

**ORDINANCE 11-02**

**AN ORDINANCE TO ESTABLISH A PERSONNEL POLICY FOR THE EMPLOYEES OF THE CITY OF SPRING HILL, TENNESSEE**

**WHEREAS**, the Board of Mayor and Aldermen of the City of Spring Hill, pursuant to its Charter (Article 4, Section 4-101) and general law of the State of Tennessee, enact and adopt a Personnel Policy for the employees of the City of Spring Hill; and

**WHEREAS**, the Board of Mayor and Aldermen did adopt Ordinance 99-4, an Ordinance to establish personnel rules and regulations for employees of the City of Spring Hill; and

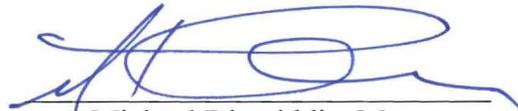
**WHEREAS**, the Board of Mayor and Aldermen of the City of Spring Hill does desire to replace these personnel rules and regulations established in Ordinance 99-4, which have become outdated, as recently indicated by State Audit; and

**WHEREAS**, the Board of Mayor and Aldermen of the City of Spring Hill, with the assistance of the Personnel Policy Committee has made modifications to the Personnel Policies for the employees of the City of Spring Hill and the newly revised Personnel Policies are attached hereto this Ordinance; and

**BE IT FURTHER ENACTED**, that all ordinances or parts of ordinances in conflict herewith, be and the same hereby, are repealed or modified as the case may be.

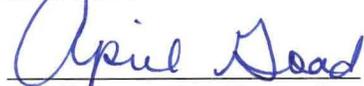
**BE IT FURTHER ENACTED**, that this Ordinance shall take effect from and after its adoption, the public welfare requiring it.

**Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on this 18<sup>th</sup> day of April, 2011.**



Michael Dinwiddie, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Timothy P. Underwood, City Attorney

*(Deferred on September 21, 2009, December 4, 2009, December 21, 2009, January 19, 2010, January 19, 2010, and March 21, 2011 (second reading); Tabled March 15, 2010 and February 22, 2011(second reading))*

Passed on First Reading: January 18, 2011

Passed on Second Reading: April 18, 2011



# City of Spring Hill, TN

## Employee Handbook

This Employee Handbook, dated April 19, 2011, hereby supersedes or replaces all prior published or unpublished Employee Handbooks, Manuals, Personnel Rules and Regulations, policies, procedures and practices, or other publications related to personnel policies, which are now considered null and void.

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## Introduction

The City of Spring Hill (hereafter referred to as “City”) has published this Employee Handbook to serve as a guide for City employees. It is intended to help acquaint employees with the City, its Personnel Rules and Regulations, policies, procedures and practices, as well as workplace conduct and benefits. This Employee Handbook, dated January 1, 2011, hereby supersedes or replaces all prior published or unpublished Employee Handbooks, Manuals, Personnel Rules and Regulations, policies, procedures and practices, or other publications related to personnel policies, which are now considered null and void.

While the City fully intends to abide by these provisions for as long as they are in effect, nothing contained in this handbook or any verbal statement should be construed as creating any type of contract, either expressed or implied, between the City and any of its employees. Employment with the City is not guaranteed for any specific time or duration and may be terminated at-will, with or without cause, and without prior notice by the City, or an employee may resign for any reason at any time.

Every effort has been made not to engage in rigid rule making; City policies stress the values of fairness, respect and teamwork, and are intended to ensure that all applicable laws are obeyed. In addition, the City is committed to reviewing its Personnel Rules and Regulations, policies, procedures, practices and benefits continually. This handbook cannot anticipate every situation or answer every question about employment; thus, the guidelines set forth in this handbook may not apply in every situation. The City reserves the right to change, rescind, modify or deviate from these or other guidelines, Personnel Rules and Regulations, policies, procedures or practices as it considers necessary at its sole discretion, either in individual or city-wide situations with or without notice in accordance with the City Charter and state and federal laws, and/or at the Board of Mayor and Aldermen’s (BOMA) sole discretion. No employee or other person enjoys any vested right to the continuation of any Personnel Rules and Regulations, policies, procedures, practices or employee benefits contained within this employee handbook. It is the responsibility of each employee of the City to become familiar with the information contained in this handbook.

If there are any questions about the City’s Personnel Rules and Regulations, policies, procedures, practices or benefits, please refer to this handbook first for guidance; any further questions should be directed to an employee’s supervisor, department head or Human Resources, who all stand ready to assist as best they can.

## Welcome to the City of Spring Hill

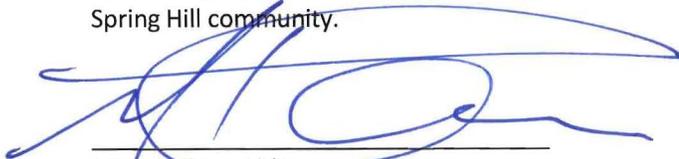
Welcome! We hope that you will find your employment with the City to be an interesting, challenging and enjoyable experience.

The City was incorporated in 1808 and is organized under the Public Acts (TCA 6-1-1-1) the Mayor-Aldermanic form of government. We strive to provide the highest quality municipal services. Quality services, though, depend on each of us committing to do our best, all the time.

We hope you will join our efforts to build and improve upon our proud history. The City attempts to promote a feeling of understanding and respect among our employees. A key to success lies in the quality and dedication of our employees. Each employee of the City plays a critical role in providing the Spring Hill community with the best possible service.

Because of our belief in the importance of our employees, the City strives to promote a work environment where employees are treated with dignity and respect. If you have any ideas for improving the way the work is performed, or if you have any other suggestions or problems, you should feel free to discuss these matters with your supervisor or department head.

By working together as a team, the City hopes to continue our tradition of providing excellent service to the Spring Hill community.



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Michael Dinwiddie  
Mayor of Spring Hill

## Employment At-Will

Employment with the City is at-will. Neither this handbook nor any other City document, confers any contractual right, either express or implied, to remain in the City's employ. Nor does it guarantee any fixed terms and conditions of an employee's employment.

Additionally, as is true at all times, employment with the City is not guaranteed for any specific time or duration and may be terminated at-will, with or without cause, and without prior notice by the City, or an employee may resign for any reason at any time. No one has the authority to authorize, enter into, or sign any agreement for employment for any specified period of time, or to make any binding agreement contrary to the above.

## General Disclaimer and Management Rights

The Personnel Rules and Regulations, policies, procedures and practices described in this handbook are designed to serve as guidelines for management action. None of the following constitute or imply a contract or guarantee concerning continuing employment with the City, or in any way affect the employment at-will relationship between the City and its employees, or affect the City's right to terminate the employment of its employees at-will:

- this handbook;
- any personnel rules, regulations, policies, procedures or practices; and
- any other written or oral statement by the City to a particular employee or a group of employees.

The employment relationship between the City and its employees may be terminated at any time for any reason.

All Personnel Rules and Regulations, policies, procedures, practices, and benefits described in this handbook may be modified or discontinued at any time for any reason at the City's discretion by ordinance of the Board of Mayor and Alderman (BOMA) in accordance with the City's Charter and state and federal laws at any time. Any changes or modifications that are intended to comply with State or Federal laws or regulations will be administered and implemented so as to always remain in compliance with such laws or regulations as may be amended in the future, regardless of whether this document is actually modified to reflect such amendments in the laws or regulations.

No employee or other person enjoys any vested or contractual right to the continuation of any rules, regulations, policies, procedures or practices contained within this handbook. The provisions of all employee benefits covered in this document are subject to annual appropriation by the BOMA. In addition, all benefits offered through third-parties are subject to the terms and conditions of the service contract between the City and the provider, which may be changed in the future.

This employee handbook is effective April 19, 2011, and hereby supersedes any and all past Employee Handbooks, Manuals, Personnel Rules and Regulations, policies, procedures, and practices, or other publications related to personnel policies, which are now considered null and void. No one has the authority to modify, make exceptions to, or discontinue the Personnel Rules and Regulations, policies, procedures, practices, and benefits described in this employee handbook.

## Required Programs and Policies

### **Equal Employment Opportunity**

The City of Spring Hill, TN is an equal opportunity employer (EEO). As such, it is the policy of the City to provide a work environment that is free of discrimination. The City is committed to providing equal employment opportunities for all employees and job applicants regardless of race, color, religion or creed, sex, pregnancy, national origin, citizenship, age, political affiliation, disability, veteran status, genetic information or other protected characteristics as required by all applicable federal and state laws, or local law, regulation, or ordinance.

The City will make every effort to select, employ, train and promote those individuals who are best and most qualified and capable of filling authorized vacant positions. Continued employment with the City will be based on merit, performance, and individual ability free of favoritism, discrimination, and political considerations. All personnel decisions and actions, including but not limited to, transfers or demotions, promotions, layoffs, return from layoffs, terminations, disciplinary action, education, social and recreational programs, access to benefits, rates of pay, and other forms of compensation; as well as access to training, including apprenticeships and/or on-the-job training, will be administered in a non-discriminatory fashion.

Just and equitable incentives and conditions of employment will be established and maintained to promote efficiency and effectiveness in the operation of the City. Positions having similar duties and responsibilities will be classified and compensated on a uniform basis. Appointments, promotions and other personnel actions requiring the application of the merit principle will be based on a comprehensive employee evaluation and examinations where applicable.

Every effort will be made to stimulate high morale by fair administration of this policy and consideration of the rights and interests of employees, consistent with the best interests of the public and the City. All employees are expected to comply with our EEO Policy. We believe that equal employment opportunity is not just a legal issue; it is a moral concern and obligation for each of us. The climate wherein each of us can grow to the full extent of our talents requires the cooperation and understanding of all employees. Managers and supervisors who are responsible for meeting business objectives are expected to cooperate fully in meeting our EEO objectives, and their overall performance will be evaluated accordingly.

Retaliation against an employee who has made a good faith complaint about a violation of this policy, or has cooperated with an investigation of such a complaint is strictly prohibited.

Any employee or applicant, who believes they have been discriminated or retaliated against in violation of this policy, should immediately report the underlying facts to his/her supervisor, department head, Human Resources, the City Administrator or other City official with whom he/she feels the most comfortable without fear of reprisal. The complaint will be reviewed and investigated. The City will keep the complaint and investigation as confidential as possible. Anyone found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including immediate termination of employment.

### ***Americans with Disabilities Act Policy (ADA)***

The City makes every effort to reasonably accommodate qualified individuals with a disability in order to provide employment opportunities for them. Applicants and employees are not required to identify themselves as having a disability. Self-identification is strictly voluntary. The job related skills and experience of all applicants and employees will be evaluated without regard to disability or any reasonable accommodations that may be necessary.

The ADA prohibits discrimination in all aspects of employment against "qualified individuals with disabilities." A qualified individual with a disability is an applicant or employee who can perform the essential functions of the job in question with or without reasonable accommodation.

The ADA defines a "disability" as:

1. a physical or mental impairment that substantially limits one or more major life activities;
2. a record of such an impairment; or
3. being regarded as having such impairment.

Employees needing an accommodation to perform the essential functions of their job should speak directly with their supervisor regarding their need for an accommodation. The City expects the supervisor and the employee to engage in an interactive process, whereby the City and employee have a discussion to search for a mutually acceptable, reasonable accommodation. If an employee does not feel comfortable going to his/her supervisor regarding an accommodation, they may inform their department head or Human Resources of their need. Although the City will consider an employee's suggested accommodations, it is not obligated to only consider these, and will base the final decision on what it considers is reasonable in light of the situation without creating an undue hardship on the City.

The City prohibits retaliation of any kind against any employee for requesting or needing an accommodation. If an employee feels they have been discriminated or retaliated against for requesting or needing an accommodation, they should notify their supervisor, department head, Human Resources, the City Administrator or other City official with whom they feel the most comfortable without fear of reprisal. The complaint will be reviewed and investigated. The City will keep the complaint and investigation as confidential as possible. Anyone found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including immediate termination of employment.

Should supervisors or employees have additional questions, or need further consultation as to the City's accommodation process, they should seek advice from Human Resources.

## ***Unlawful Harassment Policy***

**Harassment** is a form of misconduct that is unlawful, disrespectful, and discriminatory. The City is committed to providing a safe and welcoming work environment that is free of discrimination and unlawful harassment. All City employees are expected to treat each other as well as other individuals with whom they come in contact with in the workplace, with courtesy and respect. It is the policy of the City to prohibit discrimination and unlawful harassment, including unwelcome sexual conduct, in the workplace by any person in any form. This policy applies to all officers and employees of the City, including but not limited to regular full and part-time employees, elected officials, temporary employees, employees covered or exempt from personnel rules or regulations of the municipal government, employees working under contract for the municipality, as well as non-employees with whom employees may come in contact with in the course of their employment with the City. Any unlawful harassment, whether verbal, physical, visual or subtle, is unacceptable and will not be tolerated, regardless if it occurs in the workplace or at outside work-sponsored activities, including but not limited to City-sponsored trips, training, conferences, social events, and meetings.

Harassing conduct includes, but is not limited to, epithets, slurs, negative stereotyping, intimidating or hostile acts, written or graphic material that defames or shows hostility or aversion toward an individual because of race, color, religion or creed, sex, pregnancy, national origin, citizenship, age, political affiliation, disability, veteran status, genetic information, or any other characteristic protected under federal, state or local law, regulation, or ordinance. The City will not tolerate such harassment of its employees, and will take immediate, positive steps to stop such harassment when it occurs.

**Sexual harassment** (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship and is strictly prohibited. It is illegal under

federal and state laws, and is defined as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. An employee is expected either explicitly or implicitly to submit to such conduct in order to get or keep a job;
2. An employee's willingness or unwillingness to submit to such conduct is used as the basis for an employment-related decision affecting the employee; or
3. Such conduct creates an intimidating, hostile, or offensive work environment, or substantially interferes with the employee's job performance, whether committed by supervisors or non-supervisory personnel.

The following are examples of behavior that is prohibited by this policy:

- sexual flirtations, advances or propositions;
- verbal or written abuse of a sexual nature;
- unwelcome or offensive touching, hugging, rubbing, pinching, grabbing, patting, propositioning or kissing another person;
- inappropriate sex-oriented comments on appearance;
- telling sex-oriented stories, jokes or making sexual innuendoes;
- displaying sexually explicit or pornographic material, no matter how the material is displayed;
- pressuring an employee for a date or sexual activities; and/or;
- sexual assault.

Employees should not assume that the behavior they believe is humorous or socially acceptable will be acceptable to another employee. Employees should be aware of how people respond to what they do and say; if an individual objects to the behavior toward them, listen to and heed the objections. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. Normal, courteous, mutually respectful, non-coercive interactions between employees that are acceptable and welcomed by both parties are not considered to be harassment.

#### **Harassment Complaint Procedure**

While the City encourages an employee to communicate directly with the alleged harasser, and make it clear that their behavior is unacceptable, offensive or inappropriate, it is not required that they do so. If an employee feels that they are being harassed, or are subject to or witness to unlawful harassment or discrimination, they should report the incident immediately to their immediate supervisor, department head, Human Resources, the City Administrator or other City official with whom they feel most comfortable. Employees have the right to circumvent the employee chain of command when selecting the person to complain to about unlawful harassment.

#### **Investigating Unlawful Harassment Complaints**

Complaints of sexual or other unlawful harassment or discrimination will be investigated in a thorough and timely manner. Confidentiality will be maintained to the extent possible without jeopardizing the thoroughness of the investigation. The City Administrator and the Ethics Officer are the persons designated as the investigator of unlawful harassment complaints against employees. In the event the sexual harassment complaint is against the Mayor, the investigator will be an aldermen appointed by the BOMA.

Based upon the results of the investigation, the Mayor (or Board) will take immediate and appropriate corrective action to end the problem and prevent its reoccurrence. Anyone found guilty of engaging in sexual or other unlawful harassment or discrimination will be subject to disciplinary action consistent with the Mayor's (or Board's) authority under the municipal charter, ordinances, resolutions, or rules governing their authority to discipline employees. If the Mayor feels that the harassment warrants disciplinary action stronger than he is authorized to impose by the charter, ordinances, resolution, or rules governing employee discipline, he will make that determination known, along with the report of the investigation to the BOMA,

which may discipline the employee consistent with its authority under the municipal; charter, ordinances, resolutions, or rules governing employee discipline.

The disciplinary action will be consistent with the nature and severity of the offense, the employee's rank and any other factors the BOMA believes relate to fair and efficient administration of the municipal government. This includes, but is not limited to, the effect of the offense, and the light in which it casts the municipality. The disciplinary action may include, but is not limited to, demotion, warning, reprimand or termination. A written record will be kept of imposed disciplinary actions, including verbal reprimands.

In cases where unlawful harassment is committed by a non-employee against a municipal government employee in the workplace, the Mayor will take whatever lawful action is necessary against the non-employee to bring the harassment to an immediate end.

#### **No Retaliation**

Retaliation against any individual who makes a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, is strictly prohibited. There will also be no retaliation against any individual for their participation in the investigation of a harassment complaint, or any other person connected with the investigation. If an employee feels that they are being retaliated against, they should report the retaliation immediately to their immediate supervisor, department head, Human Resources, the City Administrator or other City official with whom they feel most comfortable. The investigation of retaliation complaints will follow the same procedures outlined above under "Investigating Unlawful Harassment Complaints."

#### **Obligation of Employees**

Employees are not only encouraged to report instances of unlawful harassment, they are obligated to report them. Employees are also obligated to cooperate in any harassment investigation. The obligation includes, but is not limited to, coming forward with evidence (both favorable and unfavorable) about a person accused of such conduct, fully and truthfully making written reports, or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of harassment.

#### **Management Responsibilities**

Managers and supervisors are expected to have a high level of consciousness regarding the City's policy and, as a condition of employment, must promptly advise the City Administrator of any known or potential incidents of sexual or other forms of harassment.

### ***Drug and Alcohol Policy***

The City recognizes that the use and abuse of drugs and alcohol is a serious problem that may involve the workplace. It is the intent of the City to provide all employees with a safe and secure work environment which promotes individual health and workplace efficiency. Employees are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

The City has adopted this drug and alcohol policy that is intended to comply with applicable state and federal laws, including the Drug-Free Workplace Act of 1988; Federal Highway Administration (FHWA) rules, Department of Transportation (DOT) rules, and the Omnibus Transportation Employee Testing Act of 1991. The policy and practices of the City are described below. The City reserves the right to amend its policies and procedures at its discretion.

It is the City's policy that the unlawful or improper presence or use of controlled substances or alcohol in the workplace by its employees is prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct is considered a violation of this policy and may lead to termination of employment. Such conduct includes but is not limited to:

1. Being under the influence of or possessing in his or her body, blood or urine, illegal drugs in any detectable amount and/or under the influence of or impaired by alcohol while on City property, in city vehicles, or while on duty performing work or conducting City business on or off the premises;
2. Engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time, on or off the job, and of alcohol while on duty or while in or on City property;
3. Use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty;
4. Use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures; and
5. Taking or being under the influence of any drugs unless prescribed for the employee by a licensed physician or using such drugs in a manner or for a purpose other than as prescribed while on duty or conducting City business in or on City property. This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical or emotional ability of the employee to safely and efficiently perform job duties. Employees who are required to take prescription and/or over-the-counter medications must notify the proper supervisory personnel before the employee goes on duty.

The only exception to the foregoing list would be for employees who are not in an official on-call status and who are called in to work outside their normal duty hours to perform emergency or unscheduled work. No such employee will be disciplined for off-duty consumption of alcohol that results in reporting to duty with alcohol in the employee's system so long as the employee first reports the consumption of alcohol to the supervisor making the work request. The supervisor will then determine whether the employee should still report for duty.

It is the responsibility of the City's management staff to counsel employees whenever they see changes in performance or behavior that suggest an employee has a problem with drugs or alcohol. Although it is not the manager's job to diagnose personal problems, the manager should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment, and should encourage anyone who has a drug or alcohol problem to seek help.

Consistent with the City's fair employment policy, the City maintains a policy of non-discrimination and reasonable accommodation with respect to recovering addicts or alcoholics, including those having a medical history reflecting treatment for these conditions. However, past problems with drugs or alcohol or treatment for substance abuse problems will not shield an individual from disciplinary action under this policy. Any individuals who are currently using illegal drugs or abusing alcohol or drugs of any kind are subject to this policy, regardless of any prior diagnosis of or treatment for substance abuse.

Human Resources has been designated as the municipal department responsible for answering questions regarding this policy and its implementation.

#### **Compliance with Substance Abuse Policy**

Compliance with this drug and alcohol policy is a condition of employment. Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, medical review officer (MRO), Human Resources, or a designee of Human Resources. The consent form provides space for employees and applicants to acknowledge that they have been notified of the City's drug and alcohol testing policy.

The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or

employee of a urine sample that is not his/her own or is altered or adulterated will be grounds for refusal to hire or for termination.

Any employee convicted of violating a criminal drug statute must inform the department head of the conviction (including pleas of guilty and *nolo contendere*) within five (5) days of the conviction occurring. Failure to inform the City in a timely manner may lead to disciplinary action, up to and including termination for the first offense.

**General Procedures**

Any employee reporting to work on the City’s premises visibly impaired will be deemed unable to perform required duties and will not be allowed to work. The person first noticing the impairment will seek the opinion of a supervisor or manager of the City to confirm the individual’s impaired status. Next, the supervisor or manager will consult privately with the allegedly impaired employee to determine the cause of the observation, including whether substance abuse has occurred. If feasible, the supervisor or manager will consult with another supervisor/manager in making the determination whether an employee is impaired. If the employee is determined to be impaired, he/she will be immediately escorted off the premises. The employee may be reported to local law enforcement authorities, if appropriate, and may be sent to a medical facility by taxi or other safe transportation alternative, where they may be required to submit to a drug or alcohol test. An impaired employee will not be allowed to drive.

**Drug and Alcohol Testing**

The City has adopted testing practices to identify employees who illegally use drugs or alcohol on or off the job. An applicant or employee must present a current photo ID to appropriate personnel during testing. Failure to present a current photo ID is equivalent to refusing to take the test.

The City will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly, that the City will not tolerate.

Employees and applicants may be required to submit to drug testing under the following conditions:

1. **Pre-employment** – All applicants for employee status who have received a conditional offer of employment with the City must take a drug test before receiving a final offer of employment. Applicants will be required to submit voluntarily to a urinalysis test at a laboratory chosen by the City, and sign a consent agreement that will release the City from liability. If the physician, official or lab personnel has reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.
2. **Transfer** – Employees transferring to a sworn police or fire position, public safety dispatcher position and/or another position within the City that requires a commercial driver’s license (CDL) must undergo drug testing.
3. **Post-Accident/Post-Incident Testing** – Following any workplace accident (incident) determined by supervisory personnel of the City to have resulted in significant property or environmental damage, including requiring a vehicle to be towed from the scene, or in significant personal injury, including but not limited to a fatality or human injury requiring medical treatment away from the accident (incident) scene, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible drug or alcohol use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) drug or alcohol test. This type of testing applies to all City employees. In accordance with federal regulations for CDL drivers, testing will be required in any fatal accident regardless of whether the driver received a moving violation arising from the accident.

Post-accident (post-incident) drug or alcohol testing will be carried out within 32 hours (drug testing) or two hours (alcohol testing), following the accident (incident). In instances where post-accident (post-incident) testing is to be performed, the City reserves the right to direct the MRO to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances. Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed at the urinary cutoff level that is normally used for those specific substances by the laboratory selected.

Employees must go without delay to the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing or appearing for alcohol testing will be considered a refusal to cooperate with the City's drug and alcohol program and will result in disciplinary action up to and including termination of employment.

a. **Post-Accident (Post-Incident) Testing for Ambulatory Employees**

- 1) Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or other designated personnel to the designated urine specimen collection site within 32 hours following the accident (incident). No employee should consume drugs prior to completing the post-accident (post-incident) testing procedures, unless such drugs are prescribed by a physician and use of such drugs is disclosed at the time of testing.
- 2) Following all workplace accidents (incidents) where alcohol testing is to be performed unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City to the designated breath alcohol test site for a breath alcohol test within two (2) hours following the accident (incident). No employee should consume alcohol prior to completing the post-accident (post-incident) testing procedures.

b. **Post-Accident (Post-Incident) Testing for Injured Employees**

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) will consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent will also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the MRO of the City appropriate and necessary information or records that would indicate only whether or not specified prohibited drugs (and what amounts) were found in the employee's system. Each employee will grant consent at the implementation date of the drug and alcohol policy of the City or upon hiring following the implementation date.

Post-accident (post-incident) urinary testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel will take and have analyzed appropriate specimens to determine if drugs were present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within 32 hours must be fully documented by the attending medical personnel.

- 1) Following all workplace accidents (incidents) where alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City to the designated breath alcohol test site for a breath alcohol test within two (2) hours following the accident. No employee will consume alcohol prior to completing the post-accident (post-incident) testing procedures.

4. **Testing Based on Reasonable Suspicion**—A drug or alcohol test is required for any City employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs or alcohol.

The decision to test for reasonable suspicion means that one or more trained supervisors reasonably believes or suspects that the employee is using or has used drugs or alcohol. This belief should be based on recent observations concerning the employee's physical appearance, behavior, speech, smell or other performance indicators that are usually associated with drug or alcohol use. One supervisor who has received the applicable drug or alcohol detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the City making a determination to subject any employee to drug or alcohol testing based on reasonable suspicion must document their specific reasons and observations in writing to Human Resources within 24 hours of the decision to test for drug use or within eight hours of the decision to test for alcohol use and before the results of the tests are received by the City.

5. **Random Testing** –All employees of the City are subject to random drug or alcohol testing. Federal regulations require the City to annually random test for drugs or alcohol a percentage of the total number of drivers possessing or obtaining a CDL. At least 25% of the drivers will be randomly tested for drugs and at least 10% will be tested for alcohol use. All other classes of employees subject to random drug testing will be tested on a schedule as determined by the City.

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random drug or alcohol testing and the actual presentation for specimen collection or alcohol testing. Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out-of-town, work-related causes, etc.) to produce a specimen or to be tested on the date random testing occurs, the City may omit that employee from that random testing or keep the selection confidential and await the employee's return to work.

6. **Return-to-Duty and Follow-Up** – Any employee of the City who has violated the prohibited drug or alcohol conduct standards and is allowed to return to work must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Return-to-duty tests must be conducted under direct observation.

The amount of follow-up testing an employee receives is determined by a Substance Abuse Professional (SAP) and may be extended for up to 60 months following return to duty. The SAP will determine how many times the employee will be tested, for how long, and for what substance (i.e. drugs, alcohol or both). The City is responsible for ensuring that follow-up testing is conducted and completed. The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly. All follow-up tests will be observed.

Testing will also be performed on any employee returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

7. **Periodic Medical Physicals** –Sworn employees of the Fire and Police Departments will be subject to a drug test as part of their periodic fit for duty physical assessment as required by the City.

### **Prohibited Drugs**

All drug results will be reported to the MRO. If verified by the MRO, they will be reported to Human Resources. Substance abuse testing for job applicants and employees will include a urinalysis screen for the following drugs:

1. Amphetamines
2. Cannabinoids

3. Cocaine
4. Opiates
5. Phencyclidine
6. MDMA (Ecstasy)
7. Acetylmorphines
8. Alcohol (not required for job applicant testing)

The City may test for any additional substances as deemed appropriate, including those drugs listed under the Tennessee Drug Control Act of 1989, as amended to date or in the future.

### **Drug Testing Procedures**

Testing will be accomplished as non-intrusively as possible. Affected employees, except in cases of random testing, will proceed to a drug test collection facility selected by the City where a urine sample will be taken from the employee in privacy. The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution. The sample will be placed in a secure mailing container. The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by the City and is certified and monitored by the federal Department of Health and Human Services (DHHS) to perform the analysis on collected urine samples.

The Omnibus Act requires that drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of drugs, the employee has 72 hours from the time of notification by the MRO to request sending the split specimen to another federal DHHS certified laboratory for analysis. The employee will be required to pay for his or her split specimen test(s).

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify Human Resources.

### **Reporting and Reviewing**

The City will designate an MRO to receive, report, and file testing information transmitted by the laboratory. This person will be a licensed physician with knowledge of substance abuse disorders.

1. The laboratory will report test results only to the designated MRO, who will review them in accordance with accepted guidelines and the procedures adopted by the City.
2. Reports from the laboratory to the MRO will be in writing or by fax. The MRO may talk with the employee by telephone upon exchange of acceptable identification.
3. The testing laboratory, collection site personnel, and MRO will maintain security over all the testing data and limit access to such information to the following: the respective department head, Human Resources, the City Administrator, and the employee.
4. Neither the City, the laboratory, nor the MRO will disclose any drug or alcohol test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident (incident) investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the City Attorney.

