – World Wide Web pages created by an individual to contain content of a personal nature. The content can be about that person or about something in which he or she is interested.
- B. Non-personal Web Pages – World Wide Web pages created by an companies or organizations to contain content pertaining to that entity. This includes, but is not limited to media sites (such as Hickory Daily Record, CNN, MSNBC, FOX News, local media pages, Yahoo, etc.).
- C. Social Networking Site – an internet site specifically focused on the building and verifying of social networks with the ability to create groups that share common interests or affiliations, upload files including pictures, music or videos, hold discussions in forums and/or host Weblogs (“blogs”) for members of the site. Professional Networking sites and list serv sites which are used for the sole purpose of sharing professional information, policies and ideas are not considered “social networking” sites. (Examples of social media include, but are not limited to Facebook, Twitter, Instagram, LinkedIn, blogs, YouTube, Second Life, Delicious, Flickr, MySpace, Pinterest, media pages, etc.).
- D. Original Content – Information, photos, videos, documents and anything that City of Hickory co-workers have created while employed with the City of Hickory for purposes of promoting, explaining, informing the public, and documenting work of the City of Hickory.
- E. Weblog (“blog”) – a web-based publication where users post informal journals on their thoughts, comments and philosophies based on the views of its creator. Weblogs are generally referred to as “blogs”.

3. Procedures

A. Guidelines for City of Hickory Social Media Sites (acting as Administrators on City sites)

1. All City of Hickory social media sites shall be (1) approved by the Communications Director/ Specialist and the requesting Department Head or his/her designee; (2) published using approved City social media platforms and tools; and (3) administered by the Communications Director/ Specialist or the designee of the requesting Department Head. Designees can be any department employee designated by the requesting Department Head that has a complete understanding of this policy and has appropriate content and technical experience. See Exhibit A.
2. All City of Hickory social media sites shall adhere to applicable City, State, and Federal laws, regulations and policies including Information Technology and Records Management, public record, and e-discovery.
3. City of Hickory social media sites are subject to the North Carolina public records laws and records retention laws.
4. All City social media sites shall clearly indicate that all content posted or submitted for posting is subject to public disclosure.
5. When dealing with a complaint, the complaining party shall be directed to the appropriate staff person via email or phone to better serve the resident and resolve the issue.
6. Content must reflect the City's official position on topics, not an employee's personal view. The content and records maintenance of each City of Hickory social media site shall be the sole responsibility of the department producing and using it.
7. Each City of Hickory social media site shall include an introductory statement which clearly identifies the site as an official site of the City of Hickory. Where possible, social media sites are to link back to the official City of Hickory website for forms, documents, and other information or correspondence.
8. All City of Hickory social media sites shall clearly indicate they are maintained by the City of Hickory and shall have City of Hickory contact information prominently displayed.
9. City of Hickory social media sites must be "family friendly". All content and comments containing any of the following forms of content shall not be allowed and shall be removed by the site's administrator, who may also ban that person from further posting:
 - a. Profane language or content
 - b. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation
 - c. Sexual content or links to sexual content
 - d. Solicitations of commerce
 - e. Conduct or encouragement of illegal activity
 - f. S p a m
 - g. Information that may tend to compromise the safety or security of the public or public systems
 - h. Content that violates a legal ownership interest of any other party

The following forms of content may be removed at the discretion of the site's administrator:

- a. Comments not specifically about the posting or blog article being commented upon
 - b. Content posted by anonymous posters or those using a fake moniker
10. Where appropriate, City Information Technology (IT) security policies shall apply to all social media sites.
 11. The Communications Director/Specialist shall provide training to all City social media moderators/ administrators regarding the terms of this City of Hickory's administrative procedure, including their responsibilities to review content submitted for posting to ensure compliance with the policy.

B. Use of Social Media as a City employee on City sites

The City of Hickory understands that online social media has become a common form of communication. Employees who choose to participate in online social media should adhere to the following guidelines.

Items and comments posted on the Internet live on forever and could have serious repercussions on employment as well as the City of Hickory's image and/or ability to provide quality services to our residents. The following guidelines apply to the use of social media as a City employee:

1. Departments have the option of allowing employees to participate in approved social media sites as part of their job duties. Department Heads may allow or disallow employee participation in any social media activities in their departments.
2. Use of a City e-mail address and communicating in the official capacity of a City position will constitute conducting City business.
3. City policies, rules, regulations, and standards of conduct apply to employees who engage in social media activities while conducting City business.
4. Employees representing the City government via social media sites must conduct themselves at all times as a representative of the City and in accordance with all personnel administrative and operating procedures and policies.
5. Protect personal privacy, the privacy of citizens, and the information the City holds. Follow all privacy protection laws, e.g., HIPPA, and protect sensitive and confidential City information.
6. Do not disclose any information that would jeopardize the safety of City staff or the disclosure of personal or confidential information.
7. Protect sensitive information that could jeopardize ongoing City activities and investigations, particularly in Police and Fire/Rescue.

