



AGENDA
Regular Town Council
Tuesday, August 8, 2023
Council Chambers 4:00 PM

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1. CALL TO ORDER	
2. ADOPTION OF AGENDA	
3. INVOCATION- DEWEY CYCLONE BRETT	
4. PLEDGE OF ALLEGIANCE	
5. PUBLIC COMMENT	
6. CONSENT AGENDA	
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6.2. Emerald Outback Lease	9 - 14
Recommend approval.	
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6.3. 2018 Water System Rehabilitation Project DWI # H-SRP-D-18-0126 Amendment #1	15 - 17
Recommend approval	
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7. NEW BUSINESS	
7.1. Resolution approving revisions to the Town of Beech Mountain Personnel Policy	19 - 100
Staff recommends approval.	
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7.2. Acceptance of Funding Resolution NCDEQ Project SRP-W-0185	101 - 103
Approve in order to move Project No. SRP -W-0185	
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7.3. Call for a Public Hearing for Proposed Text Amendment on Driveway Connections	105 - 107

Staff recommends Town Council call for a Public Hearing to be held at the next regular meeting of the Town Council, Tuesday, September 12, 2023, at 4:00 PM.

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- 7.4. End Overdose in Watauga Day Proclamation 109 - 110
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- 8. TOWN MANAGER AND STAFF REPORTS
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Review
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 - 8.5. Planning and Inspection Monthly Report for 2023-07 131 - 133
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 - 8.7. TDA Report August 2023 139 - 141
[Output Document \(Staff Report - 0867\) - Pdf](#)
 - 8.8. FY 2023 Budget Adjustment 143 - 144
Approve
[Output Document \(Staff Report - 0868\) - Pdf](#)
- 9. TOWN COUNCIL COMMENTS
- 10. ADJOURNMENT



MINUTES

Regular Town Council Meeting

4:00 PM - Tuesday, July 11, 2023
Council Chambers

The Regular Town Council of the Town of Beech Mountain was called to order on Tuesday, July 11, 2023, at 4:00 PM, in the Council Chambers, with the following members present:

COUNCIL PRESENT: Mayor Barry Kaufman
Vice Mayor Jimmie Accardi
Councilmember Weidner Abernethy
Councilmember Kelly Melang

COUNCIL EXCUSED:

STAFF PRESENT: Attorney Stacy Eggers, IV
Town Manager Bob Pudney
Interim Town Clerk Emily Haynes

1. CALL TO ORDER

2. ADOPTION OF AGENDA

- 2.1. Mayor Kaufmann requested a motion to approve the agenda.

Motion

Kelly Melang made a motion to approve the agenda and Weidner Abernethy seconded the motion. CARRIED. unanimously.

3. INVOCATION- DEWEY CYCLONE BRETT

4. PLEDGE OF ALLEGIANCE

5. PUBLIC COMMENT

- 5.1. Public Hearing regarding the Bond Order Authorizing the Issuance of \$15,000,000 General Obligation Water System Bonds

Mayor Kaufman requested a motion to open the Public Hearing and Councilmember Weidner Abernethy motioned to open the hearing on the Bond Order Authorizing the issuance of \$15,000,000 General Obligation Water

System Bonds and Councilmember Kelly Melang seconded the motion. Motion carried unanimously.

No one elected to speak and Mayor Kaufman requested a motion to close the Public Hearing.

Motion

Weidner Abernethy made a motion to close the Public Hearing and Kelly Melang seconded the motion. CARRIED. unanimously.

- 5.2. Ms. Linda Strom of 211 Wild Daisy spoke regarding an experience with an emergency call and her cellphone not pinging to the Beech Mountain Police Department dispatch and that she would like to have the Town install a 911 cellphone tower booster.

Mrs. Sandy Carr of 505 Pine Ridge who organizes the Beech Mountain Farmers Market, and she thanked the Town employees and volunteers for assisting and preparing for the Farmers Market. She thanked the council for their support and invited all to the next Farmers Market on August 4, 2023.

6. CONSENT AGENDA

- 6.1. Adoption of Minutes
- 6.2. Sale of 189 Wild Daisy Ln - Tax ID # 1950-38-7269-000
- 6.3. Sale of 234 Wild Daisy Ln - Tax ID # 1950-28-0569-000

Motion

Weidner Abernethy made a motion to accept the consent agenda as presented Kelly Melang seconded the motion. CARRIED. unanimously.

- 6.4. Amendment to the Fiscal Year 2023 Budget

Motion

Weidner Abernethy made a motion to approve the amendment to the fiscal year 2023 budget Kelly Melang seconded the motion. CARRIED. Unanimously.

7. NEW BUSINESS

- 7.1. Acceptance of Funding Resolution Project SRP-D-ARP-0126/WIF-2023

Motion

Kelly Melang made a motion Adopt Resolution 2023- 10 Weidner Abernethy seconded the motion. CARRIED. unanimously.

- 7.2. Bond Order Authorizing the Issuance of \$15,000,000 General Obligation Water System Bonds of the Town of Beech Mountain, North Carolina

Motion

Kelly Melang made a motion Adopt Resolution No. 2023-11 Weidner Abernethy seconded the motion. CARRIED. unanimously unanimously.

- 7.3. Resolution Setting a Special Bond Referendum and Directing The Publication of Notice of a Special Bond Referendum and Notification of the Board of Elections

Motion

Weidner Abernethy made a motion Adopt Resolution No. 2023-12 Kelly Melang seconded the motion. CARRIED. unanimously unanimously.

- 7.4. Approval of Bark Park playground swingset

Motion

Kelly Melang made a motion to approve the Bark Park Playground Swing set Weidner Abernethy seconded the motion. CARRIED. unanimously unanimously.

- 7.5. Fire Tanker Pumper Contract

Motion

Kelly Melang made a motion to approve the request as a sole source vendor Weidner Abernethy seconded the motion. CARRIED. unanimously unanimously.

- 7.6. Wildlife Roadsigns

Motion

Kelly Melang made a motion to deny the request Weidner Abernethy seconded the motion. DEFEATED. 0-4 (opposed: Barry Kaufman, Jimmie Accardi, Weidner Abernethy, and Kelly Melang).

8. TOWN MANAGER AND STAFF REPORTS

- 8.1. Managers report and note updates

Financial Report – page 42 as of May 31, 2023, Beech Mountain 91.67% all departments are under budget, expenditures are 10.7% below the benchmark. Expect the end of the fiscal year budget to be similar.

Met with DOT representatives, requested consideration of a project to realign the curve at Deer Creek Falls. site of many accidents and stuck trucks.

Fireworks and Pig Roast – very successful, great weather and good attendance. The Beech Mountain Resort concert was successful as well as the Beech Mountain Club fireworks. a great 4th of July week.

The second Farmers Market – Friday July 7, 2023, was well attended, great weather. Looking forward to the next market on August 4th.

Flower baskets on power poles next to the banners looks great, Parks and Recreation are responsible for the decorations.

Town Hall / Visitor Center project – ahead of schedule, weather is cooperating. The walls will begin to take shape in the next three weeks.

Skiloft project – The state has not approved the final plans. proceeding to bid as we must begin construction on April 1, 2024.

Buckeye Lake – low levels with increased usage and limited rain. Utilities are modifying the water plant schedule to meet demand.

New trash passes (purple) are in effect at the convenience center. Reminder all single-family residents that the Town provides the twice per week curbside pickup services.

pg59 – solid waste – after 6 months of declining tonnage trend, the past two months show a 19% increase.

pg70 – planning and inspections – permits are slowing, but well above average. 69 new single-family residents' past two years.

pg71 – code enforcement – highest number of cases this year.

- 8.2. Finance Officer's Monthly Report
- 8.3. Fire Department Monthly Report
- 8.4. Police Department Monthly Report
- 8.5. Department of Infrastructure July
- 8.6. TDA Report July 2023
- 8.7. June 2023 Recreation Report
- 8.8. Planning and Inspections Monthly Report 2023-06

9. TOWN COUNCIL COMMENTS

- 9.1. Councilmember Weidner Abernethy expressed his interest on allowing RV camping at Shane Park. He thanked the Town Manager, Bob Pudney and staff for keeping funds below budget in previous fiscal year and mentioned having more assets in general fund would help receive a lower interest rate in future. He stated the hanging flower baskets look great around the town as well as the

ditch work that Public Works has been doing. He thanked the Town Manager and staff for their hard work that is being noticed around the town that is looks great.

Mayor Kaufman responded to Public comment regarding 911 Cellphone Tower booster and stated that was not something the town can control. He informed the public that it is best to call 911 in emergencies from landline phones when available on Beech Mountain. He also informed the public of the landline phone requirement for all short term rental properties and the responsibilities of homeowners posting emergency numbers in their homes. The Mayor then thanked the Fire Department and EMS for their fast response and professional service they provided to his friend in a time of need.

Mayor Kaufman requested a motion to adjourn the meeting. Councilmember Weidner Abernethy made the motion to adjournment and Councilmember Kelly Melang seconded the motion.

10. ADJOURNMENT

10.1. no further motion to adjournment 5:02pm

Town Clerk

Mayor, Town of Beech Mountain



COUNCIL ACTION ITEM

TO: Mayor and Town Council
FROM: Bob Pudney
DATE: August 8, 2023
SUBJECT: Emerald Outback Lease

FOR THE PURPOSE OF:

The item is a 12 month continuation of the existing lease agreement for the Emerald Outback Trail System which expires September 29, 2023. This extension is intended to allow additional time to negotiate a longer term lease with the property owner.

STAFF RECOMMENDATION:

Recommend approval.

SIGNATURES:

Town Manager

Town Clerk

Prepared by and return to:
Van Winkle Law Firm (CDJ), PO Box 7376, Asheville, NC 28802-7376

STATE OF NORTH CAROLINA
COUNTY OF AVERY

**AMENDMENT TO
LICENSE AGREEMENT**

THIS AMENDMENT TO LICENSE AGREEMENT (“License” or “Agreement”) is made and entered into this _____ day of _____, 2023 by and among **EMERALD MOUNTAIN, INC., EMERALD OPPORTUNITIES, INC., and EMERALD MOUNTAIN DEVELOPMENT, INC.** (collectively “Emeralds”) and the **TOWN OF BEECH MOUNTAIN** (“Town”) (collectively, the “Parties”).

WITNESSETH

WHEREAS, Emeralds and Town are parties to that certain License Agreement dated September 29, 2021 which is recorded in Book 566, Page 2098 of the Avery County Registry (the “License Agreement”); and

WHEREAS, the Parties desire to extend the License Agreement for a an additional year.

NOW, THEREFORE, for and in consideration of the premises and the sum of One Dollar (\$1.00) to it in hand paid, the receipt of which is hereby acknowledged, the Parties agree as follows:

Paragraph 4 of the License Agreement is hereby deleted in its entirety and replaced with the following:

“Subject to the termination provisions contained in paragraphs 2 and 3 above, this Agreement terminates on September 29, 2024.”

IN WITNESS WHEREOF, the Parties have executed this Amendment to License Agreement the day and year first written.

[signatures appear on following pages]

EMERALD MOUNTAIN, INC.

By: _____

Name: _____

Title: _____

STATE OF NORTH CAROLINA

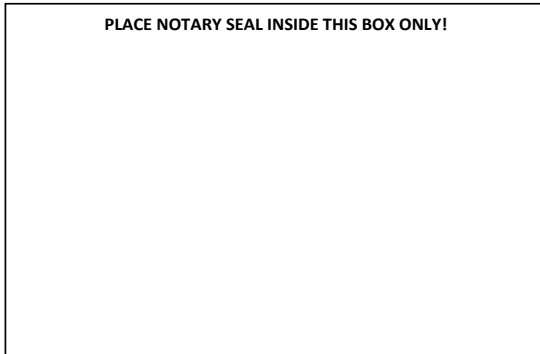
COUNTY OF _____

I, _____, a Notary Public of the County and State aforesaid, certify that _____, personally came before me this day and acknowledged that he/she is the _____ of Emerald Mountain, Inc. and that he/she, as _____, being authorized to do so, executed the foregoing instrument on behalf of Emerald Mountain, Inc. Sworn to and subscribed to before me.

Witness my hand and official stamp or seal, this _____ day of _____, 2023.

My commission expires: _____

Notary Public



EMERALD OPPORTUNITIES, INC.

By: _____

Name: _____

Title: _____

STATE OF NORTH CAROLINA

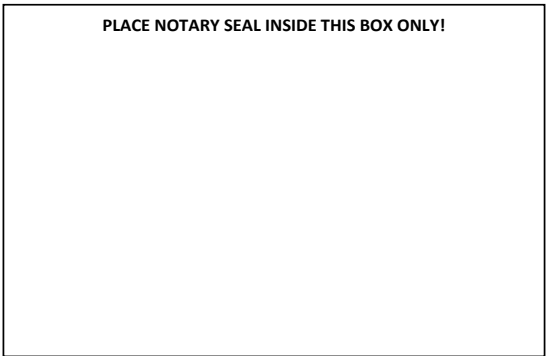
COUNTY OF _____

I, _____, a Notary Public of the County and State aforesaid, certify that _____, personally came before me this day and acknowledged that he/she is the _____ of Emerald Opportunities, Inc. and that he/she, as _____, being authorized to do so, executed the foregoing instrument on behalf of Emerald Opportunities, Inc. Sworn to and subscribed to before me.

Witness my hand and official stamp or seal, this _____ day of _____, 2023.

My commission expires: _____

Notary Public



EMERALD MOUNTAIN DEVELOPMENT, INC.

By: _____

Name: _____

Title: _____

STATE OF NORTH CAROLINA

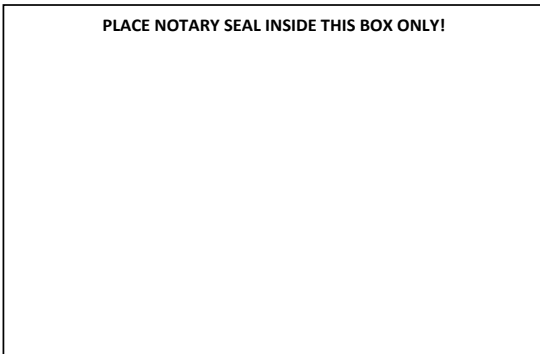
COUNTY OF _____

I, _____, a Notary Public of the County and State aforesaid, certify that _____, personally came before me this day and acknowledged that he/she is the _____ of Emerald Mountain Development, Inc. and that he/she, as _____, being authorized to do so, executed the foregoing instrument on behalf of Emerald Mountain Development, Inc. Sworn to and subscribed to before me.

Witness my hand and official stamp or seal, this _____ day of _____, 2023.

My commission expires: _____

Notary Public



TOWN OF BEECH MOUNTAIN [Municipal Seal]

By: _____

Name: _____

Title: _____

Attest:

_____, Town Clerk

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

By: _____

Name: _____

Title: Town of Beech Mountain Finance Officer

STATE OF NORTH CAROLINA

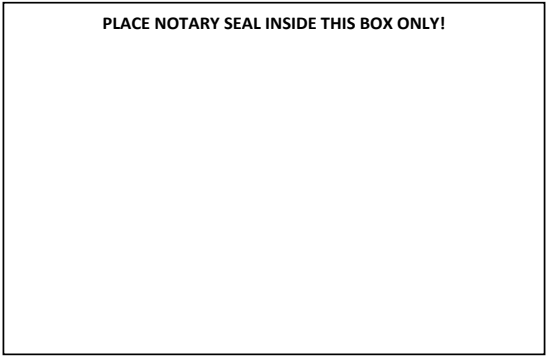
COUNTY OF _____

I, _____, a Notary Public of the County and State aforesaid, certify that _____, personally came before me this day and acknowledged that he/she is the **Clerk** for the Town of Beech Mountain, a North Carolina municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its **Mayor**, sealed with its municipal seal and attested by her/him as its Clerk. Sworn to and subscribed to before me.

Witness my hand and official stamp or seal, this _____ day of _____, 2023.

My commission expires: _____

Notary Public





COUNCIL ACTION ITEM

TO: Town Council
FROM: Steve Smith
DATE: August 8, 2023
2018 Water System Rehabilitation Project DWI # H-SRP-D-18-0126
SUBJECT: Amendment #1

FOR THE PURPOSE OF:

Due to change orders that benefited the project and solved problems discovered during construction process, additional funding was needed. Amendment to the Capital Project Ordinance allows for the Ordinance to be closed. Requesting effective date to June 30th, 2023

ATTACHED FOR YOUR CONSIDERATION:

Amendment #1

STAFF RECOMMENDATION:

Approve

SIGNATURES:

Town Manager

Town Clerk

**TOWN OF BEECH MOUNTAIN, NORTH CAROLINA
2018 WATER SYSTEM REHABILITATION PROJECT
(DWI # H-SRP-D-18-0126)
CAPITAL PROJECT BUDGET ORDINANCE
AMENDMENT #1**

**TO THE ORDINANCE APPROPRIATING FUNDS FOR THE
UTILITY CAPITAL RESERVE FUND ORDINANCE
for the period ending June 30th, 2023**

BE IT ORDAINED BY THE TOWN OF BEECH MOUNTAIN TOWN COUNCIL:

A. EXPENDITURES

1. To provide for the increases and / or (decreases) in existing Funds:

a. Water System Capital Project

1. Construction Cost \$354,107

TOTAL CHANGES TO EXPENDITURES \$354,107

B. REVENUES:

2. To provide for the increases and / or (decreases) in existing Funds:

b. NCDEQ State Revolving Loan \$354,107

TOTAL CHANGES TO REVENUES \$354,107

Original Capital Project Budget	\$1,809,429
Amendment #1	354,107
Current Capital Project Budget Ordinance	<u>\$2,163,536</u>

APPROVED THIS THE 8TH DAY of August 2023

Emily Haynes, Interim Town Clerk

Barry Kaufman, Mayor



COUNCIL ACTION ITEM

TO: Beech Mountain Town Council
FROM: Bob Pudney
DATE: August 8, 2023
Resolution approving revisions to the Town of Beech Mountain
SUBJECT: Personnel Policy

FOR THE PURPOSE OF:

Part of the 2023 Salary and Pay Classification Study performed by the MAPS Group was to review and make recommendations to update and write a revision of the policy last fully updated in 2015. Update was necessary to align the policy with current laws and best practice.

ATTACHED FOR YOUR CONSIDERATION:

Resolution No. 2023-13
Revised July 2023 Beech Mountain Personnel Policy

STAFF RECOMMENDATION:

Staff recommends that two benefit items be change and are present within the document. First, maximum accrued vacation would increase from 22 days per year to 25 days per year. The new range is from 12 days/year to 25 days/year depending on longevity of employment. Vacation leave accrual – the Town currently offers a range of vacation leave accrual from 12 days to 22 days per year, tied to annual years of service. The Policy has been revised to reflect vacation leave accrual of 12 days per year to 25 days per year, dependent on years of service, and more consistent with leave accruals offered by other employers. This change is recommended to make the Town more competitive in the retention of long-term service employees. Secondly, adding three days/year Bereavement Leave as separate leave benefit, replacing the old policy of allowing up to three days of sick leave to be used. Bereavement Leave will not carry forward.

SIGNATURES:

Town Manager

Town Clerk



Resolution No. 2023-13

Town of Beech Mountain
North Carolina

Date: 8/8/2023

PERSONNEL POLICY RESOLUTION OF THE TOWN OF BEECH MOUNTAIN

WHEREAS, the Town Council of the Town of Beech Mountain recognizes the importance of its municipal employees in meeting the service needs of Town residents; and

WHEREAS, it is the desire of the Town Council to maintain a municipal work force composed of qualified, competent, dedicated employees; and

WHEREAS, the Town Council recognize the necessity of equitable rates of pay and reasonable conditions of employment in the maintenance of such a work force; and

WHEREAS, it is the desire of the Town Council to establish a system of personnel administration that will assure equity of compensation and fair and reasonable employee treatment consistent with the needs of the Town and the circumstances of the situation which may be faced from time to time;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN that the following rules and regulations shall govern the appointment, classification, salary, promotion, demotion, and employment conditions of the employees of the Town of Beech Mountain, North Carolina, replacing, where appropriate, the existing articles and sections on personnel, pay plans, class specifications, and benefits.

Adopted this 8th day of August 2023

Barry Kaufman, Mayor

Emily Haynes, Interim Town Clerk



TOWN PERSONNEL POLICY

Revised July 2023

Approved: July 13, 2019 – V. 14

**TOWN OF BEECH MOUNTAIN
PERSONNEL POLICY**

BE IT RESOLVED by the Town Council of the Town of Beech Mountain that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment of the employees of the Town of Beech Mountain.

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ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Policy

It is the purpose of this policy and the rules and regulations set forth to establish a fair and uniform system of personnel administration for all employees of the Town under the supervision of the Town Manager. This policy is established under authority of Chapter 160A, Article 7, of the General Statutes of North Carolina.

Section 2. At Will Employment

The Town of Beech Mountain is an at will employer. Nothing in this policy creates an employment contract or term between the Town and its employees. No person has the authority to grant any employee any contractual rights of employment. To the extent that any provisions of this Personnel Policy may conflict with federal, state, or local laws, the Town will abide by the applicable federal, state, or local laws. The Town reserves the right to modify the provisions of the Personnel Policy at any time, with or without advanced notice—except as otherwise required by law.

All Town positions, benefits, and funding for salary advancement are subject to budget review and approval each year by the Town Council.

Section 3. Merit Principle

All appointments and promotions shall be made solely on the basis of merit. 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. No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individuals race, color, religion, sex, sexual orientation, transgender status, veteran status, marital status, national origin, political affiliation, non-disqualifying disability, genetic information age, or based on actual or perceived gender as expressed through dress, appearance, or behavior.

Section 4. Responsibilities of the Town Council

The Town Council shall be responsible for establishing and approving personnel policies, the position classification and pay plan, and may change the policies and benefits as necessary. They also shall make and confirm appointments when so specified by the North Carolina General Statutes.

