



Nice Matters!

October 2, 2015

To: Frank Rush, Town Manager

From: Rhonda Ferebee, Town Clerk/Human Resources Manager

RE: Amendments to Town of Emerald Isle Personnel Policy

Please find attached to this memo a Resolution that includes suggested amendments to the Town's Personnel Policy in three separate sections as follows:

1) Article III. – The Pay Plan, Section 15 – Hourly Rate of Pay

The first suggested amendment is to our current policy in Article III – The Pay Plan, Section 15 – and would clarify the calculation of the hourly rate of pay in this section for employees working in a part-time or temporary position, by changing the stated hours from the current 2184 to 2223 hours for 42 hour workers. This change would correctly mirror and be consistent with the way the hours are calculated in our payroll system for full-time employees in the same position. To follow is an excerpt of this section of the policy with strikethrough and underline highlighting the changes:

Section 15. Hourly Rate of Pay

Employees working in a part-time or temporary capacity with the same duties as full-time employees will work at a rate in the same salary range as the full-time employees. The hourly rate for employees working an average of 40 hours per week will be determined by dividing 2080 hours into the annual salary for the employee. The hourly rate for employees working an average of 42 hours per week (i.e. police officers) will be determined by dividing ~~2184~~2223 hours into the annual salary for the employee. The hourly rate for employees working an average of 53 hours per week (i.e. fire staff) will be determined by dividing 2756 hours into the annual salary for the employee. The general formula for determining the hourly rate for employees working other than 40 hours per week will be to divide the average number of hours scheduled per year into the annual salary for the employee.

2) Article VII. - Holidays and Leaves of Absence, Section 10 - Vacation Leave: Payment upon Separation or Retirement

The second suggested amendment to our current policy in Article VII. – Holidays and Leaves of Absence, Section 10 – Vacation Leave: Payment upon Separation or Retirement - would clarify that at the time of separation or retirement all accumulated vacation leave balance subject to the 30 day maximum accrual will be paid to the employee as wages effective as of the last day physically worked for the Town with no use of accumulated vacation leave allowed following the employee's last work date. To follow is an excerpt of this section of the policy with strikethrough and underline highlighting changes:

Section 10. Vacation Leave: Payment upon Separation or Retirement

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated vacation leave upon separation, subject to a 30 day maximum as described in Section 8 of this Article, provided written notice is given to the supervisor at least two weeks in advance of the effective date of resignation (minimum of three weeks notice for department heads). Any employee failing to give the written notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the Town Manager when deemed to be in the best interest of the Town.

Town of Emerald Isle
7500 Emerald Drive
Emerald Isle, NC 28594

252-354-3338 voice
252-354-5068 fax

www.emeraldisle-nc.org

**Town Clerk /
Human Resources Manager**
Rhonda C. Ferebee
rferebee@emeraldisle-nc.org



An employee retiring under the provisions of the North Carolina Local Government Retirement System will be paid as wages all accumulated vacation leave effective as of the last day worked subject to a 30 day maximum as described in Section 8 of this Article. The use of accumulated vacation leave following the last day worked is not permitted. Employees may have any excess vacation (above the 30 day maximum) converted to sick leave and used for retirement service credit.

3) Article XI. – Records and Reports, Section 2 – Access to Confidential Records

This last amendment is to Article XI – Records and Reports, Section 2 –Access to Confidential Records - and is suggested based on new state law, S.L. 2015-225 (SB 699) effective October 1, 2015 that amends personnel records privacy statute G.S. 160A-168 to provide that, “even if considered part of an employee’s personnel file” certain information regarding a sworn law enforcement officer “shall not be disclosed to an employee or any other person. The certain information that shall not be disclosed is: 1) information that might identify the residence of a sworn law enforcement officer, 2) emergency contact information, and 3) any identifying information as defined in G.S. [14-113.20](#).”

There are three exceptions to this new nondisclosure rule in which LEO information can be disclosed: 1) “in accordance with G.S. [132-1.4](#)” (the statute that exempts most criminal investigation records from the public records law; 2) “in accordance with [G.S. 132-1.10](#)” (the statute that generally prohibits the disclosure of social security numbers and “identifying information”; or 3) “for the personal safety of the sworn LEO or any other person residing in the same residence.” To follow is an excerpt of this section of the policy with strikethrough and underline highlighting recommended changes:

Section 2. Access to Confidential Records

All information contained in a Town employee's personnel file, other than the information mentioned above is confidential and shall be open to inspection only in the following instances:

- 1) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.*
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.*
- 3) A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.*
- 4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.*
- 5) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the Town Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.*
- 6) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.*
- 7) The Town Manager, with the concurrence of the Town Commissioners, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a Town employee, and the reasons for that action. Before releasing that information, the Town Manager shall determine in writing that the release is essential to maintaining the level and quality of Town services. The written determination shall be retained in the Town Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.*

8) Even if considered part of an employee's personnel file, the following information regarding any sworn law enforcement officer shall not be disclosed to an employee or any other person, unless disclosed in accordance with G.S. 132 -1.4, or in accordance with G.S. 132 -1.10, or for the personal safety of that sworn law enforcement officer or any other person residing in the same residence:

(1) Information that might identify the residence of a sworn law enforcement officer.

(2) Emergency contact information.

(3) Any identifying information as defined in G.S. 14 -113.20.

As specified in our Personnel Policy notice of any suggested amendment to our policy, or any portion thereof, shall be provided to employees giving them the opportunity to comment prior to the amendments going forward to the Town Board for action. Please let me know if I can provide further information regarding any of the suggested amendments as noted above. Following your review and approval I will share the suggested amendments with all town employees.

(Attachments)