### **Alcohol Testing Procedures**

All breath alcohol testing conducted for the City will be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA). Alcohol testing is to be performed by a qualified technician as follows:

1. **Step One** - An initial breath alcohol test will be performed, using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02% breath alcohol level (BAL), the test will be considered negative. If the result is greater or equal to 0.04% BAL, the result will be recorded and witnessed, and the test will proceed to Step Two.
2. **Step Two** - Fifteen minutes will be allowed to pass following the completion of Step One above. Before the confirmation test or Step Two is administered for each employee, the breath alcohol technician will ensure that the evidential breath testing device registers 0.00 on an air blank. The breath alcohol level detected in Step Two will be recorded and witnessed.

If the lower of the breath alcohol measurements in Step One and Step Two is 0.04% or greater, the employee will be considered to have failed the breath alcohol test. Failure of the breath alcohol test will result in disciplinary action up to and including termination of employment.

Any breath level found upon analysis is between 0.02% BAL and 0.04% BAL will result in the employee's removal from duty without pay for a minimum of 24 hours. In this situation, the employee must be retested by breath analysis and found to have a BAL of up to 0.02% before returning to duty with the City. All breath alcohol test results will be recorded by the technician and will be witnessed by the tested employee and by a supervisory employee of the City, when possible.

The completed breath alcohol test form must be submitted to Human Resources.

### **Education and Training**

1. **Supervisory Personnel Who Will Determine Reasonable Suspicion Testing**  
Supervisory personnel will have at the minimum two 60-minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One 60-minute period will be for drugs, and one 60-minute period will be for alcohol.

The City will sponsor a drug-free awareness program for all employees.

2. **Distribution of Information**  
The minimal distribution of information for all employees will include the display and distribution of:
  - a. Informational material on the effects of drug and alcohol abuse;
  - b. An existing community services hotline number, available drug counseling, rehabilitation, and employee assistance programs for employee assistance;
  - c. The City policy regarding the use of prohibited drugs and/or alcohol; and
  - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

### **Consequences of a Confirmed Positive Drug and/or Alcohol Test Result and/or Verified Positive Drug and/or Alcohol Test Result**

Job applicants who are subject to pre-employment testing will be denied employment with the City if their initial positive pre-employment drug test result has been confirmed.

If a current employee's positive drug and alcohol test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and may be subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include: the employee's work history, length of employment, current work assignment, current job performance, and the existence of past disciplinary actions. However, the City reserves the right to allow employees to participate in an education and/or treatment program approved by the City Employee Assistance Program as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by the

employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment.

Refusing to submit to an alcohol or controlled substances test means that an employee: (1) fails to provide adequate breath for testing without a valid medical explanation after receiving notice of the requirement for breath testing in accordance with the provisions of this part; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after receiving notice of the requirement for urine testing in accordance with the provisions of this part; or (3) engages in conduct that clearly obstructs the testing process. In either case the physician or breath alcohol technician will provide a written statement to the City indicating a refusal to test.

### **Substance Abuse Counseling and Treatment**

The City encourages employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action, to voluntarily seek treatment and counseling for their substance abuse problems. In the event that an employee of the City is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss the problem with the respective department head in private. The City will honor such voluntary desire for help with a substance abuse problem. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through the City's Employee Assistance Program or other program sanctioned by the City, and thereafter refrain from violating the City's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of City personnel policy and regulations independent of any drug/alcohol issues.

Affected employees of the City are entitled to up to 30 consecutive calendar days for initial substance abuse treatment, provided however, the employee must use all vacation, sick, and compensatory time available. Once all accrued leave is exhausted, the remainder of the treatment period will be leave without pay.

Voluntary participation in substance abuse treatment or counseling will not affect an employee's career advancement or employment, nor will it protect an employee from disciplinary action if substandard job performance continues. Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of any employee following voluntary substance abuse treatment, the employee will obtain a return-to-duty recommendation from the SAP through the City's Employee Assistance Program. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head, Human Resources, and the City Administrator will consider each case individually and set forth final conditions of reinstatement to active duty. The employee must meet these conditions of reinstatement. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the City. Voluntary disclosure provisions do not apply to applicants.

### **Confidentiality**

Applicant and employee test results are confidential. The City or service agent (e.g. testing laboratory, MRO or SAP) is not permitted to disclose test results to outside parties without the written consent of the applicant or employee. However, test information may be released (without prior consent) in certain situations, such as: legal proceedings, complaint procedures, or administrative proceedings brought by the

employee or on the employee's behalf, which resulted from a positive test or refusal to test. When the information is released, the City will notify the applicant or employee in writing of any information they released.

An employee's drug and alcohol testing history will follow them to their new employer, if that employer is regulated by a DOT agency in accordance with federal law.

### **Inspections and Searches**

All City property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. Property includes, but is not limited to, City owned vehicles, desks, containers, files, and lockers. Employee-assigned lockers that are locked by the employee are also subject to inspection by the employee's supervisor in the presence of the employee after reasonable advance notice to the employee, unless such notice is waived by the City Administrator. Employees are expected to cooperate in the conduct of such inspections.

### **Exceptions**

This policy does not apply to possession, use, or provision of alcohol and/or drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement, intoxilyzer demonstrations). In all such cases, it is the individual employee's responsibility to ensure that the possession, use, or provision of alcohol does not adversely affect job performance.

## ***Immigration Law Compliance***

The City is committed to employing only individuals with authorization to work in the U.S., and does not discriminate against any individuals on the basis of citizenship, national origin, or other unlawful grounds. Furthermore, the City follows the regulations established in the Immigration Reform and Control Act of 1986 (ICRA) when hiring new employees. This act requires all new employees to provide proof of their eligibility to work in the United States.

Each new employee, as a condition of employment, must complete the Employee Eligibility Form (I-9) and present documentation establishing identity and employment eligibility. Former employees who are hired within three (3) years of initially completing an I-9 form are not required to complete a new I-9 form if the individual is still authorized to work in the United States. This form must be completed directly following an acceptance of employment, or in no event more than three business days after date of hire. Employees who are authorized to work in the U.S. under certain visas will be required to show proof of continued authorization to work in the U.S. upon expiration of the visas shown when employment began.

## ***Family and Medical Leave Act (FMLA) Policy***

Employees who have been employed by the City for at least 12 months, worked at least 1,250 hours over the previous 12 months prior to the leave, and work at a location where at least 50 employees are employed by the City within 75 miles are entitled to take leave under the Family and Medical Leave Act of 1993 (FMLA).

### **Reasons for taking FMLA Leave**

- Birth and care of the newborn child of the employee;
- Placement with an employee of a son or daughter for adoption or foster care,
- To care for an employee's spouse, son or daughter<sup>1</sup>, or parent who has a "serious health condition";
- The care of the employee's own serious health condition that does not allow the employee to perform the essential functions of his or her job.
- ***Military Leave Entitlements:***

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<sup>1</sup> FMLA defines "son or daughter" to include biological or adopted child, and a "foster Child, stepchild, legal ward, or a child of a person standing *in locus parentis* (those with day-to-day responsibilities to care for and financially support a child).

- ❖ Certain qualifying exigencies<sup>1</sup> arising from the employee's spouse, child or parent who is on active duty or called to active duty status in the Armed Services, National Guard or Reserves in support of a contingency operation; or
- ❖ The care for a spouse, parent, child, or next of kin who is a covered service member with a serious illness or injury incurred in the line of duty while on active duty in the Armed Forces, National Guard or Reserves.

With regard to all FMLA leaves other than leave to care for a covered service member, eligible employees may take up to a total of 12 weeks of FMLA leave during any rolling 12-month period measured backward from the date that the employee uses any family leave. The opportunity to take FMLA for the birth, adoption or placement of a foster child is available to employees for 12 months following the birth, adoption or placement.

If both husband and wife work for the City and both are eligible for FMLA leave, and each takes FMLA qualifying leave for the birth, adoption or placement of a foster child, or to care for an ill parent, both are limited to a joint total of 12 weeks of leave during the applicable 12-month period. If the leave is taken for an employee's own serious health condition, or to care for a child or spouse with a serious health condition, each is entitled to 12 weeks of leave within the applicable 12-month period.

Eligible employees may take up to 26 weeks of leave to care for a covered service member in a single 12-month period of time which begins on the first day of the military caregiver leave. Employees who take leave to care for a covered service member are entitled to a maximum of 26 weeks of FMLA leave of any type during the 12 month period when the employee takes the military caregiver leave. Spouses employed by the City are jointly entitled to a total of 26 weeks of FMLA leave in the applicable 12-month period when (1) military caregiver leave is taken or (2) a combination of military caregiver leave and any other covered FMLA is taken in the 12-month period of time.

Intermittent FMLA leave is available when medically necessary or when leave is due to qualifying exigencies as set forth in this policy. However, intermittent leave is not available for the birth, adoption, or foster care of a child.

If an employee requests leave on an intermittent or reduced leave schedule, the City may require the employee to transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than the regular employment position of the employee.

**Pay Status and Maintenance of Benefits During FMLA Leave**

FMLA leave is unpaid. However, an employee will be required to use any paid leave that they have accrued under the City's vacation or sick leave policies (Note: Accrued unused sick leave can only be used towards an employee's, spouse, parent or child's serious health condition) as part of their FMLA leave entitlement.

After all paid leave has been exhausted, the remainder of the 12-week leave will be unpaid. Employees on unpaid FMLA leave are not entitled to paid holidays. Benefits that operate on an accrual basis (vacation, sick leave) will not be accrued during an unpaid FMLA leave. When a work-related injury qualifies for FMLA leave and the employee is receiving workers' compensation benefits, they will not be required to substitute any paid leave during their absence from work. However, the leave taken for the work-related injury or illness and FMLA will run concurrently.

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<sup>1</sup>Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

When any eligible employee takes an approved FMLA leave, the City will maintain group health coverage for the duration of that leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave.

To the extent allowed under the FMLA and state law, the City reserves the right to recover health insurance premiums from employees who fail to return to work at the end of an FMLA leave.

### **Notice and Medical Certifications**

When the necessity for leave is foreseeable, the employee must provide 30 days notice prior to taking the leave by submitting a completed Request For Family and Medical Leave of Absence form to his/her supervisor. In the event of emergency or unforeseen circumstances, the Request For Family and Medical Leave of Absence form must be completed and submitted to his/her supervisor as soon as practicable (no later than 48 hours after an absence). In addition, an employee is required to provide immediate notice to his/her supervisor of the need for leave from work. If the employee cannot contact his/her supervisor personally, the employee should have someone contact the supervisor on his/her behalf.

Within five business days of the employee requesting FMLA leave or the City learning that an employee's absence from work may be for an FMLA qualifying reason, a "Notice of Eligibility and Rights & Responsibilities" form will be provided to the employee along with a "Certification of Health Care Provider" form if applicable. The City is required to designate a qualifying absence as FMLA leave if the employee is eligible even if he/she did not specifically request FMLA leave. If an employee requesting FMLA leave is not eligible, the City will provide a reason for ineligibility on the "Notice of Eligibility and Rights & Responsibilities" form.

Employees are required to provide medical certification to support a request for FMLA leave in most situations. The Certification of Health Care Provider forms must be completed and returned to Human Resources within 15 calendar days of receiving the request for certification. It is the responsibility of the employee to provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. It is also the employee's responsibility to inform the City if an absence from work is for a reason for which FMLA leave was previously taken or certified during the employee's tenure with the City.

Employees are required to provide periodic reports on their status and intent to return to work every 30 days during a continuous FMLA leave. Employees are responsible for communicating to the City at the beginning of a continuous FMLA leave the anticipated return to work date and to immediately notify the City of any changes in the return to work date. If an employee is unable to return to work on the planned date, then he/she must inform his/her supervisor at least seven (7) calendar days prior to the original expected date of return, or as soon as reasonably possible given the employee's circumstances.

After the employee timely returns the completed Certification of Health Care Provider form, Human Resources will provide the employee in writing with a "Designation Notice" form within five (5) business days, absent extenuating circumstances. The Designation Notice will notify the employee whether the leave will be designated and counted as FMLA leave or not. The Designation Notice may advise the employee that the Certification of Health Care Provider is incomplete or insufficient and, in such cases, will advise the employee what additional information is necessary to make the certification complete and sufficient. The employee will have seven (7) calendar days to cure any deficiency in the certification. If the deficiencies are not cured, the City may deny the FMLA leave and the employee may be subject to disciplinary action for being absent without approved leave.

If an employee does not timely return a completed Certification of Health Care Provider form, the City may deny the FMLA leave until the required certification is provided. If an employee never produces the certification, the leave is not covered by the FMLA and the employee may be subject to disciplinary action for being absent without approved leave.

If the City has reason to doubt the validity of the certification, the City may require, at its own expense, a second, or even third, medical opinion as permitted by the FMLA. Subsequent recertification may be requested consistent with the provisions of the FMLA. FMLA leave request forms may be obtained from Human Resources.

If the requested leave due to a qualifying exigency does not involve medical treatment, the City may request other types of information to verify the need for the leave, including active duty orders.

If the employee is requesting intermittent leave or leave on a reduced schedule, the following certification may be required:

1. For planned medical treatment - the dates on which such treatment is expected to be given and the duration of the treatment;
2. For the employee's own serious health condition - a statement of the medical necessity and the expected duration of intermittent leave or reduced leave schedule;
3. For caring for a spouse, son, daughter or parent of the employee, or a covered service member who has a serious health condition - a statement that the employee's leave is necessary or will assist in their recovery, and the expected duration of the intermittent leave or reduced leave schedule.

While on family leave, an employee must report to the Human Resources every two (2) weeks on their status, including whether they intend to return to work and the date on which they will return to work, if known.

#### **Job Protection and Restoration**

At the end of an FMLA leave, an employee will be restored to the same position or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, employees are subject to the business circumstances of conditions (such as layoffs) that would have applied had he/she been working. Certain highly paid key employees (those employees who are among the highest paid 10% of those employed by the City within 75 miles of the facility at which the employee works) may not be reinstated to the same or equivalent position due to business necessity. If this is the case, the City will notify the employee of his/her "key" employee status, whether they will deny job restoration and why, offer the employee reasonable opportunity to return to work from FMLA leave after giving notice, and make a final determination as to whether reinstatement will be denied at the end of the leave period if job restoration is requested.

If an employee is unable to return on the planned date, then he/she must inform their supervisor or department head of the need for additional leave at least seven (7) days prior to the original expected date of return, or as soon as possible given the employee's circumstances. An employee who fails to return to work on schedule will be considered to have voluntarily terminated their employment effective at the end of the third day of failure to report to work.

If family leave was taken because of the employee's own serious health condition, the City may require the employee to provide certification from his/her health care provider that they are able to resume work. Failure to submit such documentation may delay a return to work.

As with other leaves of absence from the City, FMLA leave may not be used to seek alternative employment opportunities or to fulfill other employment obligations with another employer or through self-employment. All procedures for reporting back to work after FMLA leave must be followed to protect the employee's status.

#### **Nondiscrimination Statement**

The City will not interfere with, restrain or deny the exercise of or the attempt to exercise, any right to leave provided to employees under any applicable law.

The City will not terminate or in any other manner discriminate against any employee for opposing any practice made unlawful by applicable laws providing leaves of absence to employees.

FMLA leave will not be used as a negative factor in employment actions such as hiring, promotions, or corrective action. FMLA leave will not be counted against an employee under the City's attendance policies.

**Miscellaneous**

Misrepresentations made regarding the reason for FMLA leave or using FMLA leave time for purposes inconsistent with the stated reason for the leave is grounds for corrective action up to and including immediate termination.

The City will comply with any state or federal laws that allow more leave than the FMLA. FMLA leave runs concurrently with all other leaves; e.g. any applicable Maternity Leave, Workers' Compensation.

If there are any questions regarding FMLA leave, employees should contact their supervisor.

***Maternity Leave***

As mandated by Tennessee law under the provisions of the Tennessee Maternity Leave Act of 1987 (T.C.A. Section 4-21-408, "Maternity Leave"), both female and male employees of the City who have been employed full-time for 12 consecutive months will be eligible for up to four months of unpaid maternity leave for the purpose of pregnancy, birth, adoption, and caring for the infant. The City will treat maternity leave for anyone with less than twelve (12) consecutive months of service as it would any non-job-related illness or injury.

Except when the employee uses accrued paid leave, maternity leave is otherwise considered and treated as leave without pay. Any maternity leave (whether paid or unpaid) will also be considered and treated as FMLA leave. It should be noted that maternity leave, FMLA leave, workers' compensation leave, and any paid leave an employee utilizes to supplement the unpaid portion of the leave will all run concurrently.

An eligible employee is required to give three (3) months' advance notice (unless prevented from doing so because of emergency medical necessity) of the employee's anticipated date to commence maternity leave, the length of maternity leave he/she plans to utilize, and his/her intentions to return to full-time employment following the leave. The employee must comply with these provisions in order to be eligible for all rights and provisions of the Act.

The employee will be required to exhaust all accumulated vacation leave and compensatory time prior to taking unpaid leave during maternity leave. In addition, employees have the option of being paid any accrued sick leave during a maternity leave, if applicable. No additional vacation leave or sick leave will accrue during the unpaid portion of a maternity leave.

Employees are responsible for maintaining their portion of payments of their insurance premiums. Arrangements must be made prior to departure for timely payments of insurance premiums during the leave time.

Employees returning from maternity leave will be reinstated to their previous position if at all possible. If their previous position is not available, a similar position with similar pay generally will be provided.

***Jury Duty Leave*** (aka Civil Leave)

In accordance with Tennessee state law, regular full-time or part-time employees who are residents of Tennessee (with the exception of temporary employees with the City less than six months), will be granted

paid time off for jury duty provided they give the City advance notice as far in advance as possible of their obligation to serve, and show the summons to their immediate supervisor on the first workday following the receipt of the summons. Jury duty leave with pay will be authorized by an employee's supervisor or department head. The employee will have the option of receiving full pay from the City for jury duty leave by assigning to the City the amount earned from the court. Otherwise, the City will pay the difference between the employee's regular salary and the amount earned from the court. Upon notice of an employee's jury duty summons, the supervisor must then notify the Payroll Administrator.

Employees are also required to notify their supervisor upon completion of their jury duty service. If an employee's jury duty time constitutes less than three hours on any given day, he/she will be required to return to work for the completion of their regularly scheduled shift. Employees whose jury duty service constitutes more than three hours on any particular day will not be required to return to work that day.

If an employee summoned for jury duty is working a night shift or is working during hours preceding those in which court is normally held, such employee will also be excused from employment for the shift immediately preceding the employee's first day of service on any lawsuit. After the first day of service, when such employee's responsibility for jury duty exceeds three (3) hours during a day, then the employee will be excused from their next scheduled work period occurring within twenty-four (24) hours of such day of jury service.

Upon returning from jury duty service, employees will be required to provide written verification to the City of the actual time spent on jury duty and the amount of jury duty pay received before payment under this policy will be made.

### ***Voting Leave***

The City encourages employees to fulfill their civic responsibility by participating in elections. Generally, employees are encouraged to find time to vote either before or after their regular work schedule. However, if an employee does not have three consecutive non-working hours during which they can vote, the City will grant reasonable time off, not to exceed three hours, to employees who are scheduled to work a full shift on Election Day, and request the time off to vote by 12:00 noon on the day before the election.

The City will grant reasonable time off in compliance with applicable state law, to full-time employees who are scheduled to work a full shift on Election Day, and request the time off to vote on the day before the election, as required by applicable state law. The City reserves the right to designate the hours when employees may take voting leave.

### ***Military Leave/Re-employment***

The City will administer military leave and returns from leave in accordance with the [38 USC 4301] Uniformed Services Employment and Reemployment Rights Act (USERRA). An employee of the City who is called to military service, voluntarily or involuntarily, is entitled to military leave with pay while engaged in "duty or training (including weekend drills) in the service of this state, or of the United States, under competent orders." An employee requesting military leave should notify their department head at least two (2) weeks in advance of the leave, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Upon presentation to the City of official orders, the employee (except shift personnel of the Fire Department) will be allowed military leave with pay for any military duty or training not exceeding fifteen (15) working days (120 hours) in any one calendar year (T.C.A. 8-33-109). Employees who are shift personnel of the Fire Department will be allowed military leave with pay for any military duty or training not exceeding seven and one-half (7 ½) shifts (127.5 hours) in any one calendar year. In the event military duty or training exceeds

fifteen (15) days in a calendar year, the employee may request in writing that the excess time be charged to the employee's accrued and unused vacation leave or compensatory time, if any, but not to any accrued and unused sick leave. During an unpaid leave of absence, an employee will not accrue vacation or sick time and will not be eligible for holiday pay.

It will be the employee's responsibility to arrange to attend monthly Reserve or Guard meetings on regular off-time. Employees entering an extended active duty will be paid in accordance with T.C.A. 8-33-109 unless the Board of Mayor and Alderman authorizes pay in addition to the minimum required by law.

Employees ordered or enlisted to full-time military duty will be re-employed in accordance with the provisions of current State and Federal law, including the Uniformed Services Employment and Re-employment Rights Act (USERRA). Upon completion of military service, employees who qualify for re-employment rights and apply for reinstatement within the stated time period based on length of leave, are entitled to be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service. The employee will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Employees seeking job or benefits protection under USERRA must have five years or less of cumulative service in the uniformed services while with any one particular employer; return to work or apply for re-employment in a timely manner after conclusion of service; and must not have been dishonorably discharged.

Additionally, while on a military leave of absence, employees taking military leave are entitled to continue healthcare coverage to the extent such coverage is otherwise provided, for a period of up to 31 days. After 31 days, continuation of health insurance benefits, at the employee's own expense, is available as required by USERRA for up to 24 months, and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible. Upon re-employment from military leave, the employee will be exempt from insurance waiting periods or limitations on coverage for the employee and all covered family members.

Contact Human Resources for more information or questions about Military Leave.

## ***Workers' Compensation***

The City is committed to meeting its obligations under state law to provide medical, rehabilitation, and wage-replacement benefits to all employees who sustain a work-related injury or illness. Injured employees are encouraged to seek prompt medical attention if necessary, and are required to select from a physician on the panel of physicians approved by the City's workers' compensation carrier which is posted in each department. In emergency situations, the most convenient medical service or hospital may be used. It is the employee's responsibility to notify their supervisor or Human Resources immediately if they have a work-related injury or illness, regardless of its severity, or as soon as possible if neither are immediately available. Failure to report a work-related injury or illness in a timely manner could result in no workers' compensation benefits being paid. It is the supervisor's responsibility to file with Human Resources a "First Report of Injury" form on the day of the injury or day of notification by the employee if later, but no later than 30 days after the accident/incident.

The City's Workers' Compensation carrier pays all medical expenses for the treatment of a work-related injury or illness. An employee's group health plan coverage cannot be used to pay for covered work-related injuries or illnesses. Employees are required to communicate with and coordinate all activities (i.e., medical care, restricted duty, return to work, etc.) through Human Resources. Failure to follow proper procedures may result in disciplinary action.

The City pays employees in full for the first seven days of the work-related injury or illness leave. In addition, weekly temporary total disability benefits are paid by workers' compensation if an employee is found to be temporarily totally disabled from working due to the work-related injury or illness. Compensation begins on the date of injury, and is based on 2/3 of an employee's gross average weekly wage for the last 52 weeks worked prior to the injury, subject to the minimum and maximum benefits as provided under Workers' Compensation Law. Employees may supplement the weekly workers' compensation benefits paid to them with a pro-rated amount of any accrued and unused sick, vacation or compensatory time, for the difference between what the employee would have earned, net of deductions, during the comparable portion of the injury leave and the actual amount of the workers' compensation paid to the employee, taking into account the tax free nature of workers' compensation benefits.

Any work time spent at medical or physical therapy appointments as follow-up treatment for any work-related injury or illness will be considered City work and will not be charged against any of the employee's accrued paid leave used to supplement workers' compensation payments.

Light duty work will be required, if available and with a physician's release based upon the light duty job description, for employees on approved leave. Light duty assignments are only temporary and will be paid at the particular job's rate. Worker's Compensation may pay the standard percentage of the difference between the light-duty job and the injured employee's regular rate of pay. Assigned duties while performing light duty/administrative duty work may be different from the employee's normal job description and/or duties.

Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged eligible under the Worker's Compensation Act.

Worker's Compensation leave will be denied if the post-accident Alcohol/Drug test is failed. For further information regarding benefits under this program, please contact Human Resources.

## ***COBRA***

The Consolidated Omnibus Reconciliation Act of 1986 or COBRA, is a federal law that gives a covered employee and their qualified dependents the option under certain conditions of continuing group health care coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment or death of an employee, a reduction in an employee's hours or a leave of absence, an employee's divorce or legal separation, and a dependent child no longer meeting eligibility requirements or a covered employee's entitlement to Medicare. If one of these events occurs, a covered employee and/or his/her qualified dependents must notify Human Resources within 60 days from the date of the qualifying event. If he/she does not, all rights under COBRA will end.

Under COBRA, a covered employee and/or their qualified dependents pay the full cost of coverage at the City's group rates plus an administrative fee. When an employee first becomes eligible for coverage under the City's health insurance plan, he/she will be given a written notice that contains important information about their rights and obligations granted under COBRA.

Questions regarding COBRA should be directed to Human Resources.

# Workplace Standards

## *Code of Conduct*

While most employees conduct themselves in a professional, courteous and enthusiastic manner, it is helpful to establish basic standards of conduct to ensure the best possible work environment for employees. Conduct that is disrespectful or offensive to fellow employees, discredits the City, interferes with business operations, or is deemed by management as adverse to the City's interest, will not be tolerated.

The following general rules on employee conduct have been developed to provide employees with an understanding of what is inappropriate and what disciplinary action may be appropriate if employee misconduct occurs. Disciplinary action will be remedial rather than punitive in nature whenever possible, with the organizational objective of directing and motivating employees to fully carry forth their work obligations to the City. These rules will be fairly and consistently applied considering the seriousness of the infraction, mitigating circumstances, previous work record, and other relevant criteria.

Department heads, under authority delegated by the City Administrator, and in accordance with the provisions of this Policy, may demote, dismiss, reduce in pay, or suspend without pay for not more than thirty (30) calendar days in any calendar year (except that suspensions may be extended pending any investigation and hearing), any employee for any one or more of the reasons listed below. As it is not possible to list every conceivable infraction or to anticipate the circumstances under which the infraction will take place, employees should **not** view the list of rules below as all-inclusive or as specifying the only appropriate discipline.

- Violation of Personnel Rules and Regulations, policies, procedures, or established practice;
- Violation of Federal, state or local law;
- Any form of harassment, including sexual harassment, or any form of discrimination towards a subordinate, co-worker, as well as non-employees, such as visitors, applicants, the general public, suppliers, etc., that is based on an individual's race, color, religion or creed, sex, pregnancy, national origin, citizenship, age, political affiliation, disability, veteran status, genetic information or any characteristic protected by federal, state, or local law;
- Theft, damage, abuse, use, or removal of City property, equipment, or the property of another employee for unauthorized purposes or without permission;
- Gross misconduct;
- Dishonesty of any kind, including falsifying City records or documents or transmitting false information, including omission of relevant information;
- Unlawful possession of or illegal activity relative to firearms, weapons, ammunition, explosives or other dangerous materials while on City premises or off property in the performance of City business;
- Reporting for work under the influence of alcohol or drugs; consumption, possession, trafficking (buying or selling) of intoxicants, narcotics, or drugs on City property while on duty, including any attempt to bring them onto City premises. (Note: If an employee takes any prescribed medication that may compromise their ability to perform their job duties safely and effectively during working hours, they must report it to their manager, in writing);
- Drug abuse, refusal to participate in a City-approved rehabilitation program deemed necessary by the City Administrator based on substantiating evidence, or refusal to submit to pertinent testing in accordance with a city approved drug and alcohol testing program;
- Illegal or unethical actions, such as accepting bribes, kickbacks or other illegal payments, made or received directly or indirectly in connection with your employment with the City;
- Threats of (or actual) violence, both direct and indirect, fighting or horseplay, or conduct that threatens, intimidates or coerces a fellow co-worker at any time, including off-duty periods;
- Unauthorized duplication of City keys, disclosure of passwords or codes;

- Disrespectful or unprofessional conduct or indulging in harmful gossip, bullying and any behavior that is threatening to the team atmosphere. This includes activities on or off City property considered to discredit the City, and/or fellow employees;
- Conviction of a felony or plea of no contest, in any court of law of any crime involving violent or immoral conduct or a misdemeanor reflecting upon the employee's ability to perform public service or for which a jail sentence is imposed;
- Posting online disparaging, discriminatory or defamatory comments when discussing the City, superiors, co-workers, and/or other municipalities. This includes no spam and no remarks that are off-topic or offensive such as ethnic slurs, personal insults, obscenity, or engaging in any conduct that would not be acceptable in City workplaces.
- Reckless driving while on City business;
- Failure to perform assigned duties satisfactorily or insubordination, including the refusal to follow or carry out work instructions given by management, so long as an employee is not placed in a situation of imminent danger by following such work order;
- Failure to practice safe work habits;
- No call/no show; excessive or unauthorized absenteeism, unexcused early departures and/or tardiness;
- An employment history with the City that demonstrates a consistent pattern of disciplinary and/or performance problems and a lack of corrective action by the employee, in spite of documented warnings and counseling efforts by the City to encourage improvement, so as to cause sufficient doubt as to whether continued employment is in the best interest of the individual and/or the City;
- Unauthorized use of telephones, mail system, computer systems, Internet, e-mail or other City provided equipment or systems;
- Unauthorized disclosure of business or other confidential information;
- Unauthorized tape recording without the permission of the City Administrator;
- Unauthorized purchases charged to City accounts.

