

# Reporting of Arrests, Convictions and Court Orders & Non-Disciplinary Leave

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## 1.0 POLICY

The Town requires the disclosure of charges, arrests, convictions and certain court orders brought against employees and may place an employee on leave for the duration of legal proceedings.

## 2.0 PURPOSE

This policy outlines the requirements and procedures that employees must follow when certain charges, arrests, convictions and court orders restrict their ability to perform the duties of their position.

## 3.0 SCOPE

This policy applies to all employees of the Town of Carolina Beach

## 4.0 DEFINITIONS

- 4.1 Legal Actions/Proceedings – Any legal actions including, but not limited to, arrests, convictions, guilty pleas, no contest pleas, restraining orders, warrants, and criminal charges.

## 5.0 ORGANIZATIONAL RULES

- 5.1 Departments may have policies that are more restrictive than this policy due to the laws that may restrict individuals convicted of certain offenses for possessing firearms or serving in certain roles within the organization.
- 5.2 Legal action(s) or proceedings may subject an employee to disciplinary action up to and including termination of employment. Likewise, employee's failing to notify their supervisor of legal actions as required by this policy may subject the employee to disciplinary action up to and including termination of employment.
- 5.3 Employees shall not operate and/or drive any type of Town owned motorized vehicle if their license has been revoked, expired or suspended. This includes golf carts, 4-wheelers, Gators, tractors, bulldozers, cars, trucks, or any other type of motorized vehicle.
- 5.4 The Town Manager may choose to suspend an employee, with or without pay, as a non-disciplinary measure during the investigation, hearing or trial of an employee on any criminal charge, or during the course of any civil action involving an employee, when suspension would be in the best interest of the Town, as solely determined by the Town Manager. This suspension will be considered a Leave of Absence, and the Town's policies on Leave of Absences will apply. The employee may utilize vacation or compensatory time to fund their leave, or they may take leave as per the Leave Without Pay policy.

## **6.0 PROCEDURES**

- 6.1 An employee who is subject to legal action/proceedings shall provide the following information to their supervisor within two (2) business days of the initial incident:
  - Name of the jurisdiction involved (i.e., New Hanover County);
  - Location of the alleged activity
  - Specific legal action (i.e., arrest, charges, convictions, traffic violation) and whether the action occurred during work hours or after work hours;
  - Nature of the alleged activity (i.e., driving while impaired, possession of marijuana)
  - The date and time of the legal action;
  - Any traffic violation(s) that impacts the employee's driver's license or ability to drive legally;
  - Dates of any upcoming court appearances
  
- 6.2 Supervisors that are made aware of an employee's legal action must immediately notify their Department Head, who must consult with Human Resources and the Town Manager or Assistant Town Manager, to determine the work-related relevance, if any, of the employee's legal action(s). In reaching any work related or employment related decision, the impact of the legal action on the position held by the employee should be considered. An employee may be temporarily assigned by the Town Manager to alternate duties and responsibilities during the course of any legal actions, not to exceed 12 weeks.

## **7.0 APPENDIX, APPENDICES**

None