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EMPLOYMENT DUTIES POLICY

I. POLICY

It is the policy of the Town to provide excellent service to its citizens and to provide a workplace for employees that is comfortable, progressive, and free of all forms of harassment.

II. PURPOSE

The Town expects that employees will perform their duties to the best of their abilities and that they will do their part to fulfill the responsibilities to citizens, residents and taxpayers of Davidson. The purpose of this policy is to establish expectations and set forth rules and guidelines that will help each employee achieve and maintain town goals.

III. PROVISIONS

A. Employment at Will: The Town of Davidson is an at-will employer. Employment is not for a specific term and is at the mutual consent of the employee and the Town of Davidson. Either the employee or the Town of Davidson can terminate the employment relationship, with or without notice, with or without cause, at any time. Moreover, no employee except the Town Manager and Town Attorney, other than the Board of Commissioners, has any authority to enter into any agreement for employment for any specific period of time, or to make any contrary agreement. Any such agreement must be in writing and signed by a representative of the Board of Commissioners and the employee.

B. Equal Employment Opportunity: It is the policy of the Town of Davidson to ensure equal opportunity in all privileges, terms and conditions of employment without discrimination on the basis of race, gender, color, national origin, religion, age, sexual orientation, disability, pregnancy, medical condition, marital status, parental status, veteran status, or any other status protected by law. The Town of Davidson prohibits and will not tolerate any such discrimination or harassment. This policy applies to all phases of the employment relationship, such as recruitment, hiring, promotion, transfer, reduction in force, benefits, compensation, and training.

C. Americans with Disability Act: The Town of Davidson works to reasonably accommodate employees with disabilities that may affect their ability to successfully perform their job. All requests for reasonable accommodation should be discussed with the appropriate supervisor and must be forwarded to Human Resources. All requests for accommodation will be considered, as this information helps the Town recognize employees' special needs and provide assistance as needed. Employees with questions or concerns should contact Human Resources.

D. Employment Process: The employment policy of the Town is to fill approved vacancies with the best qualified candidates available. Human Resources will publicize vacancies when they occur both internally and/or externally as deemed necessary. Information on job openings when published externally will include various media platforms, as necessary to inform the community and create a qualified and diverse pool of applicants. Applications will be kept in an inactive reserve file, in accordance with EEOC guidelines and the Records and Retention Schedule published by North Carolina State Archives adopted by the Board of Commissioners (adopted 2012-10-09). The Town Manager must approve all candidates, internal or external, before a conditional offer is made.

E. Background Checks: It is required after a conditional offer of employment has been accepted, but before the employment begins, that the employee consent to a minimum of background and drug screening. Additional testing such as psychological and medical exam may be required if the position is considered safety sensitive. The background check, depending upon the nature of the position, may include a credit check. All employees in the Finance Department or other employees who routinely handle money will be required to submit to a credit check. Employment is contingent on the results of the applicable screenings. Employees who do not successfully complete the necessary screenings may be terminated, or the conditional offer of employment may be withdrawn.

F. Harassment

(1) Harassment Free Work Place: The Town of Davidson is committed to a work environment, free from all forms of harassment, in which individuals are treated with respect and dignity. We maintain a strict policy of prohibiting all forms of unlawful harassment, including harassment based on race, gender, color, age, national origin, physical or mental ability, religion, marital status, parental status, veteran status, medical condition, or any other category protected by law. We consider all forms of harassment to be intimidating misconduct which undermines the integrity of the employment relationship, damages morale, and interferes with work effectiveness. Such conduct and retaliation will not be tolerated. Harassment may take many forms including:

- Verbal conduct such as use of profanity, obscenities, derogatory jokes or comments or slurs.
- Visual conduct such as derogatory posters or pictures, cartoons, drawings, gestures, or suggestive or obscene letters, notes or invitations.
- Physical conduct such as unwanted, suggestive or offensive touching, assault, impeding or blocking normal movement, or interference with another employee's work.
- Use of computers, including the internet, cell phones and/or e-mail system, to transmit, communicate, solicit or receive derogatory messages or material.
- Threats and demands, including those directed at another employee or made in a joking manner.
- Retaliation for having reported harassment.
- Gender based comments that are not sexually provocative but that ridicule, intimidate or maliciously demean a person because of his/her gender

Any employee who is determined to have engaged in such conduct will be subject to disciplinary action, up to and including termination. In the event harassment is by a non-employee, the Town will take corrective action as is deemed appropriate under the circumstances.

(2) Sexual Harassment: The Town of Davidson will not tolerate sexual harassment of or by its employees, including managers, supervisors, co-workers, vendors, volunteers, applicants or citizens. Employees are expected to avoid any conduct that could reasonably be interpreted as prohibited sexual harassment.

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

- Submission to such conduct by an employee is made, either explicitly or implicitly, a term or condition of employment;
- Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting such employee; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different genders. Examples of sexual harassment include, but are not limited to:

- Unwelcome sexual advances, flirtations or propositions
- Subtle pressure or requests for sexual favors
- Sexually explicit or offensive jokes or innuendo
- Verbal abuse of a sexual nature
- Commentary about an individual's body, sexual prowess or sexual deficiencies
- Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects, pictures, cartoons or posters, suggestive or obscene letters, notes or invitations.
- The use of the internet, cell phones or e-mail system to transmit, communicate or receive sexually suggestive, pornographic or sexually explicit pictures, messages or material.