The misconduct listed above are not the only grounds for discipline or dismissal. For this reason, these rules may be periodically updated, modified and supplemented, with or without notice to employees. While discipline is normally progressive in nature; i.e., oral reprimand, written reprimand, suspension with pay, minor suspension<sup>1</sup>, major suspension<sup>2</sup>, and dismissal, the City reserves the right to dismiss any employee at any time without prior warning as the situation warrants in the sole discretion of the City. In addition, the City reserves the right, based on the severity or serious nature of the offense, to start disciplinary action at steps other than the oral reprimand step for violation of workplace standards. Moreover, it is stressed that all disciplinary situations will be evaluated in light of their individual circumstances, including the employee's overall record of performance.

Failure to observe this policy is itself a serious offense and the City reserves the right to take disciplinary action, up to and including dismissal, even though violations are not specified above. **Neither these rules nor other policies are a contract or other promise of employment, and in no way alter the fact that employment is terminable at-will and can be terminated by either party at any time for any reason not prohibited by law.**

### ***Complaint and Appeals Procedure***

It is the policy of the City to provide a procedure for the presentation of complaints, defined as a dispute, misunderstanding or disagreement that arises involving employees, their supervisor and/or department head and/or the City relative to some aspect of employment, interpretation of regulations and policies or some management decision, including disciplinary actions other than dismissal, affecting the employee.

<sup>1</sup> *Minor suspension: Disciplinary removal from paid status for one (1) to three (3) working days.*

<sup>2</sup> *Major suspension: Disciplinary removal from paid status for four (4) or more working days, but not more than thirty (30) calendar days in any calendar year unless an extension has been made pending any investigation and hearing.*

*A complaint may not arise from any of the following:*

- Personnel actions pertaining to position classifications;
- Pay and/or other forms of compensation including employee fringe benefits, or changes thereto; dismissal; and demotions, transfers and lay-offs because of the abolishment of positions.

### **Complaint Procedure**

The complaint procedure was established to assure employees that their problems and complaints would be considered fairly, rapidly, and without reprisal. The purpose of this procedure is to determine what is fair and just, rather than who is right. The City encourages free and open discussion between employees and supervisors for effective communications and understanding pertaining to work-related matters.

The complaint procedure involves a number of steps, but may be resolved at any step in the procedure by mutual agreement. Notation of any settlement will be signed by all parties and forwarded to Human Resources. Throughout the complaint procedure, whenever a specific number of City business days are allowed to submit a complaint or to respond to a complaint finding, then the “business days” in question will be those normal to the person responsible for the next action. The “business days” do not include days of vacation, sickness, suspension, scheduled days off, etc.

If a complaint develops, the following steps will be taken:

1. The employee should discuss the matter with his/her supervisor as soon as the complaint develops, but must do so no later than within five (5) City business days. The supervisor will make every effort to resolve the matter through oral communication.
2. If the matter is not resolved, the employee must, within five (5) City business days of the employee’s last effort to resolve the matter orally with the supervisor, submit in writing to the supervisor a complete statement as to what the employee feels the complaint to be, and a suggested solution. A designated form must be used for writing complaints. The forms may be obtained from the department head or from Human Resources. The supervisor will respond in writing within five (5) City business days of receiving the employee’s written complaint. At this step and the following steps, if used, copies of the complaint form and the response will be forwarded to the department head.
3. If the supervisor’s response is not satisfactory to the employee, the employee may submit the complaint to the department head within three (3) City business days of receiving the supervisor’s response, following the same procedure as in Step No. 2 above.
4. If the complaint does not pertain to either the employee’s supervisor or another employee who reports to that same supervisor, then the employee may submit the complaint directly to the department head.
5. The department head will provide the employee with a written response within five (5) City business days of receiving the complaint from the employee.
6. If the department head’s response is not satisfactory to the employee, then the employee may submit the complaint to Human Resources within three (3) City business days of receiving the department head’s decision.
7. Human Resources will obtain all information in its entirety from the department head, informally discuss the complaint with the employee, the department head and others as necessary, and determine, in the form of a written memorandum, whether the complaint procedures followed to date have been appropriate and whether the department head’s decision was a reasonable one under the circumstances, all within ten (10) City business days of receiving the complaint from the employee. The determination of Human Resources is not intended to substitute that of the department head on whether and how the employee should be disciplined (if the complaint is due to a disciplinary action). Human Resources will make a copy of the complaint and all responses thereto a part of the City’s official personnel file for that employee. In the event any employee who reports,

either directly or indirectly, to Human Resources, submits a written complaint, or in the event Human Resources submits a written complaint, then no such informal discussion will be held and the matter will be forwarded to the City Administrator as an appeal of a complaint.

### **Appeals Process**

1. If the determination of Human Resources is not satisfactory to either the employee or the employee's department head, one may, within five (5) City business days of receiving the determination, appeal that determination to the City Administrator and request a complaint hearing.
2. The City Administrator will, within two (2) weeks of receiving the written appeal, set the date, time, and location for a complaint hearing, and will notify the employee, the supervisor, the department head, and Human Resources of this information. The complaint hearing will be set for a date that is not less than five (5) City business days but not more than ten (10) City business days after the City Administrator notifies these individuals of the date.
3. It is the responsibility of the employee to appear at the scheduled complaint hearing. If the employee fails to appear and has no justifiable reason for failing to appear, then the appeal will be dismissed.
4. The City Administrator will have the authority to interview witnesses under oath, to compel the attendance of City employees, to require the production of information by employees, and to request attendance and production of information by non-employees. At a minimum, the persons to be interviewed by the City Administrator at the complaint hearing will include the employee submitting the complaint and the employee's supervisor or other person whose action is being reviewed. The aforementioned individuals may provide a list of others whom the City Administrator may also interview to the extent the City Administrator deems it practical and/or necessary to do so.
5. The employee's personal attorney may be present at the complaint hearing. The City Administrator may request the City Attorney to attend the complaint hearing in order to serve in an advisory capacity. The complaint hearing will be audiotape recorded.
6. The City Administrator will have ten (10) City business days from the conclusion of the hearing to render a decision. The decision will be in writing and will include the reasons for the decision. The City Administrator's decision will be final and binding in all cases, except that the decision may be appealed to a court of law of competent jurisdiction.

### **Reinstatement/Reimbursement**

In the event an employee files a complaint regarding a matter involving loss of position, pay, benefits, leave time, etc. and ultimately prevails, then any such position, pay, benefits, leave time, etc. will be reinstated/reimbursed following final resolution of the complaint.

### ***Internet and E-Mail Policy***

The City provides its employees with Internet access and electronic communications services as required for the performance and fulfillment of job responsibilities. Employees must understand that any connection to the Internet offers an opportunity for unauthorized persons to view or access City information. It also opens holes in our network security, which can make us vulnerable to viruses and other types of attacks. Therefore, it is important that all connections be secure, controlled, and monitored.

All electronic mail ("e-mail") is a local government record or property and may be considered a public record, subject to public inspection, under the Tennessee Public Records Act. Employees are advised that they have no legitimate expectation of privacy with regard to their electronic communications.

The City reserves the right to monitor messages and the use of the Internet by employees under certain circumstances listed below. Supervisors have the authority to inspect and extract the contents of any technology equipment, files, calendars, or electronic mail of their subordinates in the normal course of their

supervisory duties upon prior approval of the City Administrator. Employees of the Technology Department have the authority to inspect and extract such content for the reasons listed below.

Reasons for monitoring or retrieving e-mail messages and use of the computer include the following:

1. During the course of an investigation that has been triggered by indications of impropriety;
2. Whenever it is necessary to locate substantive information relevant to a breach of security of the City's computer system;
3. Whenever there may be system hardware or software problems, or for regular system maintenance;
4. Whenever any messages are relevant to a lawsuit or legal action involving the City; and/or
5. Whenever there is reasonable suspicion of a crime or violation of this policy.

Below are the current guidelines for using the City's computer system, the Internet and e-mail. While every effort was used to make this policy comprehensive, any incidents not addressed by this policy will be reviewed on a case-by-case basis using the basic intent of this policy as a guide.

#### **Permitted Use**

Employee access to the City's computer system, the Internet and e-mail are for the purpose of increasing productivity, and not for non-business activities; however, occasional and reasonable personal use is permitted, provided that this does not interfere with the performance of work duties and responsibilities. Employees may use the City's Internet services for personal improvement, outside of scheduled hours of work, provided that such use is consistent with professional conduct, and is not for personal financial gain. Employees may send and receive e-mail attachments that do not exceed 10 MB in size. All attachments are scanned before they are opened by the City's chosen antivirus software.

#### **Prohibited Use**

Employees are prohibited from using the City's computer system in the following manner or to view, download, save, receive, or send material related to or including:

- Promoting discrimination on the basis of race, color, religion or creed, sex, pregnancy, national origin, citizenship, age, political affiliation, disability, veteran status, genetic information or other protected characteristics as required by all applicable federal and state laws, or local law, regulation, or ordinance;
- Composing, forwarding, or sending e-mail that contains sexually explicit images, messages or pictures, racial, religious or ethnic slurs, sexual or off-color jokes, or harassing, intimidating, abusive or offensive material to or about others;
- Threatening or violent behavior;
- Gambling or illegal activities;
- Messages of a religious or political nature;
- Intercepting, eavesdropping, recording, or altering another person's e-mail message;
- Forwarding e-mail chain letters;
- Adopting the identity of another person on any e-mail message, attempting to send e-mail anonymously, or allowing another person to use your electronic identity for e-mail, access to the Internet or access to the City's computer network;
- Accessing inappropriate Internet web sites such as ones that display pornography except in the normal course of the employee's job duties and assignments;
- Misrepresenting yourself or your affiliation with the City in an e-mail message;
- Using e-mail for any personal financial gain, commercial or promotional purposes, including personal messages offering to buy or sell goods and services;
- Spamming e-mail accounts from the City's e-mail system or City machines;
- Sending or knowingly receiving any software in violation of copyright laws.

The above list of examples should not be considered all-inclusive.

## **Responsibilities**

Employees of the City are responsible for:

- Honoring acceptable use policies of networks accessed through the City's Internet and e-mail services;
- Abiding by existing federal, state, and local telecommunications and networking laws and regulations;
- Following copyright laws regarding protected commercial software or intellectual property;
- Minimizing unnecessary network traffic that may interfere with the ability of others to make effective use of the City's network resources;
- Not overloading networks with excessive data or wasting the City's other technical resources.

## **Violations**

Violations will be reviewed on a case-by-case basis. If it is determined that an employee has violated one or more of the above use regulations, that employee will receive a reprimand from his/her supervisor and his/her future use will be closely monitored. If a gross violation has occurred, management will take immediate action. Such action may result in the employee losing Internet and/or e-mail privileges, severe reprimand, or termination of employment with the City.

## ***Software/Hardware Policy***

All City employees are expected to take reasonable precautions to protect against the unauthorized access or illegal use, disclosure, modification, duplication and/or destruction of any information or technology resource under their control.

### ***Specifically this includes, but is not limited to:***

- Understanding and complying with the security rules of any technology systems used;
- Using available mechanisms and procedures to protect his/her own information and information under their control;
- Not providing or allowing inappropriate access to information, and not discussing it with others;
- Obtaining appropriate authorization for restricted information to which he/she needs access;
- Maintaining confidentiality of ID's and passwords;
- Applying the City's standard copyright notice, as appropriate, on certain documents, electronic files, reports, messages and spreadsheets that are created on behalf of the City.

All Company technology resources, including computers, software, computer files, and your use of the City's network are subject to review and monitoring, and your use of these is considered consent to this policy, and to management's right to review and monitor such usage.

Employees should not copy software loaded on any City computer and take it off the premises for personal gain. Likewise, employees should not bring in or download any unauthorized outside vendor software to be installed on the City's machines. Any unauthorized software brought in will be subject to confiscation, and will not be returned. Employees found installing outside software will be subject to immediate disciplinary action, up to and including termination, even for first offense. The following software programs that are not authorized include, but are not limited to, Real Player, Pagoo, Jet-Audio, Napster, Atomica, iMesh, SurfT, Spedia, Hot Text, Bonzi Buddy, Hot Bar, Gozilla, Limewire, Morpheus, Kazaa, Webshots, and Gator. The absence of, or lack of explicit reference to a specific software program does not limit the extent of the application of this policy. These applications compromise our security and anti-virus protection. In addition, no one is allowed to listen to Internet music, or view videos on the Internet unless it is business related. These programs use up too much of our available bandwidth and slow down legitimate network traffic.

Disabling installed security/monitoring software on City computers is prohibited. Software or computer files may not be taken out of the office for use by others, or removed or copied from any City computer or network onto a flash drive or other portable device unless authorized.

If employees suspect that their machine might have a virus or suffer any other computer malfunction, notify the Network Administrator immediately. Also, if an employee wants or needs new software, he or she should request approval from their supervisor.

City employees learning of any misuse of software or related documentation should notify his or her supervisor immediately. Any evidence of violation of this policy, security breach, or use of the City's hardware or software for an illegal purpose (including but not limited to unauthorized use of copyrighted materials or licensed software) may result in disciplinary action, up to and including termination.

## ***Telephone Policy***

Telephones (including both land-line and mobile), pagers, and voicemail, are intended for use by employees and officials of the City for the conducting of the City's official business. The occasional personal use of such technology, both during and after normal working hours, is acceptable so long as it does not interfere with the employee's job duties and is not used in such a manner as to incur any direct expense upon the City. Excessive personal calls during the workday are discouraged, regardless of the phone used, as they can interfere with productivity, be distracting to others, and can be a safety hazard. Long distance calls are to be limited to business purposes at all times.

### **Voice Mail**

Voice mail message length should be kept to a minimum. City employees are expected to establish, maintain, and review their respective voice mail on a regular basis, including but not limited to, providing a professional greeting and/or notice of extended absence from accepting calls due to travel, vacation, etc.

### **Wireless Phones, PDA's, Smart Phones and Pagers**

Where job or business needs demand immediate access to an employee or City official, the City may provide a wireless phone, PDA, smart phone and/or pager to the employee for work-related communications and such devices should be used primarily for business purposes. Each employee will be given the usage limit expectation. This usage will be monitored on a regular basis and excess usage will require justification. If an employee is determined to be abusing the City-provided devices, he/she will be asked to refrain from over usage and possibly to reimburse the City for the excessive use. If the abuse continues, the employee may lose their wireless device and/or be subject to disciplinary action.

There should be no expectation of privacy on the employee's part as to these wireless phones or devices, and the City reserves the right to inspect the calls, texts and messages sent and received using these phones or devices in order to confirm that they are being used for business purposes. Employees are also expected to protect any City-provided wireless phones or devices from loss, damage or theft.

Employees, while driving a vehicle on City business or as part of their job-related duties, are expected to refrain from using any wireless device (i.e., wireless phone, PDA, smart phone, pager, etc.) as much as possible. Safety must come before all other concerns, and the use of a hands free device or headset is strongly encouraged as a safety measure. Employees should use discretion in placing or accepting calls when driving. If practical, pull off to the side of the road and safely stop the vehicle before placing or accepting a call. When this is not possible, consider letting voicemail answer the call, and call back later.

Texting or e-mailing while driving on City business is extremely dangerous and is strictly prohibited. Employees should at all times follow applicable state and local laws with regards to wireless phone usage, texting, and e-mailing while driving. If an employee is charged with a traffic violation resulting from the use

of his/her wireless device while driving, he/she will be solely responsible for all liabilities that result from such actions.

### **Return of Wireless Devices**

Upon resignation or termination of employment or at any time upon request, the employee may be asked to produce the City-provided wireless phone or devices for return or inspection. The City will maintain the telephone numbers for all wireless phones or devices provided.

Employees who violate this policy will be subject to disciplinary action, up to and including, termination of employment.

## ***Social Media Policy***

The City respects the rights of its employees to use blogs and other social media tools not only as a form of self-expression, but also as a means to further the City's business. It is important that all employees are aware of the implications of engaging in forms of social media and online conversations that reference the City and/or the employee's relationship with the City and its reputation in the community, and that employees recognize when the City might be held responsible for their behavior.

The best advice is to approach online worlds in the same way we do the physical one – by using sound judgment and common sense, by adhering to the City's values, and by following the City's Code of Conduct Policy and all other applicable policies. In general, what an employee does on their own time is their affair. However, activities in or outside of work that affect an employee's job performance, the performance of others, or the City's business interests are a proper focus for City policy.

The following activities are specifically prohibited per City policy. An employee may not record, film or take pictures while inside City facilities or outside on City property without prior approval from the PR Department. In addition, managers or supervisors may not use social media to provide references or recommendations or make comments regarding current or former employees.

### **Social Computing Guidelines**

The following guidelines have been developed for social media participation, and apply to all City employees who participate in, create or contribute to blogs, wikis, social networks, virtual worlds, or any other kind of social media. It is essential that employees understand and follow these simple but important guidelines. Whether logging into Twitter, Yelp, Wikipedia, Linked In, Plaxo, U-Tube, YouTube, MySpace or Facebook pages, or comment on online media stories — these guidelines are for all employees. The absence of, or lack of explicit reference to a specific site does not limit the extent of the application of this policy. Where no policy or guideline exists, employees should use their professional judgment and take the most prudent action possible. An employee should consult with his/her manager or supervisor if they are uncertain.

1. The employee should be transparent and state they work for the City. Honesty will be noted in the social media environment. If writing about the city, an employee should use his/her real name, identify they work for the City, and be clear about their role. If an employee has a vested interest in what they are discussing, be the first to say so. Also, write in the first person. The employee must make it clear that he/she is speaking for him/herself and not on behalf of the City. For example, use a disclaimer such as this: "The postings on this site are my own and don't necessarily represent the City or the City's positions, strategies or opinions."
2. An employee must never represent him/herself or the City in a false or misleading way. All statements must be true and not misleading; all claims must be substantiated.
3. Post meaningful, respectful comments. In other words, do not post online "disparaging, discriminatory or defamatory comments when discussing the City, an employee's superiors, co-workers, and/or other municipalities. Please, no spam and no remarks that are off-topic or offensive such as ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be

acceptable in City workplaces. Show proper consideration for others' privacy and for topics that may be considered objectionable or inflammatory—such as politics and religion.

4. Use common sense and common courtesy. For example, it's best to ask permission to publish or report on conversations that are meant to be private or internal to City. Make sure any effort to be transparent doesn't violate the City's privacy, confidentiality, and legal guidelines for external commercial speech. If unclear as to the propriety of a post, it is best to refrain and seek the advice of management.
5. An employee should stick to his/her area of expertise and feel free to provide unique, individual perspectives on non-confidential activities of the City.
6. When disagreeing with others' opinions, keep it appropriate and polite. If in a situation online that looks as if it's becoming antagonistic, do not get overly defensive and do not disengage from the conversation abruptly. An employee should feel free to ask his/her supervisor for advice and/or to disengage from the dialogue in a polite manner that reflects well on the City; if a mistake is made, be the first to correct it, and don't alter previous posts without indicating that this has been done.
7. If writing about other cities, make sure to behave diplomatically, have the facts straight and the appropriate permissions.
8. Never comment on anything related to legal matters, litigation, or any parties the City may be in litigation with.
9. Never participate in social media when the topic being discussed may be considered a crisis situation. Even anonymous comments may be traced back to the employee or the City's IP address. Refer all social media activity around crisis topics to the City Administrator.
10. An employee should be smart about protecting him/herself, their individual privacy, the City and any confidential information. An employee's online presence reflects upon the City. Be aware that actions captured via images, posts, or comments can reflect that of the City. What is published is widely accessible and will be around for a long time, so consider the content carefully. Google has a long memory.

Remember that there are always consequences to what an employee publishes. An employee publishing something that is related to the City's business, he/she should feel free to discuss it with their supervisor. Ultimately, however, the employee has sole responsibility for what is posted to his/her blog or published in any form of online social media.

Failure to follow this policy may result in disciplinary action, up to and including termination.

### ***Use of City Owned Vehicles***

Employees and officials of the City are prohibited from using city-owned vehicles for personal use except as provided herein. Certain employees may be authorized by the Board of Mayor and Alderman or the City Administrator to take a City vehicle home and are therefore authorized to commute to and from work in their assigned vehicle (i.e., Emergency service department heads due to being on call 24/7). In addition, certain de minimis (i.e negligible) personal use of a City vehicle that does not materially increase the number of miles a vehicle is driven is acceptable. Examples of de minimis personal use include stops for meals taken in the course of employment or, for employees with authorized take-home vehicle, stops on the way to and from home along the normal commuting route.

City-owned vehicles not being used for commuting purposes or after normal business will be secured on City property unless temporarily located elsewhere, such as for maintenance.

In accordance with Internal Revenue Service rules and regulations, personal use of a City-owned vehicle may, depending upon the type of vehicle and type of personal use, be subject to taxation. The City will follow applicable IRS guidelines in taxing personal use of a City-owned vehicle.

All employees and officials are expected to refrain from using any wireless device (phone, PDA, smart phone, pager, etc.) while operating a City vehicle. If “hands-free” equipment is provided, employees are expected to use such equipment when appropriate. See Telephone Policy for further information. Violation of this policy may result in disciplinary action up to and including termination of employment.

### ***Use of City Time, Facilities, Resources or Position***

No city official or employee may use or authorize the use of City time, facilities, supplies, inventory, materials, tools, machinery, equipment or other resources for private gain or advantage to himself/herself or any other private person or group; provided, however, that this prohibition will not apply when the Board of Mayor and Alderman has authorized the use of such resources of the City, and the City is paid at such rates as are normally and customarily charged by private sources for comparable services.

No City official or employee may make or attempt to make private purchases, for cash or otherwise, in the name of the City, nor use or attempt to use status as a City employee to secure unwarranted privileges or exemptions.

### ***OSHA/Workplace Safety***

It is the policy of the City to provide a safe and comfortable work environment for all City employees. The City has established workplace safety procedures and regulations that comply with regulatory requirements and are intended to increase safety consciousness among all employees. The City maintains constant vigilance of all safety programs, and where safety standards are found to be deficient, the City will take immediate action to correct the situation. The safety of all employees and the public is a high priority of the City.

While the City Administrator retains overall responsibility for oversight of the City’s safety program, a Workplace Safety Committee under the direction of Human Resources, will have the responsibility to recommend implementation of plans and programs for approval by the City Administrator to meet compliance of State safety standards and laws. These plans and programs will be at least as effective as the Federal and State standards on the same issues and will include the following:

1. The OSHA Committee members and/or Human Resources will have the right to enter, at any reasonable time, any work area under the control of the City, and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment, and materials therein, and to question privately any supervisor or employee.
2. Human Resources or the OSHA Committee Chairman may require the attendance of employees, and may interview employees and require the presentations of evidence, under oath, for the purpose of confirming or supplementing findings.
3. The City emphasizes the necessity for all employees to recognize and report safety and health problems, to avoid unsafe conditions, and to learn and practice acceptable safety techniques.
4. All employees will be informed of applicable procedures and standards set forth by the Tennessee Occupational Safety and Health Act.

### ***Workplace Violence***

It is the intent of the City to provide a workplace that is free from violence by establishing preventative measures, holding perpetrators of violence accountable and by providing assistance and support to victims. Committing a violent act, whether on-duty or off-duty, has the potential to impact an employee’s ability to perform their job.

**Workplace violence** includes, but is not limited to, intimidation, bullying, stalking, threats, physical attack, domestic violence or property damage and includes acts of violence committed by City employees, Officials, visitors, the general public, vendors, relatives, acquaintances, or strangers, against City employees in the workplace.

This policy applies to all employees, and to the conduct of an employee while functioning in the course and scope of employment as well as off-duty violent conduct that has a potential adverse impact on a City employee's ability to perform their assigned duties and responsibilities.

It is a violation of this policy to engage in workplace violence as defined herein; to use, possess or threaten to use a weapon during a time covered by this policy (except in the case of a sworn police officer acting within the confines of his/her duty); and misuse authority vested to any City employee. When a threat has been reported or management determines that a potential for violence exists, management may require an employee to undergo an assessment to determine the risk of danger. An EAP can assist by facilitating referral to an appropriate resource for this assessment.

The City will make efforts to protect victims of workplace violence by offering available security measures, and will make accommodations or adjustments to the victim's work schedule, location or working conditions to the extent possible and appropriate to enhance their safety. Management is expected to offer support to victims of workplace violence, which includes domestic violence. This support includes referral to the EAP, if available, and discretion to grant leave time for medical, court or counseling appointments related to trauma and/or victimization. Leave time options include vacation, sick or compensatory time or leave without pay.

A violation of this policy will be considered unacceptable personal conduct as provided in the Code of Conduct policy. Acts of violence in the workplace as defined herein, as well as acts of off-duty violent conduct may be grounds for disciplinary action, up to and including dismissal.

This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence. Employees are required to report all acts of violence or threats of violence or retaliation to their immediate supervisor, department head, Human Resources, the City Administrator or other City Official with whom they feel most comfortable. All reports of violence or retaliation will be promptly investigated, and handled in a confidential manner to the extent possible, with information released only on a need-to-know basis. Management will be sensitive and responsive to the reporting employees' fear of reprisal.

## ***Smoking Policy***

Smoking in public buildings of the City is restricted in accordance with state law, and in order to provide a clean and healthy environment for all employees and visitors and to promote a positive impression of the City operations with the general public. It is the intent of this policy to address and be sensitive to the preferences of both smokers and nonsmokers.

This smoking policy applies to all employees, City officials, citizens, vendors, and visitors while inside any City controlled building or space including the Municipal Center, Service Center, Public Library, Safety Center East and all Fire Stations. This policy also applies to City vehicles. It does not apply to open-air facilities unless prohibited under other policies.

Smoking is permitted immediately outside City buildings, but is expressly prohibited in any enclosed area in a City building. Outdoor ash receptacles can be found at public entrances and outdoor smoking areas, and are to be used to properly extinguish and dispose of cigarettes or other tobacco products, rather than using the sidewalks or surrounding grounds, which is not permitted. Employees will be allowed an opportunity to smoke during lunch and during usual and customary permitted breaks provided to all employees.

Complaints of violation of this policy should be made to the appropriate department head or the City Administrator and all complaints will be kept confidential.

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of both smokers and nonsmokers. All employees share the responsibility of adhering to and enforcing the policy. Employees who are found smoking inside enclosed areas will be considered in violation of this policy and subject to disciplinary action. Visitors or others who violate this policy will be advised by security or management personnel of the policy and requested to extinguish smoking materials or to move outside.

### ***Dress Code***

The City expects all employees to dress in a manner that is appropriate to the duties and responsibilities of their positions and conveys an image of self-pride, pride in the organization, and respect for other employees and the public. Non-uniformed administrative and office staff should wear business-casual clothing. On Fridays, casual attire is acceptable for such staff. Excepting apparel meeting prior approval of the City Administrator, "Casual attire" specifically does not include shorts; athletic wear, such as sweat shirts, sweat pants, jogging suits and sports jerseys; printed T-shirts, or sleeveless shirts; overly worn, torn or tattered clothing; and the like. Jeans are acceptable on Fridays only.

Non-uniformed administrative and office staff who are spending a significant portion of a particular day outside or engaged in manual labor indoors may wear more casual clothing on that day. Other non-uniformed employees who spend a greater part of each or nearly every day outside may wear more casual clothing on a regular basis, subject to the approval of the employee's department head.

### ***Outside Employment***

No regular, full-time officer or employee of the City may accept any outside employment without written authorization from the City Administrator. Subject to recommendation of the Department Head, the City Administrator will not grant such authorization if the work is likely to interfere with the satisfactory performance of the employee's duties, or is incompatible with City employment, or is likely to cast discredit upon or create embarrassment for the City.

### ***Political Activity***

All City employees are free to enjoy the same rights of other citizens of Tennessee to be a candidate for and to hold any federal, state, or local political office, except for any elected office of the City; and to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. However, employees of the City may not participate in any such political activities while on-duty for the City; and may not use City equipment or resources either on or off duty while participating in political activities.

Any willful violation or violations through negligence of this policy will be sufficient grounds for the discharge of any employee guilty of such violation.

