

**AN ORDINANCE TO AMEND SECTIONS 14-42, 14-99, 14, 125 AND 14-127 OF THE TOWN CODE OF ORDINANCES RELATED TO PROBATIONARY EMPLOYEES (2025-09-24/O-1)**

WHEREAS, Town Council is required to approve changes to the Town's personnel ordinance; and

WHEREAS, in 2015, the Council amended the Town's personnel ordinance to require that probationary employees be covered by the Town's disciplinary and grievance process. The intent of this action was to assure that probationary employees would be willing to report allegations of harassment, discrimination, or retaliation without fear of reprisal; and

WHEREAS, employees are already protected under federal law from any form of harassment, discrimination, or retaliation for reporting these types of violations, regardless of their employment status or length of employment. The Town investigates these types of allegations under Equal Employment Opportunity guidelines; and

WHEREAS, probationary periods are intended to allow both employee and the Town to determine the ability of the employee to meet job requirements, and to sever the relationship in an amicable and efficient manner if necessary; and

WHEREAS, the current ordinance does not align with that interest, and

WHEREAS, the proposed Town Ordinance amendments allow unsatisfactory performance of probationary employees be resolved by a determination by the Human Resource Development Department Director, the employee's Department Director, and the Town Attorney or similar legal advisor.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Chapter 14 of the Town Code is hereby amended.

**Section 1. Sec.14-42 in Article VI, Chapter 14 of the Code of Ordinances, Town of Chapel Hill, Probationary period of employment** is hereby amended to read as follows:

**"Sec. 14-42. - Probationary period of employment.**

All new, reinstated, and rehired employees shall serve a probationary period of six (6) months, except for department heads, except for firefighters and law enforcement officers, who shall serve a probationary period of one (1) year.

If determined by the department head, the probationary period may be extended up to an additional three (3) months to allow further evaluation of performance. In such cases, the employee must be notified in writing of the purpose of the extension, the conditions, and the length of time of the extension. This notice must be provided to the employee before the expiration date of the original probationary period.

During an employee's probationary period or any extension thereof, departments may grant an employee's request to use accrued annual leave based on the operational needs of the department.

Before the end of the probationary period, the supervisor shall recommend to the department head whether the employee shall be retained, terminated or have their probationary period extended.

~~A probationary employee whose work is judged unsatisfactory should receive feedback on how to correct the unsatisfactory performance to assist the employee in understanding and fulfilling the responsibilities of the position at a satisfactory level. This feedback should include specific methods of correction and a timetable for making the corrections. Further training may be necessary to assist the employee. If the employee fails to achieve satisfactory performance during the probationary period, the employee may be terminated.~~

~~Before the end of the probationary period, the supervisor shall recommend to the department head whether the employee shall be retained, have the probationary period extended or terminated.~~

A probationary employee terminated during their probationary period, or the extension of their probationary period, will be paid for unused accrued annual leave."

**Section 2. Sec.14-99 in Article X, Chapter 14, Grievability of involuntary separations and dismissals** is hereby amended to read as follows:

**"Sec. 14-99. - Grievability of involuntary separations and dismissals.**

Persons who ~~were~~ have completed their probationary period and who are subsequently involuntarily separated for inability to perform essential functions of their positions or as the result of a disciplinary termination shall have the right to access the grievance procedure in this chapter. These are the only bases for grievances regarding separation from town employment."

**Section 3. Sec. 14-125 in Article XII, Chapter 14, Reserved,** is hereby amended to read as follows

**"Sec. 14-125. ~~Reserved.~~ Disciplinary Process for Probationary Employees.**

The disciplinary process for a probationary employee shall be as follows:

A probationary employee who demonstrates any of the following: unsatisfactory job performance, detrimental personal conduct, negligence in the performance of duties, or an inability to obtain and/or maintain required credentials during the probationary period, may be disciplined up to and including termination with the approval of the Director of Human Resource Development, the Town Attorney or similar legal advisor, and the Department Head."

**Section 4. Sec. 14-127 in Article XIII, Chapter 14, Eligibility,** is hereby amended to read as follows:

"Sec. 14-127. Eligibility.

This disciplinary and grievance procedures ~~is~~ are available to all employees of the town except probationary employees, department heads or directors, ~~the deputy town managers,~~

and assistant town managers, or except as may be modified by an employment contract between the Town and the employee.”

**Section 5.** This ordinance is effective upon enactment.

This the 24<sup>th</sup> day of September, 2025.