Section 5. Responsibilities of the Town Manager

The Town Manager shall be accountable to the Town Council for the administration and technical direction of the personnel program. The Town Manager shall appoint, suspend, and remove all Town employees except those whose appointment is otherwise provided for by law. The Town Manager shall make appointments, dismissals, and suspensions in accordance with the Town charter and other policies and procedures spelled out in other Articles in this Policy.

- a) The Town Manager shall supervise or participate in recommending rules and revisions to the personnel system to the Town Council for consideration;
- b) making changes as necessary to maintain an up to date and accurate position classification plan;
- c) preparing and recommending necessary revisions to the pay plan;
- d) determining which employees shall be subject to the overtime provisions of FLSA;
- e) establishing and maintaining a roster of all persons and authorized positions in the municipal service, setting forth each position and employee, class title of position, salary, any changes in class title and status, and such data as may be desirable or useful;
- f) developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- g) performing such other duties as may be assigned by the Town Council not inconsistent with this Policy; and
- h) appointing an employee to the role of Human Resources Officer.

Section 6. Responsibilities of the Human Resources Officer

The Town Manager shall appoint a Human Resources Officer or perform this role himself or herself. The responsibilities of the Human Resources Officer are to make recommendations to the Town Manager on the following:

- a) recommending policies and revisions to the personnel system to the Town Manager for consideration;

- b) coordinating changes as necessary to maintain an up to date and accurate position classification plan;
- c) recommending necessary revisions to the pay plan;
- d) recommending which employees shall be subject to the overtime provisions of FLSA;
- e) maintaining a roster of all persons in the municipal service
- f) establishing and maintaining a list of authorized positions in the municipal service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- g) developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- h) developing and/or coordinating training and educational programs for Town employees;
- i) periodically investigating the operation and effect of the personnel provisions of this Policy;
- j) development and recommendation of such administrative procedures as are necessary to implement these policies provided the administrative procedures are not in conflict;
- k) actions that are needed to address barriers to effective employee communication, productivity, engagement, and morale; and
- l) performing such other duties as may be assigned by the Town Manager not inconsistent with this Policy.

Section 7. Responsibilities of Department Directors and Supervisors

Department directors and supervisors shall meet their responsibilities as directed by the Council and/or the Town Manager, being guided by this Policy and Town ordinances. The Town will require all department directors and supervisors to meet their responsibilities by:

- a) dealing with all employees in a fair and equitable manner and upholding the

- b) principles of equal employment opportunities;
developing and motivating employees to reach their fullest potential through continued education and training;
- c) making objective evaluations of individual work performance and discussing these evaluations with each employee to bring about needed improvements;
- d) keeping employees informed of their role in accomplishing the work of their unit and of conditions or changes affecting their work;
- e) making every effort to resolve employee problems and grievances and advising employees of their rights and privileges;
- f) cooperating and coordinating with other staff members in workflow and distribution of information;
- g) making proper performance documentation and maintaining current files; and
- h) abiding by the provisions of these policies and ensuring employees abide by same.

Section 8. Responsibilities of Employees

Employees of the Town shall be expected to conduct themselves both on and off the job to reflect favorably upon the Town and fellow employees. Employees are expected to:

- a) ask questions and learn their full scope of responsibilities and perform those diligently;
- b) recognize and follow the chain of command in addressing work concerns and problems;
- c) show courtesy and respect and work cooperatively with other employees;
- d) show courtesy and respect and provide excellent customer service to citizens and taxpayers; and;
- e) learn and follow these personnel policies along with any departmental policies and procedures.

Section 9. Application of Policies, Plan, Rules, and Regulations

The personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all Town employees. The Town Manager, Town Attorney, members of

the Town Council and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

Section 10. Departmental Rules and Regulations

Because of the particular personnel and operational requirements of the various departments of the Town, each department is authorized to establish supplemental written rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the Town Manager, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Policy.

Section 11. Definitions

For the purposes of this Policy, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- a) Full-Time Employee – An employee who is in a position for which an average work week equals at least 30 hours, and continuous employment of at least 12 months, are required by the Town.
- b) Limited-Service Employee – An employee for which either the average work week required by the Town over the course of a year is less than 20 hours, or continuous employment required by the Town is less than 12 months. Such employee shall receive no benefits unless specifically enumerated in these rules or required by law.
- c) Part-Time Employee – An employee who is in a position for which an average work week of at least 20 hours and less than 30 hours and continuous employment of at least 12 months are required by the Town. Such employee shall receive no benefits unless specifically enumerated in these rules or required by law.
- d) Regular Employee – An employee appointed to a full or part-time position who has successfully completed the designated probationary period.
- e) Probationary Employee – An employee appointed to a full or part-time position who has not yet successfully completed the designated probationary period.

- f) Regular Position – A position authorized for the budget year for a full twelve months and budgeted for twenty or more hours per week. All Town positions are subject to budget review and approval each year by the Town Council and all employees' work and conduct must meet Town standards. The term "permanent" used anywhere in these regulations shall not be construed or deemed as a contract or right to perpetual funding or employment.

- g) Trainee – An employee status when an applicant is hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose.

The position classification plan provides a complete inventory of all authorized and regular positions in the Town service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities.

Section 2. Composition of the Position Classification Plan

The classification plan shall consist of:

- a) a grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- b) class titles descriptive of the work of the class;
- c) written specifications for each class of positions; and
- d) an allocation list showing the class title of each position in the classified service.

Section 3. Use of the Position Classification Plan

The classification plan is to be used:

- a) as a guide in recruiting and examining applicants for employment;
- b) in determining lines of promotion and in developing employee training programs;
- c) in determining salary to be paid for various types of work;
- d) in determining personnel service items in departmental budgets; and
- e) in providing uniform job terminology.

Section 4. Administration of the Position Classification Plan

The Town Manager shall allocate each position covered by the classification plan to its appropriate class; the Human Resources Officer, under the direction of the Town Manager, shall be responsible for the administration of the position classification plan. The Human Resources Officer shall periodically review portions of the classification plan and recommend appropriate changes to the Town Manager.

Section 5. Authorization of New Positions and the Position Classification Plan

New positions shall be established upon recommendation of the Town Manager and approval of the Town Council. New positions shall be recommended to the Town Council with a recommended class title after which the Town Manager shall either allocate the new position into the appropriate existing class, or revise the position classification plan to establish a new class to which the new position may be allocated. The position classification plan, along with any new positions or classifications shall be approved by the Town Council and on file with the Human Resources Officer. Copies will be available to all Town employees for review upon request.

Section 6. Request for Reclassification

Any employee who considers the position in which classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request through the Department Head to the Human Resources Officer. Upon receipt of such request, the Human Resources Officer shall study the request, determine the merit of the reclassification, and recommend any necessary revisions to the classification and pay plan to the Town Manager.

Section 7. Maintenance of the Classification and Pay Plan

Because job duties change over time and the market pay rate changes at different rates for different jobs, comprehensive classification and pay plan reviews are needed periodically. When the organization is stable and budget allows, periodic reviews are recommended. When there is significant growth and/or change in the organization, comprehensive reviews are needed more frequently.

ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the basic salary schedule and the "Assignment of Classes to Grades" adopted by the Town Council. The salary schedule consists of hiring rate, minimum or beginning, midpoint, and maximum rates of pay for all classes of positions, and a designation of the standard hours in the work week for each position.

Section 2. Administration and Maintenance

The Town Manager, assisted by the Human Resources Officer, shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the Town, and other factors. To this end, each budget year the Human Resources Officer shall make comparative studies of all factors affecting the level of salary ranges including the consumer price index, anticipated changes in surrounding employer plans, and other relevant factors, and will recommend to the Town Manager such changes in salary ranges as appear to be pertinent. Such changes shall be made in the salary ranges such that the hiring rate, all intervening rates, and the maximum change according to the market.

Periodically, the Town Manager shall recommend that individual salary ranges be studied and adjusted as necessary to maintain market competitiveness. Such adjustments will be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class when the action is approved by the Town Council.

Section 3. Starting Salaries

All persons employed in positions approved in the position classification plan shall be employed at the hiring rate for the classification in which they are employed; however, exceptionally well qualified applicants may be employed above the hiring rate of the established salary range upon written justification and documentation of qualifications and approval of the Town Manager.

Section 4. Trainee Designation and Provisions

Applicants being considered for employment or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the Town Manager to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the Department Head.

"Trainee" salaries shall be no more than two steps below the minimum salary rate established for the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as being in a probationary period. However, probationary periods shall be no less than six months and trainee periods may extend from three to eighteen months. A trainee shall remain a probationary employee until the trainee period is satisfactorily completed.

If the training is not successfully completed to the satisfaction of the Town Manager, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the hiring rate established for the position for which the employee was trained.

Section 5. Probationary Pay Increases

Employees hired or promoted into the hiring rate of the pay range shall receive a salary increase within the pay range of approximately 5% upon successful completion of the probationary period and upon six months of successful service if the employee is not on probation. Employees serving a twelve-month probationary period may be considered for this increase after six months of employment. Employees hired or promoted at or above the minimum of the salary range are not eligible for a probationary increase.

Section 6. Merit Pay

Upward movement within the established salary range for an employee is not automatic, but rather based upon specific performance-related criteria. Procedures for determining performance levels and performance pay increases or other performance-related movement within the range shall be established in procedures approved by the Town Manager. Funding for merit pay increases are subject to annual review and appropriation by the Town Council. The amount of monies available for merit pay increases for Town employees may vary from year to year, depending on funds available, performance criteria, and merit pay program design.

Section 7. Merit Pay Bonus

Employees who are at the maximum amount of the salary range for their position classification are eligible to be considered for a Merit Bonus at their regular performance evaluation time. Merit bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and in the same amounts as employees who are within the salary range. Merit bonuses shall be awarded in lump sum payments and do not become part of base pay. Funding for merit pay bonus increases are subject to annual review and appropriation by the Town Council.

Section 8. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications

- a) Promotions – The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the hiring rate of the new position, or to a salary which provides an increase of at least approximately 5% over the employee's salary before the promotion, whichever is greater. In the event of highly skilled and qualified employees, shortage of qualified applicants, or other reasons related to the merit principle of employment, the Town Manager may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employees qualifications for the job and relative worth to the Town, taking into account the range of the position and relative qualifications of other employees in the same classification. In no event, however, shall the new salary exceed the maximum rate of the new salary range. In setting the promotion salary, the Town shall consider internal comparisons with other employees in the same or similar jobs.
- b) Demotions – Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job and consistent with the placement of other employees within the same classification in that salary range. If the current salary is within the new range, the employee's salary may be retained at the previous rate if appropriate. If the demotion is the result of discipline, the salary shall be decreased at least 5%. Salaries of demoted employees may be no greater than the maximum of the new range.
- c) Transfers – The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be

changed by the reassignment.

- d) Reclassifications – An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of approximately 5% or an increase to the hiring rate of the new pay range, whichever is higher. If the employee has completed probation, the employee's salary shall be advanced to at least the probation completion amount in the new range.

If the position is reclassified to a lower pay range, the employee's salary shall remain the same.

If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

Section 9. Salary Effect of Salary Range Revisions

When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least approximately 5%, or to the hiring rate of the new range, whichever is higher. If the employee has passed probation, the employee's salary shall be advanced at least to the probation completion amount (minimum) in the new range. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum rate established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

Section 10. Transition to a New Salary Plan

The following principles shall govern the transition to a new salary plan:

- a) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- b) All employees being paid at a rate lower than the hiring rate established for their respective classes shall have their salaries raised at least to the new hiring rate for their classes.
- c) All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate within the salary schedule.
- d) All employees being paid at a rate above the maximum rate established for

their respective classes shall have their salaries maintained at that salary level with no increases until such time as the employees' salary range is increased above the employees' current salary.

Section 11. Effective Date of Salary Changes

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period, or at such specific date as may be provided by procedures approved by the Town Manager.

Section 12. Overtime Pay Provisions

Employees of the Town can be requested and may be required to work in excess of their regularly scheduled hours as necessitated by the needs of the Town and determined by the Department Head. Overtime work should normally be approved in advance by the Department Head, Town Manager or other designee.

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA). The Human Resources Officer (with review and approval of the Town Manager) shall determine which jobs are "exempt" from the hours of work and overtime pay standards under the terms of exemptions in accordance with the FLSA.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 171 hours for police personnel in a 28-day cycle). Hours worked beyond the FLSA established limit will be compensated in either compensatory time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes. Compensatory leave balances may not exceed 240 hours except for public safety employees (sworn police employees) who may not accrue more than 480 hours. Any overtime worked after such maximum balances must be compensated in pay. The Manager will be notified whenever a compensatory balance exceeds 100 hours.

Whenever practical, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid in accordance with the FLSA.

In emergency situations, where employees are required to work long and continuous hours, the Town Manager may approve compensation at time and one half for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe

working conditions. In a FEMA declared emergency when extended long hours are required, **exempt and nonexempt employees** may be determined to be eligible for overtime compensation at a rate not to exceed double time at the authorization of the Town Manager.

The Town Manager may allow **exempt employees** to take leave from their work during normal business hours of the Town as the Town Manager believes appropriate. Such arrangements are in the discretion of the Town Manager and shall only be allowed when such leave will not substantially impair the functioning of Town activities. Exempt employees shall be those employees who hold positions as defined by the FLSA (as Executive, Administrative or Professional staff).

Section 13. Call-back and On-call Pay

The Town provides a continuous twenty-four hour a day, seven day a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the Town Manager.

- a) Call-back – Non-exempt employees will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours. Employees responding remotely by telephone, computer, or other communications device, with no return to the work site, will receive a minimum of 15 minutes pay for each occasion of callback, or compensation for all time actually engaged, whichever is greater. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance).
- b) On-call – On-call time is defined as that time when an employee must carry a pager or other communication device and must respond immediately to calls for service. Non-exempt employees required to work "on-call" duty will be paid for five hours of work for each week of on-call time they serve. This pay is not attributable to any particular hours of work and is included when determining the regular rate of pay for overtime pay purposes. The on-call employee must remain in an emotional, mental, and physical condition that is necessary to perform his/her job in a safe and satisfactory manner during the entire on-call period; this includes being free from the influence of alcohol or narcotics in accordance with the Town's drug free workplace policy.

- 1) Calculating Hours – Hours actually worked while on-call are calculated beginning when the employee leaves home to respond to the worksite and includes travel time returning home from the worksite.
- 2) FLSA Compliancy – On-call time requiring an employee to remain at a designated location is considered work time under the provisions of the FLSA.
- 3) Town Manager Approval – On-call schedules require advance approval by the Town Manager.

Section 14. Payroll Deduction

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the Town Manager as to capability of payroll equipment, associated increase in workload and appropriateness of the deduction.

Section 15. Hourly Rate of Pay

Employees working in a part-time or Limited-Service 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 other than 40 hours per week, such as police officers working an average 42 hours per week, will be determined by dividing the average number of hours scheduled per year into the annual salary for the position.

Section 16a. Longevity Pay

Full-time employees of the Town are compensated for years of continuous service by payment of a longevity supplement based on the following table. Longevity pay shall reflect their continuous years of service as of their anniversary date according to the following schedule:

<u>Years of Service</u>	<u>Longevity Amount</u>
1 – 4	\$250
5 – 9	\$500
10 – 14	\$750
15 – 19	\$1,000
20 plus	\$1,250

Years of service are calculated based on hire date as of April 1st of each year.

Longevity pay will be paid out in a lump sum amount annually on or about April 1 each year, based upon years of service as of that date. Appropriate federal state, retirement, etc. deductions will be made. The continuation of longevity pay as an employee benefit is subject on a year-to-year basis to the availability of funds. Longevity pay is not considered a part of annual base pay for classification and pay purposes.

Section 16b. Bonus Pay

The Town provides bonus pay to *all employees*. An employee must work for one year prior to November 1st to be eligible for the bonus pay.

Section 17. Pay for Interim Assignments in a Higher-Level Classification

An employee who is formally designated by the Town Manager to perform the duties of a job that is assigned to a higher salary grade than that of the employees' regular classification shall receive an increase for the duration of the interim assignment. The employee shall receive a salary adjustment to the minimum level of the job in which the employee is acting or an increase of 5%, whichever is greater. The salary increase shall be temporary and upon completion of the assignment, the employee shall go back to the salary he or she would have had if not assigned in the interim role, taking into account any increases the employee would have received if they had not been placed in the interim role.

Section 18. Direct Deposit

Employees will be paid by electronic transfer of funds to their designated bank account(s). Employees will receive written or electronic documentation of their wages, deductions, and leave balances each pay period.

Section 19. Certification and Educational Increases

The Town Manager may establish a schedule of salary increases to reward employees for attaining and maintaining certifications and obtaining degrees that increase the employee's value to the Town. These increases should reflect certifications and/or degrees that exceed the requirements on the position classification specification.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

It is the policy of the Town to foster, maintain and promote equal employment opportunity. The Town shall select employees on the basis of the applicant's qualifications for the job and award them with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to race, color, religion, sex, sexual orientation, transgender status, veteran status, marital status, national origin, political affiliation, non-disqualifying disability, genetic information age, or based on actual or perceived gender as expressed through dress, appearance, or behavior. Applicants with physical disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of essential duties with or without reasonable accommodation.

It is a violation of Town policy to retaliate in any way against an employee who assists, participates in, or supports this policy or anyone making a bona-fide complaint under this policy or who participates or assists in any EEOC, OSHA or other internal or external processes protected by law.

Section 2. Implementation of Equal Employment Opportunity Policy

All personnel responsible for recruitment and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of to race, color, religion, sex, sexual orientation, transgender status, veteran status, marital status, national origin, political affiliation, non-disqualifying disability, genetic information age, or based on actual or perceived gender as expressed through dress, appearance, or behavior. Notices with regard to equal employment matters shall be posted in conspicuous places on Town premises in places where notices are customarily posted.

Section 3. Recruitment, Selection and Appointment

- a) Recruitment Sources – When position vacancies occur, Human Resources Department shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be provided to recruitment sources, including organizations and news media available to minority applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites

within departments if practical. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for Town service. The North Carolina Employment Security Commission may be used as a recruitment source. In rare situations because of emergency conditions, high turnover, etc., the Town may hire or promote without advertising jobs, upon approval of the Town Manager.

- b) Job Advertisements – Jobs will be advertised in local area newspapers, professional publications, and other relevant publications in order to establish a diverse and qualified applicant pool. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.
- c) Application for Employment – All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment for positions which are vacant. All applications for employment must be submitted to the Town of Beech Mountain Human Resource Officer. Applications submitted directly to the department may be rejected as inappropriately filed.
- d) Application Reserve File – Applications shall be kept in an inactive reserve file for a period of two years, in accordance with Equal Employment Opportunity Commission guidelines.
- e) Selection and Screening – Department Heads, with the assistance of the Human Resources Officer, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position, including criminal history where job- related. All selection devices administered by the Town shall be valid measures of job performance.

The Town requires position appropriate pre-employment, promotion, and reassignment screenings to include, yet not limited to, credit, criminal, driving, drug, educational, and reference information. Appropriate background checks are required for prospective volunteer coaches or other volunteers according to the nature of the volunteer tasks and public contact. The Town will not engage in blanket disqualification of applicants based upon background checks but will consider the specific requirements for each position. Authorization by the individual is required prior to screening. The Town is a drug-free workplace. Offers of employment are conditional based on the results of a drug and other prework screenings.

- f) Appointment – Before any commitment is made to an applicant either

internal or external, the Department Head shall make recommendations to the Human Resources Officer including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Human Resources Officer and Department Head shall recommend approval of appointments and the starting salary for all applicants to the Town Manager. The Town Manager shall approve appointments and the starting salary for all applicants.

Section 4. Probationary Period

An employee appointed or promoted to a regular position shall serve a probationary period. Employees shall serve a six-month probationary period, except that employees in sworn police, entry level fire, and Department Heads positions shall serve a twelve-month probationary period. Employees hired as trainees shall remain on probation until the provisions of their traineeship are satisfied. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Employees serving a twelve-month probation shall have a probationary review at the end of six months as well as before the end of twelve months.

Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion shall be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of *six* additional months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this policy. Separation during the probationary period creates no right of grievance or appeal pursuant to this Policy.

A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed. Promoted and demoted employees who are on probation retain all other rights and benefits.

Section 5. Promotion

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the Town's policy to create career opportunities for its employees whenever possible. The Town will balance three

goals in the employment process:

- a) the benefits to employees and the organization of promotion from within;
- b) providing equal employment opportunity and a diversified workforce to the community; and
- c) obtaining the best possible employee who will provide the most productivity in that position.

Therefore, except in rare situations where previous Town experience is essential (such as promotions to Police Sergeant), or exceptional qualifications of an internal candidate so indicate, the Town will typically consider external and internal candidates. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates.

Section 6. Demotion

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotion may be voluntary or involuntary. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such disciplinary demotion shall follow the disciplinary procedures outlined in this Policy.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a demotion subject to the recommended approval of the Department Head, a review by the Human Resources Officer, and approval by the Town Manager. A voluntary demotion is not a disciplinary action.

Section 7. Transfer

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department or classification shall make a recommendation through the Human Resources Officer to the Town Manager with the consult of the receiving Department Head. Any employee transferred without requesting the action may appeal the action in accordance with grievance procedures. Notwithstanding the employee's right to file a grievance, the Town reserves the right to transfer employees either temporarily or permanently when doing so will serve the Town's best interest. An employee who has successfully completed a

probationary period may be transferred into the same classification without serving another probationary period.