### ***Business Dealings***

Except as noted below, no City officer or employee may be privately interested in or profit, directly or indirectly, from business dealings, with, of, or by the City.

Regular full-time, part-time, and temporary employees of the City may, subject to the approval of the City Administrator, contract to perform services for the City by meeting the following criteria: (1) the service

performed must not be any service which the employee might provide in the normal scope of his/her regular duties; (2) the employee is required to bid or submit a proposal in the same manner as any other prospective provider of service; and (3) the service performed must not present a conflict of interest nor a conflict of time with the employee's regular duties.

### ***Acceptance of Gratuities***

No City official or employee may accept any money or other consideration or favor from anyone other than the City for the performance of an act which the official or employee would be required or expected to perform in the regular course of employment; nor may any official or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be an attempt to influence the individual's actions with respect to City business.

### ***Emergency Department Provisions***

Due to the emergency and paramilitary nature of their work, the Fire and Police Departments may have supplemental rules and regulations that are more stringent than rules and regulations applied to employees of other departments. Those supplemental rules and regulations will not be inconsistent with the City's rules and regulations and are subject to review and approval by Human Resources and the City Administrator.

### ***Employee Licenses and Certifications***

All employees are responsible for maintaining current and valid licenses and certifications necessary to perform job duties. For example, any employee required to operate a City vehicle or equipment must possess the appropriate type of valid driver's license at all times. Any employee receiving a salary supplement for certification as an emergency medical technician is responsible for recertifying himself/herself on a timely basis. Any expiration or revocation of valid licenses or certifications, required for the job or for which a salary supplement is received, must be reported immediately to the employee's supervisor.

An employee's failure to immediately report expiration or revocation of a required certificate or license will be subject to disciplinary action in accordance with the City's Discipline Policy. The City will conduct periodic checks of required licenses and certification to ensure employees keep them valid and current.

### ***Inclement Weather***

Generally, inclement weather does not routinely warrant the closing of City facilities. Conditions caused by ordinary inclement weather require each employee to make a personal decision regarding the ability to travel safely to and from work. The City will allow non-emergency employees to make up the lost work time in the same work week (with department head approval) or utilize vacation leave, compensatory time or leave without pay (but not sick leave) if the employee believes it is not safe to travel to the workplace.

Non-emergency employees who make the effort to travel to their workplace and who report to that workplace within a reasonable period of time, under the circumstances, and who make up the lost work time in the same pay period (with department head approval) will not be required to use such leave for any such reasonable delay in arriving to the workplace.

In the event of extraordinary emergency conditions caused by extreme inclement weather which is dangerous or which causes treacherous travel conditions for employees and citizens, the City Administrator may choose not to open or to close City facilities early. In such a circumstance, with

approval of their department head, non-emergency employees may choose to report to work and perform their job-related duties and responsibilities and be paid for their time. Alternatively, they may choose not to report to work during this time.

### ***Medical Fitness for Duty***

Each employee of the City must be medically fit for regular and unrestricted duty to perform the essential duties and job functions as specified in the City's current job description for that employee's position. If an employee of the City is found, in the context of a medical evaluation, either routine or for cause, to be medically unfit for regular and unrestricted duty and unable to perform the essential duties of their current job, even with reasonable accommodation, then that employee will be placed on leave effective immediately. This leave may be considered as leave pursuant to the Federal Family and Medical Leave Act (FMLA), if and to the extent the employee is eligible for such leave and the medical condition qualifies as a serious health condition. An employee on such leave may not return to regular and unrestricted duty unless determined to be medically fit by a physician or other licensed health care professional of the City's choosing. The City will work with the employee and the health care professional to accommodate within reason the needs of the employee in order to avoid, if and as practicable, the need for the employee to be placed on leave in the first place. If not practicable, then the City will work with the employee and the health care professional to have the employee return to work as soon as possible. Temporary restricted duties as part of a graduated return-to-regular-duty plan if and as necessary may be allowed, but only at the discretion of the department head and the City Administrator.

If an employee's medical condition is determined by the City to be work-related, then the employee's leave will be handled as with any other work-related injury (see Workers' Compensation). If the medical condition is determined to be non-work-related, then the leave will be considered and treated as paid leave if the employee is full-time and has any accrued and unused vacation or sick leave and/or compensatory time. If an employee has exhausted all paid leave as well as all unpaid FMLA leave, he/she may petition for unpaid leave (see Leave of Absence Policy.)

If an employee has not returned to work for temporary restricted duty as part of a graduated return-to-regular duty plan or found to be medically fit to return to regular, unrestricted duty and all paid and unpaid FMLA leave have been exhausted, then employment with the City may be terminated, effective upon the exhaustion of the type of leave last remaining.

Nothing contained herein precludes an employee from applying for any other employment position with the City for which the employee is qualified and for which the City has a currently posted job vacancy.

### ***Employee Identification Cards***

Every City employee will be issued a photo identification card on their first day of employment. Uniformed employees of the Police and Fire Departments will not be required to have their identification card visible while in uniform, but must have the card in their possession while on duty. While not in uniform, these employees must have their identification card visible while at work or otherwise on City property, at the discretion of the department head.

## Administrative Guidelines

### ***Work Hours***

The normal working hours for each employee of the City will be established by that employee's department head, subject to the approval of the City Administrator. Normal daytime working hours for administrative employees and office staff will match or closely approximate the normal and customary public office hours for their respective offices, subject to the approval of the City Administrator. Except for shift personnel of the Fire Department and Police Department, full-time employees of the City will be scheduled to work forty (40) hours per week. Shift personnel of the Fire Department will be scheduled to work seven 24-hour-on/48-hour-off shifts per three calendar weeks.

### ***Employee Status***

The City defines employee classifications in order for employees to understand their employment status and benefit eligibility. Employees are designated either Non-exempt or Exempt from federal and state wage and hour laws. Non-exempt employees are employees paid on an hourly basis and are entitled to overtime pay under specific provisions of federal and state laws. Exempt employees are employees paid on a salary basis and are excluded from specific provisions of federal and state wage and hour laws. Exempt employees typically are not eligible for overtime pay, but may be compensated on a straight time hourly basis, if approved by the City. Any questions concerning an employee's classification, should be directed to Human Resources.

In addition to the above categories, each employee will also belong to one of the following employment categories:

#### **Introductory Employee**

An employee who has not yet completed their introductory period (six (6) months from date of hire), in which they are required to demonstrate fitness for the position by actual performance. While all introductory employees receive all legally mandated benefits (such as Workers' Compensation and Social Security), they are ineligible for the City's benefit package. Upon satisfactory completion of the introductory period, employees will be transferred to regular full-time or part-time status, and eligible for benefits, as applicable.

#### **Regular Full-Time Employee**

An employee that is regularly scheduled to work 37.5 or more hours per week is designated as a regular full-time employee. The City's benefit package is available to anyone who works a minimum of 37.5 hours per week.

#### **Regular Part-time Employee**

An employee that is regularly scheduled to work less than 37.5 hours per week is designated as a regular part-time employee. The City's benefit package is available to employees who regularly work a minimum of 37.5 hours. Regular part-time employees will be paid an hourly rate for all hours worked up to forty hours per week, and will be paid time and one-half (1 ½) times their regular hourly rate for all hours worked over forty (40) hours per week. All regular part-time employees are eligible for market pay adjustments as specified for all employees, however, they do not receive City-provided benefits.

#### **Temporary Employee**

A temporary employee is any employee hired to work on a temporary basis (such as a seasonal employee or as a replacement for an employee on leave of absence), regardless of the number of hours worked per week. Temporary employees are not eligible for the City's benefit package, but are eligible for legally mandated benefits (such as workers' compensation and social security). Those employees, who are leased to the City through temporary agencies, are not eligible for any benefits through the City. Temporary employees are

eligible for market pay adjustments as specified for all employees. After six (6) months of employment, a temporary employee's status will be re-evaluated and may be converted to regular employee status, reinstated as a temporary employee or dismissed. Temporary employees may be dismissed at any time without right of appeal as provided herein for regular employees.

### ***Introductory Period***

All new employees work on an introductory basis for the six (6) months after their date of hire. This introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance, and to determine whether the new position meets their expectations. The introductory period is also an integral part of the City's evaluation process and is used by management as an opportunity to evaluate the new employee's capabilities, work habits, and overall performance to determine whether he/she is suited to the new job. During this time the new employee will be provided with training and guidance to aid the employee in adjusting to their new position. The introductory employee may be dismissed at any time during this period if the supervisor concludes that the employee's performance or attendance fails to meet acceptable standards.

Salary adjustments may be made during the introductory period depending upon progress in performance or upon completion of training phases.

### **Evaluation and Completion of Introductory Period**

The supervisor will evaluate the performance of the introductory employee, except newly sworn personnel of the Fire and Police departments, by no later than the end of the sixth month. Newly sworn personnel of the Police Department will be evaluated by their respective supervisor on a schedule determined by the department. Newly sworn personnel of the Fire Department will be evaluated by their respective supervisor by the end of the third, sixth, and twelfth months. Additional evaluations may be completed prior to these intervals, if necessary, to address performance problems.

The evaluations will be documented on a designated form. Upon completion of the introductory period, the department head will review the evaluations and recommend to Human Resources and to the City Administrator whether regular full or part-time status should be conferred, the introductory period extended for up to six (6) additional months, or the employee dismissed.

### **Dismissal of Introductory Employees**

The at-will relationship is in effect at all times, meaning that there is no guaranteed employment with the City from an employee's date of hire, during or after the introductory period. Completion of the introductory period does not guarantee continued employment with the City for any specific time or duration and may be terminated at-will, with or without cause, and without prior notice by the City with no right to appeal as provided for regular employees who have satisfactorily completed their introductory period. Likewise, the introductory employee may end the employment relationship at-will, with or without cause or advance notice. This Handbook does not create a contract of employment between the City or its employees.

### **Transferred or Promoted Regular Employees**

A current regular employee of the City will be placed in an introductory training status for up to six (6) months (up to twelve [12] months if to a sworn position in the Police Department or the Fire Department) from the time of a transfer or promotion to determine if the employee is qualified for the new position. If performance is not satisfactory in the new position, then the employee may again be transferred if a position for which the employee is qualified is available. The City will make every reasonable effort to provide continued employment for the employee. However, the City makes no guarantee that a position will be available for such employee. The introductory training status will not deprive the employee of any benefits that would have been received had the employee not been placed on training status (provided the employee successfully completed the initial introductory period from the first date of hire).

## ***Rehired Employees***

The City is pleased to consider applications for open positions from former employees who had satisfactory performance and attendance records, and left their employment with the City in good standing. A former employee that was terminated for cause is not eligible for rehire. Former employees will be subject to the same hiring guidelines as new employees, regardless of their length of separation from the City.

With respect to benefits:

- Rehired employees will have to satisfy the same eligibility requirements as a new employee for the calculation of the service awards and vacation.
- However, if an employee returns within a one-year period and left his/her previous employment in good standing, they will be given credit for previous service with respect to service awards and vacation.
- If an employee returns within a five-year period, he/she will be given credit for previous service with respect to the City's Pension plan.

## ***Reference Checks***

We may receive requests for employment references and employment verification inquiries from outside organizations. Responses to such inquiries will be provided by Human Resources for all employees, and will be limited to an employee's dates of employment and position(s) held. No other employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

As an employee, do not under any circumstances respond to requests for information regarding current or former employees. A request for a reference, should be forwarded to Human Resources for a response. Do not respond to requests for recommendations on social networking sites regarding current or former employees at any time.

The City may receive requests for employment references and verifications from other employers or organizations. Responses to such inquiries will confirm dates of employment, positions held and the last rate of pay. A former employee's request for additional information to be disclosed should be submitted in writing to the attention of the City Administrator.

## ***Paydays and Direct Deposit***

Our payroll week begins at 12:00 a.m. midnight Sunday and ends at 11:59 p.m. on Saturday. All employees are paid bi-weekly on a Friday. Each paycheck will include earnings for all the work performed to date. If a regularly scheduled payday falls on a holiday recognized by the City as a day off, payday will be the day before the holiday.

All newly hired employees of the City will be required to have their payroll checks deposited directly into a designated checking and/or savings account at the financial institution of their choice. Direct deposit pay stubs are distributed on paydays reflecting the hours, pay, and deductions for the particular pay period.

## ***Deductions From Pay***

### **Mandatory Deductions**

The law requires deductions to cover federal, state, and local income taxes and Social Security/Medicare (FICA). These deductions are made automatically and will be itemized on the paycheck stub. The amount of the deductions may depend on the employee's earnings and on the information furnished on the employee's W-4 form regarding the number of dependents/exemptions claimed.

Any change in name, address, telephone number, marital status, or number of exemptions must be reported to Human Resources immediately to ensure proper credit for tax purposes. The W-2 form received each year indicates precisely how much of an employee's earnings were deducted for these purposes.

Any mandatory deductions to be made from an employee's paycheck may include court ordered deductions such as garnishments, child support payments, and tax liens, will be explained to the employee whenever the City is ordered to make such deductions.

### **Voluntary Deductions**

The City offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs. Any questions concerning deductions and how they are calculated should be directed to Human Resources.

### ***Errors in Pay and Improper Deductions***

The City prohibits deductions from the pay of a salaried-exempt employee based on the quality or quantity of work performed or any other reason that is inconsistent with pay on a salary basis under federal wage and hour regulations. Subject to certain exceptions, a salaried-exempt employee must receive his or her full salary for any week in which he or she performs any work without regard to the number of days or hours worked. Exceptions to this general rule include the following:

- Deductions from pay when absent from work for one or more full days for personal reasons, other than sickness or disability.
- Deductions from pay for absences occasioned by sickness or disability so long as the City maintains a bona fide leave plan, policy or practice that provides compensation for loss of pay occasioned by such sickness or disability. Deductions for such full day absences may be made, for instance, before the employee has qualified under the plan or after the employee has exhausted his/her leave under the plan.
- Deductions from pay for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules (for example, violation of the City's Anti-Harassment Policy) or infractions of safety rules of major significance.
- Deductions from pay may also be made for weeks if an unpaid leave of absence is taken.

The City need not pay a salaried-exempt employee for any workweek in which he/she performs no work. The City will not make deductions from the pay of a salaried-exempt employee for absences occasioned by jury duty, attendance as a witness, or temporary military leave. The City can offset any amounts received by an employee as jury fees, witness fees, or military pay for a particular week against the salary due for that particular week.

The City is not required to pay the full salary of a salaried-exempt employee in the initial or terminal week of his/her employment if the employee works a partial week during such week. In addition, the City is not required to pay the full salary of a salaried-exempt employee for weeks in which an exempt employee takes unpaid leave under the Family Medical Leave Act.

Every effort is made by the City to avoid errors in an employee's paycheck. If an employee believes he/she has been subjected to an improper deduction from their paycheck, he/she should notify their direct supervisor and/or manager immediately of the alleged improper deduction. If an employee does not feel comfortable going to his/her supervisor, they may inform Human Resources. An investigation will be conducted to determine if the City has made an improper deduction from the employee's paycheck, and if one has been made, the employee will be promptly reimbursed for the improper deduction.

Retaliation against any employee who comes forward to make a good faith complaint about any payroll discrepancy or claim of improper salary deduction is strictly prohibited, and may result in disciplinary action up to and including termination.

### ***Time Sheets***

Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is the time actually spent on the job performing duties. All City employees are responsible for completing a time sheet and are encouraged to document their time daily to ensure more accurate time sheets.

Altering, falsifying, tampering with time sheets, or recording time on another employee's time sheet may result in disciplinary action, up to and including termination of employment.

All employees should submit their time sheets to their immediate supervisor for approval. He/she will review and verify the initial time recorded per pay period before it is submitted for payroll processing. If any corrections or modifications are made to the time sheet, both the employee and the supervisor will be made aware of the changes prior to final submittal. The supervisor will instruct the employee to make the appropriate changes or modifications to the time sheet if applicable.

### ***Overtime and Compensatory Time; Emergency Call-Outs***

Overtime is computed and paid according to current Federal Fair Labor Standards Act criteria and regulations. Overtime must be authorized by prior approval of the department head, other authorized department designee, or the City Administrator, except in the case of an emergency.

Non-exempt employees required to work overtime may be compensated with time off (compensatory time) or paid for such overtime. Except for shift personnel of the Fire Department, overtime, whether paid or exchanged for compensatory time, will be computed on the basis of one and one-half times the regular rate of pay for the hours worked in excess of forty (40) hours per week; eighty-six (86) hours per two weeks for sworn police officers. Overtime for shift personnel of the Fire Department, will be computed on the basis of one and one-half times the regular rate of pay for hours worked in excess of 216 hours per twenty-eight (28) day pay period.

The forty (40), eighty-six (86) or Two Hundred Sixteen (216) hours, as the case may be, must be actual hours worked. Time off for sick, holiday or vacation will not be considered hours worked for the purposes of calculating overtime. Non-exempt employees may accumulate up to a maximum of forty (40) hours of compensatory time. If an employee who has reached the maximum compensatory time accrual of forty (40) hours earns additional overtime before any of the accrued compensatory time can be used, said additional overtime will be paid in cash at the rate of time and one-half. All non-exempt employees called in for overtime will be guaranteed pay or compensatory time for a minimum of two (2) hours.

If a non-exempt employee is called back to work for an emergency after the normal work shift has ended and after the employee has left the work premises, then compensation for the extra hours worked will be at a rate of one and one-half times the regular rate of pay, including a reasonable length of time to travel to work. The department head will determine whether the work is of an emergency nature, and will determine whether the travel time is reasonable.

Regular full-time and regular part-time employees who are in executive, administrative, or professional positions as defined by the Fair Labor Standards Act are exempt from the overtime provisions of the Act. Therefore, the City is not legally required to compensate these employees, either through overtime pay or compensatory time, for extra hours worked.

## ***Kelly Day and 28 Day Tour***

The City's Fire Department uses the Kelly Day and 28 Day Tour of Duty system, as used by many fire departments all over America. The tour consists of nine (9) twenty-four (24) hour shifts for two (2) of the shifts and ten (10) shifts for the third. Thus, with the hourly calculations of physical time on the twenty-four (24) shifts, this translates into 216 hours in a tour of duty for two of the shifts and 240 hours for the third. With the 240 hours for the third shift a term "Kelly Day" is hereby instituted with 24 hours given off duty at a later time. This time is awarded by the City and is scheduled by upper management of the City's Fire Department.

The Fire Chief and Deputy Fire Chief reserve the sole right of rescheduling a Kelly Day for any employee to accommodate any type of scheduling, training, etc. For all shift personnel during a tour, the maximum threshold hours for the Federal Standards are 212 hours. It is the opinion of the City that four hours of overtime, to be paid at one and one half time the hourly rate of said employee, will be paid on the initial check after the Tour of Duty is complete, provided there are 216 hours of physical work for that tour. As for the additional 24 hours earned by the third shift, this time is awarded again with 24 hours of scheduled time off.

This 28 Day Tour of Duty is on a rotating basis using a 365 day standard calendar year. Thus, two (2) of the shifts will earn four (4) twenty-four (24) hour shifts off per year with the other shift earning five (5). This event will be on a constant rotation with no shift or personnel having bias in this event. If in the Tour of Duty an employee takes off accrued leave of any amount this will change the 4 hours of one and one-half times of the amount of pay to regular hourly pay. THE SCHEDULED KELLY DAY DOES NOT CHANGE THE RATE OF PAY OR HOURS EARNED. IT HAS ALREADY BEEN EARNED.

Any unpaid leave or suspension without pay will decrease the employee's hours of work and excludes the employee from earning overtime and/or the Kelly Day in the tour. All shift employees must have, in a 28 Day Tour of Duty, any combination of accrued leave and physical time at work to achieve 216 hours; an employee who is assigned to the shift that works the 10 shifts in the Tour of Duty accrued leave and physical time at work must achieve 240 hours total.

## ***Access to Employee Records***

Human Resources maintain a confidential personnel file on each employee. These files include such information as the employee's job application, resume, records of training, documentation of performance appraisals, salary increases, other employment-related documents, and proceedings of any and all hearings and appeals as they relate to personnel administration.

Personnel files are the property of the City, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the City, who have a legitimate reason to review information in a file, are allowed to do so. Employees who wish to review their own personnel file, should schedule an appointment with Human Resources.

## ***Personnel Data Changes***

It is important to keep personnel files up-to-date with regard to an employee's pay, deductions, benefits, and other matters. If an employee has a change in any of the following items, he/she should notify Human Resources as soon as possible:

- Legal name
- Home address or telephone number
- Person to call in case of emergency
- Number of dependents
- Marital status

- Change of beneficiary
- Driving record or status of driver's license, if required to drive while on City business
- Military or draft status
- Exemptions on W-4 tax form

### ***Absenteeism and Tardiness***

All employees are expected to maintain satisfactory attendance and report to work on time every day they are scheduled to work. Unscheduled absences, late arrivals, and early departures should be kept to a minimum as they are disruptive, and detract from the City's ability to meet its commitments.

Whenever an employee is unable to arrive at work on time, or in the case of an emergency or sudden illness or some other reason that would prevent an employee from reporting for scheduled work, the City requires that the employee call his/her immediate supervisor as soon as possible prior to the beginning of the employee's scheduled work shift or by 9:00 a.m. the morning of his/her scheduled shift, of the anticipated tardiness or absence. An employee who has a planned absence must request time off as far in advance as possible.

Employees are not permitted to leave work early without the permission of their supervisor.

If an employee anticipates that he/she will require more than three days off due to his/her own illness, he/she must communicate to their supervisor how many days he/she anticipates needing. The employee is responsible for requesting FMLA forms, to be completed after three consecutive days of absence. The City may designate an employee's absence as FMLA, if the employee is eligible for leave, and the absence is based on an FMLA qualifying reason, even if the employee did not specifically request FMLA. Absences or instances of lateness covered by an employee's use of approved FMLA leave are not considered grounds for disciplinary action. For detailed information about FMLA's requirements and procedures, refer to the Family and Medical Leave Act Policy in this handbook or contact Human Resources.

The City reserves the right, when the employee is out due to his/her own illness, to require a note from the employee's physician, which authorizes his/her return to work.

Failure to report to work on time, departing early and frequent absences without an acceptable reason, are cause for discipline and, and if continued, dismissal. Non-exempt employees are not paid for time lost due to unexcused absence or tardiness and are expected to make up the time lost during the week or to take the time off as vacation or compensatory time. Exempt employees must cover whole and half day absences that are not approved leave time, with vacation or compensatory time. Half day absences will not be deducted from a salaried exempt employee's paycheck, but will accrue until a full day's absence occurs, and then it will be deducted from their pay.

Any employee who fails to report to work without notice for three consecutive days will be considered to have voluntarily terminated employment, effective at 5:00 p.m. on the second day of unreported absence.

### ***Rest and Meal Periods***

All regular full-time and introductory employees are provided with one unpaid meal period each workday. Lunch periods vary among departments, depending on department needs or to accommodate operating requirements. If rest or meal periods are not directly assigned, employees should coordinate with their supervisor to maintain adequate coverage at all times.

Employees are expected to take the full-allotted time for their rest or meal period, and are requested not to eat at their desks or perform any work during this time. In the unlikely event of an emergency or unusual

condition, a supervisor may ask an employee to change or postpone their rest or meal period in order to accommodate operating needs. In that event, the rest or meal period will be rescheduled, the employee will be paid for the time worked.

This policy does not apply to positions that by their nature provide sufficient opportunity to rest or take an appropriate break, including but not limited to salaried managers and those in supervisory positions.

The City will provide reasonable unpaid break time each day to an employee who needs to express breast milk for their infant child, as long as it does not unreasonably disrupt the operations of the City. The break time, if possible, will run concurrently with any break time already provided to the employee. The City will make reasonable efforts to provide, if possible, a room or other location in close proximity to the work area, other than a toilet stall, where the employee can express breast milk in privacy.

### ***Performance Evaluation Program***

We believe that conducting a performance appraisal is an essential element in an employee's personal growth and development in order to help integrate their career planning with the needs and goals of the City. An important part of the review process is a discussion with the employee's supervisor, which includes a written appraisal of the employee's performance. Performance appraisals provide both the employee and their supervisor the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

While this Handbook does not describe the process in detail, it does address that a performance evaluation will be conducted formally at least once each fiscal year for each regular full-time and part-time employee. Frequent informal discussions with an employee's supervisor are also encouraged to ensure that issues or problems are addressed as they occur as opposed to saving or delaying feedback for the annual review.

If, at any other time, an employee is concerned about his/her progress or any other matters of concern regarding their employment, these should be discussed immediately with the employee's supervisor. The City believes this is extremely important in order to make an employee's employment with the City a satisfying experience.

Employees are required to sign their evaluation forms to verify that the employee has had an opportunity to discuss the evaluation with the employee's supervisor. All evaluations become part of the City's official personnel file for that employee. Individual performance evaluations are subject to the Tennessee open records law. All merit-based pay raises are preceded by and based upon a completed performance evaluation.

### ***Hiring Policy***

It is the policy of the City to promote qualified employees to more responsible positions whenever possible. When a vacancy exists, the department head will submit a Personnel Requisition to Human Resources for approval by the City Administrator before the vacancy is advertised or posted internally. The recruitment and selection of an applicant for employment will be based upon that individual's qualifications, competency and potential, and will not be influenced by race, color, religion or creed, sex, pregnancy, national origin, citizenship, age, political affiliation, disability, veteran status, genetic information or any other protected status under federal or state law. Individuals may be recruited from a wide geographic area to assure obtaining well-qualified applicants for various types of positions.

#### **Examinations**

All appointments may be subject to competitive examination which will fairly and impartially test those matters relative to the ability and fitness of the applicant to efficiently perform the duties of the positions to

be filled. Human Resources will make reasonable accommodations in the examination process to disabled applicants requesting such accommodations.

After a conditional offer of employment and prior to the first day of employment with the City, all new hires will be required to undergo and pass a medical examination to determine physical fitness to perform the essential functions of the position they have been offered, and may, depending upon the position, include drug testing. Certain public safety positions may also require successful completion of a psychological exam and/or a polygraph/voice stress analysis, as required by law.

### **Residency Requirements**

Due to the nature of the job and the possibility for emergency call-back, all sworn personnel of the Police and Fire Departments must reside within 60 miles of the city limits. Any newly sworn employee of the Police and Fire Department who does not reside within 60 miles of the city limits at the time of hire must, as a condition of employment, establish residency within 60 miles within six (6) months of date of hire.

### **Background Checks**

The City will conduct appropriate background checks on all final candidates for employment. The scope and nature of this background check may vary based upon the type of position being filled. After a conditional offer of employment, candidates for certain positions may be required to undergo a background check completed by an independent company under contract with the City.

## ***Nepotism***

Except as authorized by the City Administrator due to a lack of acceptable and practical options, no applicants for employment will be hired and no employees will work or be placed in positions within the same department or under the direct or indirect supervision or accountability of a member of their immediate or extended family<sup>1</sup> as related through blood, adoption, or marriage.

If two employees in the same department or under the same direct supervision or accountability should marry or otherwise become in violation of this policy then these employees will be asked to determine which of them will transfer within ninety (90) days to any vacant position for which the employee is qualified and which would resolve the violation of the City's nepotism policy. An employee who is allowed to transfer under these circumstances must meet the minimum qualifications of a vacant, budgeted position and must have had an overall satisfactory rating on the last performance evaluation. If such a transfer cannot be arranged within ninety (90) days for either of the employees, then the employees will be asked to determine which of them will leave City employment. In the event the employees cannot determine between them who will leave, and if a transfer cannot be arranged, then the employee with the longer length of service with the City will be retained and the other will be dismissed.

## ***Job Postings, Transfers and Promotions***

Human Resources is responsible for the public posting of all authorized positions, as they become vacant for the purpose of informing City employees.

The transfer or promotion of an employee within that employee's department or from one department to another will be reviewed and coordinated by the affected department heads and Human Resources. Inter-department transfers or promotion are subject to the approval of the employee's department head and the City Administrator. Transfers between departments will be made only after evaluating whether the transfer

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<sup>1</sup> Per the Nepotism policy, immediate and extended family includes the following: spouse, son/daughter, father/mother, aunts and uncles. In addition, immediate family includes any other person residing within the employee's household who is a legal dependent of the employee for income tax purposes.

is in the best interest of the City and the employee, and are subject to the approval of the City Administrator. Generally, employees are not eligible for promotions or transfer to another department during their introductory employment period.

## ***Separation from Employment***

### **Voluntary Resignation**

Any employee may resign from City service by presenting a letter of resignation to the department head. A minimum two-week written notice is considered appropriate notice. The original resignation letter will be forwarded to Human Resources to be filed in the employee's personnel file.

Any unauthorized absence from work by an employee for a period of three (3) consecutive working days may be considered by the department head as a voluntary and immediate resignation by that employee.

