

**HAMLET CITY COUNCIL SPECIAL MEETING
HAMLET CITY HALL COUNCIL CHAMBERS
201 MAIN STREET, HAMLET, NC 28345
TUESDAY, August 11, 2015
4:40 PM**

MINUTES

Governing Body Present:

Mayor	William Bayless
Mayor Pro Tem	Johnathan Buie
Council Member	Tony Clewis
Council Member	Jesse McQueen
Council Member	Eddie Martin
Council Member	Pat Preslar

Staff Present:

City Manager	Marcus Abernethy
City Clerk	Tammy Kirkley
Police Chief	Scott Waters
Asst. Fire Chief	Calvin White
WTP Supt.	Robert Brown
Human Resources	Edna Cumberland

Others Present: One Media Representative

1. Call to Order. Mayor Bayless called the meeting to order.

2. Sick, Vacation and Holiday Time Discussion.

(See attached Exhibit A- ARTICLE VII: LEAVES OF ABSENCE 16-200-16-203 to include the proposed changes that is to be incorporated as a part of these minutes.)

The manager presented an update on the current issues with the manner police and firemen earn and are charged leave time and recommended changes.

Vacation - The manager proposed using the same 8, 12 & 24 hours. Time given and taken will be the same.

Council Members Buie and Martin motioned to approve the time for the vacation policy as discussed and the vote passed 5-0.

Sick. Council Members Buie and Martin motioned to adopt the sick time option presented, a day for a day. The motion carried 5-0.

Holidays. The manager proposed Solution B and explained how it would affect regular, police and fire employees. This solution is comparable to time and a half.

Regular employees will get their regular pay with the day off. Firemen will need to take a vacation day as time off to help decrease their accumulated time. Councilman Buie confirmed this will not be double time and a half.

Councilman Buie and Preslar motioned in favor of the presented Solution for Holiday time. The vote passed 5-0.

Accumulated Leave. The manager updated council on how leave time already accumulated would be used. The manager would like to budget a certain amount each year to help pay this time down. He said that the affected employees who have earned accumulated time to date will keep their time but will need to continue to use it to get it down.

Mr. McQueen said it is up to the department heads to get their employees time down and it is up to the manager to make sure this is being done.

The manager reported that the new policy established will pay the holiday pay during that pay period. For the accumulated holiday leave on the books, it will be used as a form of leave time for the employee. Moving forward with the new policy, there will be no more accumulated holiday leave time. The new holiday payout will begin on Labor Day 2015. The manager said he would look into the rate of pay the employees are to be paid on this matter but said he was almost certain that employees must be paid at the rate of pay upon leaving.

The finance director said council will likely need to approve a budget amendment to cover the slight increase in holiday time cost.

3. Adjournment.

At approximately 5:29 pm, the meeting was recessed until the Regular Meeting to begin at 7:00 pm by Council Members Buie and Martin. The vote passed 5-0.

Respectfully submitted,


Tammy Kirkley, City Clerk



Exhibit A

ARTICLE VII: LEAVES OF ABSENCE

§ 16-200 HOLIDAYS.

Policy

The Policy of the City is to provide holiday pay to employees in proportionately equivalent amounts to employees who have average work weeks of different lengths. Employees shall earn leave proportionately with payroll in accordance to this policy.

Leave Pro-Rated

Holiday pay by full-time employees with fewer or more hours than the basic 40 hour work week shall be determined by the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (40 hours).
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of holiday pay earned annually by employees working the basic work week.
- 3) The number of hours in step 2 divided by the number of holidays. This shall be the number of hours of holiday pay earned on each holiday.

Using this formula allots for all employees to earn approximately 20% of their average work week. While an employee working the standard 40 hour workweek earns 8 hours, the police department employee who works a 42 hour work week on average earns 8.4 hours, and the fire department employee working an average of 53 hours weekly earns 10.6 hours.

(A) All permanent full-time employees shall receive full pay for the following holidays ~~which shall be observed by all departments:~~

- (1) New Year's Day;
- (2) Martin Luther King Day;
- (3) Good Friday;
- (4) Memorial Day;
- (5) Independence Day;
- (6) Labor Day;
- (7) Veteran's Day;
- (8) Thanksgiving Thursday and Friday; and

(9) Christmas Eve and Christmas Day.

<i>When Christmas Day Falls on</i>	<i>The City Observes</i>
Sunday	Friday and Monday
Monday	Monday and Tuesday
Tuesday	Monday, Tuesday and Wednesday
Wednesday	Tuesday, Wednesday and Thursday
Thursday	Wednesday, Thursday and Friday
Friday	Thursday and Friday
Saturday	Friday and Monday

(B) When a holiday falls on a Saturday or Sunday, the following Monday or the Friday before will be observed, with the intent of the City observing the holiday on the same date as other community agencies. If Christmas Eve falls on a Saturday or Sunday, the Friday preceding will be observed. All employees required to work on an observed holiday shall be paid at their regular rate of pay for actual hours worked on the holiday, if it is not feasible for the department head to grant holiday time off. This shall be in addition to the regular rate of pay to compensate the employee for the designated holiday. Department heads shall submit a roster to the payroll office including names of employees, position classification and actual hours each employee worked on the holiday.

