

# Excerpts from the Town of Weaverville Personnel Policy

## **Article IV. Recruitment and Selection**

### 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 age, sex, race, color, religious beliefs, national origin, ethnicity, non-disqualifying disability, sexual orientation, gender identity, political affiliation, or marital status. 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.

### Section 2. Implementation of Equal Employment Opportunity

All personnel responsible for recruitment and employment will regularly review 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 age, sex, race, color, religious beliefs, non-disqualifying disability, national origin, ethnicity, sexual orientation, gender identity, political affiliation, or marital status. Notices with regard to equal employment matters shall be posted in conspicuous places on Town premises in places where notices are customarily posted.

# Excerpts from the Town of Weaverville Personnel Policy

## **Article V. Conditions of Employment**

### Section 5. Harassment Prohibited

Harassment disrupts the workplace. The Town's goal is to provide a workplace free of tension or unfair treatment based on race, color, religious beliefs or creed, sex (including gender, gender identity, transgender status, or sexual orientation), age, national or ethnic origin (ancestry), disability or genetic information, marital status, pregnancy, military status, or any other characteristic protected under applicable federal or state law. The Town fully supports enforcement of state and federal anti-discrimination laws which provide that illegal harassment is prohibited. All management employees have the responsibility for ensuring the provision of a harassment-free workplace.

Each town official and employee is charged with conducting himself or herself in a manner which represents the right of his or her fellow employees to work in an environment free from harassment. All officials and employees are prohibited from engaging in harassment of any other employee or other persons in the course of or in connection with their employment. 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.

The Town can't necessarily control the behavior of citizens, customers, clients, vendors, contractors, and everyone else its employees interact with in their work; however, harassment by third parties will not be tolerated.

Article XV of this Personnel Policy contains the Town's Harassment Policy which includes definitions and procedures for use by any employee, or group of employees, who believes that he or she has been the subject of harassment.

# Excerpts from the Town of Weaverville Personnel Policy

## **Article X. Open Door Policy**

The Town of Weaverville has adopted an Open Door Policy for all employees. This means, literally, that every manager's door, including the Town Manager's and all department heads', is open to every employee. The purpose of our open door policy is to encourage open communication, feedback, and discussion about any matter of importance to an employee. Our open door policy means that employees are free to talk with a manager at any time.

1. **Before You Pursue the Open Door Policy** – Most problems can and should be solved in discussion with your immediate supervisor; this is encouraged as your first effort to solve a problem. But, an open door policy means that you may also discuss your issues and concerns with the next level of management and/or the Town Manager. No matter how you approach your problem, complaint, or suggestion, you will find managers at all levels of the Town willing to listen and to help bring about a solution or a clarification.
2. **Responsibilities Under an Open Door Policy** – If an area of your work is causing you concern, you have the responsibility to address your concern with a manager. Whether you have a problem, a complaint, a suggestion or an observation, the Town's managers want to hear from you. By listening to you, the Town is able to improve, to address complaints, and to foster employee understanding of the rationale for practices, processes, and decisions.
3. **Protection of the Open Door Policy** – No penalties or punitive actions will be taken against an employee who, in good faith, attempts to solve a problem.
4. **Benefits of the Open Door Policy** – By helping to solve issues, managers benefit by gaining valuable insight into possible problems with existing methods, procedures, and approaches. While there may not be an easy answer or solution to every concern, the Town's employees have the opportunity at all times, through the open door policy, to be heard.

# Excerpts from the Town of Weaverville Personnel Policy

## **Article XII. Grievance Policy and 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 procedures 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 materially affects the employee's ability to carry out the duties and responsibilities of employment with the Town

### 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. Procedure

# Excerpts from the Town of Weaverville Personnel Policy

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, and 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 Head or Town Manager and rescinding dismissal must be approved by the Town Manager before the decision becomes effective.

## a. 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 Head as a resource to help resolve the grievance. In addition, the employee or supervisor may request mediation from a local mediation services or other qualified parties to resolve the conflict, upon approval of the Human Resources Officer. Mediation may be used at any step in the process when mutually agreed upon by the employee and relevant Town supervisor or Manager. Mediation is the process where a neutral party assists the parties in conflict with identifying mutually agreeable solutions or understandings.

## b. Formal Resolution.

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 Town Manager and Human Resources Officer.

