**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 Elizabethtown 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.

**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 on employment opportunities or otherwise adversely affected as an employee because of such individual’s race, color, religion, sex national origin, political affiliation, non-disqualifying disability, or age.

**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 general statutes.

**Section 5. Responsibilities of the Town Manager**

The Town Manager shall be responsible to the Town Council for the administration and technical direction of the personnel program. The Town Manager shall appoint, suspend, and remove all Town officers and employees except those elected by the people or 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.

The Town Manager shall:

1. Recommend rules and revisions to the personnel system to the Town Council for consideration;
2. Make changes as necessary to maintain an up-to-date and accurate position classification plan;
3. Recommend necessary revisions to the pay plan;
4. Determine which employees shall be subject to the overtime provisions of FLSA;
5. Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
6. Perform such other duties as may be assigned by the Town Council not inconsistent with this Policy; and
7. Appoint an employee to the role of Human Resources Officer; in the absence of a Human Resources Officer, the Town Manager shall fulfill the role.

**Section 6. Responsibilities of the Human Resources Officer**

The responsibilities of the Human Resources Officer are to make recommendations to the Town Manager on the following*:*

1. Recommend rules and revisions to the personnel system to the Town Manager for consideration;
2. Recommend changes as necessary to maintain an up-to-date and accurate position classification plan;
3. Recommend necessary revisions to the pay plan;
4. Recommend which employees shall be subject to the overtime provisions of FLSA;
5. Maintain a roster of all persons in the municipal service;
6. Establish and maintain 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;
7. Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
8. Develop and coordinate training and educational programs for Town employees;

investigate periodically the operation and effect of the personnel provisions of this policy; and

1. Perform such other duties as may be assigned by the Town Manager not inconsistent with this Policy.

**Section 7. 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 Town Council and advisory boards and commissions will be exempt 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 8. 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 9. Definitions**

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

***Full-time employee*.** An employee who is in a position which is authorized for an average work week of at least 37-½ hours and budgeted for at least 12 months.

***Part-time employee*.** An employee who is in a position which is authorized for an average work week of at least 20 hours but less than 37-½ hours and budgeted for at least 12 months.

***Regular employee*.** An employee appointed to a full or part-time position who has successfully completed the designated probationary period.

***Probationary employee*.** An employee appointed to a full or part-time position who has not yet successfully completed the designated probationary period.

***Temporary employee*.** An employee appointed to a position 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.

***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.

***Permanent 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. Therefore, reference to "permanent” positions or employment should not be construed as a contract or right to perpetual funding or employment.