It is important to understand that stories, cartoons, gifts, nicknames and comments of a sexual nature may be offensive to others and will not be tolerated.

Any employee who is determined to have engaged in such conduct will be subject to disciplinary action, up to and including termination. In the event sexual harassment is by a non-employee, the Town of Davidson will take corrective action as is deemed appropriate under the circumstances.

(3) Reporting Harassment: Employees who believe they have been subjected to any conduct prohibited by the Town of Davidson may follow the Grievance Procedure and /or may report the conduct directly to Human Resources or any Department Head. Employees are also expected to inform others in the workplace whenever conduct is unwelcome, offensive, in poor taste or inappropriate.

All reports of harassment will be investigated fully and promptly and, to the extent reasonably possible, on a confidential basis.

All employees have a personal responsibility to conduct themselves in compliance with this policy and report any observations of harassment. Every member of management has a personal responsibility to work to ensure a harassment-free environment and refer all reports of harassment to the Department of Human Resources.

(4) Non-Retaliation: The Town of Davidson prohibits retaliatory action against any employee for reporting, expressing opposition to, or assisting in an investigation of, any unlawful or illegal incident, including incidents of harassment. Any employee who is determined to have engaged in such retaliatory action will be subject to disciplinary action, up to and including termination.

G. Conflicts of Interest

The Town respects the rights of employees to engage in activities outside of employment that do not conflict with the Town's interests. The Town reserves the right to require any employee to cease an activity which it determines to be in conflict with the interests of the Town.

While describing all the circumstances and conditions that may involve a conflict of interest is impossible, the following list is intended to provide guidance for employees:

- Employees are expected to put forth their best efforts in the interests of the Town of Davidson and the conduct of its affairs.
- Employees are expected to provide full disclosure of potential conflicts of interest to the Department Head.
- Employees are expected to maintain confidentiality about the Town and information concerning the Town and its employees and customers.
- No employee may engage in outside work that will interfere with his or her primary job with the Town of Davidson.
- Employees are expected to refrain from doing anything that might interfere with the success of the Town of Davidson.
- Employees may not accept a professional retainer, commission, consulting fee or any other fee arrangement or remuneration without prior full disclosure and approval by the Town Manager.
- Outside work may not be done during an employee's regularly scheduled work hours.
- The Town of Davidson facilities, equipment, labor or supplies may not be used to conduct any outside activity.
- Any employee doing any professional outside work is under obligation to advise his or her client that the work is in no way by, for, or in the name of the Town of Davidson.
- Employees may not solicit or accept personal gifts, favors, meals, or things of value that may tend to influence the employee in the discharge of the employee's duties, or grant in the discharge of any duty an improper favor, service or thing of value.
- Employees may not disclose confidential information concerning the property, government, or affairs of the Town or use such information to advance financial or other private interest of themselves or others.
- Employees may not use any information gained as an employee of the Town to advance financial or other private interest of themselves or others.
- Any questions regarding a possible conflict of interest or outside work should be discussed with the Department Head or with Human Resources.

H. Employment of Relatives

The Town prohibits the hiring and employment of immediate family in permanent part-time and full-time positions within the same department. Immediate family member is defined as an employee's parents, step parents, parent-in-laws, grandparents, children, grandchildren, siblings (when employee is the sole care provider) and spouse. The Town also prohibits the employment of any person into a permanent position who is an immediate family member of individuals holding the following positions: Mayor, Board of Commissioners Member, Town Manager, Finance Director, Human Resources or Town Attorney. Otherwise, the Town will consider employing family members or related persons in the service of the Town, provided such employment does not:

- Result in a relative supervising relatives;
- Result in a relative auditing the work of the relative;
- Create a conflict of interest with either relative and the Town; or
- Create the potential or perception of favoritism.

I. Media Relations

The official spokespersons of the Town of Davidson are as follows: Mayor and Town Commissioners, Town Manager, Assistant Town Manager, Town Attorney, and Public Information Officer (PIO). They are the only individuals who can, at will, communicate with any member of the public media. If the media reaches out directly to any employee, including those listed above, to engage in an interview in any manner having to do with or referring to the Town of Davidson, the employee must first notify the Public Information Officer and his/her Department Head. Town employees may not initiate contact with the media, unless guided to do so by the Public Information Officer. The United States Constitution and applicable state and federal laws will apply.

J. Political Activity

Each employee has a civic responsibility to encourage good government. Town employees, on their own time, may attend political meetings and may support principles and policies of political organizations in accordance with the United States Constitution and applicable state and federal laws. No employee shall:

- Use official authority or influence for the purposes of interfering with or affecting the result of a nomination or an election for office;
- Be required as a duty of employment or as a condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- Coerce or compel contributions from another employee of the Town for political or partisan purposes;
- Use any supplies or equipment of the Town for political or partisan purposes; or
- Be a candidate for nomination or election to an office under the Town Charter.