Section 8. Recruitment and Retention Incentives

The Town Manager is authorized to design, develop and implement policies to guide departments in competitive practices related to recruiting and retaining a skilled and diverse workforce, to include: relocation assistance for divisional or senior managers, key technical staff or employees in a key or challenging position to recruit and retain; acceptance of partial or total sick leave transfer from the immediate past employer, if a qualified governmental agency; acceptance of partial or total vacation leave transfer from the immediate past employer, if a qualified governmental agency; establishment of an advanced leave accrual rate upon hire from the immediate past employer; hiring and referral bonuses of amounts set by the Town Manager and which must be funded in existing departmental budgets; amount of hourly fee for on-call hours; implementation of supplemental insurance programs for employees which are fully funded by employees; and designation of waiting periods for insurance programs when an employee has served in a temporary capacity for the Town.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

Department Heads shall 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. Generally, the 7-day work period for a full-time Town employee shall be 40 hours. Police officers work schedules will be established and maintained in accordance with FLSA. Managers/supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Section 2. Political Activity

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, and may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

- a) Engage in any political or partisan activity while on duty;
- b) Use official authority of influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c) Be required as a duty of employment or as condition for employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
- d) Coerce or compel contributions from another employee of the Town for political or partisan purposes;
- e) Use any supplies or equipment of the Town for political or partisan purposes;
or
- f) Be a candidate for nomination or election to office under the Town Charter;

Any violation of this section shall subject the employee to disciplinary action including dismissal.

Section 3. Outside Employment

The work of the Town shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commissions and all self-employment must be reported in advance to the employee's supervisor, who in turn will report it to the Department Head. The Department Head will review such employment for possible conflict of interest and then submit a record of the employment to the Town Manager for review and then placement in the personnel file. Conflicting or unreported outside employment are grounds for disciplinary action up to and including dismissal. Documentation of the approval of 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 employees perceived integrity, neutrality, or reputation related to performance of the employees Town duties.

Outside employment-related activities and conduct away from the Town must not compete with, conflict with, or compromise the Town's interests or adversely affect job performance and the ability to fulfill all responsibilities to the Town. Employees may not solicit or conduct any outside employment/business during work time for the Town or use any Town tools, materials, goods, equipment, or technology to conduct outside employment/business.

Employees must carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, the employee will be asked to discontinue the outside employment, and the employee may be subject to the normal disciplinary procedures for dealing with the resulting job-related problem(s).

Employees may not use paid sick leave to perform work for another employer.

Outside employment is prohibited while an employee is on a paid or unpaid leave of absence for his/her own sickness or disability where benefits may be maintained.

Any employee violating the provision of this section shall be subject to disciplinary action up to and including dismissal.

The Town encourages and shall permit employees to participate as members of a volunteer emergency service to the extent that such volunteer activities do not interfere or conflict with the employee's responsibilities in the Town service. However, no employee will be required or will be allowed to volunteer his/her time to the Town to perform the same or similar work performed as a regular employee.

Section 4. Dual Employment

The Town prohibits any employee from holding more than one position with the Town if the combined positions will result in the employee working more than 40 hours per week in any week of the year. The Town will consult FLSA regulations in all dual employment cases to insure that the regulations are followed.

Section 5. Employment of Relatives

The Town prohibits the hiring and employment of immediate family in full or part time positions within the same work unit. "Immediate Family" is defined in Article VII, Section 12. The Town also prohibits the employment of any person that is married to or resides in the same household with individuals holding the following positions: Mayor, Mayor Pro Temp, Town Council Member, Town Manager, Finance Officer, Human Resources Officer, Town Clerk, or Town Attorney. A Council Member shall recuse themselves from making any decisions involving a member of their "Immediate Family" as defined in Article VII, Section 12. No employee of the Town of Beech Mountain may serve as a member of the Town Council. Otherwise, the Town will consider employing family members or related persons in the service of the Town, provided that such employment does not:

- a) result in a relative supervising relative or occupy a position of influence over another relative's employment or any condition of employment. Examples of potential influence include but are not limited to hiring, promotions, salary administration and disciplinary action;
- b) result in a relative auditing the work of a relative;
- c) create a conflict of interest with either relative and the Town; or
- d) create the potential or perception of favoritism.

No member of any employee's immediate family shall be hired without prior approval of the Town Manager.

Romantic relationships between an employee and a direct or indirect supervisor or subordinate of that employee are prohibited. If such a relationship develops, the employee(s) shall notify the

department director or Town Manager and will be given thirty days to find approved, alternative employment within the Town.

This provision shall not apply retroactively to anyone employed when the provision was adopted by the Town.

Section 6. Harassment Prohibited

The Town prohibits harassment in any form that is based on race, religion, color, sex, national origin, sexual orientation, transgender status, age, veteran status, marital status, political affiliation, disability, genetic information, or on the basis of actual or perceived gender as expressed through dress, appearance or behavior. Harassment is defined as conduct that culminates in tangible employment action or is sufficiently severe or pervasive to create a hostile work environment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature 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 employment decisions 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. Sexual harassment includes repeated offensive sexual remarks, continual or repeated comments about an individual's body and offensive sexual language.

Employees of the Town are expected to behave at all times in a professional and respectful manner. Employees should be aware that harassment, discrimination, and retaliation is unacceptable not only in the workplace but also in any work-related settings such as business trips and business-related social functions, regardless of whether the conduct is engaged in by a supervisor, co-worker, customer, vendor, or other third party.

Reporting Procedures - An employee who believes he or she may have a complaint of workplace harassment may pursue any of the following actions:

- a) The employee should tell the person who is offending him/her that the behavior is offensive and should stop. (Because offensive behavior often is not intended as harassment, letting the individual know the behavior is offensive and instructing him/her to stop often resolves the problem).

The employee should notify the Department Head of the situation who will immediately notify the Human Resources Officer and the Town Manager. The employee may file the complaint directly with the Human Resources

Officer or Town Manager if it involves a department head or if they are uncomfortable discussing the matter with their Department Head. The Town Manager or his/her designee will ensure that an investigation is conducted into the allegation of workplace harassment and advise the employee and appropriate management officials of the outcome of the investigation.

- b) If the allegation of harassment is against the Town Manager or an elected official, the complaint should be filed with the Town Attorney, who shall personally conduct a confidential investigation into the allegation, or designate a representative to conduct the investigation and advise the employee and Town Council on the outcome of the investigation.

Investigation of Alleged Workplace Harassment - The Town will investigate thoroughly and promptly, all claims of harassment or discrimination, ***WITHOUT CONSEQUENCE TO THE EMPLOYEE EXPERIENCING OR REPORTING THE CONDUCT***, so long as the report is made in good faith and the information provided is truthful to the best the employee's knowledge. Employees are required to cooperate with any investigation involving harassment and/or discrimination.

An investigation may include, but not necessarily be limited to, interviews with individuals who are believed to have knowledge of the matter including the alleged victim and the alleged harasser.

Employees named in reports and/or complaints will be given sufficient information about the allegation to provide them a reasonable opportunity to respond.

Employees shall cooperate fully in any investigation or may be subject to discipline for failure to cooperate.

Upon receipt of a complaint, the Town will take all appropriate steps to prevent the alleged conduct from continuing, pending completion of the investigation.

Upon completion of the investigation, the investigating party will issue a report of the investigation and findings, which will include the facts ascertained in the investigation.

Disciplinary Action - Employees who are found to be engaged in harassment are subject to disciplinary action up to and including dismissal.

Employees making complaints of harassment are protected against retaliation from

alleged harassers or other employees.

Employees witnessing harassment shall also report such conduct to an appropriate Town management official. All employees are responsible for helping to ensure that harassment and discrimination in the workplace are avoided. The Town cannot remedy claimed harassment, discrimination, or retaliation unless you bring these claims to the attention of the Town. Failure to report claims of harassment and/or retaliation prevents us from taking steps to remedy the problem.

All claims of harassment will be thoroughly investigated. **Employees are expected to report claims of harassment in good faith and the information provided to be truthful to the best of their knowledge.** The Town will endeavor to keep complaints, investigations, and resolutions confidential to the extent possible, but the Town cannot compromise its obligation to investigate complaints.

Section 7. Whistleblower Policy

The Town of Beech Mountain requires its Council, Town Administrators, Department Heads, and Employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Town of Beech Mountain, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

- a) Reporting Responsibility – This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns internally so that the Town of Beech Mountain can address and correct inappropriate conduct and actions. It is the responsibility of all employees to report concerns about violations of the Town of Beech Mountain’s code of ethics, laws, policies, or regulations that govern the Town of Beech Mountain’s operations, or any suspicious or fraudulent activities. Types of actions that may be reportable under this Policy, but not limited to, include a violation of state or federal law, rule or regulation, fraud, theft, misappropriation of Town resources, substantial and specific danger to public health and safety, gross mismanagement, a gross waste of monies, or gross abuse of authority.
- b) Retaliation Prohibited – It is contrary to the values of the Town of Beech Mountain for anyone to retaliate against any employee, who in good faith, reports an ethics violation, or a suspected violation of law, or suspected fraud, or suspected violation of any regulation governing the operations of the Town of Beech Mountain. An employee who retaliates against someone who has

reported a violation in good faith is subject to disciplinary action up to and including termination of employment. Also see the Town of Beech Mountain's Personnel Policy Article V: Conditions of Employment Section 6: Harassment Prohibited.

- c) Human Resource Officer (Whistleblower Compliance Officer) – The Town of Beech Mountain's Human Resource Officer is responsible for ensuring all complaints concerning unethical or illegal conduct are investigated and resolved. The Human Resource Officer will advise the Town Manager of all complaints and their resolution.
- d) Reporting Procedure – The Town of Beech Mountain has an open-door policy and suggests that employees share their questions, concerns, suggestions, or complaints with their immediate supervisor. If you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with the Town Manager or Human Resources. Supervisors and Department Heads are required to report complaints or concerns about suspected ethical and legal violations in writing to the Town of Beech Mountain's Human Resource Officer, who has the responsibility to report the claim to the Town Manager and investigate all reported complaints. Employees with concerns or complaints may also submit their concerns in writing directly to the Town Manager or Human Resource Officer.

If the Complaint involves action in violation of this policy by the Town of Beech Mountain's Human Resource Officer, such Complaint should be made directly to the Town Manager. If the Complaint involves action in violation of this policy by the Town Manager for the Town of Beech Mountain, such Complaint should be made directly to the Town Attorney.

- e) Acting in Good Faith – Anyone filing a written complaint concerning a violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense and subject the reporting individual to disciplinary action up to and including dismissal.
- f) Confidentiality – Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the greatest extent possible, consistent with the need to conduct an adequate investigation.

- g) Handling of Reported Violations – The Town of Beech Mountain’s Human Resource Officer will notify and acknowledge receipt of the reported violation or suspected violation to the reporting party. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

Section 8. Gifts and Favors – Expectation of Ethical Conduct

The proper operation of Town government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

- a) No official or employee of the Town shall accept any gift, whether in the form of a service, a loan, a thing, or a promise from any person, vendor, firm, or corporation that, in the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the Town.
- b) No official or employee shall accept any gift, favor, or thing of value that may tend to influence that employee in the discharge of duties.
- c) No official or employee shall grant any improper favor, service, or thing of value in the discharge of duties.
- d) Gratuities shall be refused by all Town officials and employees.

This no-gift policy includes vendor or potential vendor provided food, beverages, meals, or entertainment such as sporting events. This no-gift policy includes any business courtesy offered such as a product discount or any other benefit if the benefit is not extended to all employees.

Exceptions to this policy include receipt of a gift or honorarium for participation in meetings, receipt of advertising items or souvenirs of nominal value, or receipt of meals furnished to attendees at large at conferences and banquets. Full participation by officials or employees of the Town in activities of professional organizations in which they are a member is permitted even though the organization may receive donations from a contractor, subcontractor, or supplier. Exceptions to this policy also include food/lodging/travel/events attended in an employee’s official capacity for the Town, or gifts from family members, friends, or co-workers where it is clear that it is that relationship which is the motivating factor for the gift.

Gifts of food that may arrive during the holidays, and at other times of the year when gift

giving is traditional, belong to the entire staff even if addressed to a single employee. Food gifts must be shared with and distributed to all staff during work hours, in central worksite locations. Gifts of plants or flowers shall be displayed in the lobby or at another central location where all employees may enjoy their presence.

Section 9. Performance Evaluation

Supervisors and/or Department Heads shall conduct Performance Evaluation conferences with each employee at least once a year. These performance evaluations shall be documented in writing and placed in the employee's personnel file. Procedures for the performance evaluation program shall be published by the Town Manager.

Section 10. Safety

Safety is the responsibility of both the Town and employees. It is the policy of the Town to establish a safe work environment for employees. The Town shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department Heads and supervisors are responsible for insuring the safe work procedures of all employees and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety training programs as a condition of employment. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Section 11. Substance Abuse Policy

The Town is committed to a drug-free workplace to maintain a safe and healthy working environment for employees and a productive, effective workforce for the Town's citizens. The Town prohibits employees reporting to work with their ability to perform impaired by alcohol, illegal drugs, intentionally and inappropriately used prescriptions, over-the-counter drugs, or other chemicals and substances. A separate "Substance Abuse Policy" will be maintained by the Town and provided to all employees.

The use of controlled substances prescribed to you by a licensed physician or are available over the counter is not prohibited by this policy. However, if a physician has prescribed medication that requires an accommodation or poses safety concerns, your supervisor or Human Resources should be notified to discuss the requested accommodations or safety concerns.

The Town maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist individuals recovering from

substance and alcohol dependencies, as well as employees who have a medical history which reflects treatment for substance abuse conditions. However, employees may not request an accommodation to avoid discipline for a policy violation.

Section 12. Board Service

Employees are permitted to serve, with or without compensation, on boards of for-profit and not-for-profit organizations. Each employee serving on a board is expected to be alert to possible conflicts and dualities of interest and notify the Town Manager and the Human Resources Officer. If, in the sole discretion of the Town Manager of Beech Mountain, the conflict would jeopardize the Town of Beech Mountain's interests, the employee may be directed to resign from the said board.

Section 13. Firearms Policy

The Town follows North Carolina state laws.

Section 14. Use of Town Property and Equipment

Town equipment, vehicles, materials, tools, and supplies shall not be available for personal use and are not to be removed from Town property except in the conduct of official Town business, unless approved by the Town Manager. All offices, desks, files, lockers, etc. are considered Town property and are provided to the employee for the employee's use in his/her employment. Employees are responsible for taking proper care of all Town property and equipment that they are entrusted with.

Section 15. Searches of Town and Employee Personal Property

To protect employees and the Town from theft, and to enforce the Town's policies including those related to substance abuse and workplace violence, the Town reserves the right to search employees and their personal property (i.e., vehicles, clothing, packages, purses, brief cases, lunch boxes, or other containers brought onto Town premises) when there is reason to believe Town policy is being violated. Employees are expected to cooperate in the conduct of such searches.

The Town provides property to employees for their use (e.g., Town vehicles, desks, file cabinets, employee lockers, etc.). Searches of Town facilities and property, including Town property in the possession of the employee, may be conducted at any time and do not have to be based upon reason to believe Town policy is being violated. Employees may not withhold permission for the Town to search Town-supplied property including, but not limited to desks, lockers, tool boxes, and Town vehicles and/or equipment.

Section 16. Technology & Electronic Communications

The Town maintains electronic communications systems (e.g., voicemail, email, internet access) and provides access to telephones, computers, tablets, cell phones or other electronic equipment to assist employees while conducting business for the Town. Any electronic devices and/or services provided by the Town are property of the Town and their purpose is to facilitate and support Town business. All users have the responsibility to use these resources in a professional, ethical, and lawful manner. Technology resources and their use are subject to N.C.G.S. 132 Public Records Law and may be monitored, reviewed, and analyzed for business purposes and compliance. Employee access to the Town's electronic resources requires responsibilities and is subject to relevant Town policies and Local, State and Federal laws.

Section 17. Driver's License

All employees who are in positions required on the class specification to maintain an active driver's license are required to do so as a condition of employment. If a driver's license is not maintained in good standing, the employee may be suspended, demoted, or dismissed.

Section 18. Non-Violent Workplace

The Town is a non-violent workplace. **Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Town property will not be tolerated.** Workplace violence includes, but is not limited to, intimidation, threats, physical attacks, domestic violence, or property damage committed by anyone against the Town or Town employees in the workplace.

All employees are responsible to help ensure that the Town avoids incidents of workplace violence. Employees shall not engage in or encourage another employee to engage in either physical or verbal confrontation with a potentially violent individual. **Employees who overhear or become aware of any threatening communications from an employee or outside third party should immediately report the information to the department director or Town Manager.** Reports of threats may be made anonymously. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat under this policy.

If an employee feels that he/she has been threatened, the employee should report the occurrence immediately to the supervisor or department director who will in turn report the incident to the Town. The Town will investigate all threats or incidences of violence related to the workplace and/or involving employees during work hours. When a threat has been reported or management determines that a potential for violence exists, management may require an employee to undergo an assessment to determine the risk of danger.

Any employee charged with such behavior will be subject to discipline, up to and including dismissal and may be subject to criminal charges.

The Town reserves the right to seek a civil “no-contact” order in accordance with the provisions of the North Carolina General Statutes (N.C.G.S.) on behalf of any employee who has been the victim or target of workplace violence or other unlawful conduct in the workplace in violation of this policy.

If you are the recipient of a threat made by an outside party, follow the steps detailed in this section. It is important for the Town to be aware of any potential danger in the workplace

Section 19. Reasonable Accommodation of Individuals with Disabilities

The Town recognizes and supports its obligation to endeavor to reasonably accommodate job applicants and employees with known physical or mental disabilities who are able to perform the essential functions of the position, with or without reasonable accommodation. The Town will endeavor to provide reasonable accommodation to otherwise qualified job applicants and employees with known physical or mental disabilities, unless doing so would impose an undue hardship on the Town or pose a direct threat of substantial harm to the employee or others.

An applicant or employee who believes he/she needs a reasonable accommodation of a disability should discuss the need for possible accommodation with Human Resources, Department Head, or his/her direct supervisor.

Section 20. Reasonable Accommodation of Individual’s Religious Beliefs and Practices

The Town recognizes and supports its obligation to endeavor to reasonably accommodate job applicants and employees with sincere religious beliefs or practices who are able to perform the essential functions of the position, with or without reasonable accommodation. The Town will endeavor to provide reasonable accommodation to otherwise qualified job applicants and employees, unless doing so would impose an undue hardship on the Town.

An applicant or employee who believes he/she needs a reasonable accommodation of a sincere religious belief or practice should discuss the need for a possible accommodation with his/her direct supervisor, Department Head, or Human Resources.

Section 21. Lactation Support for Nursing Mothers

The Town is committed to family-friendly policies and benefits and accommodates breastfeeding mothers. The Town will provide a reasonable amount of break time to

accommodate an employee desiring to express breast milk for the employee's infant child, to the extent required and in accordance with applicable law.

The Town will also make reasonable efforts to provide employees with the use of a room or location other than a toilet stall for the employee to express milk in private. This location may be the employee's private office, if applicable.

The employee storing milk in the refrigerator assumes all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and/or tampering.

Please speak to Human Resources if you have questions regarding this policy. For more information regarding this policy, see the FLSA guidelines regarding lactation provisions.

Section 22. Social Media

The Town understands that many employees may enjoy and participate in various personal media sites (for example Facebook, Twitter, etc.). As holders of the public trust, employees are expected to exercise sound judgment and discretion in contributing to social media sites where information is available to numerous users. While at work any personal use must be brief and infrequent.

When using social media, unless specifically authorized by the Town Manager, employees are prohibited from:

- a) using personal social media to conduct any Town business unless approved by the Town Manager;
- b) disclosing any confidential Town information or personnel information protected by law or policy;
- c) using the Town's name in their personal identity or using any Town trademark, logo, or other intellectual property;
- d) wearing any uniform or insignia that identifies the employee as an employee of the Town of Beech Mountain;
- e) using their official position or title in any personal communications; or
- f) any suggestion that they are speaking as a representative on behalf of the Town; employees must always identify that they are speaking as private citizens.

Employees should be aware that public speech including social media, unless it is protected by law, may subject the employee to liability under civil laws as well as the

Town's policies. When in doubt, the employee should discuss this with appropriate supervisors. Nothing in this policy shall be read to prevent an employee from speaking out on matters of public concern.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

All full-time employees of the Town are eligible for employee benefits as provided for in this Article which are subject to change at the Town's discretion. Part-time and Limited-Service employees are eligible only for legally mandated benefits or if specifically enumerated in these rules or a plan document. The official plan documents are available for review upon request. The terms of the official plan documents control when and under what circumstances the various benefits are available and shall control the language of any descriptions or summaries of the plans.

While the Town intends to maintain a certain level of employee benefits, there is no absolute right, contractual, or otherwise, to receiving the benefits, and the Town reserves the absolute right to modify, amend or terminate these benefits at any time, for any reason.

Section 2. Group Health and Hospitalization Insurance

The Town provides group health and hospitalization insurance programs for full-time employees and their dependents who satisfy the requirements for coverage under the applicable plan.

Full-time employees may, if they so desire, purchase available group health through the Town for themselves or for themselves and qualified dependents. A prorated amount of the cost of coverage paid for a full-time employee shall be paid by the Town with the remainder of the cost being paid by the employee. This prorated amount shall be based on regularly scheduled hours. The Town will comply with the Affordable Care Act

Information concerning cost and benefits shall be available to all employees from the Human Resources Office.

Section 3. Group Life Insurance

The Town provides group life insurance for each employee subject to the stipulations of the insurance contract. Life insurance will be provided by the Town in an amount approved by the Town, subject to appropriation.

Section 4. Other Optional Group Benefits or Insurance Plans

The Town may make other group benefits or insurance plans available to employees upon

authorization of the Town Manager or Town Council.

Section 5. Retirement

Each employee who is in a position for which the duties require not less than 1,000 hours of work in a calendar year are required to enroll in the North Carolina Local Governmental Employees' Retirement System which is administered by the Department of State Treasurer for North Carolina public employees. The Town will pay the employer's portion and deduct the employee's portion from his/her paycheck. Enrollment is effective immediately upon employment with the Town.