### **Retirement**

The City's policy conforms to federal regulations that prohibit mandatory retirement. Employees become vested for pension benefits after five (5) years of full-time employment and will be eligible for benefits upon retirement based on their age, number of years of employment, and the average of the member's five (5) highest consecutive years of salary. Complete details of the TCRS pension benefits are available from Human Resources.

### **Lay-off**

Termination of employees due to a reduction in the workload or abolishment of positions in the classification plan will be avoided if at all possible. Lay-offs will be made within classes of positions, and all temporary employees in the affected class or classes will be laid off prior to the lay-off of any introductory or regular employees. The order of lay-offs of regular employees will be determined by the department head in consultation with Human Resources and as approved by the City Administrator. In cases where all other factors are equal, seniority will be used to determine the lay-off priority, with lay-offs being affected in reverse order of seniority. For the purpose of determining order of lay-off where seniority is a factor, total cumulative time will include time served on military leave.

### **Discharge**

Under a variety of circumstances, an employee may be discharged without notice for offenses which include, but are not limited to, failure to perform adequately the duties and responsibilities of the job; flagrant neglect of work; insubordination; possession of or being under the influence of alcohol or illegal drugs while on City business or property; harassment, theft, violation of City policy or for any other action having an adverse impact on the work and the reputation of the City. This provision does not alter the employment at-will relationship and the City's right to terminate employment with or without cause or advance notice.

The City compensates persons leaving the City's employment for any reason, including retirement, for any balance of accrued vacation leave not taken. This compensation is based upon 100% of the employee's ending regular rate of pay. A final paycheck will be issued to any discharged or resigning employee on the next regular payday.

All Company property issued to an employee, such as equipment, laptop computer, wireless phone, keys, etc., must be turned in to the employee's manager prior to his/her final day of employment, or whenever it is requested by the manager or member of management. Any property not turned in prior to the employee's final separation may result in further action by the City to recover such items or may result in the deduction of the value of such property from the employee's final paycheck.

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) states that terminated employees and their covered dependents, if applicable, may continue group health coverage under the City's plan beyond

the date it would normally be terminated. See COBRA under 'Required Programs and Policies' for further information.

It is the employee's responsibility to notify Human Resources of any change of address so the income tax form (W-2) and/or other important documents may be forwarded to them.

## Employee Benefits

### **Holidays**

All active full-time employees, both regular and introductory, will receive the following twelve (12) paid holidays:

- New Year's Day
- Martin Luther King Day
- President's Day
- Good Friday,
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve
- Christmas Day

The holiday schedule does not apply to shift personnel of the Fire and Police departments because they are required to work when their scheduled shift falls on any City-observed holidays. Such employees will receive compensation as described below under holiday pay. Part-time and temporary employees are not eligible for holiday pay.

If a holiday falls over a vacation, holiday pay will apply instead of the vacation pay that otherwise would have been applied. If a recognized holiday falls on a Saturday or Sunday, eligible employees will observe the holiday either the Friday before or Monday after the holiday as designated by the City.

### **Holiday Pay**

Except as described below for shift personnel of the Police and Fire Departments, employees whose normal work schedule includes working on a recognized holiday will be paid at their regular hourly rate for each hour worked on the holiday, and provided another scheduled day off in lieu of the holiday or be paid at a rate of two and one-half times their normal wage rate for the hours worked on the holiday with the approval of the department head. Any non-exempt employee, other than shift personnel of the Fire and Police departments, who work on a holiday due to an emergency or for operating efficiency, will be compensated at one and one-half times their regular rate of pay for the actual hours worked that day, regardless of the number of hours worked that week, in addition to the regular holiday pay.

All shift personnel of the Police and Fire Departments, regardless of whether they actually work a regular shift which falls on a recognized holiday, will accrue one day of additional vacation leave in lieu of each City observed holiday, and will be paid at their regular hourly rate for any hours actually worked on that holiday.

In order to receive pay for an observed holiday, an employee must work on or have an excused and paid absence from the normal work day preceding and following the holiday. Absence due to illness may require a doctor's statement. Holiday pay and/or holiday credit is not available to employees on unpaid leave of absence.

## ***Vacation Leave***

All active full-time employees, both regular and introductory, will accrue vacation leave monthly, but will not earn these hours until the employee's anniversary date. Vacation leave earned in an employment anniversary year will be taken during the next employment anniversary year.

Vacation Leave will be computed on the number of standard work hours in a week. For vacation leave purposes, the term "workday" as it applies in this section shall be computed on an eight hour basis for forty (40) hour per week employees and twelve (12) hours for uniformed Fire Personnel on a 28 day cycle.

| <b>Years of Service</b> | <b>40 Hour Employee<br/>Vacation Hours Earned</b> | <b>24/48 Hour Fire Personnel<br/>Vacation Hours Earned</b> |
|-------------------------|---|--|
| 1-5 years               | 6.667 hours per month                             | 10 Hours per month   |
| 6-11 years              | 10 hours per month                                | 15 Hours per month   |
| 11+ years               | 13.334 hours per month                            | 20 Hours per month   |

Temporary and part-time employees are not eligible for vacation benefits.

Employees should submit requests for vacation leave to their department head at least two weeks prior to taking leave. Every effort will be made to grant the vacation time desired as long as operational requirements can be met despite the employee's absence. Vacation leave must be taken at a minimum of ¼ hour (15 minute) increments.

The maximum number of vacation hours which may be carried over each anniversary date is 80 hours. In cases where City operations have made it impractical for an employee to use vacation time, the department head, with the approval of the City Administrator, may authorize accrual beyond 80 hours. Employees will be paid for any unused vacation leave upon termination of employment.

## ***Sick Leave***

All active full-time employees, both regular and introductory, will accrue sick leave monthly at the rate of one (1) working day for each completed month of service. Shift personnel of the Fire Department will accrue twenty-four (24) hours of sick leave per month of service. There is no limit on the amount of sick leave that may be accrued, and must be taken at a minimum of ¼ hour (15 minute) increments. During the first and last months of service or any months during which the employee was on an approved Leave of Absence, an employee must be in a paid status with the City for at least 80% of the month in order to accrue sick leave for that month. Employees may not borrow against future sick leave before it is earned and accrued. Sick leave taken that extends beyond earned sick leave credits will be charged to vacation leave or to leave without pay.

Sick leave may be used for the personal illness or treatment of illness of the employee or immediate family<sup>1</sup> member, non-occupational injury, or absence due to pregnancy, childbirth, or related medical conditions. A pro-rated amount of any accrued and unused sick leave may also be used to supplement any workers' compensation benefits paid to the employee for the difference between what the employee would have earned, net of deductions, during the comparable portion of the injury leave and the actual amount of the workers' compensation paid to the employee. Sick leave may not be used as personal time, or at any time while an employee is at work on a second job, regardless of health status.

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<sup>1</sup> Immediate family under the Sick Leave Policy includes the following: spouse, son/daughter, father/mother or others consistent with the intent of this policy and subject to the approval of the City Administrator. In addition, immediate family includes any other person residing within the employee's household who is a legal dependent of the employee for income tax purposes.

In order to utilize sick leave, an employee must notify his/her immediate supervisor or the department head no later than two (2) hours before the beginning of the scheduled work shift for departments with twenty-four (24) hour service. Employees in other departments must notify their supervisor or their department head no later than fifteen (15) minutes before the beginning of the scheduled work day.

If the absence is for three (3) consecutive working days or longer, a written statement from a licensed physician may be required. Additionally, after the equivalent of five (5) days of sick leave have been taken in any twelve (12) month period, the department head may require a physician's statement for the approved use of any sick leave during the next twelve (12) month period.

### ***Bereavement Leave***

Regardless of length of employment, regular and introductory full-time active employees will be allowed up to three (3) days' leave in the event of the death of an immediate family member<sup>1</sup>.

Bereavement leave will not prevent employees from receiving the annual attendance bonus if one is budgeted and approved by the Board of Mayor and Aldermen.

For deaths of other relatives, one (1) day will be allowed. If additional time is justifiable as determined by the employee's department head, it may be charged to sick or vacation leave at the discretion of the department head.

### ***Leave of Absence***

The City is aware that special problems of a personal nature often prompt employees to request a leave of absence. In general, leaves of absence are discouraged because the City cannot guarantee to hold the employee's job open while he/she is gone. All regular employees who have completed the introductory period are eligible for a leave of absence. The following practices will apply to leaves of absence:

1. A leave of absence will not be granted to introductory, temporary, seasonal or part-time employees.
2. Absences up to two (2) work weeks will not be considered a leave of absence but rather an "excused absence" without pay.
3. A request for a leave of absence must be in writing, and given to the employee's supervisor.
4. Each request for a leave of absence must be evaluated in advance by the employee's department head, Human Resources, and the City Administrator. The City will grant or deny the petition based on the factors of the individual case.
5. A leave of absence will not exceed six (6) months. Failure to report back to work at the expiration of any leave of absence, without approval, will be considered a voluntary termination of employment. If this occurs, the date of termination will be considered the last day worked before the leave commenced. A leave of absence may be extended upon written request if circumstances justify and merit approval by the respective department head, Human Resources, and the City Administrator.
6. After returning from a leave of absence, the City will make every effort to return an employee to their same job. However, the nature of the position may necessitate hiring someone else to fill the position. Therefore, the City cannot guarantee re-employment after a leave of absence. The City will ask the employee to return to work prior to filling the employee's former position.
7. During an unpaid leave of absence, employees will not receive credit for or accrue any paid holidays, vacation leave or sick leave.

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<sup>1</sup> Immediate family members under the Bereavement policy are as follows: spouse, son/daughter (in-law), father/mother (in-law), brother/sister (in-law), grandparents and grandchildren, aunts and uncles. In addition, immediate family includes any other person residing within the employee's household who is a legal dependent of the employee for income tax purposes.

8. After a four-week unpaid leave of absence, all group insurance benefits will end, but may be continued under COBRA, with the employee assuming the full cost of all benefits (except in the case of an approved Family and Medical Leave of Absence – see policy for further details). Any questions pertaining to insurance coverage during a leave should be discussed with Human Resources prior to going on a leave of absence.

### ***Vacation Leave Donations***

Full-time employees are eligible to receive voluntary donations of vacation leave from other employees within the limits and under the provisions provided in this section. To be eligible, an employee must be unable to work due to a non-work related, serious personal health condition which is expected to cause the employee to be absent from work for at least 40 hours more than the employee has accumulated in paid leave time (e.g. vacation, sick, and compensatory time). Medical certification will be required.

The receiving employee must exhaust all available sick, vacation, and compensatory time before donated vacation leave may be credited. Donated vacation leave will be paid at 100% of the receiving employee's current hourly pay rate regardless of the hourly pay rate of the donating employee.

Employees qualifying to receive donated vacation leave may receive only that amount of donated leave which, when combined with the employee's paid leave time available at the start of the absence, totals 480 hours. Once all available paid leave and any donated vacation leave up the maximum allowed, has been exhausted, the employee will be placed on leave without pay status.

Employees donating vacation leave must complete a donation authorization form. There is no mandatory minimum balance for vacation time.

If multiple employees volunteer to donate vacation leave to the same employee and the employee does not ultimately use all of the donated leave, the leave used will be deducted proportionately from the vacation leave balances of those who volunteered based upon each donating employee's share of the total leave donated. Any unused donated leave will be returned to the donating employees.

### ***Employee Benefit Programs***

The City offers benefits to help protect and provide security for employees and their family, based on options selected. All employees classified as regular full-time, and part-time employees who are regularly scheduled to work over thirty-seven and one-half (37.5) hours per week, as well as City officials, are eligible for the benefit programs described below following a 90-day waiting period

Temporary and seasonal employees will receive all legally mandated benefits (such as Workers' Compensation and Social Security), but are ineligible for the City's benefit package.

The City will periodically review the benefit programs, and make modifications as appropriate based on costs and the City's fiscal condition. The City reserves the right to unilaterally add, change or delete the benefits or change the cost-sharing arrangement as set forth in this Handbook at any time for any reason at its discretion.

In the event of an employee's termination of employment with the City or loss of eligibility to remain covered under the City's group health insurance program, the employee and their eligible dependents may have the right to continued coverage under the health insurance program for a limited period of time at their own expense. (See COBRA.)

### **Group Health and Dental Insurance Programs**

Medical and dental benefits are available to all eligible full-time and part-time employees, as well as City officials. The City pays the total premium cost for health insurance for employee only or family coverage. The premium cost for dental coverage for employee only coverage is fully paid by the City. If an employee elects family coverage, he/she will pay the difference between the employee only coverage and family coverage using pre-tax dollars.

Those covered individuals on an unpaid leave of absence in excess of four (4) weeks (except in the case of an approved FMLA leave) may continue coverage under COBRA, with the employee assuming the full cost of all benefits.

Active employees and officials who continue working past age 65 have the option of continuing coverage or withdrawing from coverage under the group plan and choosing coverage under the federal Medicare system, assuming all other Medicare eligibility conditions have been met. An active employee or official who chooses coverage under Medicare will be eligible for Medicare supplement reimbursement benefits under the same terms and conditions as provided for eligible retirees over age 65. Medicare supplement reimbursement benefits will cease upon retirement unless the employee or official qualifies for continued benefits as provided under the Retiree Health Insurance Program.

Specific details on coverage and benefits are outlined in the Summary Plan Descriptions for the medical and dental plans, which are provided to employees during the benefit enrollment process. Please contact Human Resources for eligibility and enrollment information.

#### **Group Life Insurance Program**

Life insurance benefits are provided to eligible full-time and part-time employees and City officials the first of the month following 90 days of employment. This insurance is payable in the event of an employee's death and is fully paid by the City. Payment will be made to the beneficiary, as designated by the employee. An employee may change their beneficiary whenever they wish by submitting the appropriate documents to Human Resources.

Until an employee reaches the age of sixty-five (65), the amount of life insurance coverage provided will be \$25,000 for each covered participant. After age sixty-five (65), the amount of life insurance for a covered participant may be reduced from time to time in accordance with the current insurance policy and in compliance with the federal Age Discrimination Act.

To the extent allowed under the City's group life insurance policy in effect at the time of disability, employees who become totally disabled as defined by the policy may be eligible for a waiver of premium benefit which will allow their life insurance to remain in effect after the employee is no longer in a paid status with the City. The specific terms, conditions, and availability of this waiver of premium benefit will be governed by the terms of the policy.

Refer to the literature provided by the insurance company for details on the life insurance coverage.

#### **Supplemental Insurance**

Several different types of supplemental insurance programs are available for purchase by employees through payroll deduction. These programs presently include, but are not limited to, accident insurance, cancer insurance, hospitalization insurance, long-term care insurance, and life insurance. See Human Resources for eligibility and enrollment information.

#### **Pension Plan**

The City participates in the Tennessee Consolidated Retirement System (TCRS). The plan is contributory, meaning employees make a 5% direct contribution to the plan. The City makes contributions to the TCRS on the employee's behalf. Employees become vested after five (5) years of full-time employment and will be eligible for benefits upon retirement based on their age, number of years of employment, and the average of

the employee's five (5) highest consecutive years of salary. Complete details of the TCRS pension benefits are available from Human Resources.

### **Disability Retirement Benefits under TCRS**

In the event that an employee becomes totally and permanently disabled and is unable to work, the employee may be eligible for disability benefits from the Tennessee Consolidated Retirement System (TCRS). In order to be approved for disability benefits by the TCRS Board of Trustees, certain requirements must be met:

1. Minimum of five (5) years of creditable service with the retirement system;
2. Be ineligible for a service retirement benefit; and
3. Be unable to engage in gainful employment due to a medically determined total physical or mental disability.

Disability retirement benefits for employees who become disabled while in service will be paid in accordance with the TCRS provisions in place at that time.

An employee who meets the criteria above and whose disability is the result of an accident or physical violence occurring while in the performance of duty, without negligence on the employee's part, may be retired on an accidental disability retirement allowance. There is no minimum service requirement for this benefit; however, the accident must have been job-related. Accidental disability benefits will be paid in accordance with TCRS provisions in place at that time.

Employees who meet the requirements for disability retirement benefits are urged to contact Human Resources for assistance in filing for benefits.

### ***Educational Leave***

An employee may be granted educational leave, with pay, to attend special educational programs that are job-related. Requests for educational leave must be in writing and approved by the department head and the City Administrator.

### ***Credit Union***

City employees have the opportunity to be affiliated with the Family Advantage Credit Union if they so desire, but it is not required.

### ***Service Awards***

The City values and recognizes continued loyalty and service to the City. In appreciation for regular full-time employees' years of service, the City will provide an appropriate gift to those employees who have met their five, ten, fifteen, twenty, and twenty-five year anniversaries.

### ***City-Supplied Equipment and Uniforms***

The City provides or pays a portion of the cost of the necessary equipment and uniforms for field employees to carry out their day-to-day work. In addition, the City provides laundering service for City issued uniforms provided to certain employees of the Public Works, Water & Sewer, and Parks & Recreation Departments.

If an employee loses or damages the equipment or uniforms, other than in the line of duty, or if they are not returned in good condition at the time of termination, the City may require the employee to pay for replacement items.

### ***Recreational Benefits***

Regular full-time employees of the City are eligible for individual memberships to Williamson County Recreation Center at no cost to the employee. Family memberships are available on a reduced-fee basis. Eligibility for this benefit begins on the date of hire. Employees joining Williamson County Recreation Center are subject to all Williamson County Recreation Center policies and organizational rules.

# Operating Procedures

## ***Travel Policy***

This guideline provides procedures and policies concerning travel for City employees. The City Administrator has been assigned specific responsibility to approve in advance all overnight travel requests and to ensure that all department directors adhere to these guidelines. General responsibility for these guidelines is assigned to all traveling employees.

The City will reimburse authorized travelers for travel expenses on official City business and for employee training/professional development. Travel authorization will be made subject to the following criteria in order of priority and the availability of budgeted funds:

1. For official City business, eligible expenses will be paid in *full* upon department head recommendation.
2. For an employee required by law or certification requirements to attend in-service training programs, eligible expenses will be paid in full upon department head recommendation.
3. For an employee who has a career development/educational training plan which is agreed to by the department head and Human Resources, or is expected to attend a professional association meeting due to an official capacity with the group, eligible expenses will be paid in *full*.
4. For an employee who has substantial departmental responsibility (i.e., department head, senior professional staff, or equivalent) and desires to attend a regional or national professional association meeting, eligible expenses will be paid in full for attendance to one such meeting per year.

### **Air Travel**

The City will pay for economy class air transportation when it is determined to be the most convenient and economical mode of travel based on the distance involved, as well as the travel time away from City duties. Unless circumstances prevent advance registrations, employees should make airline reservations at least 21 days in advance of their expected travel date in order to achieve the maximum available discount. Copies of the airline ticket receipt and boarding passes must be attached to the travel expense report.

### **Private Vehicle**

On occasion, it may be necessary for an employee to use a private vehicle for business purposes, but this practice is discouraged except in those cases when a City owned vehicle is unavailable. In such instances, the City will reimburse the employee for mileage traveled at the prevailing IRS mileage rate allowed from origin to destination of business and return, plus necessary and appropriate mileage at the destination of business.

Travel between office and home is not a reimbursable business expense. If required to travel from the office to another location, such travel is a proper business expense. If the traveler does not report to the office, but goes directly to another location, the mileage in excess of what would normally be traveled between home and the office will be reimbursed.

Expenses associated with using private vehicles for business travel, such as parking, tolls and other expenses, must be documented with receipts for reimbursement. Employees will not be reimbursed for any fines for traffic violations, parking tickets, and costs incurred because of accidents, including the cost of repairs or breakdowns on the road. In no event will reimbursement for use of a private vehicle, meals, and lodging while in transit to and from destination exceed the cost of economy class airfare.

### **City Owned Vehicles**

Arrangements for using City owned vehicles must be made in advance through the appropriate department head to avoid scheduling conflicts. The traveling employee should also request the use of a City gasoline credit card. If a City gas card is unavailable, actual receipts must be submitted for reimbursement showing fuel, lubricants, and other services required.

**Rental Cars**

The cost of a rental car may be assumed by the City when justified due to unavailability of timely and direct public transportation or urgencies due to time schedules. Reimbursement will be based upon the customary and usual rates for a mid-size or smaller car in the locality. Receipts for the cost of a rental car must accompany the request for reimbursement.

**Lodging**

Reimbursement for lodging will be based upon the customary and usual hotel rates for government employees in the locality and the availability of accommodations. It is preferred that employees request an economical room and always ask for the government rate unless a "corporate rate" is cheaper. Employees attending a conference or meeting should strive to stay at the designated hotels to take advantage of the negotiated "convention rates" at the particular facility.

**Meals**

The per diem reimbursement for meals and tips shall be consistent with State of Tennessee approved per diem rates. Actual meal receipts are not required unless the meal cost exceeds the approved per diem. When meals are unavoidably in excess of these amounts, receipts and justifications will be required to support the greater payments. It is expected that the cost will be reduced by an appropriate amount for any complimentary meals served on airplanes or meals included in registration fees.

**Telephone Calls and Facsimiles**

The actual cost of telephone calls, facsimiles and/or telegrams necessary for official business and the cost of one (1) daily phone call, of reasonable length, to the immediate family during travel status will be paid by the City.

**Registration Fees for Meeting and Conferences**

Whenever possible, all registrations should be paid for directly by the City through invoices from the seminar organization or others. Receipts for the registration must be attached to the travel expense report along with other expense receipts.

**Entertainment Expenses**

Approval for an expenditure of this kind must be received from the City Administrator in advance of travel.

**General Information**

1. An individual combining travel on official city business and travel for personal reasons will be reimbursed only for the City's appropriate part of the cost incurred, and must be approved by the City Administrator in advance of travel.
2. Before traveling, a "Request for Travel" form must be completed by the employee, approved by the department head and submitted to the Finance department for determination of compliance with the budget. Two (2) copies of the request should be submitted at least two weeks in advance of travel. Emergency travel for official City business may be submitted and approved on shorter notice.
3. The Request for Travel form, including any request for advance travel funds, must be approved by the City Administrator for all overnight travel. The Finance Director may authorize travel to day meetings. Whenever possible, the timing of travel advance and reimbursement requests should be submitted early enough to permit the issuance of checks on the 10<sup>th</sup>, 20<sup>th</sup>, or last day of the month.
4. The City will reimburse the employee for eligible travel expenses incurred in excess of the initial advance of travel funds upon receipt of the completed "Travel Expense Report" supported by paid receipts for transportation, lodging, registration fees, local transportation fares, and other charges for which receipts are normally given. The Travel Expense Report must be completed by the employee and returned to the Finance Department along with any remaining advance travel funds owed to the City within one week after return from travel. Any reimbursement checks due the employee will be issued on the 10<sup>th</sup>, 20<sup>th</sup>, or last day of the month.

5. For the City to take advantage of its sales tax exempt status, a direct payment must be made from the City to the vendor of travel or lodging services. Therefore, prepayment, by City check, of these expenses should be made whenever possible.
6. Employees should provide an address and phone number with their department head where they can be contacted during travel if the need arises.
7. Because of limited funds, only those travel requests, which, in the judgment of the City Administrator, meet the criteria identified in the policy section, will be funded as indicated.

### ***Classification Plan***

In accordance with the Personnel Ordinance, the classification plan provides a complete inventory of all positions in the City's service and an accurate description and specification for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the classified service. The classification plan is used:

1. As a guide in recruiting and examining candidates for employment;
2. In determining lines of promotion, and developing employee training programs;
3. In determining salaries to be paid for various types of work;
4. In determining personal service items in departmental budgets; and
5. In providing uniform job terminology understandable by all City officials and employees and by the general public.

Human Resources, under the direction of the Finance Director and City Administrator, is responsible for administering the City's compensation plan.

### ***Compensation Plan***

The City provides, according to its financial ability, a fair and equitable compensation program for all employees, which at the same time recognizes the need to be accountable for the use of public funds. The City's compensation plan is based upon prevailing wage rates, economic conditions, and labor market influences. The compensation program is designed to attract and retain the best qualified talent possible, and to motivate and reward individual performance.

Human Resources, under the direction of the Finance Director and City Administrator, will administer the City's compensation plan. The BOMA is responsible for the approval of the compensation plan under which all covered employees are paid. The compensation plan may be amended from time to time, as circumstances require in accordance with the BOMA and as set out in the Personnel Ordinance.



# City of Spring Hill, TN

## Employee Handbook

This Employee Handbook, dated April 19, 2011, hereby supersedes or replaces all prior published or unpublished Employee Handbooks, Manuals, Personnel Rules and Regulations, policies, procedures and practices, or other publications related to personnel policies, which are now considered null and void.

April 19, 2011

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## Introduction

The City of Spring Hill (hereafter referred to as “City”) has published this Employee Handbook to serve as a guide for City employees. It is intended to help acquaint employees with the City, its Personnel Rules and Regulations, policies, procedures and practices, as well as workplace conduct and benefits. This Employee Handbook, dated January 1, 2011, hereby supersedes or replaces all prior published or unpublished Employee Handbooks, Manuals, Personnel Rules and Regulations, policies, procedures and practices, or other publications related to personnel policies, which are now considered null and void.

While the City fully intends to abide by these provisions for as long as they are in effect, nothing contained in this handbook or any verbal statement should be construed as creating any type of contract, either expressed or implied, between the City and any of its employees. Employment with the City is not guaranteed for any specific time or duration and may be terminated at-will, with or without cause, and without prior notice by the City, or an employee may resign for any reason at any time.

Every effort has been made not to engage in rigid rule making; City policies stress the values of fairness, respect and teamwork, and are intended to ensure that all applicable laws are obeyed. In addition, the City is committed to reviewing its Personnel Rules and Regulations, policies, procedures, practices and benefits continually. This handbook cannot anticipate every situation or answer every question about employment; thus, the guidelines set forth in this handbook may not apply in every situation. The City reserves the right to change, rescind, modify or deviate from these or other guidelines, Personnel Rules and Regulations, policies, procedures or practices as it considers necessary at its sole discretion, either in individual or city-wide situations with or without notice in accordance with the City Charter and state and federal laws, and/or at the Board of Mayor and Aldermen’s (BOMA) sole discretion. No employee or other person enjoys any vested right to the continuation of any Personnel Rules and Regulations, policies, procedures, practices or employee benefits contained within this employee handbook. It is the responsibility of each employee of the City to become familiar with the information contained in this handbook.

If there are any questions about the City’s Personnel Rules and Regulations, policies, procedures, practices or benefits, please refer to this handbook first for guidance; any further questions should be directed to an employee’s supervisor, department head or Human Resources, who all stand ready to assist as best they can.

## Welcome to the City of Spring Hill

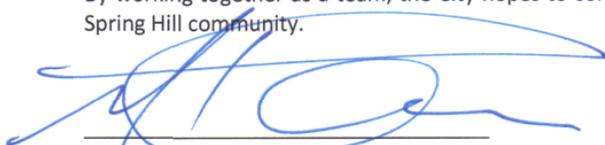
Welcome! We hope that you will find your employment with the City to be an interesting, challenging and enjoyable experience.

The City was incorporated in 1808 and is organized under the Public Acts (TCA 6-1-1-1) the Mayor-Aldermanic form of government. We strive to provide the highest quality municipal services. Quality services, though, depend on each of us committing to do our best, all the time.

We hope you will join our efforts to build and improve upon our proud history. The City attempts to promote a feeling of understanding and respect among our employees. A key to success lies in the quality and dedication of our employees. Each employee of the City plays a critical role in providing the Spring Hill community with the best possible service.

Because of our belief in the importance of our employees, the City strives to promote a work environment where employees are treated with dignity and respect. If you have any ideas for improving the way the work is performed, or if you have any other suggestions or problems, you should feel free to discuss these matters with your supervisor or department head.

By working together as a team, the City hopes to continue our tradition of providing excellent service to the Spring Hill community.



Michael Dinwiddie  
Mayor of Spring Hill

## Employment At-Will

Employment with the City is at-will. Neither this handbook nor any other City document, confers any contractual right, either express or implied, to remain in the City's employ. Nor does it guarantee any fixed terms and conditions of an employee's employment.

Additionally, as is true at all times, employment with the City is not guaranteed for any specific time or duration and may be terminated at-will, with or without cause, and without prior notice by the City, or an employee may resign for any reason at any time. No one has the authority to authorize, enter into, or sign any agreement for employment for any specified period of time, or to make any binding agreement contrary to the above.

## General Disclaimer and Management Rights

The Personnel Rules and Regulations, policies, procedures and practices described in this handbook are designed to serve as guidelines for management action. None of the following constitute or imply a contract or guarantee concerning continuing employment with the City, or in any way affect the employment at-will relationship between the City and its employees, or affect the City's right to terminate the employment of its employees at-will:

- this handbook;
- any personnel rules, regulations, policies, procedures or practices; and
- any other written or oral statement by the City to a particular employee or a group of employees.

The employment relationship between the City and its employees may be terminated at any time for any reason.