8. Follow all copyright laws, public records laws, retention laws, fair use and financial disclosure laws, and any others laws that might apply to the City or a functional area of the City.
9. Do not cite vendors, suppliers, citizens, co-workers, or other stakeholders without their approval. Further, employees shall not promote or endorse or criticize any vendor, contractor, or supplier. Any social media content must be neutral in that regard.
10. Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the City's workplace. Avoid comments or topics that may be considered objectionable or inflammatory.
11. Use good writing basics such as grammar and spelling.
12. Correct mistakes and do not alter previous posts without indicating that a change has been made. Frame any comments or opposing views in a positive manner. If there are questions about how to do this, contact the Communications Director/Specialist for guidance.
13. Add value to the City of Hickory through your interaction. Provide worthwhile information and perspective.
14. Use of social media that involves any kind of criminal activity or harms the rights of others may result in criminal prosecution or civil liability to those harmed, or both.
15. Coworkers violating this policy will be subject to disciplinary action up to and including termination of employment.

C. Use of Social Media on Personal Sites

The City of Hickory fully supports the right of coworkers to have personal web pages or to participate in social networking sites and/or weblogs (blogs) while not on duty. How a coworker uses social media is not a matter of concern, as long as it is consistent with the guidelines outlined in this policy.

1. If an individual/group posts comments about City business on your personal site, please refer them to the official City sites, phone numbers or email addresses. Use of a personal site for City business will likely make that site subject to the same public disclosure and other standards as the City's official business social media sites.
2. Coworkers shall not post photographs or other depictions of work related sites, equipment, activities, or duties without authorization. Coworkers shall not misappropriate or use the City's brand, logo, or slogan without authorization from Department Head and/or his/her authorized designee. However, coworkers may share such information found on social media networking sites officially sponsored or endorsed by the City of Hickory and listed on Exhibit B.

3. Any conduct which is impermissible under the law, if expressed in any other form or forum, is impermissible if expressed through personal social media outlets. For example, posted material that is discriminatory, obscene, defamatory, libelous, or malicious is prohibited.
4. Coworkers shall not post, transmit, reproduce, share, and/or disseminate information (text, pictures, video, audio, etc.) to the internet or any other forum (public or private) that
 - a. has the potential or effect of involving the coworker, their fellow coworkers, or the City in any kind of dispute or conflict with other coworkers or third parties,
 - b. has the effect of impairing the work of another coworker,
 - c. violates the City's Anti-Harassment Policy,
 - d. disrupts the smooth and orderly flow of work within the organization or the delivery of services to the City's citizens,
 - e. discredits or harms the goodwill and reputation of the City among its citizens or in the community at large,
 - f. erodes public confidence in the City's organization, or
 - g. tends to place in doubt the reliability, trustworthiness, or sound judgment of the person who is the originator or subject of the information, or
 - h. Do not disclose any information that would jeopardize the safety of City staff or the disclosure of personal or confidential information.
5. Coworkers violating this policy will be subject to disciplinary action up to and including termination of employment.
6. All content posted on City approved and personal social media sites, personal web pages, and "blogs" is subject to all other City policies, as well as this policy, including, but not limited to, the Personnel Ordinance, the Anti-Harassment Policy, and the City of Hickory Ethics Policy & Procedure.

(signed copy on www.hickorync.gov)

EXHIBIT A – City of Hickory Social Media Application



GENERAL INFORMATION

Date Requested: _____

Requested By: _____

Department or Group: _____

Phone/Ext.: _____

Email: _____

Social Media Requested: *(check all that apply)* Page Name Requested:

Facebook _____

Twitter _____

Instagram _____

m _____

LinkedIn _____

Social Media Request Description and Intent of Use:

Page Administrators: *(List all names and email addresses)*

Approved by

Name

Signature

Date

Department Head or City Liaison

EXHIBIT B – Approved City of Hickory Social Media Accounts

Communications Specialist and/or
Director

The list below are the current approved City of Hickory social media sites. This list is subject to change.