Section 6. Supplemental Retirement Benefits

The Town provides 401-K benefits for its full-time employees as a percentage of salary as designated by the Town Council beginning on the first day of employment, subject to appropriation by the Town Council. Eligibility of part-time employees will be determined by the established rules of the 401-K benefits provider.

Each law enforcement officer shall receive 401-K benefits as prescribed by North Carolina State Law beginning on the first day of employment.

Section 7. Social Security

The Town, to the extent of its lawful authority and power, has extended Social Security benefits for its eligible employees and eligible groups and classes of such employees.

Section 8. Workers' Compensation

All employees of the Town (full-time, part-time, and limited service) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee, and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The Department Head and the Human Resources Officer will assist the employee in filing the claim.

This provision also applies to reactions to smallpox vaccinations administered to Town employees under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other workers' compensation claim as regards leave and salary continuation.

Before returning to work, a statement from the attending physician should be submitted to the Human Resources Officer giving permission for the employee to resume regular duties.

Upon return to work, the employees' salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled based upon performance and other compensation policies.

During the disability covered by Workers Compensation benefits, an employee continues to earn annual leave, sick leave, and will retain all accumulated sick or annual leave.

Employees may use sick leave and/or vacation both during the waiting period before Workers' compensation benefits begin, and afterward to supplement the remaining one-third of salary, except that employee may not exceed the regular salary amount using this provision.

Section 9. Unemployment Compensation

In accordance with Public Law 94-566 and subsequent amendments, local governments are covered by unemployment insurance. Town employees who are terminated due to a reduction in force or released from Town service may apply for benefits through the local Employment Security Commission office, where a determination of eligibility will be made.

Section 10. Tuition Assistance Program

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the Town service. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed for up to \$1,000 per fiscal year of eligible expenses. Satisfactory completion of the courses will be required for reimbursement. Requests for tuition assistance shall be submitted to the Department Head prior to course registration and are subject to the review by the Human Resources Officer and approval of Town Manager, subject to availability of funds.

Employees receiving tuition reimbursement are required to continue Town employment for 12 months following the completion date of the course that is reimbursed. Failure to meet this requirement will result in the reimbursed amount being deducted from the employee's final compensation or collected from the employee. An employee will file a signed agreement with Human Resources to continue employment with the Town of Beech Mountain.

Section 11. Law Enforcement Separation Allowance

Every sworn law enforcement officer, as defined by N.C. Gen. Stat. §128-21(11b) or N.C. Gen. Stat. §143-166.50, shall be eligible for a separation allowance, as provided by N.C. Gen. Stat. §143-166.42, in the amount specified in N.C. Gen. Stat. §143-166.41(a). The purpose of this allowance is to provide additional income until the law enforcement officer is eligible for social security benefits with the consideration that the law enforcement officer may no longer be able to perform law enforcement work. Given this purpose, eligibility and continuation of these benefits are subject to the following conditions:

- a) The officer shall have completed 30 or more year of creditable service, or have attained 55 years of age and completed five or more years of creditable service; and
- b) Not have attained 62 years of age;
- c) Have completed at least five years of continuous service as a law enforcement officer immediately preceding a service retirement, as defined by N.C. Gen. Stat. §§143-166.41(a)(3) and 143-166.41(b); and
- d) The law enforcement officer, after separation from employment with the Town, notifies the Town of any new employment involving local law enforcement duties. Such notification shall include the nature and extent of the employment, any change of employment status, and any discontinuation of employment, within five (5) days of the new employment, change or discontinuation.

Such allowance shall terminate at death, or on the last day of the month prior to which the officer attains 62 years of age, or upon the first day of re-employment in a sworn position by any local law enforcement department in North Carolina in a job scheduled for 1,000 or more hours per year.

Should the separation allowance for law enforcement officers, now required by law, be rescinded, this separation allowance shall be rescinded at the same time.

Section 12. Recreation Center Membership

All regular Town employees shall be given a free membership to the Buckeye

Recreation Center. For those employees who have families the cost of this benefit may be applied towards the employee purchasing a family pass.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the Town is to provide vacation leave, sick leave, and holiday leave to all full-time employees. Employees shall accrue leave proportionately with each payroll.

In all cases, a non-exempt employee with a compensatory leave balance shall use compensatory leave prior to use of vacation leave.

Section 2. Holidays

The following days, and other such days as the Town Council may designate, are holidays with full pay for full-time employees and officers of the Town working the basic workweek:

- | | |
|-----------------------------|--------------------------------|
| New Year's Day | Labor Day |
| Martin Luther King, Jr. Day | Veteran's Day |
| Good Friday | Memorial Day |
| Independence Day | Thanksgiving Thursday & Friday |
| | Christmas (see schedule below) |

Employees shall receive holiday compensation in pay based on the pro rata amount identified in Section 16 of this Article.

When any recognized holiday falls on Saturday or Sunday, the day treated as the holiday shall be the preceding Friday. In order to receive a paid holiday, an employee must have worked the day before and the day after the holiday(s), or have been given approved leave, unless excused by the Town Manager.

When Christmas Day falls on:

Sunday
Monday
Tuesday
Wednesday
Thursday
Friday
Saturday

The Town observes:

Friday and Monday
Monday and Tuesday
Monday, Tuesday, and Wednesday
Tuesday, Wednesday, and Thursday
Wednesday, Thursday, and Friday
Thursday and Friday
Friday and Monday

Employees wishing to schedule time off for religious observances must request leave from their respective department head. The department head will attempt to arrange the work schedule so that an employee may be granted annual leave for the when granting leave would create an undue hardship for the Town.

Section 3. Holidays: Effect on Other Types of Leave

Regular holidays which occur during a vacation, sick, or other leave period of any employee shall not be considered as vacation, sick, or other leave.

Section 4. Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel

Shift employees required to perform work on regularly scheduled holidays shall be paid for hours actually worked in addition to any holiday pay to which they are entitled. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive the hours for paid holiday leave. Employees shall receive holiday compensation in hours or pay based on the pro rata amount identified in Section 16 of this Article.

Section 5. Vacation Leave

Vacation leave is intended to be used for rest and relaxation, school appointments, other personal needs, and in emergencies when sick leave has been exhausted.

Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the Town. Employees who wish to use leave for religious observances must request leave from their respective Department Heads. The Department Head will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the Town.

Section 6. Vacation Leave: Accrual Rate

Each full-time employee of the Town shall earn vacation at the following schedule, prorated by the average number of hours in the workweek (Section 16):

<u>Years of Service</u>	<u>Days Accrued Per Year</u>
Less than one year	12 days
More than one year	12 days plus 1 day for each additional year with a ceiling of 25 days accrual per year

Vacation should be accrued in each payroll based on the formula outlined in Section 16 of this Article.

Section 7. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until December 31 of each year.

However, if the employee departs from service, payment for accumulated vacation leave shall not exceed 25 days prorated as shown in Section 16. Effective the first payroll in the calendar year, any employee with more than 25 days of accumulated leave shall have the excess accumulation transferred to sick leave so that only 25 days are carried forward to January 1 of the next calendar year. Employees are not eligible to receive pay for vacation time not taken.

Employees will be allowed to request in writing that they receive pay in lieu of vacation time, for up to 5 days of vacation leave annually as approved by the manager within budget restraints. Employees must have 5 days remaining to receive any pay for vacation leave.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

Section 8. Vacation Leave: Manner of Taking

Employees shall be granted the use of earned vacation leave upon request in advance at those times designated by the Department Head which will least obstruct normal operations of the Town. Department Heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation may be taken in one-hour (1 hour) increments.

Section 9. Vacation Leave: Payment upon Separation

An employee will normally be paid for accumulated vacation leave upon separation not to exceed 25 days prorated as shown in Section 16, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation.

Any employee failing to give the 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. Employees who are involuntarily separated shall receive payment for accumulated vacation leave subject to the 30 days prorated as shown in Section 16, maximum. Employees dismissed for criminal conduct may be determined ineligible to receive vacation pay.

Section 10. Vacation Leave: Payment upon Death

The estate of an employee who dies while employed by the Town shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the maximums established in Section 8 of this Article.

Section 11. Sick Leave

Sick Leave with pay is a privilege granted to employees by the Town, not a right, and may be used only for the purposes described in this Policy. Abuse of sick leave privileges will subject the employee to disciplinary action.

Sick leave may be used for any of the following reasons: sickness or non-job-related bodily injury that prevents the employee from performing his/her regular duties; medical or dental examinations or treatment; or exposure to a contagious disease, when continuing work might jeopardize the health of others.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill, injured, or has medical/dental appointments.

Sick leave may be used (not required) for approved FMLA for the adoption of a child or to be with a healthy newborn child for bonding time during the 12-month period beginning on the date of placement in the home or date of birth.

Up to three days of sick leave may be used to supplement the bereavement leave when additional time to settle affairs of the family or time to attend funerals of other family members upon the death of an immediate family member, unmarried partner, or an adult who stood in loco parentis of the employee during childhood. Additional time needed or funeral leave needed for persons other than immediate family members, may be charged to vacation, accrued compensatory leave, or leave without pay.

Sick leave may also be used to supplement Workers' Compensation Disability Leave both during the waiting period before Workers' compensation benefits begin, and afterward to supplement the remaining one-third of salary, except that employee may not exceed the regular salary amount using this provision.

"Immediate family" shall be defined as spouse, child, parent, brother, sister, grandparent, grandchild, son-in-law, daughter-in-law, parent-in-law, brother or sister-in-law, aunt, uncle, or the employee or spouse or guardian of the employee. This also includes various combinations of step, half, and adopted relationships.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or according to departmental procedures.

Section 12. Sick Leave: Accrual Rate and Accumulation

Sick leave shall accrue at a rate of one day per month of service or twelve days per year. Sick leave for full-time working other than the basic work schedule shall be prorated as described in this Article. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town, except as stated for employees retiring or terminated due to reduction in force.

Section 13. Transfer of Sick Leave from Previous Employer

The Town will accept sick leave balances when documented by a previous employer when the employee worked for a previous employer covered by the State or Local Government Retirement System and the employee did not withdraw accumulated contributions from that employer when leaving employment. The sick leave will be treated as though it were earned with the Town of Beech Mountain. The sick leave amount must be certified by the previous employer, and it is the employee's responsibility to provide documentation from his or her previous employer within three (3) months of employment. Transferred sick leave will be credited to the employee upon completion of the probationary period.

Section 14. Sick Leave: Medical Certification

The employee's supervisor or Department Head may require a physician's certificate stating the nature of the employee's or employee's family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism." The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

- 1) Employees shall not be on duty when they might endanger their health or the health of other employees; and
- 2) There will be no abuse of leave privileges.

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action up to and including dismissal.

Section 15. Leave Pro-rated

Holiday, annual, and sick leave earned by full-time employees with fewer or more hours than the basic work week (40 hours) shall be determined by the following formula:

- a) The average number of hours scheduled for work per week by such employees shall be divided by the number of hours in the basic work week (usually 40 hours)
- b) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic work week (40 hours).
- c) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned, or divided by 26 shall be the number of hours of leave earned biweekly, and divided by 52 would be the amount of leave earned weekly.

Section 16. Family and Medical Leave

This policy provides basic information concerning FMLA entitlements and obligations. For questions concerning FMLA leave, employees should contact Human Resources. The Town posts the DOL publication 1420 FMLA Notice in compliance with U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act on Town employee bulletin boards.

Town will grant up to 12 weeks of family and medical leave per twelve months to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid (coordinated with the Town's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. Earned compensatory time must be used first, followed by any holiday, sick, or vacation time, once compensatory has been exhausted. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Additional time away from the job beyond the 12-week period may be approved in accordance with the Town's Leave without Pay policy.

To qualify for FMLA coverage, the employee must have worked for the employer 12 months or 52 weeks; these do not have to be consecutive. However, the employee must have worked 1,250 hours during the twelve-month period immediately before the date when the FMLA time begins.

Family and medical leave can be used for the following reasons:

- a) the birth of a child and in order to care for that child;
- b) the placement of a child for adoption or foster care;
- c) to care for a spouse, child, or parent with a serious health condition;
- d) the serious health condition of the employee; or
- e) military exigency.

An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition which results in a period of incapacity or more than three days would be considered a serious health condition.

If a husband and wife both work for the Town and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent in-law) with a serious health condition, the husband and wife together may only take a total of 12 weeks leave under FMLA.

The request for the use of leave must be made in writing by the employee and approved by the Department Head or Town Manager.

“Military Exigency” is a qualifying exigency arising out of the fact that the fact that the employee’s spouse, son, daughter, or parent is a military service member (reserve or National Guard) under a call or order to federal active duty in support of a contingency operation. Qualifying events are:

- a) deployment of service member with seven or fewer days’ notice;
- b) military ceremonies and events such as family-assistance or informational programs related to the family member’s active duty or call to active duty;
- c) urgent, immediate childcare or arranging for alternative childcare for the children of service members;
- d) attending school or daycare meetings relating to the child of service member;

- e) making financial or legal arrangements related to a family member's active-duty status or call to active duty; or
- f) post-deployment activities for a period of ninety days after the termination of the service member's active-duty status.

Military Caregiver Leave: An employee whose spouse, son, daughter, parent or next of kin is a current service member who is undergoing treatment, therapy, recuperation, or outpatient treatment or has temporary disability retirement for injury or illness sustained in the line of duty, is eligible for 26 weeks of leave in a single 12-month period. During a single 12-month period, the employee is eligible for a total of 26 weeks of all types of FMLA leave.

Section 17. Family Medical Leave - Certification

In order to qualify for leave under this law, the Town requires medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it should state if the employee is able or unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.

This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request). The certification and request must be made to the Department Head and filed with the Human Resources Officer.

The employee is expected to return to work at the end of the time frame stated in the medical certification unless he/she has requested additional time in writing under the Town's Leave Without Pay policy.

Section 18. Leave Without Pay

A full-time employee may be granted a leave of absence without pay for a period of up to twelve months by the Town Manager. The leave may be used for reasons of personal disability, sickness or disability of immediate family members, continuation of education, special work that will permit the Town to benefit by the experience gained or the work performed, or for other reasons deemed justified by the Town Manager. An employee must exhaust all eligible paid leave and non-exempt paid compensatory time before being placed on leave without pay status. If

the Leave Without Pay is for a circumstance that coincides with FMLA or USERRA then the provisions of those policies will apply.

The employee shall apply in writing to the supervisor for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the Town Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the employee decides not to return to work, the supervisor shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

Section 19. Family Medical Leave and Leave Without Pay: Retention and Continuation of Benefits

When an employee is on leave under FMLA (maximum of 12 weeks in a year), the Town will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the Town will require the reimbursement of the amount paid for the employee's health insurance premium during the FMLA leave period.

Other insurance and payroll deductions are the responsibility of the employee, and the employee must make those payments for continued coverage of that benefit.

An employee shall retain all unused vacation and sick leave while on Leave Without Pay. An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the Town's group insurance plans at his or her own expense, subject to any regulation adopted by the Town Council and the regulations of the insurance carrier.

Section 20. Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave, vacation, or compensatory time during the first waiting period (7 calendar days). The employee may also elect to supplement workers' compensation payments after they begin with sick leave, vacation, holiday, or compensatory time, provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation.

Limited-Service employees will be placed on leave without pay effective with the date of injury. Once the waiting period is over, workers' compensation covers two thirds of regular pay.

Any workers' compensation disability that qualifies under the requirements of FMLA shall run concurrently with FMLA. An employee on workers' compensation leave without pay will be permitted to continue to be eligible for benefits under the Town's group insurance plans during the period of workers' compensation leave that is concurrent with FMLA. After the period of FMLA eligibility ends, the employee may continue to be eligible for benefits under the Town's group insurance plans at his or her own expense subject to the regulations of the insurance carrier.

Other insurance and payroll deductions are the responsibility of the employee, and the employee must make those payments for continued coverage of that benefit.

An employee on workers' compensation leave may return to work on light or restricted duty after obtaining a physician's statement stating the employee's ability to do so. The decision to allow an employee back on light duty and to determine the location of the light duty rests with the Town.

Section 21. Military and other USERRA Leave

The Town will fully comply with the requirements of the 1994 Uniformed Services Employment and Re-Employment Rights Act (USERRA) and related federal and state regulations. For the purposes of USERRA covered employees are the following:

- a) Armed Forces Active and Reserve (Army, Navy, Marine Corps, Air Force, Coast Guard)
- b) Army National Guard and Air National Guard
- c) FEMA's Disaster Assistance Teams
- d) Commissioned Corps of the Public Health Service
- e) Military Service Academies
- f) Reserve Officer's Training Corps (ROTC)

Employees taking leave under USERRA shall be eligible (not required) to take accumulated vacation leave, accrued compensatory time or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking USERRA leave, the employee's unused leave balances will be retained and any seniority-based benefits such as leave accrual rates will continue to accrue.

Employees performing USERRA duty of more than 30 days may elect to continue the Town's health care for up to 24 months but will be responsible for paying the

insurance premiums up to 102% of the premium costs. Employees whose USERRA duty is less than 31 days will have their health insurance coverage paid as if they were at work with the Town.

Military Training

In addition to complying with the requirements of USERRA, the Town provides additional benefits for military training. Full-time employees who are members of an Armed Forces Reserve organization or National Guard shall be granted ten (10) calendar days for military training leave annually. Regular employees choosing to use military leave may claim up to ten (10) days of differential pay per calendar year provided the days are recorded as military training leave and the military basic pay is less than the employee's regular Town pay. To claim differential pay, the employee must submit a copy of his/her military orders, pay vouchers, leave and earnings statement and/or other appropriate documentation evidencing performance and compensation pertinent to the military duty.

If such military duty is required beyond the ten calendar days, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While on military leave, seniority-based benefits such as leave accrual rates shall continue to accrue as if the employee was actively at work. Employees on extended military leave will remain eligible for health benefits on a voluntary basis, at the employee's expense for a period of 24 months.

Limited-Service employees will be granted time off without pay to meet their military reserve or National Guard training obligations.

Section 22. Reinstatement Following Military Service

The Town will fully comply with the requirements of USERRA and other related federal and state regulations. An employee who volunteers or is called to active duty with the United States military forces, and who returns to work in less than five years will be returned to the same or like position he or she would have attained with reasonable certainty if not for the absence due to military service, with full seniority, status, leave accrual rates and pay as if there had been no break in employment. The application for reemployment may be written or verbal. If service is for more than 31 days, the Town may require documentation to verify the application to return to work is timely, has not exceeded the 5-year limit, and the discharge was not disqualifying. Reemployment will not be delayed waiting for the documentation if it is not readily available; rather the Town may terminate if it is found that the employee was not entitled to reemployment.

Time limits for employees to reapply for return to work after release from military

service are:

- a) less than 31 days absence - employee must report to employer by the next business day.
- b) 31 days -180 days absence - notification to the supervisor must be submitted within 14 days.
- c) more than 180 days absence - notification to the supervisor must be submitted within 90 days.

All reporting deadlines are extended for two years if the employee is injured during USERRA service.

Section 23. Civil Leave

A full-time Town employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the Town any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

Section 24. Parental School Leave

A Town employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to eight hours of unpaid leave annually to involve him or herself in school activities of his or her child(ren). This leave is subject to the three following conditions:

- a) The leave must be taken at a time mutually agreed upon by the employee and the Town;
- b) The Town may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- c) The Town may require written verification from the child's school that the employee was involved at the school during the leave time.

Paid leave (vacation time) taken by an employee to attend school activities of his or her child shall count toward the fulfillment of this provision by the Town.

Section 25. Shared Leave

- a) Purpose – The Town of Beech Mountain acknowledges that there are sometimes circumstances brought about by serious, prolonged medical conditions that cause employees to exhaust all available leave and therefore be placed on leave without pay status. The Town recognizes that some employees may wish to voluntarily donate a portion of their vacation leave in order to provide assistance to a fellow Town employee. The intent of this policy is to provide an opportunity for employees to assist co-workers affected by a serious medical condition which requires absence from work for an extended period of time and results in the exhaustion of all earned leave.
- b) Policy – The Town of Beech Mountain has implemented a Voluntary Shared Leave Program whereby employees may donate vacation leave to fellow employees who have been absent from work due to a serious, prolonged medical condition and have exhausted all of their paid leave. This policy does not apply to incidental or short-term conditions. An employee on Workers' Compensation leave is not eligible to participate in this program.

For the purpose of this policy, a prolonged medical condition is one which is likely to require the employee's absence from work for a significant period of time, generally considered to be at least three continuous weeks or more and will result in a substantial loss of income to the employee due to the exhaustion of all available paid leave. Qualified medical conditions must meet the definition of a serious medical condition as defined by FMLA regulations.

- c) General Guidelines – An employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal.

Under no circumstances shall an employee receive any form of compensation, monetary or otherwise, for donated leave. Direct solicitation of employees for Voluntary Shared Leave donations is prohibited.

Should an employee qualify for FMLA leave, such leave will run concurrently with Voluntary Shared Leave.

Voluntary Shared Leave is not job protected leave and in no way conveys any guarantees above and beyond those provided by FMLA legislation.

As with any paid leave, an employee who utilizes Voluntary Shared Leave will continue to accrue vacation and sick leave for any pay period in which they are paid at least 75% of their regular work schedule. Any form of leave outside of Voluntary Shared Leave will be exhausted as it is earned.

