ARTICLE I. - IN GENERAL

Sec. 8-1. - Personnel rules and regulations.

The city manager is authorized to promulgate and put into effect rules and regulations governing the appointment, promotion, transfer, removal, discipline and welfare of city employees. All such rules and regulations shall conform to the requirements of the city charter. Provided, however, this grant of authority shall not authorize the city manager to change or modify any rules or regulations, or any portions thereof, which govern employee health insurance or other employee liability issues, payment for sick/vacation leave, designation of paid holidays, general pay increases, retirement policy and other policies affecting compensation of employees without the approval of the city council.

(Ord. of 5-19-98, § 1)

Sec. 8-2. - Adoption; pay and position classification plans; adoption.

Pursuant to the provisions of section 9.1 of the charter of the city, there is hereby established a general pay plan for city employees, to be administered by the city manager. Such plan shall utilize position classifications and assign pay ranges to each position so classified.

(Ord. of 5-19-98, § 1)

Sec. 8-3. - Adding positions

The city manager shall recommend the number of regular positions annually in conjunction with the submittal of the budget. City council shall review annually and authorize the number of regular positions. For the purpose of this section, a regular position shall mean one full-time equivalent position.

(Ord. of 5-19-98, § 1)

Sec. 8-4. - Effect of administrative procedures on legal entitlements.

No property rights with regard to benefits, termination or job status shall be inferred from the city's personnel policy, memoranda, employee handbooks or other statements of administrative procedure unless such benefits or guarantees have been specifically and explicitly included in this chapter.

(Ord. of 5-19-98, § 1)

Sec. 8-5. - Criminal history background checks and/or credit history checks required of all applicants for specific positions.

(a) In an effort to protect the city from conduct which might be detrimental to the youth served

by the city, no person who is known by the chief of police of the city, or his designee, to have been convicted of a misdemeanor assault within the previous seven (7) years from the job posting date for employment or of any crime involving kidnapping, child abuse, sexual battery, rape, statutory rape, first or second degree forcible sexual offense, statutory sexual offense, sexual activity by parent or guardian, contributing to the delinquency of a minor, disseminating obscene materials to a minor, sexual exploitation of a minor, crime against nature, incest, indecent liberties, indecent exposure, obscenity, or homicide may be offered employment with the city in any position working with youth or supervising youth including all recreation employees, any other employees in a position to implement or coordinate any program for the youth of the community, any employee whose essential function is the maintenance of city parks or park property, any director or deputy director responsible for the above-referenced positions, and those classification titles that supersede those listed above. Additionally, checks will be performed on those individuals given permits as vendors, performers or other agents or contracted individuals for city sponsored programs or events where the individual will interact with youth/vulnerable populations. Further, no individual who applies to volunteer in any youth program sponsored by the city shall be approved if known by the chief of police of the city to have been convicted of any misdemeanor or felony crimes involving the activities listed in this paragraph.

(b) In an effort to protect the city from possible conduct which might be detrimental to the city, its people, and its property, any person who is known by the chief of police of the city, or his designee, to have been convicted of any misdemeanor crime within the previous seven (7) years of application for employment involving theft, concealment, fraud, worthless check, or misappropriation, or of any felony crime involving theft, burglary, embezzlement, robbery, fraud, bribery, misappropriation, homicide, or manslaughter shall not be offered employment with the city in any position where the employee would have the ability to change or create city financial records, collect revenue in any form to include cash, credit or electronic funds transfer, any position responsible for issuing permits or code violations, or any position where a function of the position includes managing grant funds.

(c) In an effort to maintain the integrity of city leadership and to promote public safety, criminal history background checks will be performed on all final applicants for employment for any position appointed by city council, all department directors, anyone who reports directly to the city manager, city attorney or city clerk, and all sworn and non-sworn employees of both the Wilmington Police Department and the Wilmington Fire Department. Any individual convicted of a crime as indicated in sections (a) or (b) above will not be offered employment with the city.

(d) In an effort to protect the city's financial assets, credit history checks will be performed on all final applicants of employment for all positions with the ability to change or create city financial records, or to collect revenue in any form to include cash, credit, or electronic funds

transfer. Additionally, credit history checks will be performed on final applicants for employment for any position appointed by city council, all department directors, and any other position that reports directly to the city manager.

(e) Further, no person who is known by the chief of police of the city, or his designee, to have been convicted of a misdemeanor violation of the controlled substances act within seven (7) years from the job posting date or any felony violation of the controlled substances act while an adult, or comparable charge from another jurisdiction may be offered employment in any of the positions listed in sections (a)—(c).

(f) Final applicant(s) for the above-noted positions shall be required to provide any and all necessary personal identification in order that the chief of police or his designee, might cause a thorough search to be made of local, state, and national criminal history records to determine if the applicant has a history involving criminal conviction for any of the crimes enumerated in the previous paragraphs of this section. The chief of police, or his designee, shall cause a check for criminal history records to be made of all final applicants for any of the enumerated positions including volunteer positions. The city shall pay the cost of such search of criminal records. The chief of police shall cause all records to be forwarded to the city manager or his/her designee.

(g) Final applicants for one (1) of the positions described in this section who have a criminal history involving a conviction for one (1) of the crimes related to that position, as described in this section, or a credit history that raises significant concerns regarding the fitness of the employee for employment, shall be provided the opportunity to challenge the accuracy of the information, or to provide evidence of mitigation. After having done so, the city manager, or his/her designee, may, in his/her discretion, allow applicants with any misdemeanor criminal conviction, or with any felony conviction where the last date of adjudication, incarceration, probation, or parole occurred over seven (7) years prior to the date of the job posting, to proceed in the hiring process. If the challenge is not approved or accepted, the applicant will be removed from further consideration of employment relative to the positions named in this section.

(Ord. of 5-19-98, § 1; Ord. No. 0-2002-25, § 1, 5-7-02; Ord. No. 0-2004-94, 10-19-04; Ord. No. 0-2005-1, § 1, 1-4-05; Ord. No. 0-2007-42, § 1, 6-5-07; Ord. No. O-2018-28, § 1, 5-1-18)

Secs. 8-6—8-15. - Reserved.