All Personnel Rules and Regulations, policies, procedures, practices, and benefits described in this handbook may be modified or discontinued at any time for any reason at the City's discretion by ordinance of the Board of Mayor and Alderman (BOMA) in accordance with the City's Charter and state and federal laws at any time. Any changes or modifications that are intended to comply with State or Federal laws or regulations will be administered and implemented so as to always remain in compliance with such laws or regulations as may be amended in the future, regardless of whether this document is actually modified to reflect such amendments in the laws or regulations.

No employee or other person enjoys any vested or contractual right to the continuation of any rules, regulations, policies, procedures or practices contained within this handbook. The provisions of all employee benefits covered in this document are subject to annual appropriation by the BOMA. In addition, all benefits offered through third-parties are subject to the terms and conditions of the service contract between the City and the provider, which may be changed in the future.

This employee handbook is effective April 19, 2011, and hereby supersedes any and all past Employee Handbooks, Manuals, Personnel Rules and Regulations, policies, procedures, and practices, or other publications related to personnel policies, which are now considered null and void. No one has the authority to modify, make exceptions to, or discontinue the Personnel Rules and Regulations, policies, procedures, practices, and benefits described in this employee handbook.

## Required Programs and Policies

### **Equal Employment Opportunity**

The City of Spring Hill, TN is an equal opportunity employer (EEO). As such, it is the policy of the City to provide a work environment that is free of discrimination. The City is committed to providing equal employment opportunities for all employees and job applicants regardless of race, color, religion or creed, sex, pregnancy, national origin, citizenship, age, political affiliation, disability, veteran status, genetic information or other protected characteristics as required by all applicable federal and state laws, or local law, regulation, or ordinance.

The City will make every effort to select, employ, train and promote those individuals who are best and most qualified and capable of filling authorized vacant positions. Continued employment with the City will be based on merit, performance, and individual ability free of favoritism, discrimination, and political considerations. All personnel decisions and actions, including but not limited to, transfers or demotions, promotions, layoffs, return from layoffs, terminations, disciplinary action, education, social and recreational programs, access to benefits, rates of pay, and other forms of compensation; as well as access to training, including apprenticeships and/or on-the-job training, will be administered in a non-discriminatory fashion.

Just and equitable incentives and conditions of employment will be established and maintained to promote efficiency and effectiveness in the operation of the City. Positions having similar duties and responsibilities will be classified and compensated on a uniform basis. Appointments, promotions and other personnel actions requiring the application of the merit principle will be based on a comprehensive employee evaluation and examinations, where applicable.

Every effort will be made to stimulate high morale by fair administration of this policy and consideration of the rights and interests of employees, consistent with the best interests of the public and the City. All employees are expected to comply with our EEO Policy. We believe that equal employment opportunity is not just a legal issue; it is a moral concern and obligation for each of us. The climate wherein each of us can grow to the full extent of our talents requires the cooperation and understanding of all employees. Managers and supervisors who are responsible for meeting business objectives are expected to cooperate fully in meeting our EEO objectives, and their overall performance will be evaluated accordingly.

Retaliation against an employee who has made a good faith complaint about a violation of this policy, or has cooperated with an investigation of such a complaint is strictly prohibited.

Any employee or applicant, who believes they have been discriminated or retaliated against in violation of this policy, should immediately report the underlying facts to his/her supervisor, department head, Human Resources, the City Administrator or other City official with whom he/she feels the most comfortable without fear of reprisal. The complaint will be reviewed and investigated. The City will keep the complaint and investigation as confidential as possible. Anyone found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including immediate termination of employment.

### ***Americans with Disabilities Act Policy (ADA)***

The City makes every effort to reasonably accommodate qualified individuals with a disability in order to provide employment opportunities for them. Applicants and employees are not required to identify themselves as having a disability. Self-identification is strictly voluntary. The job related skills and experience of all applicants and employees will be evaluated without regard to disability or any reasonable accommodations that may be necessary.

The ADA prohibits discrimination in all aspects of employment against "qualified individuals with disabilities." A qualified individual with a disability is an applicant or employee who can perform the essential functions of the job in question with or without reasonable accommodation.

The ADA defines a "disability" as:

1. a physical or mental impairment that substantially limits one or more major life activities;
2. a record of such an impairment; or
3. being regarded as having such impairment.

Employees needing an accommodation to perform the essential functions of their job should speak directly with their supervisor regarding their need for an accommodation. The City expects the supervisor and the employee to engage in an interactive process, whereby the City and employee have a discussion to search for a mutually acceptable, reasonable accommodation. If an employee does not feel comfortable going to his/her supervisor regarding an accommodation, they may inform their department head or Human Resources of their need. Although the City will consider an employee's suggested accommodations, it is not obligated to only consider these, and will base the final decision on what it considers is reasonable in light of the situation without creating an undue hardship on the City.

The City prohibits retaliation of any kind against any employee for requesting or needing an accommodation. If an employee feels they have been discriminated or retaliated against for requesting or needing an accommodation, they should notify their supervisor, department head, Human Resources, the City Administrator or other City official with whom they feel the most comfortable without fear of reprisal. The complaint will be reviewed and investigated. The City will keep the complaint and investigation as confidential as possible. Anyone found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including immediate termination of employment.

Should supervisors or employees have additional questions, or need further consultation as to the City's accommodation process, they should seek advice from Human Resources.

## ***Unlawful Harassment Policy***

**Harassment** is a form of misconduct that is unlawful, disrespectful, and discriminatory. The City is committed to providing a safe and welcoming work environment that is free of discrimination and unlawful harassment. All City employees are expected to treat each other as well as other individuals with whom they come in contact with in the workplace, with courtesy and respect. It is the policy of the City to prohibit discrimination and unlawful harassment, including unwelcome sexual conduct, in the workplace by any person in any form. This policy applies to all officers and employees of the City, including but not limited to regular full and part-time employees, elected officials, temporary employees, employees covered or exempt from personnel rules or regulations of the municipal government, employees working under contract for the municipality, as well as non-employees with whom employees may come in contact with in the course of their employment with the City. Any unlawful harassment, whether verbal, physical, visual or subtle, is unacceptable and will not be tolerated, regardless if it occurs in the workplace or at outside work-sponsored activities, including but not limited to City-sponsored trips, training, conferences, social events, and meetings.

Harassing conduct includes, but is not limited to, epithets, slurs, negative stereotyping, intimidating or hostile acts, written or graphic material that defames or shows hostility or aversion toward an individual because of race, color, religion or creed, sex, pregnancy, national origin, citizenship, age, political affiliation, disability, veteran status, genetic information, or any other characteristic protected under federal, state or local law, regulation, or ordinance. The City will not tolerate such harassment of its employees, and will take immediate, positive steps to stop such harassment when it occurs.

**Sexual harassment** (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship and is strictly prohibited. It is illegal under

federal and state laws, and is defined as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. An employee is expected either explicitly or implicitly to submit to such conduct in order to get or keep a job;
2. An employee's willingness or unwillingness to submit to such conduct is used as the basis for an employment-related decision affecting the employee; or
3. Such conduct creates an intimidating, hostile, or offensive work environment, or substantially interferes with the employee's job performance, whether committed by supervisors or non-supervisory personnel.

The following are examples of behavior that is prohibited by this policy:

- sexual flirtations, advances or propositions;
- verbal or written abuse of a sexual nature;
- unwelcome or offensive touching, hugging, rubbing, pinching, grabbing, patting, propositioning or kissing another person;
- inappropriate sex-oriented comments on appearance;
- telling sex-oriented stories, jokes or making sexual innuendoes;
- displaying sexually explicit or pornographic material, no matter how the material is displayed;
- pressuring an employee for a date or sexual activities; and/or;
- sexual assault.

Employees should not assume that the behavior they believe is humorous or socially acceptable will be acceptable to another employee. Employees should be aware of how people respond to what they do and say; if an individual objects to the behavior toward them, listen to and heed the objections. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. Normal, courteous, mutually respectful, non-coercive interactions between employees that are acceptable and welcomed by both parties are not considered to be harassment.

#### **Harassment Complaint Procedure**

While the City encourages an employee to communicate directly with the alleged harasser, and make it clear that their behavior is unacceptable, offensive or inappropriate, it is not required that they do so. If an employee feels that they are being harassed, or are subject to or witness to unlawful harassment or discrimination, they should report the incident immediately to their immediate supervisor, department head, Human Resources, the City Administrator or other City official with whom they feel most comfortable. Employees have the right to circumvent the employee chain of command when selecting the person to complain to about unlawful harassment.

#### **Investigating Unlawful Harassment Complaints**

Complaints of sexual or other unlawful harassment or discrimination will be investigated in a thorough and timely manner. Confidentiality will be maintained to the extent possible without jeopardizing the thoroughness of the investigation. The City Administrator and the Ethics Officer are the persons designated as the investigator of unlawful harassment complaints against employees. In the event the sexual harassment complaint is against the Mayor, the investigator will be an aldermen appointed by the BOMA.

Based upon the results of the investigation, the Mayor (or Board) will take immediate and appropriate corrective action to end the problem and prevent its reoccurrence. Anyone found guilty of engaging in sexual or other unlawful harassment or discrimination will be subject to disciplinary action consistent with the Mayor's (or Board's) authority under the municipal charter, ordinances, resolutions, or rules governing their authority to discipline employees. If the Mayor feels that the harassment warrants disciplinary action stronger than he is authorized to impose by the charter, ordinances, resolution, or rules governing employee discipline, he will make that determination known, along with the report of the investigation to the BOMA,

which may discipline the employee consistent with its authority under the municipal; charter, ordinances, resolutions, or rules governing employee discipline.

The disciplinary action will be consistent with the nature and severity of the offense, the employee's rank and any other factors the BOMA believes relate to fair and efficient administration of the municipal government. This includes, but is not limited to, the effect of the offense, and the light in which it casts the municipality. The disciplinary action may include, but is not limited to, demotion, warning, reprimand or termination. A written record will be kept of imposed disciplinary actions, including verbal reprimands.

In cases where unlawful harassment is committed by a non-employee against a municipal government employee in the workplace, the Mayor will take whatever lawful action is necessary against the non-employee to bring the harassment to an immediate end.

#### **No Retaliation**

Retaliation against any individual who makes a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, is strictly prohibited. There will also be no retaliation against any individual for their participation in the investigation of a harassment complaint, or any other person connected with the investigation. If an employee feels that they are being retaliated against, they should report the retaliation immediately to their immediate supervisor, department head, Human Resources, the City Administrator or other City official with whom they feel most comfortable. The investigation of retaliation complaints will follow the same procedures outlined above under "Investigating Unlawful Harassment Complaints."

#### **Obligation of Employees**

Employees are not only encouraged to report instances of unlawful harassment, they are obligated to report them. Employees are also obligated to cooperate in any harassment investigation. The obligation includes, but is not limited to, coming forward with evidence (both favorable and unfavorable) about a person accused of such conduct, fully and truthfully making written reports, or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of harassment.

#### **Management Responsibilities**

Managers and supervisors are expected to have a high level of consciousness regarding the City's policy and, as a condition of employment, must promptly advise the City Administrator of any known or potential incidents of sexual or other forms of harassment.

### ***Drug and Alcohol Policy***

The City recognizes that the use and abuse of drugs and alcohol is a serious problem that may involve the workplace. It is the intent of the City to provide all employees with a safe and secure work environment which promotes individual health and workplace efficiency. Employees are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

The City has adopted this drug and alcohol policy that is intended to comply with applicable state and federal laws, including the Drug-Free Workplace Act of 1988; Federal Highway Administration (FHWA) rules, Department of Transportation (DOT) rules, and the Omnibus Transportation Employee Testing Act of 1991. The policy and practices of the City are described below. The City reserves the right to amend its policies and procedures at its discretion.

It is the City's policy that the unlawful or improper presence or use of controlled substances or alcohol in the workplace by its employees is prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct is considered a violation of this policy and may lead to termination of employment. Such conduct includes but is not limited to:

1. Being under the influence of or possessing in his or her body, blood or urine, illegal drugs in any detectable amount and/or under the influence of or impaired by alcohol while on City property, in city vehicles, or while on duty performing work or conducting City business on or off the premises;
2. Engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time, on or off the job, and of alcohol while on duty or while in or on City property;
3. Use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty;
4. Use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures; and
5. Taking or being under the influence of any drugs unless prescribed for the employee by a licensed physician or using such drugs in a manner or for a purpose other than as prescribed while on duty or conducting City business in or on City property. This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical or emotional ability of the employee to safely and efficiently perform job duties. Employees who are required to take prescription and/or over-the-counter medications must notify the proper supervisory personnel before the employee goes on duty.

The only exception to the foregoing list would be for employees who are not in an official on-call status and who are called in to work outside their normal duty hours to perform emergency or unscheduled work. No such employee will be disciplined for off-duty consumption of alcohol that results in reporting to duty with alcohol in the employee's system so long as the employee first reports the consumption of alcohol to the supervisor making the work request. The supervisor will then determine whether the employee should still report for duty.

It is the responsibility of the City's management staff to counsel employees whenever they see changes in performance or behavior that suggest an employee has a problem with drugs or alcohol. Although it is not the manager's job to diagnose personal problems, the manager should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment, and should encourage anyone who has a drug or alcohol problem to seek help.

Consistent with the City's fair employment policy, the City maintains a policy of non-discrimination and reasonable accommodation with respect to recovering addicts or alcoholics, including those having a medical history reflecting treatment for these conditions. However, past problems with drugs or alcohol or treatment for substance abuse problems will not shield an individual from disciplinary action under this policy. Any individuals who are currently using illegal drugs or abusing alcohol or drugs of any kind are subject to this policy, regardless of any prior diagnosis of or treatment for substance abuse.

Human Resources has been designated as the municipal department responsible for answering questions regarding this policy and its implementation.

#### **Compliance with Substance Abuse Policy**

Compliance with this drug and alcohol policy is a condition of employment. Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, medical review officer (MRO), Human Resources, or a designee of Human Resources. The consent form provides space for employees and applicants to acknowledge that they have been notified of the City's drug and alcohol testing policy.

The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or

employee of a urine sample that is not his/her own or is altered or adulterated will be grounds for refusal to hire or for termination.

Any employee convicted of violating a criminal drug statute must inform the department head of the conviction (including pleas of guilty and *nolo contendere*) within five (5) days of the conviction occurring. Failure to inform the City in a timely manner may lead to disciplinary action, up to and including termination for the first offense.

### **General Procedures**

Any employee reporting to work on the City's premises visibly impaired will be deemed unable to perform required duties and will not be allowed to work. The person first noticing the impairment will seek the opinion of a supervisor or manager of the City to confirm the individual's impaired status. Next, the supervisor or manager will consult privately with the allegedly impaired employee to determine the cause of the observation, including whether substance abuse has occurred. If feasible, the supervisor or manager will consult with another supervisor/manager in making the determination whether an employee is impaired. If the employee is determined to be impaired, he/she will be immediately escorted off the premises. The employee may be reported to local law enforcement authorities, if appropriate, and may be sent to a medical facility by taxi or other safe transportation alternative, where they may be required to submit to a drug or alcohol test. An impaired employee will not be allowed to drive.

### **Drug and Alcohol Testing**

The City has adopted testing practices to identify employees who illegally use drugs or alcohol on or off the job. An applicant or employee must present a current photo ID to appropriate personnel during testing. Failure to present a current photo ID is equivalent to refusing to take the test.

The City will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly, that the City will not tolerate.

Employees and applicants may be required to submit to drug testing under the following conditions:

1. **Pre-employment** – All applicants for employee status who have received a conditional offer of employment with the City must take a drug test before receiving a final offer of employment. Applicants will be required to submit voluntarily to a urinalysis test at a laboratory chosen by the City, and sign a consent agreement that will release the City from liability. If the physician, official or lab personnel has reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.
2. **Transfer** – Employees transferring to a sworn police or fire position, public safety dispatcher position and/or another position within the City that requires a commercial driver's license (CDL) must undergo drug testing.
3. **Post-Accident/Post-Incident Testing** – Following any workplace accident (incident) determined by supervisory personnel of the City to have resulted in significant property or environmental damage, including requiring a vehicle to be towed from the scene, or in significant personal injury, including but not limited to a fatality or human injury requiring medical treatment away from the accident (incident) scene, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible drug or alcohol use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) drug or alcohol test. This type of testing applies to all City employees. In accordance with federal regulations for CDL drivers, testing will be required in any fatal accident regardless of whether the driver received a moving violation arising from the accident.

Post-accident (post-incident) drug or alcohol testing will be carried out within 32 hours (drug testing) or two hours (alcohol testing), following the accident (incident). In instances where post-accident (post-incident) testing is to be performed, the City reserves the right to direct the MRO to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances. Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed at the urinary cutoff level that is normally used for those specific substances by the laboratory selected.

Employees must go without delay to the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing or appearing for alcohol testing will be considered a refusal to cooperate with the City's drug and alcohol program and will result in disciplinary action up to and including termination of employment.

a. **Post-Accident (Post-Incident) Testing for Ambulatory Employees**

- 1) Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or other designated personnel to the designated urine specimen collection site within 32 hours following the accident (incident). No employee should consume drugs prior to completing the post-accident (post-incident) testing procedures, unless such drugs are prescribed by a physician and use of such drugs is disclosed at the time of testing.
- 2) Following all workplace accidents (incidents) where alcohol testing is to be performed unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City to the designated breath alcohol test site for a breath alcohol test within two (2) hours following the accident (incident). No employee should consume alcohol prior to completing the post-accident (post-incident) testing procedures.

b. **Post-Accident (Post-Incident) Testing for Injured Employees**

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) will consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent will also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the MRO of the City appropriate and necessary information or records that would indicate only whether or not specified prohibited drugs (and what amounts) were found in the employee's system. Each employee will grant consent at the implementation date of the drug and alcohol policy of the City or upon hiring following the implementation date.

Post-accident (post-incident) urinary testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel will take and have analyzed appropriate specimens to determine if drugs were present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within 32 hours must be fully documented by the attending medical personnel.

- 1) Following all workplace accidents (incidents) where alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City to the designated breath alcohol test site for a breath alcohol test within two (2) hours following the accident. No employee will consume alcohol prior to completing the post-accident (post-incident) testing procedures.
4. **Testing Based on Reasonable Suspicion**—A drug or alcohol test is required for any City employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs or alcohol.

The decision to test for reasonable suspicion means that one or more trained supervisors reasonably believes or suspects that the employee is using or has used drugs or alcohol. This belief should be based on recent observations concerning the employee's physical appearance, behavior, speech, smell or other performance indicators that are usually associated with drug or alcohol use. One supervisor who has received the applicable drug or alcohol detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the City making a determination to subject any employee to drug or alcohol testing based on reasonable suspicion must document their specific reasons and observations in writing to Human Resources within 24 hours of the decision to test for drug use or within eight hours of the decision to test for alcohol use and before the results of the tests are received by the City.

5. **Random Testing** –All employees of the City are subject to random drug or alcohol testing. Federal regulations require the City to annually random test for drugs or alcohol a percentage of the total number of drivers possessing or obtaining a CDL. At least 25% of the drivers will be randomly tested for drugs and at least 10% will be tested for alcohol use. All other classes of employees subject to random drug testing will be tested on a schedule as determined by the City.

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random drug or alcohol testing and the actual presentation for specimen collection or alcohol testing. Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out-of-town, work-related causes, etc.) to produce a specimen or to be tested on the date random testing occurs, the City may omit that employee from that random testing or keep the selection confidential and await the employee's return to work.

6. **Return-to-Duty and Follow-Up** – Any employee of the City who has violated the prohibited drug or alcohol conduct standards and is allowed to return to work must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Return-to-duty tests must be conducted under direct observation.

The amount of follow-up testing an employee receives is determined by a Substance Abuse Professional (SAP) and may be extended for up to 60 months following return to duty. The SAP will determine how many times the employee will be tested, for how long, and for what substance (i.e. drugs, alcohol or both). The City is responsible for ensuring that follow-up testing is conducted and completed. The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly. All follow-up tests will be observed.

Testing will also be performed on any employee returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

7. **Periodic Medical Physicals** –Sworn employees of the Fire and Police Departments will be subject to a drug test as part of their periodic fit for duty physical assessment as required by the City.

### **Prohibited Drugs**

All drug results will be reported to the MRO. If verified by the MRO, they will be reported to Human Resources. Substance abuse testing for job applicants and employees will include a urinalysis screen for the following drugs:

1. Amphetamines
2. Cannabinoids

3. Cocaine
4. Opiates
5. Phencyclidine
6. MDMA (Ecstasy)
7. Acetylmorphines
8. Alcohol (not required for job applicant testing)

The City may test for any additional substances as deemed appropriate, including those drugs listed under the Tennessee Drug Control Act of 1989, as amended to date or in the future.

### **Drug Testing Procedures**

Testing will be accomplished as non-intrusively as possible. Affected employees, except in cases of random testing, will proceed to a drug test collection facility selected by the City where a urine sample will be taken from the employee in privacy. The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution. The sample will be placed in a secure mailing container. The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by the City and is certified and monitored by the federal Department of Health and Human Services (DHHS) to perform the analysis on collected urine samples.

The Omnibus Act requires that drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of drugs, the employee has 72 hours from the time of notification by the MRO to request sending the split specimen to another federal DHHS certified laboratory for analysis. The employee will be required to pay for his or her split specimen test(s).

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify Human Resources.

### **Reporting and Reviewing**

The City will designate an MRO to receive, report, and file testing information transmitted by the laboratory. This person will be a licensed physician with knowledge of substance abuse disorders.

1. The laboratory will report test results only to the designated MRO, who will review them in accordance with accepted guidelines and the procedures adopted by the City.
2. Reports from the laboratory to the MRO will be in writing or by fax. The MRO may talk with the employee by telephone upon exchange of acceptable identification.
3. The testing laboratory, collection site personnel, and MRO will maintain security over all the testing data and limit access to such information to the following: the respective department head, Human Resources, the City Administrator, and the employee.
4. Neither the City, the laboratory, nor the MRO will disclose any drug or alcohol test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident (incident) investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the City Attorney.

### **Alcohol Testing Procedures**

All breath alcohol testing conducted for the City will be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA). Alcohol testing is to be performed by a qualified technician as follows:

1. **Step One** - An initial breath alcohol test will be performed, using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02% breath alcohol level (BAL), the test will be considered negative. If the result is greater or equal to 0.04% BAL, the result will be recorded and witnessed, and the test will proceed to Step Two.
2. **Step Two** - Fifteen minutes will be allowed to pass following the completion of Step One above. Before the confirmation test or Step Two is administered for each employee, the breath alcohol technician will ensure that the evidential breath testing device registers 0.00 on an air blank. The breath alcohol level detected in Step Two will be recorded and witnessed.

If the lower of the breath alcohol measurements in Step One and Step Two is 0.04% or greater, the employee will be considered to have failed the breath alcohol test. Failure of the breath alcohol test will result in disciplinary action up to and including termination of employment.

Any breath level found upon analysis is between 0.02% BAL and 0.04% BAL will result in the employee's removal from duty without pay for a minimum of 24 hours. In this situation, the employee must be retested by breath analysis and found to have a BAL of up to 0.02% before returning to duty with the City. All breath alcohol test results will be recorded by the technician and will be witnessed by the tested employee and by a supervisory employee of the City, when possible.

The completed breath alcohol test form must be submitted to Human Resources.

#### **Education and Training**

1. **Supervisory Personnel Who Will Determine Reasonable Suspicion Testing**  
Supervisory personnel will have at the minimum two 60-minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One 60-minute period will be for drugs, and one 60-minute period will be for alcohol.

The City will sponsor a drug-free awareness program for all employees.

2. **Distribution of Information**  
The minimal distribution of information for all employees will include the display and distribution of:
  - a. Informational material on the effects of drug and alcohol abuse;
  - b. An existing community services hotline number, available drug counseling, rehabilitation, and employee assistance programs for employee assistance;
  - c. The City policy regarding the use of prohibited drugs and/or alcohol; and
  - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

#### **Consequences of a Confirmed Positive Drug and/or Alcohol Test Result and/or Verified Positive Drug and/or Alcohol Test Result**

Job applicants who are subject to pre-employment testing will be denied employment with the City if their initial positive pre-employment drug test result has been confirmed.

If a current employee's positive drug and alcohol test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and may be subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include: the employee's work history, length of employment, current work assignment, current job performance, and the existence of past disciplinary actions. However, the City reserves the right to allow employees to participate in an education and/or treatment program approved by the City Employee Assistance Program as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by the

employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment.

Refusing to submit to an alcohol or controlled substances test means that an employee: (1) fails to provide adequate breath for testing without a valid medical explanation after receiving notice of the requirement for breath testing in accordance with the provisions of this part; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after receiving notice of the requirement for urine testing in accordance with the provisions of this part; or (3) engages in conduct that clearly obstructs the testing process. In either case the physician or breath alcohol technician will provide a written statement to the City indicating a refusal to test.

### **Substance Abuse Counseling and Treatment**

The City encourages employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action, to voluntarily seek treatment and counseling for their substance abuse problems. In the event that an employee of the City is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss the problem with the respective department head in private. The City will honor such voluntary desire for help with a substance abuse problem. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through the City's Employee Assistance Program or other program sanctioned by the City, and thereafter refrain from violating the City's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of City personnel policy and regulations independent of any drug/alcohol issues.

Affected employees of the City are entitled to up to 30 consecutive calendar days for initial substance abuse treatment, provided however, the employee must use all vacation, sick, and compensatory time available. Once all accrued leave is exhausted, the remainder of the treatment period will be leave without pay.

Voluntary participation in substance abuse treatment or counseling will not affect an employee's career advancement or employment, nor will it protect an employee from disciplinary action if substandard job performance continues. Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of any employee following voluntary substance abuse treatment, the employee will obtain a return-to-duty recommendation from the SAP through the City's Employee Assistance Program. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head, Human Resources, and the City Administrator will consider each case individually and set forth final conditions of reinstatement to active duty. The employee must meet these conditions of reinstatement. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the City. Voluntary disclosure provisions do not apply to applicants.

### **Confidentiality**

Applicant and employee test results are confidential. The City or service agent (e.g. testing laboratory, MRO or SAP) is not permitted to disclose test results to outside parties without the written consent of the applicant or employee. However, test information may be released (without prior consent) in certain situations, such as: legal proceedings, complaint procedures, or administrative proceedings brought by the

employee or on the employee's behalf, which resulted from a positive test or refusal to test. When the information is released, the City will notify the applicant or employee in writing of any information they released.

An employee's drug and alcohol testing history will follow them to their new employer, if that employer is regulated by a DOT agency in accordance with federal law.

### **Inspections and Searches**

All City property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. Property includes, but is not limited to, City owned vehicles, desks, containers, files, and lockers. Employee-assigned lockers that are locked by the employee are also subject to inspection by the employee's supervisor in the presence of the employee after reasonable advance notice to the employee, unless such notice is waived by the City Administrator. Employees are expected to cooperate in the conduct of such inspections.

### **Exceptions**

This policy does not apply to possession, use, or provision of alcohol and/or drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement, intoxilyzer demonstrations). In all such cases, it is the individual employee's responsibility to ensure that the possession, use, or provision of alcohol does not adversely affect job performance.

## ***Immigration Law Compliance***

The City is committed to employing only individuals with authorization to work in the U.S., and does not discriminate against any individuals on the basis of citizenship, national origin, or other unlawful grounds. Furthermore, the City follows the regulations established in the Immigration Reform and Control Act of 1986 (ICRA) when hiring new employees. This act requires all new employees to provide proof of their eligibility to work in the United States.

Each new employee, as a condition of employment, must complete the Employee Eligibility Form (I-9) and present documentation establishing identity and employment eligibility. Former employees who are hired within three (3) years of initially completing an I-9 form are not required to complete a new I-9 form if the individual is still authorized to work in the United States. This form must be completed directly following an acceptance of employment, or in no event more than three business days after date of hire. Employees who are authorized to work in the U.S. under certain visas will be required to show proof of continued authorization to work in the U.S. upon expiration of the visas shown when employment began.

## ***Family and Medical Leave Act (FMLA) Policy***

Employees who have been employed by the City for at least 12 months, worked at least 1,250 hours over the previous 12 months prior to the leave, and work at a location where at least 50 employees are employed by the City within 75 miles are entitled to take leave under the Family and Medical Leave Act of 1993 (FMLA).

### **Reasons for taking FMLA Leave**

- Birth and care of the newborn child of the employee;
- Placement with an employee of a son or daughter for adoption or foster care,
- To care for an employee's spouse, son or daughter<sup>1</sup>, or parent who has a "serious health condition";
- The care of the employee's own serious health condition that does not allow the employee to perform the essential functions of his or her job.
- **Military Leave Entitlements:**

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<sup>1</sup> FMLA defines "son or daughter" to include biological or adopted child, and a "foster Child, stepchild, legal ward, or a child of a person standing *in locus parentis* (those with day-to-day responsibilities to care for and financially support a child).