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 ten calendar days of the event or within ten calendar days of learning of the event or condition. The supervisor shall respond to the grievance within ten 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.

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 Head within ten calendar days after receipt of the response from Step 1. The Department Head shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal.

# Excerpts from the Town of Weaverville Personnel Policy

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 ten calendar days after receipt of the response from Step 2. The Town Manager shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal. The Town Manager's decision shall be the final decision. The Town Manager must notify the Mayor and Town Council of any impending legal action.

In the case of an aggrieved Department Head 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: (1) provide mediation between the grieving department head and the Town Manager; or (2) 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.

In all cases the Town Manager's decision shall be the final decision. The Town Manager shall notify the Mayor and Town Council of any impending legal action.

## Section 5. Role of the Human Resources Officer

The Town Manager may appoint a Human Resources Officer or perform this role himself or herself. If serving as Human Resources Officer, the Manager may choose to delegate any of these responsibilities. Throughout the grievance procedure, the roles of the Human Resources Officer shall be as follows:

1. 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;
2. To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents;
3. To give notices to parties concerning timetables of the process, etc.;
4. To assist employees and supervisors in drafting statements;
5. To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
6. 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 or indicated.

## Section 6. Adverse Action Appeal Procedure for Discrimination

## Excerpts from the Town of Weaverville Personnel Policy

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, religious beliefs, non-disqualifying disability, national origin, ethnicity, sexual orientation, gender identity, political affiliation, or marital status), he or she has the right to appeal such action using the grievance procedure outlined in Section 4 of this Article XII. While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the Town Manager. Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, transfer, reduction in force, failure to hire, dismissal or other disciplinary action. An employee or applicant should appeal an alleged act of discrimination within thirty (30) calendar days of the alleged discriminatory action, but may appeal for up to six (6) months following the action.

# Excerpts from the Town of Weaverville Personnel Policy

## **Article XV. Harassment Policy**

### Section 1. Harassment Prohibited

Each employee is charged with conducting himself or herself in a manner which reflects the right of his or her fellow employees to work in an environment free from harassment. All employees are prohibited from engaging in harassment of any other employee or other persons in the course of or in connection with their employment. Harassment inflicted on town employees by third parties will not be tolerated. All management employees have the responsibility for ensuring the provision of a harassment-free workplace.

### Section 2. Definitions.

For the purposes of this Personnel Policy the following definitions shall apply:

Harassment – Harassment includes any unwarranted and unwanted verbal or non-verbal conduct which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has a purpose or effect of creating offensive, intimidating, degrading, or hostile environment or interferes with or adversely affects a person’s work. Harassment that is prohibited includes, but is not limited to:

- a. Making or repeating offensive jokes, slurs, epithets or name calling;
- b. Physical assaulting or threatening;
- c. Intimidating;
- d. Ridiculing or mocking;
- e. Insulting or putting someone down;
- f. Displaying offensive objects or pictures;
- g. Making negative comments about an employee’s religious beliefs, or trying to convert them to a certain religious ideology;
- h. Using racist slang, phrases, or nicknames;
- i. Remarks about an individual’s skin color or ethnic traits;
- j. Displaying racist drawings or poster that might be offensive to a particular group;
- k. Making offensive gestures;
- l. Making offensive reference to an individual’s mental or physical disability;
- m. Offensively talking about negative racial, ethnic, or religious stereotypes;
- n. Sharing inappropriate images, videos, emails, letters or notes;
- o. Making derogatory age-related comments;
- p. Interfering with work performance.

Sexual Harassment – Sexual harassment includes:

- (i) Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature;