Facebook:

City of Hickory, NC – Government
Hickory Public Library
Hickory Police Department - Official
City of Hickory Parks and Recreation
Andrea Surratt (Hickory Interim City Manager)
Hickory Fire Department (approved, but not operating yet)

Twitter:

@CityofHickory
@HickoryWellCrafted
@HickoryCityMgr
@LegisCmo (Yaidee Fox maintains)
@HPLNC (Hickory Public Library)
@HickoryPD (Hickory Police Department)

Instagram:

HickoryWellCrafted
HickoryNC

YouTube:

City of Hickory

LinkedIn:

Human Resources

Professional Citizen Engagement site:

MindMixer/Crafting Hickory

City of Hickory

Tobacco/e-cigarette Policy

The City of Hickory is committed to providing a healthy environment for its employees and visitors. The City recognizes that tobacco use, in any form, is a health, safety, and environmental hazard.

According to the Centers for Disease Control and Prevention (CDC), tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation. Tobacco is a recognized carcinogen in humans, and health risks associated with the use of tobacco products include myocardial infarction, stroke, and adverse reproductive outcomes.

On January 2, 2010, “An Act To Prohibit Smoking In Certain Public Places and Certain Places of Employment, North Carolina Session Law 2009-27, became effective, authorizing local governments to adopt and enforce ordinances “that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local government vehicles or in public places.” In addition, North Carolina General Statute 160A-174 grants a city general police power to regulate acts or conditions that are detrimental to the health, safety or welfare of its citizens.

As a strong proponent of healthy lifestyles, and in an effort to provide a safe and healthy workplace in all City facilities for employees and for the visiting public, the City of Hickory is implementing a tobacco/e-cigarette policy beginning July 1, 2015. This policy is enacted pursuant to North Carolina General Statutes 130A-498 and 160A-174.

I. Definitions

A. Tobacco product.

Any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component part or accessory of a tobacco product, including but not limited to cigarettes; cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; Cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cutting and sweepings of tobacco; and other kinds and forms of tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

B. E-cigarette.

A device containing a nicotine-based liquid that is vaporized and inhaled used to simulate the experience of smoking tobacco.

- C. City building.
Any building owned, leased, or otherwise occupied by the City of Hickory where city employees carry out work duties.
 - D. City Vehicle.
Any vehicle owned, leased or otherwise controlled by the City of Hickory and assigned permanently or temporarily to its employees, agencies, institutions, or facilities for official City of Hickory business.
 - E. Employee.
A person who is employed by the City of Hickory including full-time, part-time, and seasonal.
 - F. Grounds.
City-owned employee parking lots, and city grounds immediately surrounding city owned buildings.
- II. Areas in which the Use of Tobacco Products is prohibited (smoking and the use of all tobacco products and e-cigarettes as defined in Section (I) (A))
- A. In any building owned, leased, or occupied as herein defined by the City of Hickory.
 - B. In any vehicle owned, leased or controlled by the City of Hickory.
 - C. City-owned employee parking lots and city grounds immediately surrounding city owned buildings.
 - D. City parks and recreational facilities including grounds and parking areas.
- III. Tobacco products and e-cigarette use will be permitted in designated areas only.
- IV. Implementation of Policy
- A. The City shall post signs that clearly state that the use of tobacco products and e-cigarettes is strictly prohibited except in designated areas. If there is no designated area, then the sign(s) will state that tobacco and e-cigarette use is prohibited.
 - B. The signs shall be clearly legible and conspicuously posted.
 - C. Signs shall be posted at each entrance to City of Hickory buildings and in other locations within the building to inform employees and the public of the prohibition.
 - D. Signs are to be posted in all City of Hickory vehicles in areas visible to passengers, provided that their placement does not interfere with the safe operation of the vehicle. If the vehicle is used for undercover law enforcement operations, a sign is not required to be placed in the vehicle.
 - E. Signs are to be posted on City of Hickory city owned parking lots and grounds immediately surrounding buildings to inform employees and the public of the policy.
- V. Enforcement
- A. The monitoring and enforcement of this policy as applied to City employees is the responsibility of the department head and/or supervisor. This policy shall be treated like any other workplace practice policy and all infractions shall be addressed quickly and directly. If inappropriate behavior continues, the department head and/or supervisor shall use the progressive discipline process to address the behavior.
 - B. Employees who are found in violation of this policy will be subject to disciplinary action up to and including dismissal. The consequences will be in accordance with personnel policies and may include verbal or written warning, suspension or dismissal.