- ❖ Certain qualifying exigencies<sup>1</sup> arising from the employee's spouse, child or parent who is on active duty or called to active duty status in the Armed Services, National Guard or Reserves in support of a contingency operation; or
- ❖ The care for a spouse, parent, child, or next of kin who is a covered service member with a serious illness or injury incurred in the line of duty while on active duty in the Armed Forces, National Guard or Reserves.

With regard to all FMLA leaves other than leave to care for a covered service member, eligible employees may take up to a total of 12 weeks of FMLA leave during any rolling 12-month period measured backward from the date that the employee uses any family leave. The opportunity to take FMLA for the birth, adoption or placement of a foster child is available to employees for 12 months following the birth, adoption or placement.

If both husband and wife work for the City and both are eligible for FMLA leave, and each takes FMLA qualifying leave for the birth, adoption or placement of a foster child, or to care for an ill parent, both are limited to a joint total of 12 weeks of leave during the applicable 12-month period. If the leave is taken for an employee's own serious health condition, or to care for a child or spouse with a serious health condition, each is entitled to 12 weeks of leave within the applicable 12-month period.

Eligible employees may take up to 26 weeks of leave to care for a covered service member in a single 12-month period of time which begins on the first day of the military caregiver leave. Employees who take leave to care for a covered service member are entitled to a maximum of 26 weeks of FMLA leave of any type during the 12 month period when the employee takes the military caregiver leave. Spouses employed by the City are jointly entitled to a total of 26 weeks of FMLA leave in the applicable 12-month period when (1) military caregiver leave is taken or (2) a combination of military caregiver leave and any other covered FMLA is taken in the 12-month period of time.

Intermittent FMLA leave is available when medically necessary or when leave is due to qualifying exigencies as set forth in this policy. However, intermittent leave is not available for the birth, adoption, or foster care of a child.

If an employee requests leave on an intermittent or reduced leave schedule, the City may require the employee to transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than the regular employment position of the employee.

#### **Pay Status and Maintenance of Benefits During FMLA Leave**

FMLA leave is unpaid. However, an employee will be required to use any paid leave that they have accrued under the City's vacation or sick leave policies (Note: Accrued unused sick leave can only be used towards an employee's, spouse, parent or child's serious health condition) as part of their FMLA leave entitlement.

After all paid leave has been exhausted, the remainder of the 12-week leave will be unpaid. Employees on unpaid FMLA leave are not entitled to paid holidays. Benefits that operate on an accrual basis (vacation, sick leave) will not be accrued during an unpaid FMLA leave. When a work-related injury qualifies for FMLA leave and the employee is receiving workers' compensation benefits, they will not be required to substitute any paid leave during their absence from work. However, the leave taken for the work-related injury or illness and FMLA will run concurrently.

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<sup>1</sup>Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

When any eligible employee takes an approved FMLA leave, the City will maintain group health coverage for the duration of that leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave.

To the extent allowed under the FMLA and state law, the City reserves the right to recover health insurance premiums from employees who fail to return to work at the end of an FMLA leave.

#### **Notice and Medical Certifications**

When the necessity for leave is foreseeable, the employee must provide 30 days notice prior to taking the leave by submitting a completed Request For Family and Medical Leave of Absence form to his/her supervisor. In the event of emergency or unforeseen circumstances, the Request For Family and Medical Leave of Absence form must be completed and submitted to his/her supervisor as soon as practicable (no later than 48 hours after an absence). In addition, an employee is required to provide immediate notice to his/her supervisor of the need for leave from work. If the employee cannot contact his/her supervisor personally, the employee should have someone contact the supervisor on his/her behalf.

Within five business days of the employee requesting FMLA leave or the City learning that an employee's absence from work may be for an FMLA qualifying reason, a "Notice of Eligibility and Rights & Responsibilities" form will be provided to the employee along with a "Certification of Health Care Provider" form if applicable. The City is required to designate a qualifying absence as FMLA leave if the employee is eligible even if he/she did not specifically request FMLA leave. If an employee requesting FMLA leave is not eligible, the City will provide a reason for ineligibility on the "Notice of Eligibility and Rights & Responsibilities" form.

Employees are required to provide medical certification to support a request for FMLA leave in most situations. The Certification of Health Care Provider forms must be completed and returned to Human Resources within 15 calendar days of receiving the request for certification. It is the responsibility of the employee to provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. It is also the employee's responsibility to inform the City if an absence from work is for a reason for which FMLA leave was previously taken or certified during the employee's tenure with the City.

Employees are required to provide periodic reports on their status and intent to return to work every 30 days during a continuous FMLA leave. Employees are responsible for communicating to the City at the beginning of a continuous FMLA leave the anticipated return to work date and to immediately notify the City of any changes in the return to work date. If an employee is unable to return to work on the planned date, then he/she must inform his/her supervisor at least seven (7) calendar days prior to the original expected date of return, or as soon as reasonably possible given the employee's circumstances.

After the employee timely returns the completed Certification of Health Care Provider form, Human Resources will provide the employee in writing with a "Designation Notice" form within five (5) business days, absent extenuating circumstances. The Designation Notice will notify the employee whether the leave will be designated and counted as FMLA leave or not. The Designation Notice may advise the employee that the Certification of Health Care Provider is incomplete or insufficient and, in such cases, will advise the employee what additional information is necessary to make the certification complete and sufficient. The employee will have seven (7) calendar days to cure any deficiency in the certification. If the deficiencies are not cured, the City may deny the FMLA leave and the employee may be subject to disciplinary action for being absent without approved leave.

If an employee does not timely return a completed Certification of Health Care Provider form, the City may deny the FMLA leave until the required certification is provided. If an employee never produces the certification, the leave is not covered by the FMLA and the employee may be subject to disciplinary action for being absent without approved leave.

If the City has reason to doubt the validity of the certification, the City may require, at its own expense, a second, or even third, medical opinion as permitted by the FMLA. Subsequent recertification may be requested consistent with the provisions of the FMLA. FMLA leave request forms may be obtained from Human Resources.

If the requested leave due to a qualifying exigency does not involve medical treatment, the City may request other types of information to verify the need for the leave, including active duty orders.

If the employee is requesting intermittent leave or leave on a reduced schedule, the following certification may be required:

1. For planned medical treatment - the dates on which such treatment is expected to be given and the duration of the treatment;
2. For the employee's own serious health condition - a statement of the medical necessity and the expected duration of intermittent leave or reduced leave schedule;
3. For caring for a spouse, son, daughter or parent of the employee, or a covered service member who has a serious health condition - a statement that the employee's leave is necessary or will assist in their recovery, and the expected duration of the intermittent leave or reduced leave schedule.

While on family leave, an employee must report to the Human Resources every two (2) weeks on their status, including whether they intend to return to work and the date on which they will return to work, if known.

#### **Job Protection and Restoration**

At the end of an FMLA leave, an employee will be restored to the same position or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, employees are subject to the business circumstances of conditions (such as layoffs) that would have applied had he/she been working. Certain highly paid key employees (those employees who are among the highest paid 10% of those employed by the City within 75 miles of the facility at which the employee works) may not be reinstated to the same or equivalent position due to business necessity. If this is the case, the City will notify the employee of his/her "key" employee status, whether they will deny job restoration and why, offer the employee reasonable opportunity to return to work from FMLA leave after giving notice, and make a final determination as to whether reinstatement will be denied at the end of the leave period if job restoration is requested.

If an employee is unable to return on the planned date, then he/she must inform their supervisor or department head of the need for additional leave at least seven (7) days prior to the original expected date of return, or as soon as possible given the employee's circumstances. An employee who fails to return to work on schedule will be considered to have voluntarily terminated their employment effective at the end of the third day of failure to report to work.

If family leave was taken because of the employee's own serious health condition, the City may require the employee to provide certification from his/her health care provider that they are able to resume work. Failure to submit such documentation may delay a return to work.

As with other leaves of absence from the City, FMLA leave may not be used to seek alternative employment opportunities or to fulfill other employment obligations with another employer or through self-employment. All procedures for reporting back to work after FMLA leave must be followed to protect the employee's status.

#### **Nondiscrimination Statement**

The City will not interfere with, restrain or deny the exercise of or the attempt to exercise, any right to leave provided to employees under any applicable law.

The City will not terminate or in any other manner discriminate against any employee for opposing any practice made unlawful by applicable laws providing leaves of absence to employees.

FMLA leave will not be used as a negative factor in employment actions such as hiring, promotions, or corrective action. FMLA leave will not be counted against an employee under the City's attendance policies.

#### **Miscellaneous**

Misrepresentations made regarding the reason for FMLA leave or using FMLA leave time for purposes inconsistent with the stated reason for the leave is grounds for corrective action up to and including immediate termination.

The City will comply with any state or federal laws that allow more leave than the FMLA. FMLA leave runs concurrently with all other leaves; e.g. any applicable Maternity Leave, Workers' Compensation.

If there are any questions regarding FMLA leave, employees should contact their supervisor.

### ***Maternity Leave***

As mandated by Tennessee law under the provisions of the Tennessee Maternity Leave Act of 1987 (T.C.A. Section 4-21-408, "Maternity Leave"), both female and male employees of the City who have been employed full-time for 12 consecutive months will be eligible for up to four months of unpaid maternity leave for the purpose of pregnancy, birth, adoption, and caring for the infant. The City will treat maternity leave for anyone with less than twelve (12) consecutive months of service as it would any non-job-related illness or injury.

Except when the employee uses accrued paid leave, maternity leave is otherwise considered and treated as leave without pay. Any maternity leave (whether paid or unpaid) will also be considered and treated as FMLA leave. It should be noted that maternity leave, FMLA leave, workers' compensation leave, and any paid leave an employee utilizes to supplement the unpaid portion of the leave will all run concurrently.

An eligible employee is required to give three (3) months' advance notice (unless prevented from doing so because of emergency medical necessity) of the employee's anticipated date to commence maternity leave, the length of maternity leave he/she plans to utilize, and his/her intentions to return to full-time employment following the leave. The employee must comply with these provisions in order to be eligible for all rights and provisions of the Act.

The employee will be required to exhaust all accumulated vacation leave and compensatory time prior to taking unpaid leave during maternity leave. In addition, employees have the option of being paid any accrued sick leave during a maternity leave, if applicable. No additional vacation leave or sick leave will accrue during the unpaid portion of a maternity leave.

Employees are responsible for maintaining their portion of payments of their insurance premiums. Arrangements must be made prior to departure for timely payments of insurance premiums during the leave time.

Employees returning from maternity leave will be reinstated to their previous position if at all possible. If their previous position is not available, a similar position with similar pay generally will be provided.

### ***Jury Duty Leave*** (aka Civil Leave)

In accordance with Tennessee state law, regular full-time or part-time employees who are residents of Tennessee (with the exception of temporary employees with the City less than six months), will be granted

paid time off for jury duty provided they give the City advance notice as far in advance as possible of their obligation to serve, and show the summons to their immediate supervisor on the first workday following the receipt of the summons. Jury duty leave with pay will be authorized by an employee's supervisor or department head. The employee will have the option of receiving full pay from the City for jury duty leave by assigning to the City the amount earned from the court. Otherwise, the City will pay the difference between the employee's regular salary and the amount earned from the court. Upon notice of an employee's jury duty summons, the supervisor must then notify the Payroll Administrator.

Employees are also required to notify their supervisor upon completion of their jury duty service. If an employee's jury duty time constitutes less than three hours on any given day, he/she will be required to return to work for the completion of their regularly scheduled shift. Employees whose jury duty service constitutes more than three hours on any particular day will not be required to return to work that day.

If an employee summoned for jury duty is working a night shift or is working during hours preceding those in which court is normally held, such employee will also be excused from employment for the shift immediately preceding the employee's first day of service on any lawsuit. After the first day of service, when such employee's responsibility for jury duty exceeds three (3) hours during a day, then the employee will be excused from their next scheduled work period occurring within twenty-four (24) hours of such day of jury service.

Upon returning from jury duty service, employees will be required to provide written verification to the City of the actual time spent on jury duty and the amount of jury duty pay received before payment under this policy will be made.

### ***Voting Leave***

The City encourages employees to fulfill their civic responsibility by participating in elections. Generally, employees are encouraged to find time to vote either before or after their regular work schedule. However, if an employee does not have three consecutive non-working hours during which they can vote, the City will grant reasonable time off, not to exceed three hours, to employees who are scheduled to work a full shift on Election Day, and request the time off to vote by 12:00 noon on the day before the election.

The City will grant reasonable time off in compliance with applicable state law, to full-time employees who are scheduled to work a full shift on Election Day, and request the time off to vote on the day before the election, as required by applicable state law. The City reserves the right to designate the hours when employees may take voting leave.

### ***Military Leave/Re-employment***

The City will administer military leave and returns from leave in accordance with the [38 USC 4301] Uniformed Services Employment and Reemployment Rights Act (USERRA). An employee of the City who is called to military service, voluntarily or involuntarily, is entitled to military leave with pay while engaged in "duty or training (including weekend drills) in the service of this state, or of the United States, under competent orders." An employee requesting military leave should notify their department head at least two (2) weeks in advance of the leave, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Upon presentation to the City of official orders, the employee (except shift personnel of the Fire Department) will be allowed military leave with pay for any military duty or training not exceeding fifteen (15) working days (120 hours) in any one calendar year (T.C.A. 8-33-109). Employees who are shift personnel of the Fire Department will be allowed military leave with pay for any military duty or training not exceeding seven and one-half (7 ½) shifts (127.5 hours) in any one calendar year. In the event military duty or training exceeds

fifteen (15) days in a calendar year, the employee may request in writing that the excess time be charged to the employee's accrued and unused vacation leave or compensatory time, if any, but not to any accrued and unused sick leave. During an unpaid leave of absence, an employee will not accrue vacation or sick time and will not be eligible for holiday pay.

It will be the employee's responsibility to arrange to attend monthly Reserve or Guard meetings on regular off-time. Employees entering an extended active duty will be paid in accordance with T.C.A. 8-33-109 unless the Board of Mayor and Alderman authorizes pay in addition to the minimum required by law.

Employees ordered or enlisted to full-time military duty will be re-employed in accordance with the provisions of current State and Federal law, including the Uniformed Services Employment and Re-employment Rights Act (USERRA). Upon completion of military service, employees who qualify for re-employment rights and apply for reinstatement within the stated time period based on length of leave, are entitled to be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service. The employee will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Employees seeking job or benefits protection under USERRA must have five years or less of cumulative service in the uniformed services while with any one particular employer; return to work or apply for re-employment in a timely manner after conclusion of service; and must not have been dishonorably discharged.

Additionally, while on a military leave of absence, employees taking military leave are entitled to continue healthcare coverage to the extent such coverage is otherwise provided, for a period of up to 31 days. After 31 days, continuation of health insurance benefits, at the employee's own expense, is available as required by USERRA for up to 24 months, and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible. Upon re-employment from military leave, the employee will be exempt from insurance waiting periods or limitations on coverage for the employee and all covered family members.

Contact Human Resources for more information or questions about Military Leave.

## ***Workers' Compensation***

The City is committed to meeting its obligations under state law to provide medical, rehabilitation, and wage-replacement benefits to all employees who sustain a work-related injury or illness. Injured employees are encouraged to seek prompt medical attention if necessary, and are required to select from a physician on the panel of physicians approved by the City's workers' compensation carrier which is posted in each department. In emergency situations, the most convenient medical service or hospital may be used. It is the employee's responsibility to notify their supervisor or Human Resources immediately if they have a work-related injury or illness, regardless of its severity, or as soon as possible if neither are immediately available. Failure to report a work-related injury or illness in a timely manner could result in no workers' compensation benefits being paid. It is the supervisor's responsibility to file with Human Resources a "First Report of Injury" form on the day of the injury or day of notification by the employee if later, but no later than 30 days after the accident/incident.

The City's Workers' Compensation carrier pays all medical expenses for the treatment of a work-related injury or illness. An employee's group health plan coverage cannot be used to pay for covered work-related injuries or illnesses. Employees are required to communicate with and coordinate all activities (i.e., medical care, restricted duty, return to work, etc.) through Human Resources. Failure to follow proper procedures may result in disciplinary action.

The City pays employees in full for the first seven days of the work-related injury or illness leave. In addition, weekly temporary total disability benefits are paid by workers' compensation if an employee is found to be temporarily totally disabled from working due to the work-related injury or illness. Compensation begins on the date of injury, and is based on 2/3 of an employee's gross average weekly wage for the last 52 weeks worked prior to the injury, subject to the minimum and maximum benefits as provided under Workers' Compensation Law. Employees may supplement the weekly workers' compensation benefits paid to them with a pro-rated amount of any accrued and unused sick, vacation or compensatory time, for the difference between what the employee would have earned, net of deductions, during the comparable portion of the injury leave and the actual amount of the workers' compensation paid to the employee, taking into account the tax free nature of workers' compensation benefits.

Any work time spent at medical or physical therapy appointments as follow-up treatment for any work-related injury or illness will be considered City work and will not be charged against any of the employee's accrued paid leave used to supplement workers' compensation payments.

Light duty work will be required, if available and with a physician's release based upon the light duty job description, for employees on approved leave. Light duty assignments are only temporary and will be paid at the particular job's rate. Worker's Compensation may pay the standard percentage of the difference between the light-duty job and the injured employee's regular rate of pay. Assigned duties while performing light duty/administrative duty work may be different from the employee's normal job description and/or duties.

Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged eligible under the Worker's Compensation Act.

Worker's Compensation leave will be denied if the post-accident Alcohol/Drug test is failed. For further information regarding benefits under this program, please contact Human Resources.

## ***COBRA***

The Consolidated Omnibus Reconciliation Act of 1986 or COBRA, is a federal law that gives a covered employee and their qualified dependents the option under certain conditions of continuing group health care coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment or death of an employee, a reduction in an employee's hours or a leave of absence, an employee's divorce or legal separation, and a dependent child no longer meeting eligibility requirements or a covered employee's entitlement to Medicare. If one of these events occurs, a covered employee and/or his/her qualified dependents must notify Human Resources within 60 days from the date of the qualifying event. If he/she does not, all rights under COBRA will end.

Under COBRA, a covered employee and/or their qualified dependents pay the full cost of coverage at the City's group rates plus an administrative fee. When an employee first becomes eligible for coverage under the City's health insurance plan, he/she will be given a written notice that contains important information about their rights and obligations granted under COBRA.

Questions regarding COBRA should be directed to Human Resources.

# Workplace Standards

## *Code of Conduct*

While most employees conduct themselves in a professional, courteous and enthusiastic manner, it is helpful to establish basic standards of conduct to ensure the best possible work environment for employees. Conduct that is disrespectful or offensive to fellow employees, discredits the City, interferes with business operations, or is deemed by management as adverse to the City's interest, will not be tolerated.

The following general rules on employee conduct have been developed to provide employees with an understanding of what is inappropriate and what disciplinary action may be appropriate if employee misconduct occurs. Disciplinary action will be remedial rather than punitive in nature whenever possible, with the organizational objective of directing and motivating employees to fully carry forth their work obligations to the City. These rules will be fairly and consistently applied considering the seriousness of the infraction, mitigating circumstances, previous work record, and other relevant criteria.

Department heads, under authority delegated by the City Administrator, and in accordance with the provisions of this Policy, may demote, dismiss, reduce in pay, or suspend without pay for not more than thirty (30) calendar days in any calendar year (except that suspensions may be extended pending any investigation and hearing), any employee for any one or more of the reasons listed below. As it is not possible to list every conceivable infraction or to anticipate the circumstances under which the infraction will take place, employees should **not** view the list of rules below as all-inclusive or as specifying the only appropriate discipline.

- Violation of Personnel Rules and Regulations, policies, procedures, or established practice;
- Violation of Federal, state or local law;
- Any form of harassment, including sexual harassment, or any form of discrimination towards a subordinate, co-worker, as well as non-employees, such as visitors, applicants, the general public, suppliers, etc., that is based on an individual's race, color, religion or creed, sex, pregnancy, national origin, citizenship, age, political affiliation, disability, veteran status, genetic information or any characteristic protected by federal, state, or local law;
- Theft, damage, abuse, use, or removal of City property, equipment, or the property of another employee for unauthorized purposes or without permission;
- Gross misconduct;
- Dishonesty of any kind, including falsifying City records or documents or transmitting false information, including omission of relevant information;
- Unlawful possession of or illegal activity relative to firearms, weapons, ammunition, explosives or other dangerous materials while on City premises or off property in the performance of City business;
- Reporting for work under the influence of alcohol or drugs; consumption, possession, trafficking (buying or selling) of intoxicants, narcotics, or drugs on City property while on duty, including any attempt to bring them onto City premises. (Note: If an employee takes any prescribed medication that may compromise their ability to perform their job duties safely and effectively during working hours, they must report it to their manager, in writing);
- Drug abuse, refusal to participate in a City-approved rehabilitation program deemed necessary by the City Administrator based on substantiating evidence, or refusal to submit to pertinent testing in accordance with a city approved drug and alcohol testing program;
- Illegal or unethical actions, such as accepting bribes, kickbacks or other illegal payments, made or received directly or indirectly in connection with your employment with the City;
- Threats of (or actual) violence, both direct and indirect, fighting or horseplay, or conduct that threatens, intimidates or coerces a fellow co-worker at any time, including off-duty periods;
- Unauthorized duplication of City keys, disclosure of passwords or codes;

- Disrespectful or unprofessional conduct or indulging in harmful gossip, bullying and any behavior that is threatening to the team atmosphere. This includes activities on or off City property considered to discredit the City, and/or fellow employees;
- Conviction of a felony or plea of no contest, in any court of law of any crime involving violent or immoral conduct or a misdemeanor reflecting upon the employee's ability to perform public service or for which a jail sentence is imposed;
- Posting online disparaging, discriminatory or defamatory comments when discussing the City, superiors, co-workers, and/or other municipalities. This includes no spam and no remarks that are off-topic or offensive such as ethnic slurs, personal insults, obscenity, or engaging in any conduct that would not be acceptable in City workplaces.
- Reckless driving while on City business;
- Failure to perform assigned duties satisfactorily or insubordination, including the refusal to follow or carry out work instructions given by management, so long as an employee is not placed in a situation of imminent danger by following such work order;
- Failure to practice safe work habits;
- No call/no show; excessive or unauthorized absenteeism, unexcused early departures and/or tardiness;
- An employment history with the City that demonstrates a consistent pattern of disciplinary and/or performance problems and a lack of corrective action by the employee, in spite of documented warnings and counseling efforts by the City to encourage improvement, so as to cause sufficient doubt as to whether continued employment is in the best interest of the individual and/or the City;
- Unauthorized use of telephones, mail system, computer systems, Internet, e-mail or other City provided equipment or systems;
- Unauthorized disclosure of business or other confidential information;
- Unauthorized tape recording without the permission of the City Administrator;
- Unauthorized purchases charged to City accounts.

The misconduct listed above are not the only grounds for discipline or dismissal. For this reason, these rules may be periodically updated, modified and supplemented, with or without notice to employees. While discipline is normally progressive in nature; i.e., oral reprimand, written reprimand, suspension with pay, minor suspension<sup>1</sup>, major suspension<sup>2</sup>, and dismissal, the City reserves the right to dismiss any employee at any time without prior warning as the situation warrants in the sole discretion of the City. In addition, the City reserves the right, based on the severity or serious nature of the offense, to start disciplinary action at steps other than the oral reprimand step for violation of workplace standards. Moreover, it is stressed that all disciplinary situations will be evaluated in light of their individual circumstances, including the employee's overall record of performance.

Failure to observe this policy is itself a serious offense and the City reserves the right to take disciplinary action, up to and including dismissal, even though violations are not specified above. **Neither these rules nor other policies are a contract or other promise of employment, and in no way alter the fact that employment is terminable at-will and can be terminated by either party at any time for any reason not prohibited by law.**

## ***Complaint and Appeals Procedure***

It is the policy of the City to provide a procedure for the presentation of complaints, defined as a dispute, misunderstanding or disagreement that arises involving employees, their supervisor and/or department head and/or the City relative to some aspect of employment, interpretation of regulations and policies or some management decision, including disciplinary actions other than dismissal, affecting the employee.

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<sup>1</sup> *Minor suspension: Disciplinary removal from paid status for one (1) to three (3) working days.*

<sup>2</sup> *Major suspension: Disciplinary removal from paid status for four (4) or more working days, but not more than thirty (30) calendar days in any calendar year unless an extension has been made pending any investigation and hearing.*

A complaint may not arise from any of the following:

- Personnel actions pertaining to position classifications;
- Pay and/or other forms of compensation including employee fringe benefits, or changes thereto; dismissal; and demotions, transfers and lay-offs because of the abolishment of positions.

### **Complaint Procedure**

The complaint procedure was established to assure employees that their problems and complaints would be considered fairly, rapidly, and without reprisal. The purpose of this procedure is to determine what is fair and just, rather than who is right. The City encourages free and open discussion between employees and supervisors for effective communications and understanding pertaining to work-related matters.

The complaint procedure involves a number of steps, but may be resolved at any step in the procedure by mutual agreement. Notation of any settlement will be signed by all parties and forwarded to Human Resources. Throughout the complaint procedure, whenever a specific number of City business days are allowed to submit a complaint or to respond to a complaint finding, then the “business days” in question will be those normal to the person responsible for the next action. The “business days” do not include days of vacation, sickness, suspension, scheduled days off, etc.

If a complaint develops, the following steps will be taken:

1. The employee should discuss the matter with his/her supervisor as soon as the complaint develops, but must do so no later than within five (5) City business days. The supervisor will make every effort to resolve the matter through oral communication.
2. If the matter is not resolved, the employee must, within five (5) City business days of the employee’s last effort to resolve the matter orally with the supervisor, submit in writing to the supervisor a complete statement as to what the employee feels the complaint to be, and a suggested solution. A designated form must be used for writing complaints. The forms may be obtained from the department head or from Human Resources. The supervisor will respond in writing within five (5) City business days of receiving the employee’s written complaint. At this step and the following steps, if used, copies of the complaint form and the response will be forwarded to the department head.
3. If the supervisor’s response is not satisfactory to the employee, the employee may submit the complaint to the department head within three (3) City business days of receiving the supervisor’s response, following the same procedure as in Step No. 2 above.
4. If the complaint does not pertain to either the employee’s supervisor or another employee who reports to that same supervisor, then the employee may submit the complaint directly to the department head.
5. The department head will provide the employee with a written response within five (5) City business days of receiving the complaint from the employee.
6. If the department head’s response is not satisfactory to the employee, then the employee may submit the complaint to Human Resources within three (3) City business days of receiving the department head’s decision.
7. Human Resources will obtain all information in its entirety from the department head, informally discuss the complaint with the employee, the department head and others as necessary, and determine, in the form of a written memorandum, whether the complaint procedures followed to date have been appropriate and whether the department head’s decision was a reasonable one under the circumstances, all within ten (10) City business days of receiving the complaint from the employee. The determination of Human Resources is not intended to substitute that of the department head on whether and how the employee should be disciplined (if the complaint is due to a disciplinary action). Human Resources will make a copy of the complaint and all responses thereto a part of the City’s official personnel file for that employee. In the event any employee who reports,

either directly or indirectly, to Human Resources, submits a written complaint, or in the event Human Resources submits a written complaint, then no such informal discussion will be held and the matter will be forwarded to the City Administrator as an appeal of a complaint.

### **Appeals Process**

1. If the determination of Human Resources is not satisfactory to either the employee or the employee's department head, one may, within five (5) City business days of receiving the determination, appeal that determination to the City Administrator and request a complaint hearing.
2. The City Administrator will, within two (2) weeks of receiving the written appeal, set the date, time, and location for a complaint hearing, and will notify the employee, the supervisor, the department head, and Human Resources of this information. The complaint hearing will be set for a date that is not less than five (5) City business days but not more than ten (10) City business days after the City Administrator notifies these individuals of the date.
3. It is the responsibility of the employee to appear at the scheduled complaint hearing. If the employee fails to appear and has no justifiable reason for failing to appear, then the appeal will be dismissed.
4. The City Administrator will have the authority to interview witnesses under oath, to compel the attendance of City employees, to require the production of information by employees, and to request attendance and production of information by non-employees. At a minimum, the persons to be interviewed by the City Administrator at the complaint hearing will include the employee submitting the complaint and the employee's supervisor or other person whose action is being reviewed. The aforementioned individuals may provide a list of others whom the City Administrator may also interview to the extent the City Administrator deems it practical and/or necessary to do so.
5. The employee's personal attorney may be present at the complaint hearing. The City Administrator may request the City Attorney to attend the complaint hearing in order to serve in an advisory capacity. The complaint hearing will be audiotape recorded.
6. The City Administrator will have ten (10) City business days from the conclusion of the hearing to render a decision. The decision will be in writing and will include the reasons for the decision. The City Administrator's decision will be final and binding in all cases, except that the decision may be appealed to a court of law of competent jurisdiction.

