

**AN ORDINANCE AMENDING CHAPTER 4 OF
THE CARRBORO TOWN CODE**

THE COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

Section 1: The articles and sections of Chapter 4 of the Carrboro Town Code listed below are hereby amended as follows:

ARTICLE I – GENERAL PROVISIONS

Section 4-8 Definitions

ARTICLE VI – EMPLOYEE BENEFITS

Section 4-39 Group Health and Hospitalization Insurance

ARTICLE VII – HOLIDAYS AND LEAVES OF ABSENCE

Section 4-54 Annual Leave: Use by Probationary Employees

Section 4-62 Sick Leave: Accrual Rate, Accumulation, and Manner of Taking

Section 4-73 Personal Time Off

Section 4-78 Paid Parental Leave

**ARTICLE I – GENERAL PROVISIONS
PURPOSE, COVERAGE, AND DEFINITIONS**

Section 4-8 Definitions

Immediate family: Father, mother, spouse, domestic partner, son, daughter, brother, sister, grandmother, grandfather, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandmother-in-law, grandfather-in-law, half-sister, half-brother, stepmother, stepfather, stepson, stepdaughter, stepsister, stepbrother, any other relative who is or was a guardian of the employee, or any other relative of whom the employee is or was a guardian. This definition does not apply to benefits such as health insurance or retirement, unless otherwise provided.

ARTICLE VI – EMPLOYEE BENEFITS

Section 4-39 Group Health Insurance (Amended July 2023)

As part of the Town’s benefit package offered to permanent employees and in compliance with the Affordable Care Act, the Town offers group health insurance coverage to permanent employees who regularly work thirty (30) hours or more per week.

In addition, the Town elects to extend health insurance benefits to eligible retirees who meet both of the first two requirements below and, if applicable, remain compliant with the third requirement:

1. Have at least ten (10) years of continuous service* with the Town of Carrboro.
 - a. *Employees who have been reinstated within one year of a voluntary separation from the Town of Carrboro in accordance with Section 4-85 of the Personnel Policy will be considered to have remained in continuous service.

- b. *Years of service are calculated in whole months. Therefore, if an employee’s hire date was April 15, their eligibility under this policy would be April 1;
- 2. Qualify for one of the service retirement (unreduced benefit) options available through the North Carolina Local Government Employees’ Retirement System (NCLGERS); and
- 3. Consistently and timely pay their share of the insurance premium, if applicable. (*See Attachment A*)

Offered coverage for active employees and retirees is provided as follows:

Active Employees	Offered coverage in Town group health plan.
Non-Medicare-Eligible Retirees	Offered coverage in Town group health plan.
Medicare-Eligible Retirees (as defined by Medicare eligibility requirements)	Offered coverage in Town group Medicare-enrolled health plan.

Health insurance coverage is not extended to dependents of retiring employees. Dependents may elect COBRA coverage at their expense.

Retirees who qualify for continuation of health insurance shall pay the percentage of the group health insurance premiums outlined below based on years of continuous service with the Town of Carrboro. The term “group health insurance premiums” refers to the amount of premium charged by the insurance carriers for the retiree coverage under the group health plan or the group Medicare-enrolled plan. The percentages below shall remain the same for the group health plan and for the Medicare-enrolled health plan.

Continuous Service with the Town of Carrboro	Years of Service	Percentage of Insurance Premium Paid by Retiree	Percentage of Insurance Premium Paid by the Town
10 - 14		50%	50%
15 - 19		25%	75%
20 and above		0%	100%

The Town shall pay the above-specified portions of the group health insurance premiums through one of the following points, whichever of the three occurs sooner:

- 1. the retiree’s death; or
- 2. the retiree’s acceptance of another offer of health insurance, either through a private plan or through a group plan offered through employment; or
- 3. the retiree’s voluntary election to be removed from the group health plan, which election shall be made in writing to the Human Resources Department.

The benefits provided under this section are not contractual in nature and may be reduced or withdrawn at any by the Town for financial reasons or any other reason deemed sufficient by the Council.

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

Section 4-39 Group Health Insurance (Amended July 2023)

Attachment A – Agreement for Contributing Retirees

Retirees on the Town’s pre-Medicare group health insurance plan shall authorize the Town to debit monthly from a checking or savings account their share of the premium. If funds should be insufficient in the account debited more than three (3) times in a single calendar year (January – December), the retiree may be dropped from the group health plan and offered COBRA coverage at their own expense and will not be eligible to rejoin the Town’s health plan in the future. Retirees on the Town’s Medicare-enrolled health plan must arrange for payment of their portion of the insurance premium directly with the insurance carrier. The insurance carrier for that plan has its own rules surrounding payment and dropping of coverage, and retirees are subject to the carrier’s rules and regulations.