Voluntary Shared Leave may not be used in such a manner that the employee receives more than 100% of his/her salary during the prolonged medical leave.

d) Eligibility Requirements

- 1) Recipient - In order to be a recipient of Voluntary Shared Leave, an employee must first meet the following conditions.
 - i) Be a regular full-time employee.
 - ii) Apply for FMLA leave if applicable.
 - iii) Be experiencing a serious health condition of the employee as defined by the Family Medical Leave Act.
 - iv) Have an expectation of an absence from duty which will exhaust all compensatory, vacation, holiday, and sick leave. **All** paid leave must be exhausted prior to the utilization of any Voluntary Shared Leave.
- 2) Donor - To participate as a donor of Voluntary Shared Leave, an employee must comply with the following guidelines:
 - i) Employees may donate vacation or sick leave.
 - ii) The maximum donations are 80 hours of annual leave and 24 hours of sick leave per fiscal year. The donation cannot reduce the employee's annual leave or sick leave balance below 40 hours for each. Employees who are currently on an approved leave of absence cannot donate leave. Donations of leave at the time of separation from employment cannot be accepted.
 - iii) Any type of leave donated will be placed into the sick leave balance of the recipient.
 - iv) Donation of leave will be given hour for hour, irrespective of any difference in pay between individuals.
 - v) Leave must be donated in one-hour increments with a minimum donation of 4 hours.

- vi) Every effort will be made to keep the names of the recipient and donor employees confidential; however, due to the nature of the process, confidentiality cannot be guaranteed.
- e) Applications Procedures – Employees who meet the stated eligibility criteria may complete a Voluntary Shared Leave request and submit it to their Department Head who will, upon approval, forward the request to the Human Resources Department. A physician- completed “Certification of Health Care Provider for Employee’s Serious Health Condition (Family Medical Leave Act)” form must be completed and submitted to Human Resources for verification of the expected length and nature of the medical absence. The completed form must also note an estimated duration of the applicable illness. A prospective recipient may submit a request for Voluntary Shared Leave prior to the exhaustion of paid leave as long as there is sufficient medical evidence available to support the need for leave beyond the employee’s available accumulated leave balances. Copies of the Voluntary Shared Leave request form or either certification form may be obtained by contacting the Human Resources Department.

After review of the request, if determined to meet the eligibility conditions as noted in this policy, the Town Manager or his designee can approve the request for Voluntary Shared Leave. In order to receive shared leave, the employee must sign a written authorization for the Town to notify all Town employees of the request for Voluntary Shared Leave. Information released will be specifically authorized in writing by the employee and only for the purpose of requesting leave donations from Town employees. Such information will include, at a minimum, the requesting employee’s name, an acknowledgement of the need for shared leave, and the expected duration of the absence.

- f) Donation Process – Notice of approved Voluntary Shared Leave requests, along with an electronic copy of the leave donation form, will be distributed to regular employees via email by the Human Resources Department. Each Department Head will be responsible for distributing a written notice of the request to any regular employees within their department who do not have a Town email address.

When informed of the need for Voluntary Shared Leave, any interested employee who meets the donor eligibility guidelines should forward a completed leave donation form to the Human Resources Department. Leave donation forms must be approved by the Town Manager or his designee prior to the transfer of any leave. A maximum leave donation will be established on a case-by-case basis depending on the expected duration of the medical

condition and the available leave balance of the requesting employee. Once requests totaling the maximum leave donation have been approved, no further leave donation forms will be accepted. Under no circumstances will an employee be allowed to receive more than 640 hours of Voluntary Shared Leave.

- g) Leave Accounting Procedures - The Human Resources Department will compile a list of approved leave donations and will send a notice to the requesting employee indicating the number of Voluntary Shared leave hours which have been donated. Following the order in which the donation forms were received, the applicable vacation leave will be transferred from the donor's accumulated balance into the recipient's sick leave balance on an as needed basis. Withdrawals from the recipient's leave account shall be charged according to normal sick leave policies and procedures. If an employee utilizes all Voluntary Shared Leave but finds it necessary to extend the period of absence due to the same condition for which the original request was granted, he/she may make additional requests for Voluntary Shared Leave provided the maximum of 640 hours was not exceeded with any prior requests. Any additional requests should be submitted in writing to the Human Resources Department which will then follow distribution guidelines as noted in this policy. In the event that an employee is able to return to work earlier than expected, applicable donors will be informed in a timely manner of any unused / unneeded shared leave donations. If a recipient employee separates from the Town due to resignation, death, termination or retirement, participation in the shared leave program shall end immediately.

Section 26. Bereavement Leave

An employee may have up to three (3) days per year, at full pay, granted in case of death in the immediate family. For the purposes of this benefit, immediate family is defined as spouse, child, parent, guardian, sibling, grandparent, and grandchild, to include in-law, step, and half relationships. Additional time to settle affairs of the family or time to attend funerals of other family members may be taken with the approval of the department head and may be charged to sick leave (see policy), vacation leave, compensatory time or leave without pay.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

All separations of employees from positions in the service of the Town shall be designated as one of the following types and shall be accomplished in the manner indicated: Resignation, reduction in force, disability, voluntary retirement, dismissal, or death.

The Finance Director shall, to the extent allowed by law, deduct and withhold from the final paycheck or leave pay out of the employee any amount owed the Town. The Town also collects unpaid employee debt through the North Carolina Debt Setoff Program.

Section 2. Resignation

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two calendar weeks. Failure to provide minimum notice shall result in forfeiture of payment for accumulated vacation unless the notice is waived upon recommendation of the Department Head and approval by the Town Manager. The Town Manager shall have the authority to reduce the amount of time which an employee shall continue to work pursuant to his notice as may be deemed appropriate by the Town Manager. In the event the Town Manager determines it is appropriate to reduce the remaining time to be worked by the resigning employee, the employee shall not be eligible to receive employment benefits or compensation for the period reduced by the Town Manager.

Three consecutive days of absence without contacting the immediate supervisor or Department Head shall be considered to be a voluntary resignation. Separation pursuant to this policy should not occur until the department has undertaken reasonable efforts to indicate that the employee was able to give or have someone else give notice during this absence period. Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

The Town Manager may negotiate a resignation with an employee when it is determined to be in the best interest of the Town. Such negotiated resignation may include a severance package consisting of a combination of salary, benefits and/or accumulated leave (vacation, compensatory, etc.).

Section 3. Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be

given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two weeks' notice of the anticipated action. No regular employee shall be separated because of a reduction in force while there are temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

Section 4. Disability

The Town will comply with the Americans with Disabilities act and will make all responsible efforts to provide reasonable accommodation to employees who may be or become disabled. An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the Town. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the Town Manager. The Town may require an examination, at the Town's expense, performed by a physician of the Town's choice.

Employees who meet the requirements of the North Carolina Local Governmental Employees' Retirement System may qualify for a disability retirement. Information about this option is available from the Retirement System.

Section 5. Voluntary Retirement

An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan.

Section 6. Death

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

Section 7. Dismissal

An employee may be dismissed.

Section 8. Reinstatement

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head, and upon approval of the Town Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave.

Section 9. Rehiring

An employee who resigns while in good standing may be rehired with the approval of the Town Manager, and may be regarded as a new employee, subject to all of the provisions of rules and regulations of this Policy. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the Town Manager prior to giving final notice to the employee.

Section 2. Unsatisfactory Job Performance Defined

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the department director or Town Manager.

Examples of unsatisfactory job performance include, but are not limited to, the following:

- a) demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- b) careless, negligent, or improper use of Town property or equipment;
- c) physical or mental incapacity to perform duties after reasonable accommodation;
- d) discourteous treatment of the public or other employees;
- e) absence without approved leave;
- f) improper use of leave privileges;
- g) failure to report for duty at the assigned time and place;
- h) failure to complete work within time frames established in the work plan or work standards;
- i) failure to meet work standards over a period of time;
- j) failure to follow the chain of command to address work-related issues; or
- k) failure to maintain certifications required by the job.

Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor shall meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions shall be noted in the employee's file by the supervisor.

An employee whose job performance is unsatisfactory over a period of time should normally receive

at least two documented warnings, one of which may be in the final written warning, from the supervisor before disciplinary action resulting in dismissal is taken by the Town Manager. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following steps:

a) a final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.

b) if performance does not improve, a written recommendation should be sent to the department director and Town Manager for disciplinary action such as suspension, demotion, or dismissal.

Disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment, and should not generally exceed three days (24 hours) for non-exempt employees. Suspensions for exempt employees shall be for one full work week in accordance with FLSA requirements to maintain exempt status. Under FLSA, suspensions of less than a week are authorized for major safety violations or infractions of workplace conduct rules (detrimental personal conduct).

Demotions are appropriate when an employee has demonstrated inability to perform successfully in the current job but shows promise and commitment to performing successfully in a lower-level job. If no other options are available, dismissal is appropriate.

If after suspension or demotion, the employee's performance does not reach an acceptable level, the employee may be dismissed. Dismissals are appropriate when the employee has shown he/she is unwilling or unable to perform work in a manner that meets the work and conduct standards of the Town.

Section 4. Disciplinary Action for Detrimental Personal Conduct

Normally, the Department Director or Town Manager would place the employee on non-disciplinary leave, with or without pay, prior to making a disciplinary determination to allow time to gather facts regarding the detrimental personal conduct and make a determination regarding the severity of the conduct.

With the approval of the Town Manager, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to Town service in order to:

- a) avoid undue disruption of work;
- b) to protect the safety of persons or property; or
- c) for other serious reasons.

Disciplinary suspensions should not normally exceed three days (24 hours) for nonexempt employees. Suspensions of exempt employees shall be for one full work week in accordance with

FLSA requirements to maintain exempt status.

In exigent circumstances, a department director or designated supervisor may, with or without prior approval, suspend employees for the remainder of the workday. In such cases, the department director shall immediately notify the Town Manager.

Section 5. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the Town may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated.

Examples of detrimental personal conduct include, but are not limited to, the following:

- a) demonstrated dishonesty, fraud, or theft;
- b) conviction of a felony or the entry of a plea of nolo contendere thereto;
- c) falsification of records for personal profit, to grant special privileges, or to obtain employment;
- d) willful misuse or gross negligence in the handling of Town funds or personal use of equipment or supplies;
- e) willful or wanton damage or destruction to property;
- f) willful or wanton acts that endanger the lives and property of others;
- g) possession of unauthorized firearms or other lethal weapons on the job;
- h) brutality in the performance of duties;
- i) reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- j) engaging in incompatible employment or serving a conflicting interest;
- k) requesting or accepting gifts in exchange for favors or influence;
- l) engaging in political activity prohibited by this Policy;
- m) harassment of an employee and/or the public on the basis of sex or any other protected class status;
- n) harassment of an employee or the public with threatening or obscene language and/or gestures or any incidence of workplace violence;
- o) stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or

serious malfeasance of work;

- p) personal behavior which so severely damages an employee's credibility with staff and/or citizens as to render the employee ineffective in his or her assigned duties; or
- q) violation of any specific policy in the Personnel Policy

Section 6. Pre-Dismissal Conference

Before dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the department director, or Town Manager (in the case of disciplinary action of a department director) will conduct a pre-dismissal conference. At this conference, the employee may present any response to the proposed dismissal to the department director. The department director will consider the employee's response, if any, to the proposed dismissal, and will, within three working days following the pre-dismissal conference, notify the employee in writing of the final decision after obtaining approval of the decision from the Town Manager. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights.

Section 7. Non-Disciplinary Leave

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when removal from the workplace would, in the opinion of the department director or Town Manager, be in the best interest of the Town, the department director with approval of the Town Manager may place the employee on leave for part or all of the proceedings as a non-disciplinary action. In such cases, the Town Manager may:

- a) temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the leave, or
- b) assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

If the employee is returned to regular duty following the leave such employee shall not lose any compensation or benefits to which otherwise the employee would have been entitled had the leave not occurred. If the employee is terminated following leave under this section, the employee shall not be eligible for any pay from the date of leave; provided, however, all other benefits with the exception of accrued vacation and sick leave shall be maintained during the period of leave.

Section 8. Name-clearing Hearing

Following the decision to dismiss or demote an employee, including a probationary employee, the employee shall be afforded an opportunity for a name-clearing hearing. If requested by the employee, a time and date for the hearing will be established such that the hearing takes place prior to the release of any negative or stigmatizing information about the employee that could inhibit future employment. The employee may invite anyone the employee wishes to invite (including the media) to the hearing. At this name-clearing hearing, the employee may present any response to information that the employee believes to be false and/or stigmatizing to the employee's

reputation with respect to his or her work performance or the reasons for the dismissal or demotion. The name-clearing hearing must be requested within five business days following the decision to dismiss or demote the employee.

Any written comments submitted by the demoted or dismissed employee will be placed in the employee's personnel file, and a copy will be provided to anyone who requests the termination letter on that employee. In lieu of actually attending the hearing, the employee may submit written comments and they will be placed in the file just as if the employee had presented them at the scheduled hearing. If the employee speaks at the hearing but does not provide written comments, the person conducting the hearing shall take notes and place a copy of the notes in the employee's personnel file, and a copy will be provided to anyone who requests the termination letter on that employee. There is no requirement for the hearing officer to respond in any way to the comments of the demoted or dismissed employee at the hearing. The name clearing hearing is not a substitute for, or a second opportunity for, a pre-termination hearing at which the employee may contest the proposed disciplinary action. Information presented at the name clearing hearing will not be used by the Town to reconsider the disciplinary action.

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

It is the policy of the Town to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Employees utilizing the grievance procedure shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under this Policy. Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal from Town service.

Section 2. Grievance Defined

A grievance is a claim or complaint by a current or a former employee based upon an event or condition, which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

Section 3. Purposes of the Grievance Procedure

The purposes of the grievance procedure include, but are not limited to:

- a) providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- b) encouraging employees to express themselves about the conditions of work which affect them as employees;
- c) promoting better understanding of policies, practices, and procedures which affect employees;
- d) increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- e) increasing the sense of responsibility exercised by supervisors in dealing with their employees;
- f) encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible of the chain of command; and
- g) creating a work environment free of continuing conflicts, disagreements, and negative feelings about the Town or its leaders, thus freeing up employee motivation, productivity, and creativity.

Section 4. Grievance Procedure

When an employee has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided. Every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension or demotion must be approved by the department director or Town Manager and rescinding a dismissal must be approved by the Town Manager before the decision becomes effective.

Informal Resolution. Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective department director or the Finance Director as a resource to help resolve the grievance.

In some instances, if both parties agree, and with the approval of the Town Manager, the parties may request mediation assistance from a neutral party to assist in identifying mutually agreeable solutions or understandings. Mediation may be used at any step in the process. The deadlines contained in this section are intended to be used as guidelines.

Step 1. If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the appropriate supervisor in writing. The grievance must be presented within fifteen calendar days of the event or within fifteen calendar days of learning of the event or condition. The supervisor shall generally respond to the grievance within fifteen calendar days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the Town in order to reach a correct, impartial, fair, and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

The response from the supervisor for each step in the formal grievance process shall be in writing and signed by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Finance Director.

Step 2. If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the appropriate department director within fifteen calendar days after receipt of the response from Step 1. The department director shall respond to the appeal, stating the determination of decision within fifteen calendar days after receipt of the appeal.

Step 3. If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal, in writing, to the Town Manager within fifteen calendar days after receipt of the response from Step 3. The Town Manager may, at his/her discretion, schedule a formal or informal grievance hearing to consider the issue(s) presented or schedule mediation. The Town Manager shall respond to the appeal, stating the determination of decision in a timely manner, generally within fifteen calendar days after receipt of the appeal. The Town Manager's decision shall be the final decision. The Town Manager will notify the Town Council of any impending legal

action.

Department Directors. In the case of department directors or other employees where the Town Manager has been significantly involved in determining disciplinary action, including dismissal, the Town may wish to obtain a neutral outside party to either:

- a) provide mediation between the grieving department director and the Town Manager (see definition of mediation in “informal resolution” above); or
- b) consider an appeal and make recommendations back to the Town Manager concerning the appeal. Such parties might consist of human resource professionals, attorneys trained in mediation, mediators, or other parties appropriate to the situation.

The Town Manager’s decision shall be the final decision. The Town Manager will notify the Town Council of any impending legal action.

Section 5. Role of the Human Resources Officer

Throughout the grievance procedure, the roles of the Human Resources Officer shall be as follows:

- a) to advise parties (including employee, supervisors, and Town Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
- b) to be a clearinghouse for information, applicable forms and decisions in the matter including maintaining files of all grievance documents;
- c) to give notices to parties concerning timetables of the process, etc.;
- d) to assist employees and supervisors in drafting statements;
- e) to facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
- f) to help locate mediation or other resources as needed.

The Human Resources Officer shall also determine whether or not additional time shall be allowed to either side in unusual circumstances if the parties cannot agree upon extensions when needed.

Section 6. Grievance and Adverse Action Procedure for Discrimination

When an employee, former employee, or applicant, believes that any employment action discriminates, (i.e. is based on an individual’s race, religion, color, sex, national origin, sexual orientation, transgender status, age, veteran status, marital status, political affiliation, non-disqualifying disability, genetic information, or on the basis of actual or perceived gender as expressed through dress, appearance or behavior), he or she has the right to appeal such action using the grievance procedure outlined in this Article.

Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment. An employee or applicant should appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action.

ARTICLE XI. RECORDS AND REPORTS

Section 1. Public Information

In compliance with N.C. Gen. Stat. §160A-168, the following information with respect to each Town employee is a matter of public record:

- a) Name
- b) Age
- c) Date of original employment or appointment to the service.
- d) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the Town has the written contract or a record of the oral contract in its possession.
- e) Current position.
- f) Title.
- g) Current salary.
- h) Date and amount of each increase or decrease in salary with that municipality.
- i) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that municipality.
- j) Date and general description of the reasons for each promotion with that municipality.
- k) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal.
- l) The office to which the employee is currently assigned.

For the purposes of this subsection, the term “salary” includes pay, benefits, incentives, bonuses, deferred and all other forms of compensation paid by the employing entity.

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:

- a) 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.
- b) A licensed physician designated in writing by the employee may examine the employee's medical record.
- c) A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- d) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- e) 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.
- f) 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.
- g) The Town Manager, with the concurrence of the Town Council, 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.

Section 3. Personnel Actions

The Human Resources Officer, with the approval of the Town Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. There shall be one set of official personnel files, centrally located as designated by the Town Manager, normally in the Human Resources office. Any document not located there is not an official part of that employee's personnel record. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents.

Section 4. Records of Former Employees

The provisions for access to records apply to former employees as they apply to present employees.

Section 5. Remedies of Employees Objecting to Material in File

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek removal of such material by submitting a written request to the Human Resource Director.

Section 6. Penalties for Permitting Access to Confidential Records

Section §160A-168 of the General Statutes provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes.

Section 7. Examining and/or Copying Confidential Material without Authorization

Section §160A-168 of the General Statutes of North Carolina provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a

misdemeanor and upon conviction shall be fined consistent with the General Statutes.

Section 8. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with N.C. Gen. Stat. §121.5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever, alters, defaces, mutilates, or destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in Policy 132.3 of the N.C. Gen. Stat.

ARTICLE XII. IMPLEMENTATION OF POLICIES

Section 1. Conflicting Policies Repealed

All policies, ordinances, or resolutions that conflict with the provisions of these policies are hereby repealed.

Section 2. Separability

If any provision of these policies or any rule, regulation, or order hereunder of the application of such provision to any person or circumstances is held invalid, the remainder of these policies and the application of such remaining provisions of these policies of such rules, regulations, or orders to persons or circumstances other than those held invalid will not be affected thereby.

Section 3. Amendments

This policy may be amended by action of the Town Council and by resolution appropriately approved. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption.

Notice of any amendment to the policy or any portion thereof, shall be provided to employees. Adopted amendments should be posted on bulletin boards in employee work locations and/or in employee newsletters.

Section 4. Effective Date

ADOPTED by the Town Council of the Town of Beech Mountain this the _____ of _____, 2023 with the effective date of _____, 2023.



RESOLUTION

TO: Town Council
FROM: Steve Smith
DATE: August 8, 2023
SUBJECT: Acceptance of Funding Resolution NCDEQ Project SRP-W-0185

FOR THE PURPOSE OF:

Resolution to formally accept the offered NCDEQ funding for the 2022 Sewer Main Improvement Project No. SRP-W-0185 a \$2,870,000 loan at a maximum interest rate of 1.1% and loan fee of 2%. Loan Fee calculates to \$57,400.

ATTACHED FOR YOUR CONSIDERATION:

Resolution No. 2023-13 Accepting the State Funding SRP Offer.

STAFF RECOMMENDATION:

Approve in order to move Project No. SRP -W-0185

SIGNATURES:

Town Manager

Town Clerk



**RESOLUTION BY THE TOWN COUNCIL OF
THE TOWN OF BEECH MOUNTAIN,
NORTH CAROLINA
ACCEPTING THE STATE FUNDING SRP
FUNDING FOR THE 2022 SEWER MAIN
IMPROVEMENT PROJECT
SRP-W-0185**

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Project Loan in the amount of \$2,870,000 for the construction of 2022 SEWER MAIN IMPROVEMENT PROJECT, and

WHEREAS, the Town of Beech Mountain intends to construct said project in accordance with the approved plans and specifications,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN:

That the Town of Beech Mountain does hereby accept the State Reserve Project Loan of \$2,870,000.

That the Town of Beech Mountain does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the funding offer, Section II - Assurances will be adhered to.

That Robert Pudney Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That Town of Beech Mountain has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 8th day of August 2023 at Beech Mountain, North Carolina.

Barry Kaufman, Mayor

ATTEST:

Emily Haynes, Interim Town Clerk



COUNCIL ACTION ITEM

TO: Town Council
FROM: Preston Yates
DATE: August 8, 2023
Call for a Public Hearing for Proposed Text Amendment on Driveway
SUBJECT: Connections

FOR THE PURPOSE OF:

Call for a Public Hearing to gather public input on a proposed text amendment of § 91.04 Driveway Connections and § 94.03 Control of Other Nuisances.

GENERAL IMPLICATIONS:

Planning Board reviewed the proposed text amendment at the July 25, meeting and recommended approval.