(C) Only regular full-time employees who are in pay status on the scheduled work day before and after the holiday shall be eligible for holiday pay. (Regular employees working 32 hours or more per week are eligible.)

(D) For employees having a workweek with greater or fewer hours than the basic workweek, holiday leave shall be granted in the same proportion as their workweek is to a 40-hour workweek. All employees will be paid the determined pro-rated hours which are calculated and described in the beginning of this policy whether they work on the holiday or not. All employees working on a holiday are paid for all the actual hours they work in addition to their holiday pay.

(Ord. passed 9-13-1994; Ord. 93-013, passed 11-9-1993; Ord. passed 12-9-2008)

§ 16-201 EFFECT OF HOLIDAYS ON OTHER TYPES OF LEAVES.

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

(Ord. passed 9-13-1994)

§ 16-202 VACATION LEAVE.

Vacation leave shall be used for rest and relaxation and may be used for medical appointments.

(A) Initial appointment.

(1) Probationary employees serving a probationary period following initial appointment may earn vacation leave but shall not be permitted to take vacation leave during the probationary period unless the denial of the leave will create an unusual hardship. Vacation leave may be taken during this period only with the prior approval of the appointing authority. (Police and fire personnel may take vacation leave, with approval of their supervisor, after six months of employment).

(2) Persons hired on or before the fifteenth of the month earn vacation for that month. Those hired after the fifteenth begin earning vacation on the first of the following month.

(B) Vacation leave; manner of accumulation.

(1) ~~Any~~ All employees ~~working the basic workweek of 40 hours~~ shall earn vacation leave at the following rates:

<i>Years of Service</i>	<i>Days Earned Each Year</i>
1-5	12
6-10	15
11-15	18
16 or more	20

(2) Vacation leave continues to accumulate while an employee is on approved paid leave.

(3) An employee on vacation cannot work for the city while on vacation. Any employee wishing to voluntarily come off of their designated vacation period must get approval from their immediate supervisor, and appropriate corrections must also be made on the employee's timesheet.

(4) Employees will earn vacation days in the manner defined in section B (1) of this policy. Regular 40 hour employees will earn eight hours for each vacation day accumulated. Police and Fire Shift employees will earn the number of hours on their shift as an individual vacation day. Each employee will have the same number of hours deducted when using vacation leave time.

(C) *Vacation leave; maximum accumulation.*

(1) Annual leave may be accumulated during the year with no limit. No more than one year's accumulation of vacation leave can be carried forward to the following year. On December 31 of each year, any vacation leave in excess of what can be earned in one year will (can) be rolled over to sick leave.

(2) Employees are cautioned not to retain maximum accumulation of annual leave. Due to the necessity to keep all city functions in operation, large number of employees cannot be granted annual leave at any one time. No employee shall be allowed to schedule vacation at a time which will create a burden for the remainder of the staff. If a conflict arises between employees wishing to schedule vacation during the same period, the conflict will be resolved based on the order in which vacation requests are received, need, amount of vacation leave balance and/or employee seniority.

(D) *Vacation leave; manner of taking leave.* Vacation leave may be taken as earned by a regular employee subject to the approval of the supervisor. The leave should be scheduled in advance (30 days if possible). Leave records will be maintained in the Manager's or his or her designee's office. Each employee will be given the opportunity to take his or her full annual leave accrual as the leave is earned.

(E) *Vacation leave; adverse weather.* Only the City Manager may declare when administrative leave will be given for adverse weather conditions. Since the city provides significant services, it will be necessary to keep the city operating whenever possible. No employee is expected to report to work when conditions are such to endanger their safety and vacation days will be granted for those employees who need to be absent for this reason. For additional information, consult the Inclement Weather Policy attached hereto as an Appendix.

(F) *Vacation leave; previous leave credit.* Vacation leave credit accumulated by each employee as of the adoption of these personnel administration policies shall be retained as of the effective date of these policies.

(G) *Vacation leave; terminal pay of vacation leave.*

(1) An employee who is separated without failure in performance of duties or personal conduct shall be paid for vacation leave accumulated to the date of separation not to exceed the maximum of 160 hours; provided completion of 12 months or more of continuous service has occurred and provided that written notice has been submitted to his or her immediate supervisor

at least two weeks in advance of the effective date of separation. For involuntary separation due to failure in performance of duties or personal conduct as outlined in § 16-241(B) and (C) of these policies, accumulated vacation leave may be withheld at the discretion of the department head at the time of an employee's separation.

(2) Employees who do not give proper notice (two weeks for most employees, 30 days for department heads) will not be paid for their accumulated vacation upon termination.

(H) *Vacation leave; payment for accumulated vacation upon death.* The designated beneficiary of an employee who dies while employed by the city shall be entitled to payment for all of the accumulated vacation leave credited to the employee's account not to exceed a maximum of 160 hours at the time of death.

(Ord. passed 9-13-1994; Ord. passed 6-12-2007)

§ 16-203 SICK LEAVE.

(A) *Generally.*

(1) Sick leave with pay is not a right which an employee may demand, but a privilege granted by the Council for the benefit of an employee when sick. Sick leave shall be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, quarantine, required physical or dental examination 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 spouse, child or parent.

(2) Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the beginning of the leave, when possible, or not later than two hours after the beginning of a scheduled work day or as otherwise required by the department head. Unexcused absences are serious matters and must be avoided.

(B) *Sick leave; manner of accrual.*

(1) Each full-time regular and probationary employee working the basic workweek of 40 hours shall accrue sick leave computed at the following rate:

<i>Department</i>	<i>Hours Accrued Each Month</i>	<i>Hours Accrued Each Year</i>	<i>Days Arrived Each Year</i>
Regular Employees	8 hours	96 hours	12 days
Police Department Shift Employees	12 hours	144 hours	12 days
Fire Department Shift Employees	24 hours	288 hours	12 days

(2) For employees having a workweek with greater or fewer hours than the basic workweek, (a minimum of 32 hours), sick leave shall be granted in the same proportion as their workweek is to a 40-hour workweek. Employees will earn sick days in the manner defined in section B (1) of this policy. Regular 40-hour employees will earn eight hours for each sick leave day accumulated. Police and Fire Shift employees will earn the number of hours on their shift as a sick day. The same number of hours each employee earns will be deducted when using sick time.

(3) Persons hired on or before the fifteenth of the month accrue sick leave for that month. Those hired after the fifteenth begin earning sick leave on the first of the following month. An employee must be employed for three months before he or she is eligible to use accrued sick leave.

(4) Sick leave continues to accumulate while an employee is on approved paid leave.

(C) *Sick leave; maximum accrual.* Sick leave is allowed to accumulate without a maximum limitation. Credit for any unused sick leave will be added to length of service at retirement as outlined by the Local Government Employees Retirement System.

(D) *Sick leave; physician's certificate.*

(1) The employee's supervisor or department head may require a physician's certificate concerning the nature of the illness and the employee's physical capacity to resume duties for each occasion on which an employee uses sick leave. The employee may be required to submit to the medical examination, or inquiry as is deemed desirable.

(2) The department head shall be responsible for the enforcement of this provision to the end that:

(a) Employees shall not be on duty when their presence may endanger their health or the health of other employees; and

(b) There will be no abuse of sick leave privileges.

(E) *Sick leave; previous leave credit.* Sick leave credits accumulated by each city employee shall be retained as of the effective date of this policy.

(F) *Use of sick leave.* Sick leave is not to be abused and will be granted with pay only when the employee:

(1) Calls his or her supervisor and gives proper notice;

(2) Tells his or her supervisor the general nature and expected duration of the illness;

(3) Keeps the supervisor informed, daily if necessary, of the status of the illness;

(4) Failure to give proper notice, keep the supervisor informed or give an expected return date may cause the employee to be placed on leave without pay. An employee will not work at the same time that he or she is on paid sick leave, ~~nor will an employee give his or her accrued sick leave to another employee;~~ .

(5) An employee absent from work for more than 60 consecutive scheduled work days because of sickness or injury shall file application for disability, early or service retirement or show evidence to the satisfaction of the department head that the disability is not permanent;

(6) Using sick leave under false pretenses is a serious violation of city policy and would be grounds for dismissal. The City Manager is responsible for monitoring sick leave usage. The City Manager reserves the right to deny use of sick leave for any claim which is not substantiated; and

(7) No employee shall be paid for unused sick leave.

(G) *Sick leave on separation.* Employees who retire and who are not reinstated within one year, or are dismissed from city employment, shall lose all sick leave credit. No employee shall be paid for any accrued sick leave.

(H) *Adverse reaction to smallpox vaccination.*

(1) Municipal employees are invited to be vaccinated for smallpox under Section 304 of the Homeland Security Act and should consult their personal physician prior to being inoculated to determine that they have no conditions indicating they should not be inoculated with, or might suffer adverse reactions from the vaccine. If this consultation is not paid by the employee's health plan, it will be paid by the employee.

(2) All coverage or benefits under this policy shall be secondary to any comparable coverage or benefits provided by federal or state law, which such federal or state coverage benefits shall be primary.

(3) The provisions of this division are severable. If any provision of this division is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of this division.

(4) This division is effective upon adoption and applies to claims arising from infection or adverse medical reactions related to smallpox vaccinations incident to the Administration of Smallpox Countermeasures by Health professions, Section 30 of the Homeland Security Act (42 U.S.C. 233).

(Ord. passed 9-13-1994; Res. passed 9-9-2003)