ARTICLE VII – HOLIDAYS AND LEAVES OF ABSENCE

Section 4-54 Annual Leave: Use by Probationary Employees

Employees serving a probationary period following initial employment may accumulate annual leave but shall not be permitted to use such leave during the first six months of employment. Employees who need to take time off may do so upon the approval of the Department Director; however, any time off will be without pay. Employees shall be allowed to take accumulated annual leave after six months of continuous employment.

Section 4-62 Sick Leave: Accrual Rate, Accumulation, and Manner of Taking

Sick leave shall accrue at a rate of one day per month, or twelve days per calendar year. Sick leave for permanent part-time employees shall be pro-rated as described in this Article. Shift employees of the Fire-Rescue Department shall earn sick leave at the rate of five twenty-four-hour tour-of-duty days per calendar year.

Notification of the desire to take sick leave shall be submitted to the employee’s supervisor prior to the leave or not later than two hours after the beginning of a scheduled workday. Failure to so notify the appropriate supervisor may result in disciplinary action. 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.

Section 4-73 Personal Time Off

Effective July 1, 2023, permanent employees shall be granted personal time off (PTO) according to the schedule below, which is based on annual scheduled hours worked. PTO is granted over and above sick leave and annual leave with pay. Employees may not carry over unused personal time off from year to year. Any unused personal time off not taken by December 31st shall be lost.

<i>Scheduled Biweekly Hours</i>	<i>Scheduled Annual Hours</i>	<i>PTO Hours Per Calendar Year*</i>
50	1300	15
60	1560	18
75	1950	22.5
80	2080	24
84	2184	25.2
108	2808	36*

Personal time off must be requested through supervisors and may be taken in the same manner as sick and annual leave. Personal time off may be used during the employee’s probationary period. Personal time off under Section 4-73 is separate from Town closures due to adverse weather. (See Section 4-36 Adverse Weather, Rev. 11/15.)

*With the exception of the 2808 annual scheduled hours, PTO is granted as three (3) working days per year. Employees scheduled to work 2808 hours per are granted a comparable percentage of annual hours worked.

Section 4.78 Paid Caregiver Leave

Effective July 1, 2023, employees who qualify for Family and Medical Leave Act (FMLA) coverage under Section 4-65 of this Article are eligible to receive a maximum of 240 hours of paid caregiver leave within any rolling twenty-four-month period for the care of an immediate family member, including the birth, adoption, or placement of a foster child. Paid Caregiver leave will run concurrently with the employee’s Family and Medical Leave.

Paid caregiver leave is available to any permanent employee who qualifies as a primary caregiver of an immediate family member under the “Family Member’s Serious Health Condition” certification definition, which includes care of a family member who is pregnant. In addition, the Town of Carrboro elects to extend caregiver leave to permanent employees who adopt or foster a child aged eighteen (18) or younger.

In cases where caregiver leave is used for pregnancy or a new child *and* where both parents are employed by the Town at the time of the child’s birth, adoption, or foster care placement, the couple is entitled to a total of 240 hours of paid caregiver leave combined. The birth or placement of more than one child (i.e., twins or siblings) at the same time does not entitle the employee to additional paid leave above the 240-hour maximum. Adoption of a stepchild or stepchildren does not qualify for paid caregiver leave.

An employee requesting paid caregiver leave must contact Human Resources in writing at least sixty days in advance of taking such leave, when possible and practicable, and submit both a Caregiver Leave Request form and an FMLA form. The FMLA form must be completed by a certified medical provider. Forms are available from the Human Resources Department and should be submitted to that department. Leave must be approved by the employee’s Department Director and Human Resources.

Employees approved for caregiver leave must ensure that any paid leave requests are submitted for approval by their supervisor in the Town's time and attendance system. While on leave, employees will receive approved caregiver leave pay, not to exceed 240 hours, in the same manner and on the same schedule as employees are normally paid while not in leave status. The employee's usual payroll deductions and contributions and the Town's usual payroll contributions will continue.

All benefits provided to the employee per Town policy prior to paid caregiver leave will continue. Any employee contributions for benefits, 401k loans, or other employee obligations normally paid by the employee through payroll deduction shall continue. If a holiday occurs during the paid caregiver leave period, the holiday will be paid and will not count against the paid caregiver leave hours.

Employees using paid caregiver time continue to accrue service time as well as sick and vacation leave according to Town policy.

A qualifying employee is entitled to paid caregiver leave once within any rolling twenty-four-month period. Leave may be taken either consecutively or intermittently; however, employees applying for consecutive and/or intermittent leave must communicate in advance with their supervisor(s) to ensure continuity of operations within their department. All unused leave will be forfeited upon the employee's return to work.

An employee is expected to return to work at the end of their approved paid caregiver leave unless the employee has received approval to extend the time away from work with other types of accrued leave. Employees should notify Human Resources and their supervisor or Department Director if there is any anticipated change in their original return-to-work date.

Section 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective July 1, 2023.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this ____ day of _____, 2023.

Ayes: _____

Noes: _____

Absent or Excused: _____