STAFF RECOMMENDATION:

Staff recommends Town Council call for a Public Hearing to be held at the next regular meeting of the Town Council, Tuesday, September 12, 2023, at 4:00 PM.

SIGNATURES:

Town Manager

Town Clerk

§ 91.04 DRIVEWAY CONNECTIONS.

(A) The objectives of this section are:

- (1) To provide maximum protection and safety to the public through the orderly control of traffic entering and leaving the street;
- (2) To provide for proper drainage; and
- (3) To provide a uniform policy throughout the town in the design and construction of driveways.

(B) Any person or corporation desiring to construct a driveway or other connection within the right-of-way of a town street shall, before beginning any construction, secure a permit from the Public Works Director. The Public Works Director shall approve or deny the application within 15 days of receipt of application.

- (1) Driveways and all associated water drainage systems within the town's right-of-way shall be the sole responsibility of the driveway owner to maintain.

(C) Standards:

- (1) Residential driveway entrances shall be constructed and maintained in accordance with the town manual on driveway entrance regulations; and
- (2) Commercial driveway entrances shall be constructed in accordance with the Division of Highways, State Department of Transportation *Manual on Driveway Entrance Regulations*.
- (3) These standards shall be available for review on the town's website and in the clerk's office.

(D) Drainage:

1. Driveways shall be designed, constructed, and maintained to contain or catch surface drainage before it enters the street.
 - a) In areas where access to the storm drainage system is impractical, this may be accomplished by using a flume or swale to divert drainage to the street ditch line or other drainage system feature. Channel drains are an acceptable method.
 - b) The design standard is a 10-year storm or greater.
 - c) In no case shall surface drainage be permitted to flow into or across a public street.
2. Driveways intersecting ditch lines shall have a minimum 18" double wall plastic culvert that spans the width of the driveway. The Town shall reserve the right to require alternative culverts where conditions warrant. The applicant shall be responsible for installation and continual maintenance at their own expense.

3. The drainage in street side ditches or other drainage system features shall not be impeded, and the applicant shall provide suitable drainage structures at their own expense.
4. The applicant shall be responsible for the cost of replacing any disturbed portion of a paved ditch if one is present.

(1989 Code, Title IV, Ch. 41, § 3-4) (Ord. passed 2-13-1990; Ord. passed 5-14-1991)

§ 94.03 CONTROL OF OTHER NUISANCES.

(C) Driveway connections, culverts, and water runoff from properties. The existence of any one or more of the following conditions on any vacant lot or other parcel of land within the corporate limits of the town is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

- (1) Culverts that restrict or block water flow through a town ditch line or other drainage feature; or
- (2) Driveways that restrict or block water flow through a town ditch line or other drainage feature; or
- (3) Any water runoff conditions from a property or driveway connection that causes water to flow into or across a public street or sidewalk, regardless of the source of the water; or
- (4) Any water runoff conditions from a property or driveway connection that results in damage to a public street, sidewalk, or other infrastructure; or
- (5) Any other condition specifically declared to be a danger to the public health, safety and general welfare of inhabitants of the town and a public nuisance by the Building Inspector and/or Public Works Director.



PROCLAMATION

TO: Mayor and Town Council
FROM: Emily Haynes
DATE: August 8, 2023
SUBJECT: End Overdose in Watauga Day Proclamation

FOR THE PURPOSE OF:

the Town of Beech Mountain encourages all residents to consider being trained in the use of life-saving overdose reversal medication and having it available to use.

SIGNATURES:

Town Manager

Town Clerk



Proclamation

Town of Beech Mountain
North Carolina

Date: 8/8/2023

**PROCLAMATION
END OVERDOSE IN WATAUGA DAY
AUGUST 31, 2023**

WHEREAS, the Town of Beech Mountain, North Carolina does affirm and acknowledge the harm and hardship caused by drug overdose; and

WHEREAS, we recognize the purpose of International Overdose Awareness Day as remembering loved ones lost to overdose and ending the stigma of drug-related deaths; and

WHEREAS, we resolve to play our part in reducing the toll of overdose in our community, which claimed the lives of more than 14 residents of Watauga County last year, together with countless more affected forever; and

WHEREAS, we affirm that the people affected by overdose are our sons and daughters, our mothers and fathers, our brothers and sisters, and deserving of our love, compassion and support;

NOW, THEREFORE, the Town of Beech Mountain does hereby proclaim August 31st, 2023, as End Overdose in Watauga Day in Beech Mountain, North Carolina, and encourage all residents to consider being trained in the use of life-saving overdose reversal medication and having it available to use. **IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the Town of Beech Mountain to be affixed. Dated this 8th day of August 2023.

ATTEST:

Barry Kaufman, Mayor

Emily Haynes, Interim Town Clerk



REPORT

TO: Town Council
FROM: Steve Smith
DATE: August 8, 2023
SUBJECT: Finance Officer's Monthly Report

FOR THE PURPOSE OF:

To report on the status of the FY 2023 Budget and the Financial condition of the town.

ATTACHED FOR YOUR CONSIDERATION:

June 2023 Budget Report
June 2023 Financial Report

STAFF RECOMMENDATION:

Review

SIGNATURES:

Town Manager

Town Clerk

TOWN OF BEECH MOUNTAIN
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: JUNE 30TH, 2023

10 -General Fund
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 100.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
Tax Revenue	6,932,493	95,105.10	6,888,562.84	0.00	43,930.16	99.37
Interest Income	298,946	43,352.81	342,953.79	0.00 (	44,007.79)	114.72
Miscellaneous Income	606,500	110,852.32	759,973.74	0.00 (	153,473.74)	125.30
State Revenue	2,159,950	593,792.95	2,343,961.51	0.00 (	184,011.51)	108.52
Fees	66,700	9,673.90	123,192.93	0.00 (	56,492.93)	184.70
Gains/Losses	50,000	1,200.00	27,200.00	0.00	22,800.00	54.40
Other	520,000	0.00	0.00	0.00	520,000.00	0.00
Other Sources	642,421	148,528.73	530,597.14	0.00	111,823.86	82.59
TOTAL REVENUES	11,277,010	1,002,505.81	11,016,441.95	0.00	260,568.05	97.69
<u>EXPENDITURE SUMMARY</u>						
Administration	2,813,510	483,393.13	2,408,539.42	0.00	405,070.58	85.60
Tax Collections	70,297	5,661.53	59,400.22	0.00	10,896.78	84.50
Vistors Center	511,411	26,803.77	256,908.07	0.00	254,502.93	50.24
Police	1,562,731	205,405.03	1,536,879.02	10,837.80	15,211.17	99.03
Fire	1,012,662	151,118.97	958,324.91	0.00	54,337.09	94.63
Special Projects	0	0.00	0.00	0.00	0.00	0.00
Building Inspections	236,488	23,671.89	224,058.18	0.00	12,429.82	94.74
Planning	150,057	14,311.81	135,653.33	0.00	14,403.67	90.40
Vehicle Maintenance	264,525	16,742.46	229,821.75	769.02	33,934.23	87.17
Road Maintenance	3,590,644	639,735.59	3,276,851.94	59,504.43	254,966.07	92.90
Recreation	1,064,685	114,268.03	1,050,656.70	9,471.26	4,708.12	99.56
TOTAL EXPENDITURES	11,277,010	1,681,112.21	10,137,093.54	80,582.51	1,060,460.46	90.60
REVENUE OVER/(UNDER) EXPENDITURES	0 (	678,606.40)	879,348.41 (	80,582.51) (	799,892.41)	0.00

TOWN OF BEECH MOUNTAIN
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: JUNE 30TH, 2023

30 -Water/Sewer
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 100.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
Interest Income	1,000	5,130.92	45,389.04	0.00 (	44,389.04)	4,538.90
Miscellaneous Income	35,000	75.00	11,163.00	0.00	23,837.00	31.89
State Revenue	0	0.00	0.00	0.00	0.00	0.00
Metered Sales & Fees	3,665,675	300,874.85	3,766,252.83	0.00 (	100,577.83)	102.74
Gains/Losses	1,500	0.00	775.00	0.00	725.00	51.67
Other	250,000	0.00	0.00	0.00	250,000.00	0.00
Other Sources	67,215	0.00	105,374.63	0.00 (	38,159.63)	156.77
TOTAL REVENUES	4,020,390	306,080.77	3,928,954.50	0.00	91,435.50	97.73
<u>EXPENDITURE SUMMARY</u>						
W/S Administration	1,839,259	287,714.13	1,727,230.18	0.00	112,028.82	93.91
Water	1,022,769	110,709.43	972,182.13	16,334.90	49,877.65	95.12
Sewer	675,173	59,218.66	494,052.92	177,620.00	3,500.08	99.48
Taps & System	483,189	40,115.08	303,276.81	55,471.99	124,459.94	74.24
TOTAL EXPENDITURES	4,020,390	497,757.30	3,496,742.04	249,426.89	289,866.49	92.79
REVENUE OVER/(UNDER) EXPENDITURES	0 (	191,676.53)	432,212.46 (	249,426.89)	(198,430.99)	0.00

TOWN OF BEECH MOUNTAIN
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: JUNE 30TH, 2023

35 -Sanitation
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 100.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
Interest Income	150	931.34	8,230.60	0.00 (	8,080.60)	5,487.07
Miscellaneous Income	27,500	5,430.00	28,130.78	0.00 (	630.78)	102.29
State Revenue	350	0.00	528.77	0.00 (	178.77)	151.08
Fees	766,800	56,666.40	685,617.04	0.00	81,182.96	89.41
Gains/Losses	0	0.00	0.00	0.00	0.00	0.00
Other	0	0.00	0.00	0.00	0.00	0.00
Other Sources	20,002	0.00	1,513.18	0.00	18,488.82	7.57
TOTAL REVENUES	814,802	63,027.74	724,020.37	0.00	90,781.63	88.86
<u>EXPENDITURE SUMMARY</u>						
Sanitation	814,802	80,909.60	703,205.36	0.00	111,596.64	86.30
TOTAL EXPENDITURES	814,802	80,909.60	703,205.36	0.00	111,596.64	86.30
REVENUE OVER/(UNDER) EXPENDITURES	0 (	17,881.86)	20,815.01	0.00 (	20,815.01)	0.00

**Town of Beech Mountain
Monthly Financial Report
Fiscal Year 2023**

General Fund	Budget	Through the reported month												91.67%	% of Budget
		July	August	September	October	November	December	January	February	March	April	May	June	YTD	
Total Revenue	11,277,010	73,599	87,155	481,255	1,461,072	2,609,914	2,288,694	1,203,383	372,526	606,516	333,997	495,825	1,002,506	11,016,442	97.69%
Total Expenditures	11,277,010	943,941	625,519	943,439	642,849	671,003	669,881	648,006	821,417	984,089	659,129	846,708	1,681,112	10,137,093	89.89%
Total General Fund fund balance as of July 1st	6,871,533	6,871,533	6,001,190	5,462,827	5,000,643	5,818,866	7,757,777	9,376,590	9,931,967	9,483,076	9,105,503	8,780,371	8,429,489	6,871,533	
Revenues Less Expenditures		(870,343)	(538,364)	(462,183)	818,223	1,938,911	1,618,813	555,377	(448,891)	(377,573)	(325,132)	(350,883)	(678,606)	879,349	
Estimated change to Fund Balance		6,001,190	5,462,827	5,000,643	5,818,866	7,757,777	9,376,590	9,931,967	9,483,076	9,105,503	8,780,371	8,429,489	7,750,882	7,750,882	
Water/Sewer Enterprise Fund															
Total Revenue	4,020,390	278,052	268,370	407,449	106,489	259,984	607,544	340,668	331,073	394,042	306,241	322,962	306,081	3,928,955	97.73%
Total Expenses	4,020,390	205,524	176,089	137,775	199,876	135,754	493,281	178,518	242,913	360,354	568,071	300,830	497,757	3,496,742	86.98%
Unrestricted Cash Reserves as July 1st	1,722,649	1,722,649	1,795,177	1,887,459	2,157,133	2,063,745	2,187,975	2,302,238	2,464,388	2,552,547	2,586,235	2,324,405	2,346,537	1,722,649	
Revenues Less Expenses		72,528	92,282	269,674	(93,387)	124,230	114,263	162,150	88,159	33,688	(261,830)	22,132	(191,677)	432,212	
Estimated Change in Cash Reserves		1,795,177	1,887,459	2,157,133	2,063,745	2,187,975	2,302,238	2,464,388	2,552,547	2,586,235	2,324,405	2,346,537	2,154,861	2,154,861	
Sanitation Enterprise Fund															
Total Revenue	814,802	67,490	60,042	60,921	58,029	59,884	57,193	58,753	58,979	58,577	61,091	60,036	63,028	724,022	88.86%
Total Expenses	814,802	117,679	61,191	49,253	66,517	57,715	67,037	49,798	50,764	111,213	48,405	(57,276)	80,910	703,206	86.30%
Unrestricted Cash Reserves as July 1st	654,366	654,366	604,176	603,027	614,695	606,207	608,376	598,532	607,487	615,702	563,066	575,752	693,064	654,366	
Revenues Less Expenses		(50,190)	(1,149)	11,668	(8,488)	2,169	(9,844)	8,955	8,215	(52,636)	12,686	117,312	(17,882)	20,816	
Estimated Change in Cash Reserves		604,176	603,027	614,695	606,207	608,376	598,532	607,487	615,702	563,066	575,752	693,064	675,182	675,182	
Book Value - Cash & Investments All FUNDS															
Fund		July	August	September	October	November	December	January	February	March	April	May	June		
Branch Banking and Trust (Pooled) #1	Pooled	1,029,821	663,218	(78,738)	2,028,096	1,863,769	3,321,753	1,663,968	1,119,358	508,013	511,029	1,271,407	56,231		
North Carolina Capital Management Trust #2	General Fund	5,712,146	5,897,480	6,165,837	4,947,981	7,163,295	7,498,942	10,226,106	10,444,980	10,779,647	9,991,495	9,173,241	9,506,721		
Mountain Community - Certificates of Deposit #4	General Fund	103,500	103,500	103,500	103,500	103,500	103,500	103,500	103,500	103,500	103,500	103,500	103,500		
North Carolina Capital Management Trust #6	Utility Fund	1,210,789	1,212,986	1,215,403	1,218,437	1,221,968	1,226,029	1,230,424	1,234,643	1,239,428	1,244,249	1,249,490	1,254,621		
North Carolina Capital Management Trust #8	Sanitation Fund	219,254	219,770	220,208	20,757	221,525	222,261	223,058	223,977	224,845	225,720	226,800	227,732		
North Carolina Capital Management Trust #9	E911 Fund	73,200	73,333	73,479	73,662	73,876	74,121	74,387	74,642	74,931	75,223	75,539	75,850		
Total Cash & Investments		8,348,710	8,170,286	7,699,688	8,392,433	10,647,933	12,446,606	13,521,443	13,201,099	12,930,364	12,151,216	12,099,977	11,224,654		
Transfers for the month															
None in June 2023															



REPORT

TO: Town Council
FROM: Bob Pudney
DATE: August 8, 2023
SUBJECT: Fire Department Monthly Report

SIGNATURES:

Town Manager

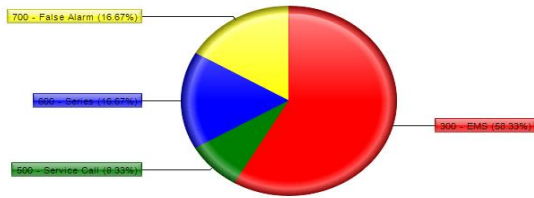
Town Clerk

BEECH MOUNTAIN FIRE DEPARTMENT Monthly Report July 31, 2023			
EVENT	THIS PERIOD	SAME PERIOD LAST YEAR	FISCAL YTD
FIRE CALLS	14	13	14
MEDICAL CALLS	21	25	21
FIRE SAFETY INSPECTIONS	3	1	3
PUBLIC EDUCATION	1	0	1
FIRE HYDRANT INSPECTIONS	0	0	0
TRAINING HOURS	218	208	218
MEETINGS	5	5	5
EMS RESPONSE TIME AVG.	8.25	N/A	8.25

COMMENTS:

Membership Recruitment Program.

Annual Pump Testing





REPORT

TO: Mayor and Town Council
FROM: Tim Barnett
DATE: August 8, 2023
SUBJECT: Police Department Monthly Report

SIGNATURES:

Town Manager

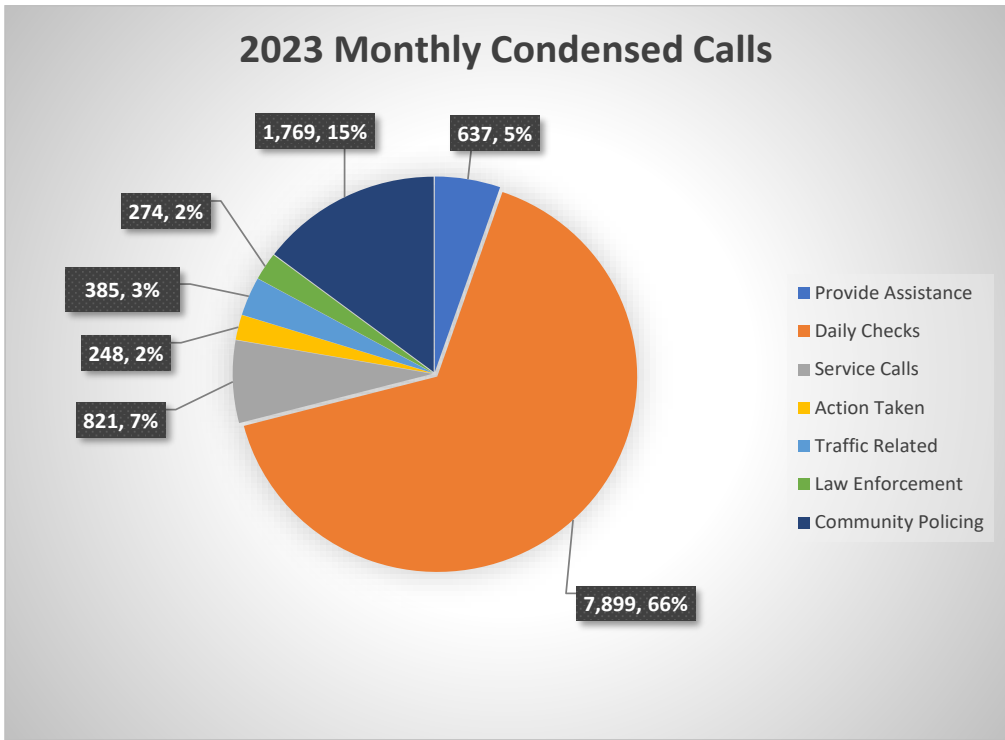
Town Clerk



Activity Log Yearly Summary Totals
 Beech Mountain Police Department
 January 1, 2023 through July 31, 2023

<i>Call Type</i>	<i>2022</i>	<i>2023</i>	<i>Call Type</i>	<i>2022</i>	<i>2023</i>
Provide Assistance			Traffic Related		
Assist Fire Department	29	3	Driving While Impaired	11	0
Assist Investigation	1	0	Improper Parking	96	60
Assist Other Agency	56	42	Stationary/Directed Patrol	533	128
Assist Town Dept/Business	6	8	Traffic Control	30	20
Assist Homeowner	45	37	Vehicle Accidents	38	47
Assist Motorist	264	289	Vehicle Stops	185	130
Assist Other Officer	198	106			
Escort	293	124	Law Enforcement Calls		
Assist Medical Calls	50	28	911 Hang Ups	25	18
			Alarms	55	50
Daily Checks			Breaking & Entering	22	12
Business Checks	7,100	6,909	Domestic Complaints	15	7
Care Track Test	0	0	Assault / Fights	12	6
Security Checks	99	8	Fire Works Violations	5	1
Residence Checks	1,348	969	Fraud	2	6
Welfare Check	21	13	Hit & Run	6	2
			Intoxicated/Drunk & Disruptive	6	4
Service Calls			Investigation	18	7
Animal Control Domestic/Wildlife	82	56	Larceny	8	12
Calls for Service	900	657	Mental Subject	4	4
Deliver Letter/Message	44	26	Missing Person	4	5
Found Property	11	12	Noise Disturbance/Loud Music	35	21
Golf Cart / UTV Inspections	30	30	Open Door/Open Window	62	34
ATV/Golf Cart Complaints	1	0	Prowler	0	1
Recreation/Town Deposit	54	40	Shots Fired/Sound of Shots Fired	3	2
COVID/mask	0	0	Subject with Gun/Weapon	1	0
			Suspicious Vehicle	87	49
Action Taken			Trespassing	19	19
Court	6	4	Vandalism	3	0
Felony Arrest	2	0	Continuing Investigation	25	14
Misdemeanor Arrest	9	3			
State Citations	49	35	Community Policing		
Town Ordinance Violations	48	97	Community Policing Contacts	4,613	1,745
Verbal Warning	132	96	Community Events	20	24
Warning Citations	17	11			
Warrant Service	12	2			
2022 Event Totals: 17,424			2023 Event Totals: 12,506		