- C. Visitors who are in violation of this policy shall be asked to cease and refrain from using tobacco products by the person in charge of the area. Failure to cease smoking or using tobacco products will result in being asked to leave City premises. Failure to leave City premises may result in law enforcement action.
- D. This policy applies to the following City of Hickory buildings and campuses:
 - Julian Whitener Municipal Building and adjacent grounds and parking lots
 - Patrick Beaver Memorial Library and adjacent grounds and parking lots
 - Ridgeview Library and adjacent grounds and parking lots
 - All City of Hickory Fire Stations and adjacent grounds and parking lots
 - Police Headquarters and adjacent grounds and parking lots
 - All City of Hickory Maintenance Buildings and adjacent grounds and parking lots
 - All City of Hickory Public Works facilities and adjacent grounds and parking lots
 - All City of Hickory Public Utilities buildings, plants and campuses
 - All City of Hickory parking lots designated for employee parking
 - City of Hickory Airport terminal, FBO, designated City employee parking, and the entryway to the airport terminal
 - City parks and recreational facilities including grounds and parking areas
 - All City of Hickory vehicles as stated in Section (II) (B)

VI. Education

- A. The City of Hickory Office of Communications shall engage in a public awareness campaign to explain and clarify the purposes and requirements of this policy to City of Hickory citizens and media.
- B. The City of Hickory Human Resources Department shall engage in an educational campaign to explain and clarify the purposes and requirements of this policy to City employees.
- C. The City of Hickory Human Resources Department is committed to providing support to all City of Hickory employees and to assist with finding smoking cessation classes, materials and nicotine replacement therapies. In-house classes will also be offered to employees free of charge, providing they complete the tobacco cessation classes offered. Every effort will be made to fully support City of Hickory employees who wish to cease use of tobacco products.

Adherence to the policy cited above is the responsibility of all City of Hickory employees. Contractors, volunteers and other service providers must also comply with this policy while on City of Hickory as defined in this policy. Any person who observes violations of the policy may report these violations to the supervisor of the employee in question.

“signed” copy online @ www.hickorync.gov

PART A: General Information

When key parts of the health care law take effect in 2014, there will be a new way to buy health insurance: the Health Insurance Marketplace. To assist you as you evaluate options for you and your family, this notice provides some basic information about the new Marketplace and employment-based health coverage offered by your employer.

What is the Health Insurance Marketplace?

The Marketplace is designed to help you find health insurance that meets your needs and fits your budget. The Marketplace offers "one-stop shopping" to find and compare private health insurance options. You may also be eligible for a new kind of tax credit that lowers your monthly premium right away. Open enrollment for health insurance coverage through the Marketplace begins in October 2013 for coverage starting as early as January 1, 2014.

Can I Save Money on my Health Insurance Premiums in the Marketplace?

You may qualify to save money and lower your monthly premium, but only if your employer does not offer coverage, or offers coverage that doesn't meet certain standards. The savings on your premium that you're eligible for depends on your household income.

Does Employer Health Coverage Affect Eligibility for Premium Savings through the Marketplace?

Yes. If you have an offer of health coverage from your employer that meets certain standards, you will not be eligible for a tax credit through the Marketplace and may wish to enroll in your employer's health plan. However, you may be eligible for a tax credit that lowers your monthly premium, or a reduction in certain cost-sharing if your employer does not offer coverage to you at all or does not offer coverage that meets certain standards. If the cost of a plan from your employer that would cover you (and not any other members of your family) is more than 9.5% of your household income for the year, or if the coverage your employer provides does not meet the "minimum value" standard set by the Affordable Care Act, you may be eligible for a tax credit.¹

Note: If you purchase a health plan through the Marketplace instead of accepting health coverage offered by your employer, then you may lose the employer contribution (if any) to the employer-offered coverage. Also, this employer contribution -as well as your employee contribution to employer-offered coverage- is often excluded from income for Federal and State income tax purposes. Your payments for coverage through the Marketplace are made on an after-tax basis.

How Can I Get More Information?

- Contact Human Resources
828.323.7421

Information about Health Coverage offered by your Employer

- City of Hickory
- EIN: 56-6001244
- PO Box 398, Hickory NC 28603
- Contact Human Resources for more information about health coverage provided
- We offer a health plan to all full-time employees
- We offer coverage to eligible dependents defined as: Dependent children up to age 26
- This coverage meets the minimum value standard, and the cost of this coverage to you is intended to be affordable, based on employee wages.
- Employees are eligible for insurance coverage the 1st day of the month following 30 days of employment.

Even if your employer offers affordable coverage, you may still be eligible for a premium discount through the Marketplace.

Orientation Notes: