



Nice Matters!

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

252-354-3424 voice
252-354-5068 fax

www.emeraldisle-nc.org

Mayor
Eddie Barber

Mayor Pro-Tem
Floyd Messer, Jr.

Board of Commissioners
Tom Hoover, Jr.
Jim Normile
John Wootten
Maripat Wright

Town Manager
Frank A. Rush, Jr.
frush@emeraldisle-nc.org



RESOLUTION AMENDING PERSONNEL POLICY HOURLY RATE OF PAY, VACATION LEAVE PAYMENT UPON SEPARATION OR RETIREMENT, AND ACCESS TO CONFIDENTIAL RECORDS

WHEREAS, the Town's current personnel policy provides information as to the calculation of the hourly rate of pay for employees working in a part-time or temporary position, and the change of 2184 hours to 2223 hours for 42 hour workers in this section is recommended in order to mirror and be consistent with the way the hours are calculated in the payroll system for those full-time employees, and

WHEREAS, the Town provides for vacation leave accrual for all full-time employees with a maximum accumulation of leave each year of 30 days, with any excess after the last payroll of each year transferring to their sick leave balance which may be used for retirement service credit; and, in order to clarify our policy as it relates to the disbursement method of the maximum accumulated leave at retirement in Section 10 to indicate that accumulated vacation leave as of the last day worked, subject to the 30 day maximum as described in Section 8 of the same Article VII, will be as paid wages, and that use of accumulated vacation leave following the last day worked is not permitted; and

WHEREAS, new state law, S.L. 2015-225 (SB 699) amends the town's personnel records privacy statutes 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 law lists just three exceptions to this new nondisclosure rule; and therefore this section of the policy should be revised in order to be in full compliance with these measures to protect and safeguard certain information as related to its sworn law enforcement officers, and

WHEREAS, the Town wishes to amend the Personnel Policy to reflect these changes,

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby amends the Town's Personnel Policy, Article III. – The Pay Plan, Section 15 – Hourly Rate of Pay, Article VII. – Holidays and Leaves of Absence, Section 10 – Vacation Leave: Payment Upon Separation or Retirement, and Article XI. – Records and Reports, Section 2 – Access to Confidential Records, as follows:

ARTICLE III. THE PAY PLAN

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.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

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.

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.

ARTICLE XI. RECORDS AND REPORTS

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.

Adopted this the _____ day of _____, 2015.

Eddie Barber, Mayor

ATTEST:

Rhonda C. Ferebee, Town Clerk, CMC