# Excerpts from the Town of Weaverville Personnel Policy

- (ii) Threats or insinuations, either explicitly or implicitly, that an employee's employment, evaluations, wages, advancement, assigned duties, shifts, or any other conditions of employment or career development is dependent upon submission to or rejection of sexual conduct;
- (iii) Other sexual harassment which is prohibited in the workplace includes but is not limited to:
  - a. Engaging in offensive sexual flirtations;
  - b. Repeatedly requesting a date or for sexual activity;
  - c. Pressuring or demanding a date or for sexual activity;
  - d. Making sexual advances or propositions;
  - e. Engaging in verbal abuse of a sexual nature;
  - f. Making graphic verbal comments about an individual's body;
  - g. Using sexually degrading words used to describe an individual;
  - h. Sharing or displaying pictorial or actual displays of obscenities or sexually suggestive objects or pictures;
  - i. Making written, verbal, pictorial or nonverbal communications of a sexual nature;
  - j. Unwelcomed, deliberate, or repeated touching or physical contact (including pinching, patting, rubbing, massaging, or purposefully brushing up against another person);
  - k. Making or repeating jokes of a sexual nature;
  - l. Sharing sexually inappropriate images or videos, such as pornography or salacious gifs, with co-workers;
  - m. Sending suggestive letters, notes or emails;
  - n. Displaying inappropriate sexual images or posters in the workplace;
  - o. Telling lewd jokes, or sharing sexual anecdotes;
  - p. Making inappropriate sexual gestures;
  - q. Staring in a sexually suggestive or offensive manner, whistling, or cat-calling;
  - r. Making sexual comments about appearance, clothing, or body parts;
  - s. Asking sexual questions, such as inquiries about someone's sexual history or their sexual orientation of preferences;
  - t. Making offensive comments about someone's sexual orientation or gender identity.

## Section 3. Confidentiality

All claims of harassment and related investigations will be kept as confidential as possible. The Town has an obligation to ensure a harassment-free workplace, so confidentiality cannot be guaranteed if it will compromise a thorough investigation. Due to the confidential nature of personnel matters, the Town has legal obligations to maintain confidentiality with regard to personnel matters.

# Excerpts from the Town of Weaverville Personnel Policy

## Section 4. No Retaliation

Employees making complaints of harassment are protected against retaliation from alleged harassers or other employees.

## Section 5. Procedure

All complaints shall be taken seriously and shall be fully investigated. Except as provided in Sections 6 and 7, a complaint under this Section should proceed based on the following procedure:

**Step 1 – Notification of Claim.** Any employee affected by such conduct or is witness to such conduct, whether physical or verbal, should notify their Department Head, the Town Manager, or Human Resources Officer as soon as possible. It is preferred that such notification be made in writing, signed and dated by the employee, so as to more easily facilitate an investigation.

**Step 2 – Investigation of Claim.** The Human Resources Officer shall immediately investigate the complaint by interviewing, at a minimum, the complaining employee, the alleged harasser, and any witnesses named by the parties. In the event that the Human Resources Officer is the alleged harasser, the Town Manager will conduct the investigation. To effectuate a thorough investigation the Human Resources Officer or Town Manager may seek the advice or assistance of the Town Attorney.

**Step 3 – Report of Investigation.** Upon completion of the investigation of the alleged harassment, the Human Resources Officer shall submit to the Town Manager a report setting forth the facts of the case and a recommendation for action. All investigative information should be documented in detail. Witness statements should be reviewed and signed by the witnesses.

**Step 4 – Remedial and/or Disciplinary Action.** A finding that an employee harassed another employee or member of the public may lead to a full range of disciplinary actions up to and including dismissal. Any disciplinary action based on the results of the investigation will be handed by the Town Manager under the Disciplinary Policy. Remedial action based on the findings of the investigation may include but are not limited to the following: re-assignment, back pay, promotion, pay adjustments, reinstatement and hiring adjustments.

**Step 5 – Notification of Resolution.** The Human Resources Officer and/or the Town Manager will notify the complainant of the results but in so doing, may not be authorized to share confidential details. To that end, the complainant may only receive a statement that the situation has been handled.

## Section 6. Complaints Against Mayor, Town Council Member, Town Manager or Town Attorney

# Excerpts from the Town of Weaverville Personnel Policy

Complaints of harassment against the Town Manager should be made to the Mayor or Town Attorney, complaints of harassment against the Town Attorney should be made to the Mayor or Town Manager, complaints of harassment against the Mayor or any member of Town Council should be made to the Mayor or Town Attorney, and in all situations an investigation shall be promptly conducted and appropriate corrective action taken.

## Section 7. Complaints Against Third-Parties

The Town can't necessarily control the behavior of citizens, customers, clients, vendors, contractors, and everyone else its employees interact with in their work; however, employees do not have to endure harassment from third parties. Complaints of harassment against a third party should be made to the complainant's Department Head or the Town Manager, and in all situations an investigation shall be promptly conducted and appropriate corrective action taken.