2023 Monthly Condensed Calls





REPORT

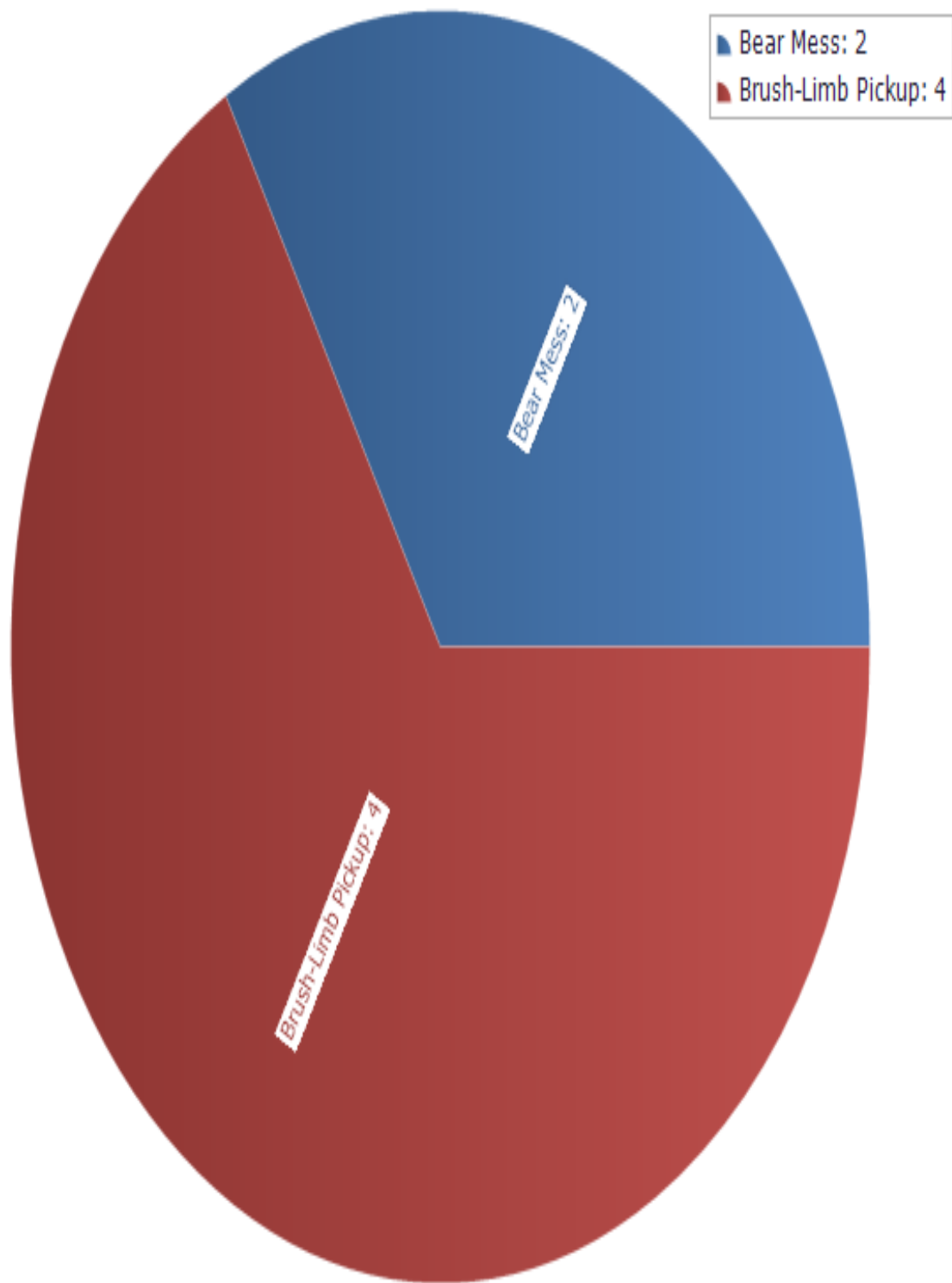
TO: Town Council
FROM: Daniel Davis
DATE: August 8, 2023
SUBJECT: DOI Monthly Report

FOR THE PURPOSE OF:
Monthly reporting for Public works and Utilities

SIGNATURES:

Town Manager

Town Clerk



Town of Beech Mountain
Water Treatment Monthly Operation Report

July 2023 flow totals:

Raw Totals: 17.385
.561 MGD AVG
.391 MGD MIN
.734 MGD MAX

Finished Totals: 17.079 MG
.551 MGD AVG
.416 MGD MIN
.738 MGD MAX

All Bacteria samples taken were absent of Coliform Bacteria.

All daily tests are in compliance.

June Wastewater Report

Grassy Gap Wastewater Plant

Total Flow	1.32	MG
Average Flow	0.044	MGD
Daily Max	0.149	MGD
Daily Min	0.019	MGD
Limit	0.08	MGD

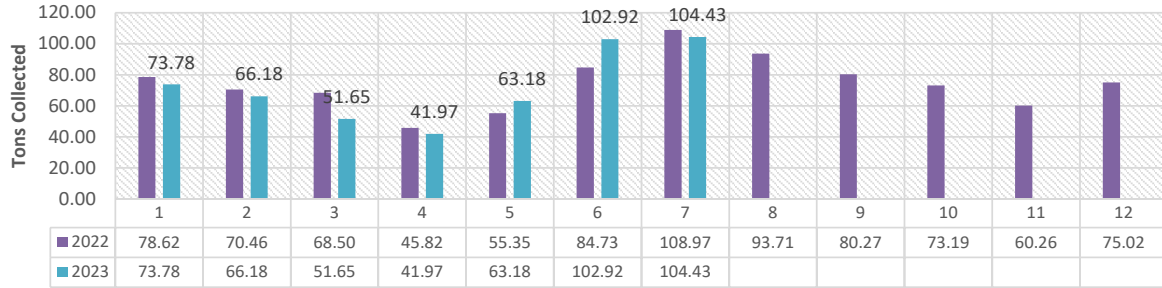
Pond Creek Wastewater Plant

Total Flow	5.43	MG
Average Flow	0.181	MGD
Daily Max	0.58	MGD
Daily Min	0.09	MGD
Limit	0.4	MGD

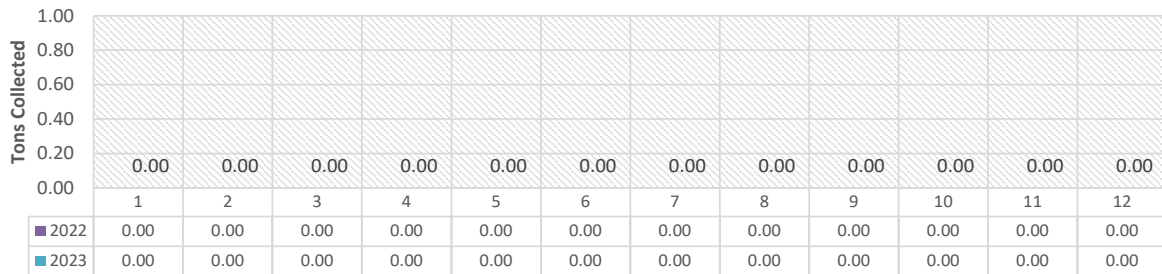
Sanitation Department
Monthly Report

2022	SOLID WASTE	CONSTRUCTION MATERIAL	RECYCLING						--ROAD MAINTENANCE--					
			RECYCLED METAL	PAPER	PLASTIC	GLASS	ALUMINUM	CARDBOARD	ROADS GRADED	STABILIZING STONE	POT HOLES REPAIRED	WASH OUTS	DITCHES PULLED	ROADWAYS MOWED
JAN	78.62	Res. Const. Day	1.50	0.41	0.39	0.00	0.00	0.00						
FEB	70.46	Res. Const. Day	12.07	0.63	0.43	0.00	0.00	9.37			20	5	4	
MAR	68.50	Res. Const. Day	2.58	0.84	0.65	0.00	0.00	0.00	4	5	20	8	2	
APR	45.82	Res. Const. Day	1.39	0.89	0.35	2.18	0.28	0.00	20	2	20	4	4	
MAY	55.35	Res. Const. Day	4.99	0.62	0.86	1.49	0.24	0.00	12	0	25	8	4	
JUN	84.73	Res. Const. Day	1.67	1.43	2.07	2.50	0.67	5.51	16	5	50	6	20	5
JUL	108.97	Res. Const. Day	3.09	1.03	0.93	3.23	0.58	0.00	9	0	4	12	3	2
AUG	93.71	Res. Const. Day	3.90	1.34	0.74	3.30	0.33	4.17	16	2	12	6	8	12
SEPT	80.27	Res. Const. Day	6.24	0.82	0.55	1.91	0.30	4.16	14	2	1	3	0	30
OCT	73.19	Res. Const. Day	2.36	0.87	0.47	1.43	0.15	0.00	17	0	1	1	0	0
NOV	60.26	Res. Const. Day	1.47	1.03	0.04	2.81	1.88	4.52	4	6	25	16	11	0
DEC	75.02	Res. Const. Day	0.45	0.44	0.19	1.05	0.09	0.00	6	0	0	0	0	0
YTD TOTALS	894.90	0.00	41.71	10.35	7.67	19.90	4.52	27.73	118.00	22	178	69	56	49
2023	SOLID WASTE	CONSTRUCTION MATERIAL	RECYCLING						--ROAD MAINTENANCE--					
			RECYCLED METAL	PAPER	PLASTIC	GLASS	ALUMINUM	CARDBOARD	ROADS GRADED	STABILIZING STONE	POT HOLES REPAIRED	WASH OUTS	DITCHES PULLED	ROADWAYS MOWED
JAN	73.78	Res. Const. Day	1.36	0.52	0.33	1.16	0.13	0.00						
FEB	66.18	Res. Const. Day	1.36	0.48	0.28	1.06	0.13	4.05						
MAR	51.65	Res. Const. Day	0.00	1.31	0.52	1.34	0.15	0.00	13		3	7		
APR	41.97	Res. Const. Day	7.23	0.67	0.25	0.96	0.18	0.00	7		5	5	12	
MAY	63.18	Res. Const. Day	11.50	0.57	0.70	1.02	0.22	0.00	25	25	20	15	25	8
JUN	102.92	Res. Const. Day	2.25	0.88	0.83	2.31	0.40	4.79	25	25	15	12	25	8
JUL	104.43	Res. Const. Day	2.00	0.77	0.91	3.43	0.60	4.03	16	2	16	11	5	8
AUG		Res. Const. Day												
SEPT		Res. Const. Day												
OCT		Res. Const. Day												
NOV		Res. Const. Day												
DEC		Res. Const. Day												
YTD TOTALS	504.11	0.00	25.70	5.20	3.82	11.28	1.81	12.87	86.00	52	59	50	67	24

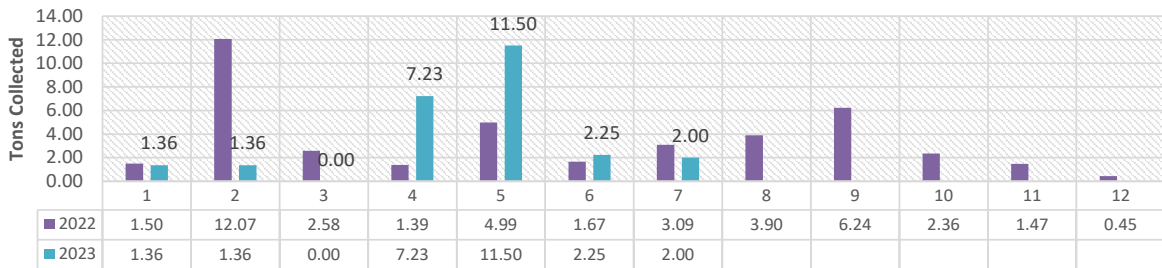
Solid Waste



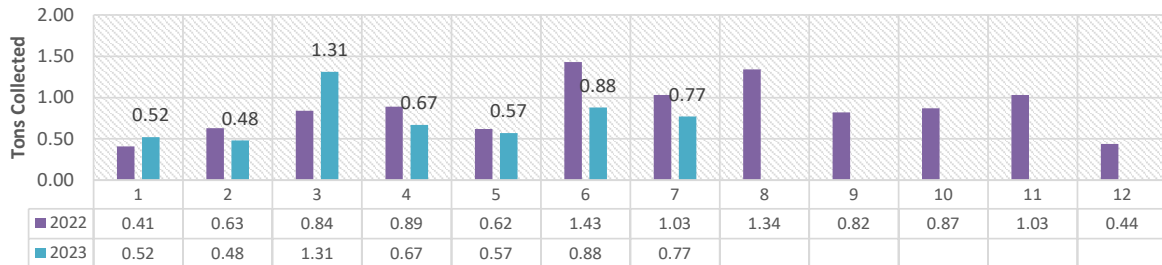
Construction Material



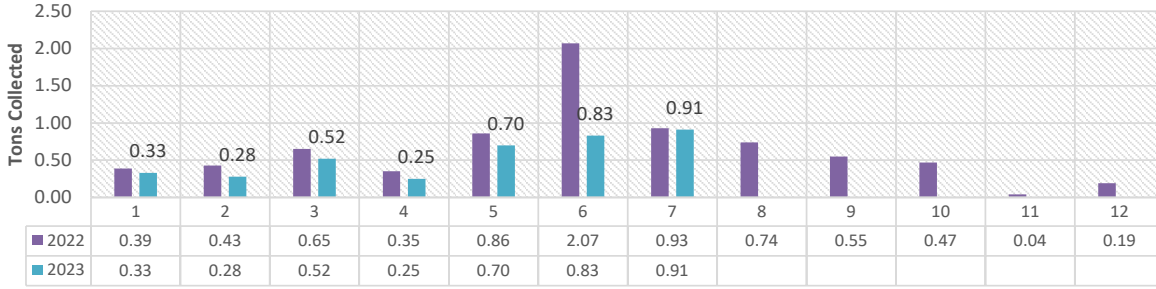
Recycled Metal



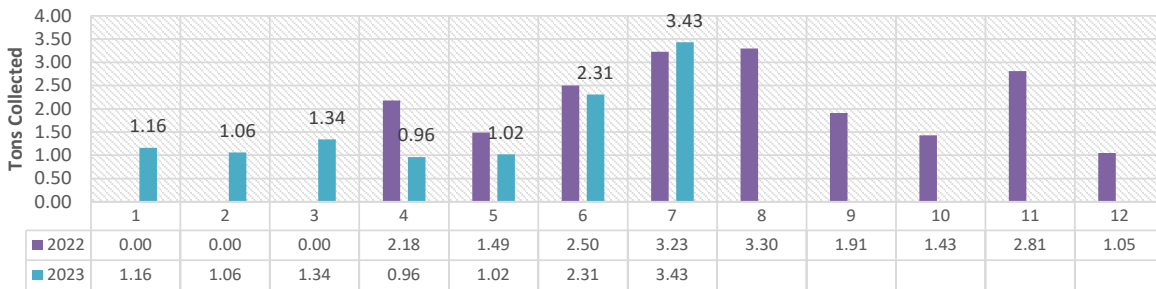
Recycled Paper



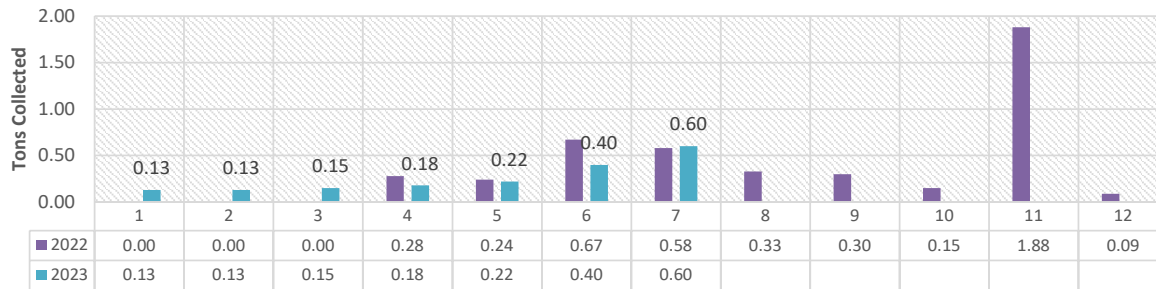
Recycled Plastic



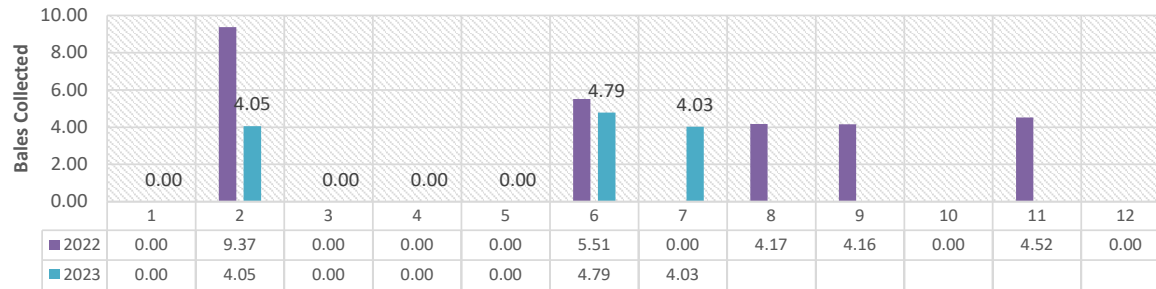
Recycled Glass

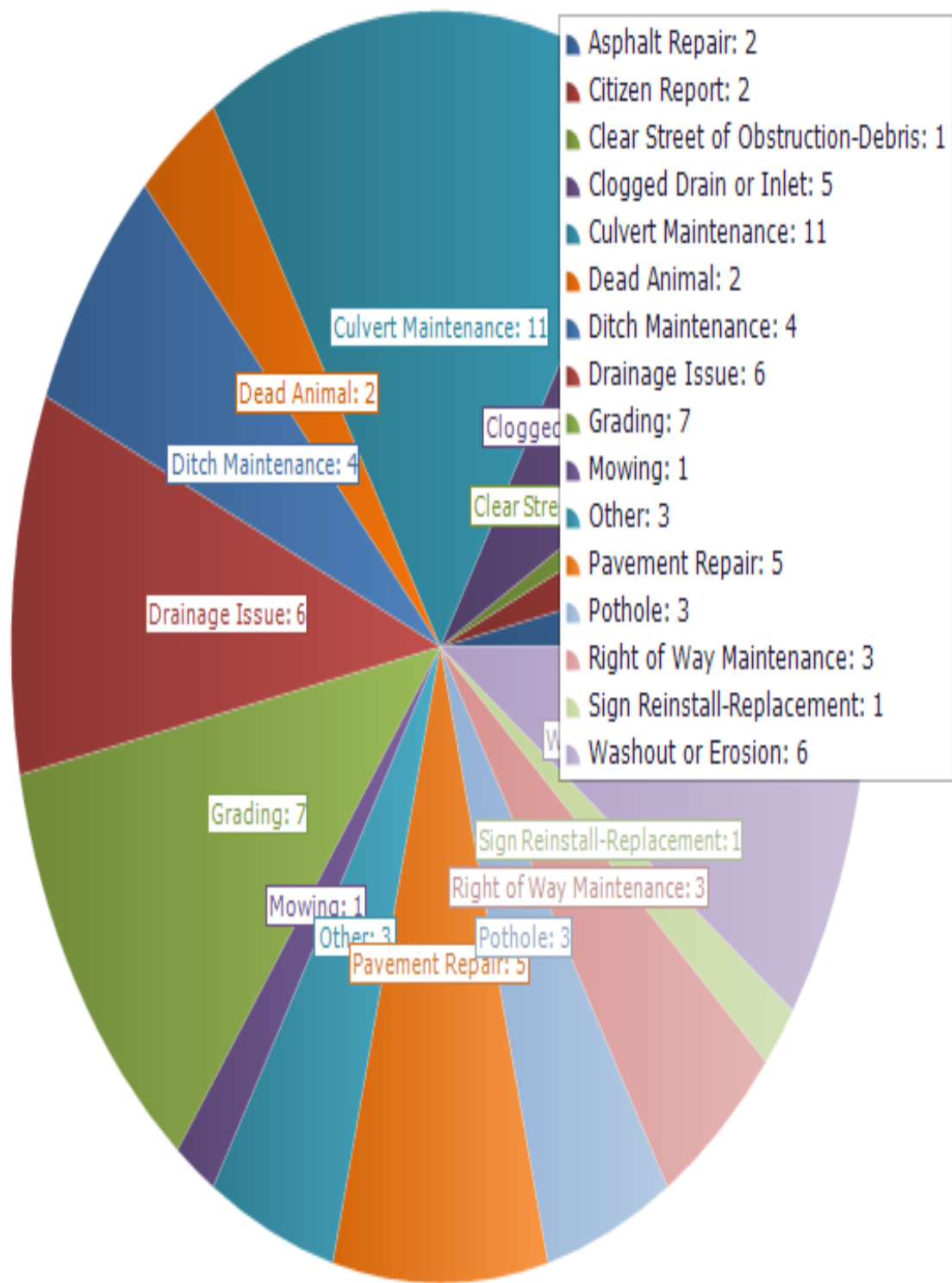


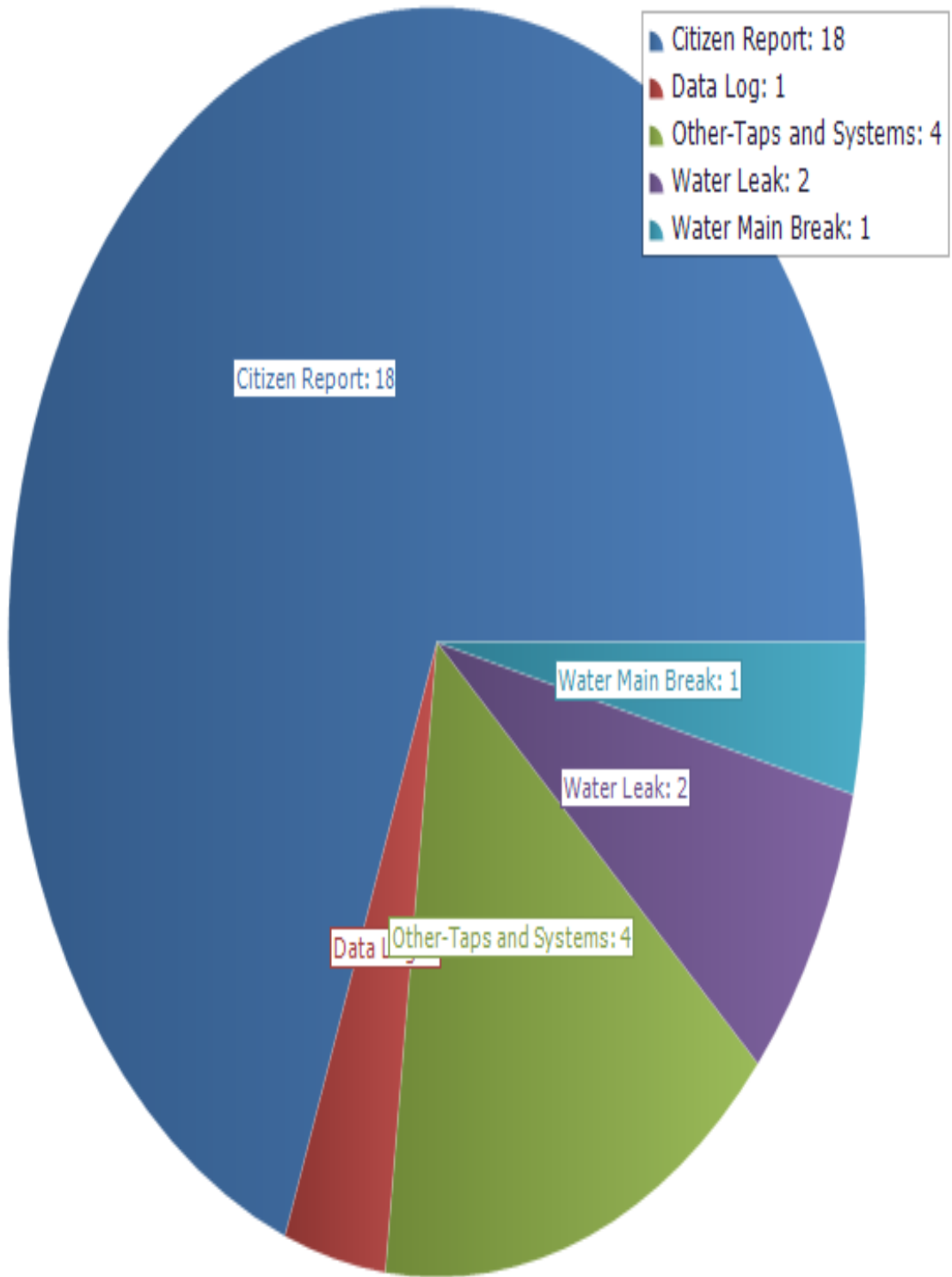
Recycled Aluminum



Recycled Cardboard









REPORT

TO: Town Council
FROM: Preston Yates
DATE: August 8, 2023
SUBJECT: Planning and Inspection Monthly Report for 2023-07

FOR THE PURPOSE OF:

Monthly report of activities for the Planning and Inspection Department for July, 2023.