Any employee who is determined to have engaged in such action will be subject to disciplinary action, up to and including termination.

K. Outside Employment

All outside employment shall be reviewed by Human Resources for possible conflict(s) of interest. Conflicting or unreported outside employment, or the use of Town resources for such employment are grounds for disciplinary action up to and including dismissal. Documentation for outside employment will be placed in the employees personnel file.

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

- a. Employment with organizations or in capacities that are regulated by the employee or employees department; or
- b. Employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to performance of the employee's Town duties.

T. Probationary Period of Employment

(1) Six or Twelve Month Period: An employee hired to both full-time and part-time positions working over 1,000 hours annually and all fire protection personnel (regardless of hours annually worked) shall serve an initial probationary period. It is the purpose of the probationary period to provide a time for the Town to determine whether an employee has shown the ability to meet the initial expectations for the position. All employees, full or part-time working over 1,000 per year (including fire protection employees), will serve a probationary period of six (6) months. Sworn law enforcement officers will have a twelve (12) month probationary running concurrently with state required probationary period. Employees hired as trainees shall remain on probation until the provisions of their traineeship are satisfied. Employees serving a probationary period are not eligible for promotions unless authorized by the Town Manager.

During the probationary period, supervisors will monitor an employee's performance and communicate with the employee concerning performance progress. Before the end of the probationary period, the supervisor will conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. This evaluation will be documented in the employee's personnel file. The supervisor will recommend in writing to the Town Manager whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of three additional months. Upon successful completion of the initial probationary period, an employee working over 1,000 hours per year may be eligible for a salary increase of up to two-percent. Employees working less than 1,000 hours per year are not eligible for salary increase upon completion of the probationary period. Increases over two-percent must be approved in writing by the Town Manager.

(2) Dismissals, Transfers, Demotions: An employee who is dismissed during the initial probationary period does not have any grievance rights. This restriction also applies to employees whose initial probationary period is extended. However, a promoted employee who is dismissed, transferred or demoted during the probationary period has all rights as described in the grievance policy.

(3) Leave: New probationary employees accrue can take any accrued sick or vacation leave during their probationary period.

(4) Overtime: Probationary non-employees may earn overtime as described in Overtime for Non-Exempt Employees Policy.

U. Work Schedule Defined

Except for public safety employees, normal town hall working hours are 8 a.m. – 5 p.m. Public safety departments work 365 days a year, 24 hours a day. Department Heads may establish work schedules, with the approval of the Town Manager which meet the operational needs of the department in the most cost effective manner possible. Individual work schedules, if different, must be approved by the Department head and Town Manager.

V. Employee Status Defined

Full-time general employees are schedule to work 2,080 hours annually including holidays, vacation and sick hours excluding compensatory and/or overtime. Work periods are defined as 40 hours in a seven-day period beginning Sunday at 12:00 a.m. and ending on Saturday at 11:59 p.m. Additional hours worked outside of the determined schedule will be paid in accordance with Fair Labor Standards Act (FLSA). Full-time general employee classification can also include exempt full-time sworn law enforcement officers.

Part-time general employees are scheduled to work less than 2,080 hours annually. Part-time employee hours are based on department needs and agreed upon at the time of hiring. Holiday, sick and vacation time may be earned on a prorated basis if the position is scheduled to work more than 1,000 hours annually. Additional hours worked over 40 will be paid in accordance with Fair Labor Standards Act (FLSA).

Full-time sworn law enforcement officers are scheduled to work 2,184 hours annually including vacation and sick hours excluding holiday, compensatory and/or overtime. Work periods are defined as 171 hours in a 28 day cycle. Additional hours worked outside of the determined schedule will be paid in accordance with Fair Labor Standards Act (FLSA). This schedule has been adopted pursuant to section 207(k) of the FLSA and 29 CFR Part 553.

Full-time fire protection employees are scheduled to work 2,756 hours annually including vacation and sick hours excluding holiday, compensatory and/or overtime. Work periods are defined as 212 hours in a 28 day period. Additional hours worked outside of the determined schedule will be paid in accordance with Fair Labor Standards Act (FLSA). This schedule has been adopted pursuant to section 207(k) of the FLSA and 29 CFR Part 553.

Part-time fire protection employees are required to work no less than 480 hours and no more than 1,000 hours per year. Holiday, sick and vacation time may be earned on a prorated basis if the position is scheduled to work more than 1,000 hours annually. Work periods are defined as 212 hours in a 28 day period. Additional hours worked outside of the determined schedule will be paid in accordance with Fair

Labor Standards Act (FLSA). This schedule has been adopted pursuant to section 207(k) of the FLSA and 29 CFR Part 553.

*Cross Reference: Compensatory Time
and Overtime Policies*

V. Pay Periods

- Pay periods are defined as bi-weekly, 14 day period occurring 26 times a year.

IV. ADDITIONAL CONTACT

Human Resources

V. SCOPE

As of October 23, 2017 this policy replaces and supersedes any previous policies or unwritten policies or practices covering the same subject.

VI. AUTHORIZATION



Jamie Justice
Town Manager