SIGNATURES:

Town Manager

Town Clerk

TOWN OF BEECH MOUNTAIN
PLANNING AND INSPECTIONS MONTHLY REPORT
 July-2023

Summary and Highlights

Building:

Building permit issuance remains slightly lower than 2022 but still well above average
 35 New Homes permitted in FY 22-23 as compared to 34 in FY 21-22
 Inspections remain above 2022 numbers and also well above average

Zoning:

Zoning text amendment reviewed by Planning Board recommended to Town Council
 Zoning amendments awaiting codification

Trees:

Tree permits continue at average numbers

GIS/Mapping:

Received and incorporated updated 911 database from HCCOG
 Database maintenance and consolidation underway to improve data management

Planning Board:

Planning Board reviewed zoning text amendment and provided recommendation to Council
 Planning Board began review of Comprehensive Plan

Board of Adjustment:

Board of Adjustment reversed Staff decision on appeal at June 6 quasi-judicial hearing

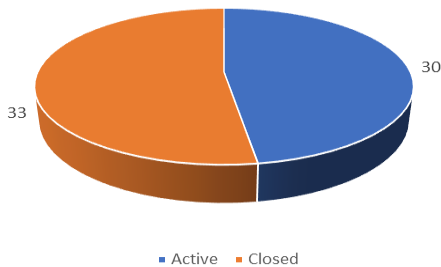
Other:

Greg Welsh and Gabe Joseph have resigned from the Planning Board
 Sarah Welsh has resigned from the Board of Adjustment

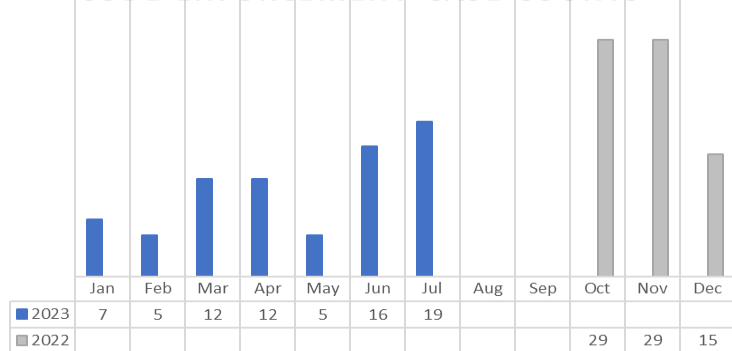
CODE ENFORCEMENT

Monthly and Quarterly Case Counts

Active and Closed Code Cases
 May 2023 - Jul 2023



CODE ENFORCEMENT CASE COUNTS



Code Enforcement:

Averaging 25-30 active case load for current quarter
 June and July saw an increased level of code complaints at 16 and 19 respectively
 Active Code Enforcement effort underway for various common code issues
 iWorq software allowing for improved tracking and enforcement of code issues

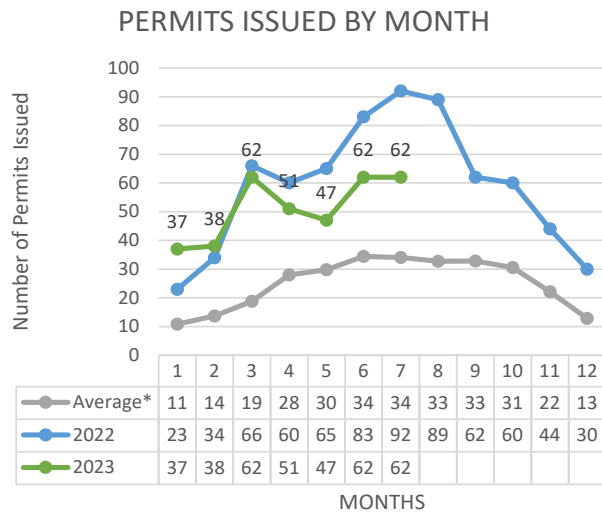
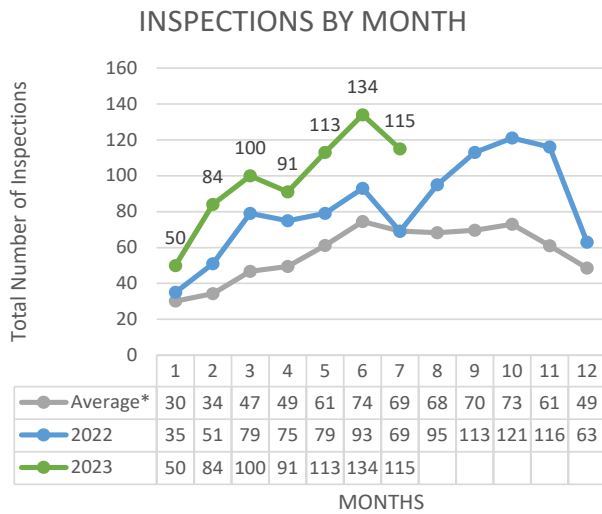
TOWN OF BEECH MOUNTAIN
Monthly Report
Planning and Inspections Department
July-2023

1. Number of Inspections

	This Month	Last Month	Same Month Last Year	This Fiscal Year to Date	Last Fiscal Year to Date	Calendar Year to Date
Building	39	59	29	39	29	251
Electrical	24	21	10	24	10	137
Plumbing	18	18	8	18	8	85
Htg/Air & Misc.	34	36	22	34	22	214

2. Permits Issued

No. Issued	62	62	92	62	92	359
Value	\$ 765,259	\$ 1,606,530	\$ 3,359,794	\$ 765,259	\$ 3,359,794	\$ 12,133,265
Permit Fees	\$ 5,805.00	\$ 33,579.60	\$ 117,349.73	\$ 5,805.00	\$ 117,349.73	\$ 308,771.85



*NOTE: Average Inspections and Permits are calculated based on a running average since April 2009

3. Nature of Building Permits

# of Permits	Type	Address	Total Fees	Valuation	New Bldgs FY to Date	New Bldgs Last FY
1	New Single Family		\$ 1,505.00	\$ 205,000	1	6
	New Multi-Family				0	0
	New Commercial				0	0
61	Other	Various	\$ 4,300.00	\$ 560,259		
62			\$ 5,805.00	\$ 765,259		



REPORT

TO: Town Manager and Council
FROM: Sean Royall
DATE: August 8, 2023
SUBJECT: Recreation Report July 2023

FOR THE PURPOSE OF:

For review by town manager and town council

ATTACHED FOR YOUR CONSIDERATION:

July 2023 Recreation Report

SIGNATURES:

Town Manager

Town Clerk



June 2023 Recreation Report

Facility Report

Finance Report

Total Monthly Revenue	\$16,244.25
Parking Lot Monthly Revenue	\$691.08
Total Recreation Revenue	\$16,935.33

Detailed Revenue Totals

Program Registrations \$4,835.00

Memberships \$6,650.00

Facility Reservations \$470

POS \$3,719.25

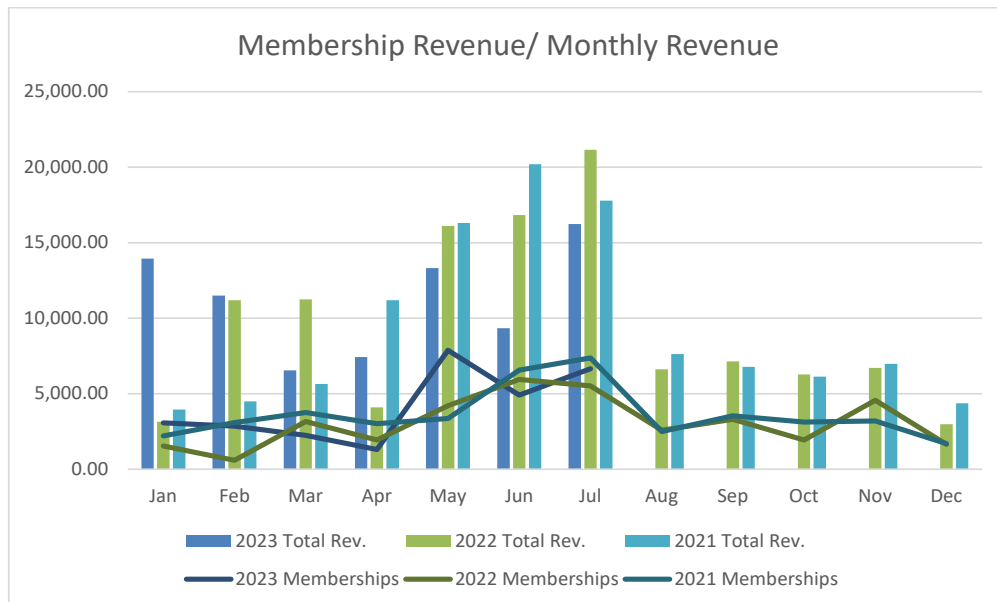
Check-In Report

Member Visits	1159
Non-Member Visits	208

Membership Report

Total Memberships \$

Family Annual \$3,885.00	Individual Annual \$750.00	Family Week Pass \$1,595.00	Ind. Week Pass \$420.00
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Facility Rental

Shane Park -\$410

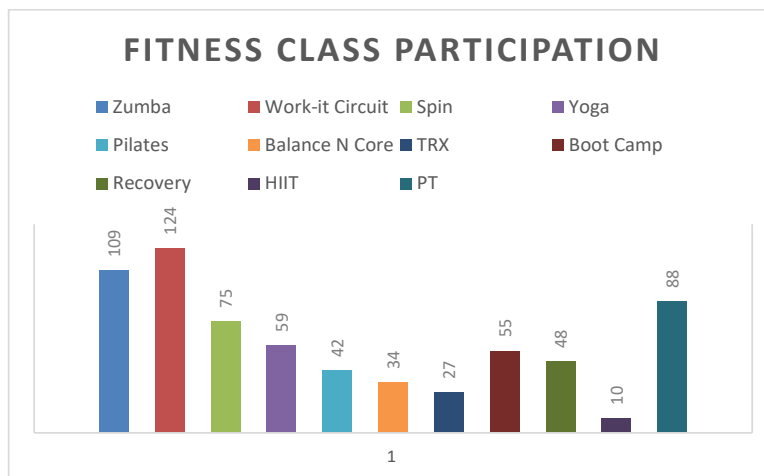
Buckeye – \$60.00

Fitness Report

Participants:

Number of classes offered in the month/ Participants.

Zumba	9	109
Work-it Circuit	9	124
Spin	8	75
Pl-Yo	4	42
Beginner Pickleball	9	153
TRX	4	27
Yoga	4	59
Balance	4	34
Boot Camp	4	55
Recovery	4	48
HIIT	4	10
Personal Training		88 sessions



Director's Notes:

- Revenue below 2022 due to summer camp numbers down. We had to keep camp small due to lack of staff in 2023. The difference in '22 and '23 revenue is directly in line with the difference in camp fees between.
- Membership revenue did increase over '22.
- Stairs built by pavilion for easier access from parking.
- 4th of July water party had over 200 kids.

Respectfully Submitted,

Sean Royall
Parks and Recreation Director
Town of Beech Mountain



REPORT

TO: Mayor and Town Council
FROM: Armando Garcia
DATE: August 8, 2023
SUBJECT: TDA Report August 2023

FOR THE PURPOSE OF:

Report provides an overview of marketing, publicity and results

SIGNATURES:

Town Manager

Town Clerk

**Beech Mountain TDA Report
To Town Council
August 2023**

In July, the advertising continued to focus on summer offerings and promoting Beech Mountain as a year-round destination. Our messaging promoted hiking, biking, and fishing on Beech as well as live music, the Independence Day festivities, and the various programs from Parks & Recreations, such as: The Water Party, Run the Beech, and the upcoming Mud Run. The increasingly popular Farmers' Market and the grand opening of First Chair Coffee Shop were also featured in our advertising. In late July the TDA held the first of two photoshoots, with photography focusing on The Buckeye Rec Center, Shane Park and the various recreational opportunities around Buckeye Lake. The TDA wishes to thank the Parks & Recreation staff, Kate Gavenus and various staff and residents who served as models and helped make the shoot a success.

Examples of media coverage received in June:

Raleigh Magazine—Life's a Beech

<https://raleighmag.com/2023/06/beece-mountain/>

MSN.com—Small but Mighty: 20 Small Towns in America with Big Surprises & Unique Charm

<https://www.msn.com/en-us/travel/tripideas/small-but-mighty-20-small-towns-in-america-with-big-surprises-and-unique-charm/ss-AA1eifN7?ocid=social-peregrine&cvid=b5629edbc053480b9b1bfad72c6339f0&ei=9#image=6>

Only In Your State—8 Destination Way Up High in NC That Are So Worth The Drive

<https://www.onlyinyourstate.com/north-carolina/way-up-high-nc/>

Avery Journal—First Chair Coffee Shop opens in Beech Mountain

https://www.averyjournal.com/news/community/first-chair-coffee-shop-opens-in-beech-mountain/article_1bc978ac-2a95-11ee-b7f1-f38c21dcb564.html

Watauga Democrat—Beech Mountain Hosts 52 Annual Roasting of the Hog

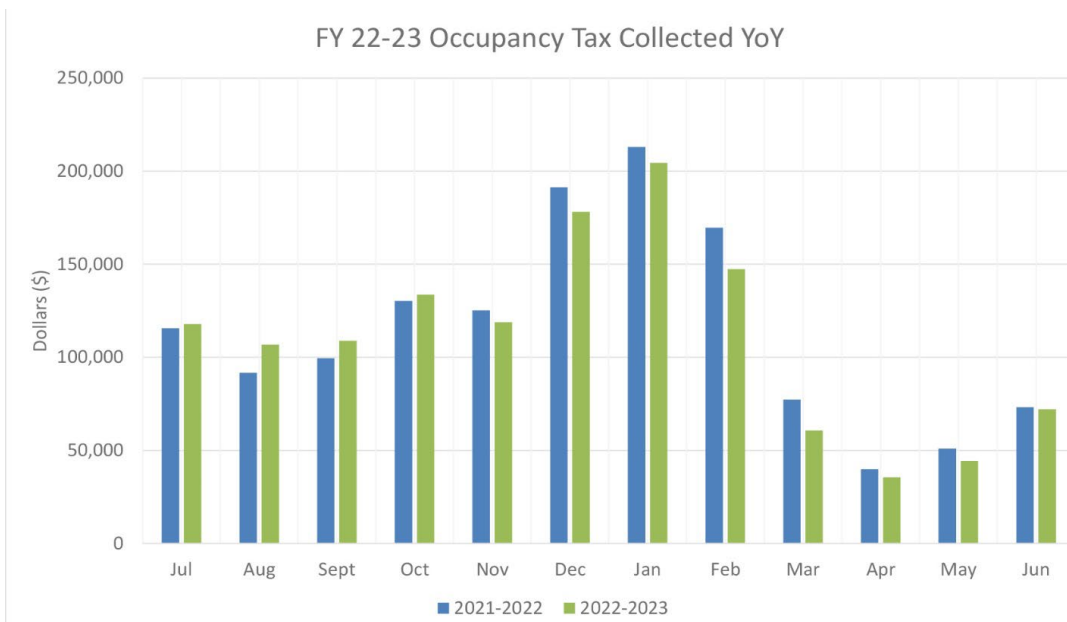
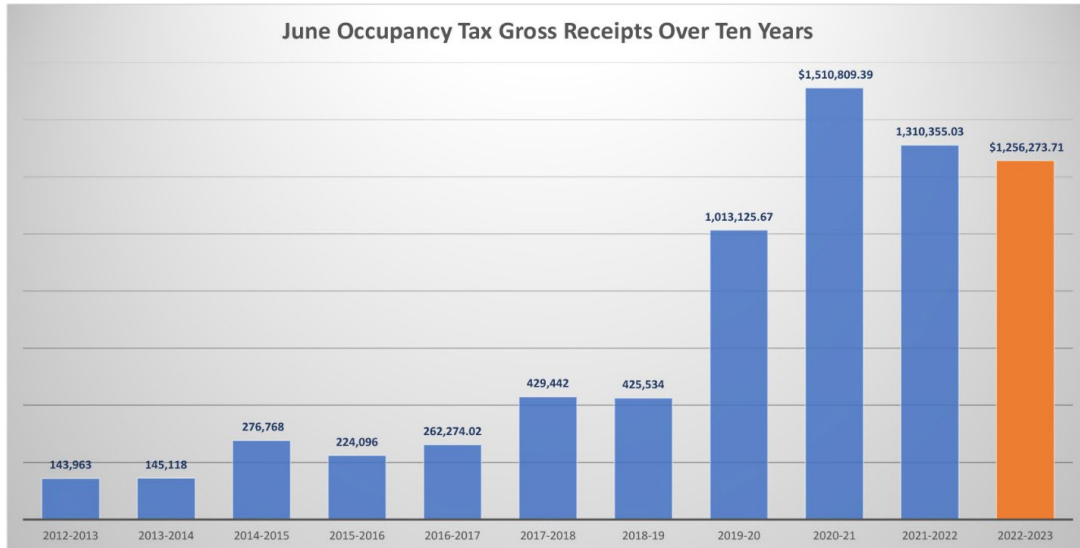
https://www.wataugademocrat.com/community/beece-mountain-holds-52nd-annual-roasting-of-the-hog/article_3a95fa3a-19b0-11ee-90d2-53217930e745.html

Results:

There were 902 visitors in the Visitor Center during the month of July 2023, which was higher than the 722 visitors received in July 2022. Occupancy tax of \$72,109 was collected in the month of July (for June overnight stays). This was 1.41% less than the \$73,136 collected in July of 2022. 1,167 room nights were reported to the tax office for June overnight stays.

Revenues for Lodging on Beech Mountain for June 2023

\$1,256,273





REPORT

TO: Town Council
FROM: Steve Smith
DATE: August 8, 2023
SUBJECT: FY 2023 Budget Adjustment

FOR THE PURPOSE OF:

To adjust the 2023 Annual Budget Ordinance to cover appropriations made during the year.

ATTACHED FOR YOUR CONSIDERATION:

Budget Adjustment

STAFF RECOMMENDATION:

Approve

SIGNATURES:

Town Manager

Town Clerk

TOWN OF BEECH MOUNTAIN
 FINANCE DEPARTMENT
 FY 2023 BUDGET ADJUSTMENT
 JUNE 30TH, 2023

GENERAL FUND

<u>ACCOUNT #</u>	<u>ACCOUNT NAME</u>	<u>INCREASE</u>	<u>DECREASE</u>
10-410-7400	Capital Outlay	950	
10-410-5400	Insurance		950
10-410-5701	Bank Fees		14,000
10-410-0902	Employee Insurance		6,000
10-470-0210	Part Time Wages	5,500	
10-470-1200	Data Processing	6,000	
10-470-4200	Contract Services	5,000	
10-470-5400	Insurance	3,500	
10-510-7400	Capital Outlay	10,000	
10-555-0902	Employee Insurance		10,000
10-560-7400	Capital Outlay	33,000	
10-560-0210	Part Time Wages		33,000
10-560-8400	Debt Service Principal	55,000	
10-560-8401	Debt Service Interest	3,500	
10-560-7408	Resurfacing		71,500
10-621-7400	Capital Outlay	8,000	
10-621-1300	Utilities	5,000	
		<hr/>	<hr/>
		135,450	135,450

Pursuant to 2023 Budget Ordinance Section 1. C