### **Reinstatement/Reimbursement**

In the event an employee files a complaint regarding a matter involving loss of position, pay, benefits, leave time, etc. and ultimately prevails, then any such position, pay, benefits, leave time, etc. will be reinstated/reimbursed following final resolution of the complaint.

### ***Internet and E-Mail Policy***

The City provides its employees with Internet access and electronic communications services as required for the performance and fulfillment of job responsibilities. Employees must understand that any connection to the Internet offers an opportunity for unauthorized persons to view or access City information. It also opens holes in our network security, which can make us vulnerable to viruses and other types of attacks. Therefore, it is important that all connections be secure, controlled, and monitored.

All electronic mail ("e-mail") is a local government record or property and may be considered a public record, subject to public inspection, under the Tennessee Public Records Act. Employees are advised that they have no legitimate expectation of privacy with regard to their electronic communications.

The City reserves the right to monitor messages and the use of the Internet by employees under certain circumstances listed below. Supervisors have the authority to inspect and extract the contents of any technology equipment, files, calendars, or electronic mail of their subordinates in the normal course of their

supervisory duties upon prior approval of the City Administrator. Employees of the Technology Department have the authority to inspect and extract such content for the reasons listed below.

Reasons for monitoring or retrieving e-mail messages and use of the computer include the following:

1. During the course of an investigation that has been triggered by indications of impropriety;
2. Whenever it is necessary to locate substantive information relevant to a breach of security of the City's computer system;
3. Whenever there may be system hardware or software problems, or for regular system maintenance;
4. Whenever any messages are relevant to a lawsuit or legal action involving the City; and/or
5. Whenever there is reasonable suspicion of a crime or violation of this policy.

Below are the current guidelines for using the City's computer system, the Internet and e-mail. While every effort was used to make this policy comprehensive, any incidents not addressed by this policy will be reviewed on a case-by-case basis using the basic intent of this policy as a guide.

#### **Permitted Use**

Employee access to the City's computer system, the Internet and e-mail are for the purpose of increasing productivity, and not for non-business activities; however, occasional and reasonable personal use is permitted, provided that this does not interfere with the performance of work duties and responsibilities. Employees may use the City's Internet services for personal improvement, outside of scheduled hours of work, provided that such use is consistent with professional conduct, and is not for personal financial gain. Employees may send and receive e-mail attachments that do not exceed 10 MB in size. All attachments are scanned before they are opened by the City's chosen antivirus software.

#### **Prohibited Use**

Employees are prohibited from using the City's computer system in the following manner or to view, download, save, receive, or send material related to or including:

- Promoting discrimination on the basis of race, color, religion or creed, sex, pregnancy, national origin, citizenship, age, political affiliation, disability, veteran status, genetic information or other protected characteristics as required by all applicable federal and state laws, or local law, regulation, or ordinance;
- Composing, forwarding, or sending e-mail that contains sexually explicit images, messages or pictures, racial, religious or ethnic slurs, sexual or off-color jokes, or harassing, intimidating, abusive or offensive material to or about others;
- Threatening or violent behavior;
- Gambling or illegal activities;
- Messages of a religious or political nature;
- Intercepting, eavesdropping, recording, or altering another person's e-mail message;
- Forwarding e-mail chain letters;
- Adopting the identity of another person on any e-mail message, attempting to send e-mail anonymously, or allowing another person to use your electronic identity for e-mail, access to the Internet or access to the City's computer network;
- Accessing inappropriate Internet web sites such as ones that display pornography except in the normal course of the employee's job duties and assignments;
- Misrepresenting yourself or your affiliation with the City in an e-mail message;
- Using e-mail for any personal financial gain, commercial or promotional purposes, including personal messages offering to buy or sell goods and services;
- Spamming e-mail accounts from the City's e-mail system or City machines;
- Sending or knowingly receiving any software in violation of copyright laws.

The above list of examples should not be considered all-inclusive.

## **Responsibilities**

Employees of the City are responsible for:

- Honoring acceptable use policies of networks accessed through the City's Internet and e-mail services;
- Abiding by existing federal, state, and local telecommunications and networking laws and regulations;
- Following copyright laws regarding protected commercial software or intellectual property;
- Minimizing unnecessary network traffic that may interfere with the ability of others to make effective use of the City's network resources;
- Not overloading networks with excessive data or wasting the City's other technical resources.

## **Violations**

Violations will be reviewed on a case-by-case basis. If it is determined that an employee has violated one or more of the above use regulations, that employee will receive a reprimand from his/her supervisor and his/her future use will be closely monitored. If a gross violation has occurred, management will take immediate action. Such action may result in the employee losing Internet and/or e-mail privileges, severe reprimand, or termination of employment with the City.

## ***Software/Hardware Policy***

All City employees are expected to take reasonable precautions to protect against the unauthorized access or illegal use, disclosure, modification, duplication and/or destruction of any information or technology resource under their control.

### ***Specifically this includes, but is not limited to:***

- Understanding and complying with the security rules of any technology systems used;
- Using available mechanisms and procedures to protect his/her own information and information under their control;
- Not providing or allowing inappropriate access to information, and not discussing it with others;
- Obtaining appropriate authorization for restricted information to which he/she needs access;
- Maintaining confidentiality of ID's and passwords;
- Applying the City's standard copyright notice, as appropriate, on certain documents, electronic files, reports, messages and spreadsheets that are created on behalf of the City.

All Company technology resources, including computers, software, computer files, and your use of the City's network are subject to review and monitoring, and your use of these is considered consent to this policy, and to management's right to review and monitor such usage.

Employees should not copy software loaded on any City computer and take it off the premises for personal gain. Likewise, employees should not bring in or download any unauthorized outside vendor software to be installed on the City's machines. Any unauthorized software brought in will be subject to confiscation, and will not be returned. Employees found installing outside software will be subject to immediate disciplinary action, up to and including termination, even for first offense. The following software programs that are not authorized include, but are not limited to, Real Player, Pagoo, Jet-Audio, Napster, Atomica, iMesh, Surf, Spedia, Hot Text, Bonzi Buddy, Hot Bar, Gozilla, Limewire, Morpheus, Kazaa, Webshots, and Gator. The absence of, or lack of explicit reference to a specific software program does not limit the extent of the application of this policy. These applications compromise our security and anti-virus protection. In addition, no one is allowed to listen to Internet music, or view videos on the Internet unless it is business related. These programs use up too much of our available bandwidth and slow down legitimate network traffic.

Disabling installed security/monitoring software on City computers is prohibited. Software or computer files may not be taken out of the office for use by others, or removed or copied from any City computer or network onto a flash drive or other portable device unless authorized.

If employees suspect that their machine might have a virus or suffer any other computer malfunction, notify the Network Administrator immediately. Also, if an employee wants or needs new software, he or she should request approval from their supervisor.

City employees learning of any misuse of software or related documentation should notify his or her supervisor immediately. Any evidence of violation of this policy, security breach, or use of the City's hardware or software for an illegal purpose (including but not limited to unauthorized use of copyrighted materials or licensed software) may result in disciplinary action, up to and including termination.

## ***Telephone Policy***

Telephones (including both land-line and mobile), pagers, and voicemail, are intended for use by employees and officials of the City for the conducting of the City's official business. The occasional personal use of such technology, both during and after normal working hours, is acceptable so long as it does not interfere with the employee's job duties and is not used in such a manner as to incur any direct expense upon the City. Excessive personal calls during the workday are discouraged, regardless of the phone used, as they can interfere with productivity, be distracting to others, and can be a safety hazard. Long distance calls are to be limited to business purposes at all times.

### **Voice Mail**

Voice mail message length should be kept to a minimum. City employees are expected to establish, maintain, and review their respective voice mail on a regular basis, including but not limited to, providing a professional greeting and/or notice of extended absence from accepting calls due to travel, vacation, etc.

### **Wireless Phones, PDA's, Smart Phones and Pagers**

Where job or business needs demand immediate access to an employee or City official, the City may provide a wireless phone, PDA, smart phone and/or pager to the employee for work-related communications and such devices should be used primarily for business purposes. Each employee will be given the usage limit expectation. This usage will be monitored on a regular basis and excess usage will require justification. If an employee is determined to be abusing the City-provided devices, he/she will be asked to refrain from over usage and possibly to reimburse the City for the excessive use. If the abuse continues, the employee may lose their wireless device and/or be subject to disciplinary action.

There should be no expectation of privacy on the employee's part as to these wireless phones or devices, and the City reserves the right to inspect the calls, texts and messages sent and received using these phones or devices in order to confirm that they are being used for business purposes. Employees are also expected to protect any City-provided wireless phones or devices from loss, damage or theft.

Employees, while driving a vehicle on City business or as part of their job-related duties, are expected to refrain from using any wireless device (i.e., wireless phone, PDA, smart phone, pager, etc.) as much as possible. Safety must come before all other concerns, and the use of a hands free device or headset is strongly encouraged as a safety measure. Employees should use discretion in placing or accepting calls when driving. If practical, pull off to the side of the road and safely stop the vehicle before placing or accepting a call. When this is not possible, consider letting voicemail answer the call, and call back later.

Texting or e-mailing while driving on City business is extremely dangerous and is strictly prohibited. Employees should at all times follow applicable state and local laws with regards to wireless phone usage, texting, and e-mailing while driving. If an employee is charged with a traffic violation resulting from the use

of his/her wireless device while driving, he/she will be solely responsible for all liabilities that result from such actions.

### **Return of Wireless Devices**

Upon resignation or termination of employment or at any time upon request, the employee may be asked to produce the City-provided wireless phone or devices for return or inspection. The City will maintain the telephone numbers for all wireless phones or devices provided.

Employees who violate this policy will be subject to disciplinary action, up to and including, termination of employment.

## ***Social Media Policy***

The City respects the rights of its employees to use blogs and other social media tools not only as a form of self-expression, but also as a means to further the City's business. It is important that all employees are aware of the implications of engaging in forms of social media and online conversations that reference the City and/or the employee's relationship with the City and its reputation in the community, and that employees recognize when the City might be held responsible for their behavior.

The best advice is to approach online worlds in the same way we do the physical one – by using sound judgment and common sense, by adhering to the City's values, and by following the City's Code of Conduct Policy and all other applicable policies. In general, what an employee does on their own time is their affair. However, activities in or outside of work that affect an employee's job performance, the performance of others, or the City's business interests are a proper focus for City policy.

The following activities are specifically prohibited per City policy. An employee may not record, film or take pictures while inside City facilities or outside on City property without prior approval from the PR Department. In addition, managers or supervisors may not use social media to provide references or recommendations or make comments regarding current or former employees.

### **Social Computing Guidelines**

The following guidelines have been developed for social media participation, and apply to all City employees who participate in, create or contribute to blogs, wikis, social networks, virtual worlds, or any other kind of social media. It is essential that employees understand and follow these simple but important guidelines. Whether logging into Twitter, Yelp, Wikipedia, Linked In, Plaxo, U-Tube, YouTube, MySpace or Facebook pages, or comment on online media stories — these guidelines are for all employees. The absence of, or lack of explicit reference to a specific site does not limit the extent of the application of this policy. Where no policy or guideline exists, employees should use their professional judgment and take the most prudent action possible. An employee should consult with his/her manager or supervisor if they are uncertain.

1. The employee should be transparent and state they work for the City. Honesty will be noted in the social media environment. If writing about the city, an employee should use his/her real name, identify they work for the City, and be clear about their role. If an employee has a vested interest in what they are discussing, be the first to say so. Also, write in the first person. The employee must make it clear that he/she is speaking for him/herself and not on behalf of the City. For example, use a disclaimer such as this: "The postings on this site are my own and don't necessarily represent the City or the City's positions, strategies or opinions."
2. An employee must never represent him/herself or the City in a false or misleading way. All statements must be true and not misleading; all claims must be substantiated.
3. Post meaningful, respectful comments. In other words, do not post online "disparaging, discriminatory or defamatory comments when discussing the City, an employee's superiors, co-workers, and/or other municipalities. Please, no spam and no remarks that are off-topic or offensive such as ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be

acceptable in City workplaces. Show proper consideration for others' privacy and for topics that may be considered objectionable or inflammatory—such as politics and religion.

4. Use common sense and common courtesy. For example, it's best to ask permission to publish or report on conversations that are meant to be private or internal to City. Make sure any effort to be transparent doesn't violate the City's privacy, confidentiality, and legal guidelines for external commercial speech. If unclear as to the propriety of a post, it is best to refrain and seek the advice of management.
5. An employee should stick to his/her area of expertise and feel free to provide unique, individual perspectives on non-confidential activities of the City.
6. When disagreeing with others' opinions, keep it appropriate and polite. If in a situation online that looks as if it's becoming antagonistic, do not get overly defensive and do not disengage from the conversation abruptly. An employee should feel free to ask his/her supervisor for advice and/or to disengage from the dialogue in a polite manner that reflects well on the City; if a mistake is made, be the first to correct it, and don't alter previous posts without indicating that this has been done.
7. If writing about other cities, make sure to behave diplomatically, have the facts straight and the appropriate permissions.
8. Never comment on anything related to legal matters, litigation, or any parties the City may be in litigation with.
9. Never participate in social media when the topic being discussed may be considered a crisis situation. Even anonymous comments may be traced back to the employee or the City's IP address. Refer all social media activity around crisis topics to the City Administrator.
10. An employee should be smart about protecting him/herself, their individual privacy, the City and any confidential information. An employee's online presence reflects upon the City. Be aware that actions captured via images, posts, or comments can reflect that of the City. What is published is widely accessible and will be around for a long time, so consider the content carefully. Google has a long memory.

Remember that there are always consequences to what an employee publishes. An employee publishing something that is related to the City's business, he/she should feel free to discuss it with their supervisor. Ultimately, however, the employee has sole responsibility for what is posted to his/her blog or published in any form of online social media.

Failure to follow this policy may result in disciplinary action, up to and including termination.

### ***Use of City Owned Vehicles***

Employees and officials of the City are prohibited from using city-owned vehicles for personal use except as provided herein. Certain employees may be authorized by the Board of Mayor and Alderman or the City Administrator to take a City vehicle home and are therefore authorized to commute to and from work in their assigned vehicle (i.e., Emergency service department heads due to being on call 24/7). In addition, certain de minimis (i.e negligible) personal use of a City vehicle that does not materially increase the number of miles a vehicle is driven is acceptable. Examples of de minimis personal use include stops for meals taken in the course of employment or, for employees with authorized take-home vehicle, stops on the way to and from home along the normal commuting route.

City-owned vehicles not being used for commuting purposes or after normal business will be secured on City property unless temporarily located elsewhere, such as for maintenance.

In accordance with Internal Revenue Service rules and regulations, personal use of a City-owned vehicle may, depending upon the type of vehicle and type of personal use, be subject to taxation. The City will follow applicable IRS guidelines in taxing personal use of a City-owned vehicle.

All employees and officials are expected to refrain from using any wireless device (phone, PDA, smart phone, pager, etc.) while operating a City vehicle. If "hands-free" equipment is provided, employees are expected to use such equipment when appropriate. See Telephone Policy for further information. Violation of this policy may result in disciplinary action up to and including termination of employment.

### ***Use of City Time, Facilities, Resources or Position***

No city official or employee may use or authorize the use of City time, facilities, supplies, inventory, materials, tools, machinery, equipment or other resources for private gain or advantage to himself/herself or any other private person or group; provided, however, that this prohibition will not apply when the Board of Mayor and Alderman has authorized the use of such resources of the City, and the City is paid at such rates as are normally and customarily charged by private sources for comparable services.

No City official or employee may make or attempt to make private purchases, for cash or otherwise, in the name of the City, nor use or attempt to use status as a City employee to secure unwarranted privileges or exemptions.

### ***OSHA/Workplace Safety***

It is the policy of the City to provide a safe and comfortable work environment for all City employees. The City has established workplace safety procedures and regulations that comply with regulatory requirements and are intended to increase safety consciousness among all employees. The City maintains constant vigilance of all safety programs, and where safety standards are found to be deficient, the City will take immediate action to correct the situation. The safety of all employees and the public is a high priority of the City.

While the City Administrator retains overall responsibility for oversight of the City's safety program, a Workplace Safety Committee under the direction of Human Resources, will have the responsibility to recommend implementation of plans and programs for approval by the City Administrator to meet compliance of State safety standards and laws. These plans and programs will be at least as effective as the Federal and State standards on the same issues and will include the following:

1. The OSHA Committee members and/or Human Resources will have the right to enter, at any reasonable time, any work area under the control of the City, and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment, and materials therein, and to question privately any supervisor or employee.
2. Human Resources or the OSHA Committee Chairman may require the attendance of employees, and may interview employees and require the presentations of evidence, under oath, for the purpose of confirming or supplementing findings.
3. The City emphasizes the necessity for all employees to recognize and report safety and health problems, to avoid unsafe conditions, and to learn and practice acceptable safety techniques.
4. All employees will be informed of applicable procedures and standards set forth by the Tennessee Occupational Safety and Health Act.

### ***Workplace Violence***

It is the intent of the City to provide a workplace that is free from violence by establishing preventative measures, holding perpetrators of violence accountable and by providing assistance and support to victims. Committing a violent act, whether on-duty or off-duty, has the potential to impact an employee's ability to perform their job.

**Workplace violence** includes, but is not limited to, intimidation, bullying, stalking, threats, physical attack, domestic violence or property damage and includes acts of violence committed by City employees, Officials, visitors, the general public, vendors, relatives, acquaintances, or strangers, against City employees in the workplace.

This policy applies to all employees, and to the conduct of an employee while functioning in the course and scope of employment as well as off-duty violent conduct that has a potential adverse impact on a City employee's ability to perform their assigned duties and responsibilities.

It is a violation of this policy to engage in workplace violence as defined herein; to use, possess or threaten to use a weapon during a time covered by this policy (except in the case of a sworn police officer acting within the confines of his/her duty); and misuse authority vested to any City employee. When a threat has been reported or management determines that a potential for violence exists, management may require an employee to undergo an assessment to determine the risk of danger. An EAP can assist by facilitating referral to an appropriate resource for this assessment.

The City will make efforts to protect victims of workplace violence by offering available security measures, and will make accommodations or adjustments to the victim's work schedule, location or working conditions to the extent possible and appropriate to enhance their safety. Management is expected to offer support to victims of workplace violence, which includes domestic violence. This support includes referral to the EAP, if available, and discretion to grant leave time for medical, court or counseling appointments related to trauma and/or victimization. Leave time options include vacation, sick or compensatory time or leave without pay.

A violation of this policy will be considered unacceptable personal conduct as provided in the Code of Conduct policy. Acts of violence in the workplace as defined herein, as well as acts of off-duty violent conduct may be grounds for disciplinary action, up to and including dismissal.

This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence. Employees are required to report all acts of violence or threats of violence or retaliation to their immediate supervisor, department head, Human Resources, the City Administrator or other City Official with whom they feel most comfortable. All reports of violence or retaliation will be promptly investigated, and handled in a confidential manner to the extent possible, with information released only on a need-to-know basis. Management will be sensitive and responsive to the reporting employees' fear of reprisal.

## ***Smoking Policy***

Smoking in public buildings of the City is restricted in accordance with state law, and in order to provide a clean and healthy environment for all employees and visitors and to promote a positive impression of the City operations with the general public. It is the intent of this policy to address and be sensitive to the preferences of both smokers and nonsmokers.

This smoking policy applies to all employees, City officials, citizens, vendors, and visitors while inside any City controlled building or space including the Municipal Center, Service Center, Public Library, Safety Center East and all Fire Stations. This policy also applies to City vehicles. It does not apply to open-air facilities unless prohibited under other policies.

Smoking is permitted immediately outside City buildings, but is expressly prohibited in any enclosed area in a City building. Outdoor ash receptacles can be found at public entrances and outdoor smoking areas, and are to be used to properly extinguish and dispose of cigarettes or other tobacco products, rather than using the sidewalks or surrounding grounds, which is not permitted. Employees will be allowed an opportunity to smoke during lunch and during usual and customary permitted breaks provided to all employees.

Complaints of violation of this policy should be made to the appropriate department head or the City Administrator and all complaints will be kept confidential.

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of both smokers and nonsmokers. All employees share the responsibility of adhering to and enforcing the policy. Employees who are found smoking inside enclosed areas will be considered in violation of this policy and subject to disciplinary action. Visitors or others who violate this policy will be advised by security or management personnel of the policy and requested to extinguish smoking materials or to move outside.

### ***Dress Code***

The City expects all employees to dress in a manner that is appropriate to the duties and responsibilities of their positions and conveys an image of self-pride, pride in the organization, and respect for other employees and the public. Non-uniformed administrative and office staff should wear business-casual clothing. On Fridays, casual attire is acceptable for such staff. Excepting apparel meeting prior approval of the City Administrator, "Casual attire" specifically does not include shorts; athletic wear, such as sweat shirts, sweat pants, jogging suits and sports jerseys; printed T-shirts, or sleeveless shirts; overly worn, torn or tattered clothing; and the like. Jeans are acceptable on Fridays only.

Non-uniformed administrative and office staff who are spending a significant portion of a particular day outside or engaged in manual labor indoors may wear more casual clothing on that day. Other non-uniformed employees who spend a greater part of each or nearly every day outside may wear more casual clothing on a regular basis, subject to the approval of the employee's department head.

### ***Outside Employment***

No regular, full-time officer or employee of the City may accept any outside employment without written authorization from the City Administrator. Subject to recommendation of the Department Head, the City Administrator will not grant such authorization if the work is likely to interfere with the satisfactory performance of the employee's duties, or is incompatible with City employment, or is likely to cast discredit upon or create embarrassment for the City.

### ***Political Activity***

All City employees are free to enjoy the same rights of other citizens of Tennessee to be a candidate for and to hold any federal, state, or local political office, except for any elected office of the City; and to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. However, employees of the City may not participate in any such political activities while on-duty for the City; and may not use City equipment or resources either on or off duty while participating in political activities.

Any willful violation or violations through negligence of this policy will be sufficient grounds for the discharge of any employee guilty of such violation.

### ***Business Dealings***

Except as noted below, no City officer or employee may be privately interested in or profit, directly or indirectly, from business dealings, with, of, or by the City.

Regular full-time, part-time, and temporary employees of the City may, subject to the approval of the City Administrator, contract to perform services for the City by meeting the following criteria: (1) the service

performed must not be any service which the employee might provide in the normal scope of his/her regular duties; (2) the employee is required to bid or submit a proposal in the same manner as any other prospective provider of service; and (3) the service performed must not present a conflict of interest nor a conflict of time with the employee's regular duties.

### ***Acceptance of Gratuities***

No City official or employee may accept any money or other consideration or favor from anyone other than the City for the performance of an act which the official or employee would be required or expected to perform in the regular course of employment; nor may any official or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be an attempt to influence the individual's actions with respect to City business.

### ***Emergency Department Provisions***

Due to the emergency and paramilitary nature of their work, the Fire and Police Departments may have supplemental rules and regulations that are more stringent than rules and regulations applied to employees of other departments. Those supplemental rules and regulations will not be inconsistent with the City's rules and regulations and are subject to review and approval by Human Resources and the City Administrator.

### ***Employee Licenses and Certifications***

All employees are responsible for maintaining current and valid licenses and certifications necessary to perform job duties. For example, any employee required to operate a City vehicle or equipment must possess the appropriate type of valid driver's license at all times. Any employee receiving a salary supplement for certification as an emergency medical technician is responsible for recertifying himself/herself on a timely basis. Any expiration or revocation of valid licenses or certifications, required for the job or for which a salary supplement is received, must be reported immediately to the employee's supervisor.

An employee's failure to immediately report expiration or revocation of a required certificate or license will be subject to disciplinary action in accordance with the City's Discipline Policy. The City will conduct periodic checks of required licenses and certification to ensure employees keep them valid and current.

### ***Inclement Weather***

Generally, inclement weather does not routinely warrant the closing of City facilities. Conditions caused by ordinary inclement weather require each employee to make a personal decision regarding the ability to travel safely to and from work. The City will allow non-emergency employees to make up the lost work time in the same work week (with department head approval) or utilize vacation leave, compensatory time or leave without pay (but not sick leave) if the employee believes it is not safe to travel to the workplace.

Non-emergency employees who make the effort to travel to their workplace and who report to that workplace within a reasonable period of time, under the circumstances, and who make up the lost work time in the same pay period (with department head approval) will not be required to use such leave for any such reasonable delay in arriving to the workplace.

In the event of extraordinary emergency conditions caused by extreme inclement weather which is dangerous or which causes treacherous travel conditions for employees and citizens, the City Administrator may choose not to open or to close City facilities early. In such a circumstance, with

approval of their department head, non-emergency employees may choose to report to work and perform their job-related duties and responsibilities and be paid for their time. Alternatively, they may choose not to report to work during this time.

### ***Medical Fitness for Duty***

Each employee of the City must be medically fit for regular and unrestricted duty to perform the essential duties and job functions as specified in the City's current job description for that employee's position. If an employee of the City is found, in the context of a medical evaluation, either routine or for cause, to be medically unfit for regular and unrestricted duty and unable to perform the essential duties of their current job, even with reasonable accommodation, then that employee will be placed on leave effective immediately. This leave may be considered as leave pursuant to the Federal Family and Medical Leave Act (FMLA), if and to the extent the employee is eligible for such leave and the medical condition qualifies as a serious health condition. An employee on such leave may not return to regular and unrestricted duty unless determined to be medically fit by a physician or other licensed health care professional of the City's choosing. The City will work with the employee and the health care professional to accommodate within reason the needs of the employee in order to avoid, if and as practicable, the need for the employee to be placed on leave in the first place. If not practicable, then the City will work with the employee and the health care professional to have the employee return to work as soon as possible. Temporary restricted duties as part of a graduated return-to-regular-duty plan if and as necessary may be allowed, but only at the discretion of the department head and the City Administrator.

If an employee's medical condition is determined by the City to be work-related, then the employee's leave will be handled as with any other work-related injury (see Workers' Compensation). If the medical condition is determined to be non-work-related, then the leave will be considered and treated as paid leave if the employee is full-time and has any accrued and unused vacation or sick leave and/or compensatory time. If an employee has exhausted all paid leave as well as all unpaid FMLA leave, he/she may petition for unpaid leave (see Leave of Absence Policy.)

If an employee has not returned to work for temporary restricted duty as part of a graduated return-to-regular duty plan or found to be medically fit to return to regular, unrestricted duty and all paid and unpaid FMLA leave have been exhausted, then employment with the City may be terminated, effective upon the exhaustion of the type of leave last remaining.

Nothing contained herein precludes an employee from applying for any other employment position with the City for which the employee is qualified and for which the City has a currently posted job vacancy.

### ***Employee Identification Cards***

Every City employee will be issued a photo identification card on their first day of employment. Uniformed employees of the Police and Fire Departments will not be required to have their identification card visible while in uniform, but must have the card in their possession while on duty. While not in uniform, these employees must have their identification card visible while at work or otherwise on City property, at the discretion of the department head.

# Administrative Guidelines

## ***Work Hours***

The normal working hours for each employee of the City will be established by that employee's department head, subject to the approval of the City Administrator. Normal daytime working hours for administrative employees and office staff will match or closely approximate the normal and customary public office hours for their respective offices, subject to the approval of the City Administrator. Except for shift personnel of the Fire Department and Police Department, full-time employees of the City will be scheduled to work forty (40) hours per week. Shift personnel of the Fire Department will be scheduled to work seven 24-hour-on/48-hour-off shifts per three calendar weeks.

## ***Employee Status***

The City defines employee classifications in order for employees to understand their employment status and benefit eligibility. Employees are designated either Non-exempt or Exempt from federal and state wage and hour laws. Non-exempt employees are employees paid on an hourly basis and are entitled to overtime pay under specific provisions of federal and state laws. Exempt employees are employees paid on a salary basis and are excluded from specific provisions of federal and state wage and hour laws. Exempt employees typically are not eligible for overtime pay, but may be compensated on a straight time hourly basis, if approved by the City. Any questions concerning an employee's classification, should be directed to Human Resources.

In addition to the above categories, each employee will also belong to one of the following employment categories:

### **Introductory Employee**

An employee who has not yet completed their introductory period (six (6) months from date of hire), in which they are required to demonstrate fitness for the position by actual performance. While all introductory employees receive all legally mandated benefits (such as Workers' Compensation and Social Security), they are ineligible for the City's benefit package. Upon satisfactory completion of the introductory period, employees will be transferred to regular full-time or part-time status, and eligible for benefits, as applicable.

### **Regular Full-Time Employee**

An employee that is regularly scheduled to work 37.5 or more hours per week is designated as a regular full-time employee. The City's benefit package is available to anyone who works a minimum of 37.5 hours per week.

### **Regular Part-time Employee**

An employee that is regularly scheduled to work less than 37.5 hours per week is designated as a regular part-time employee. The City's benefit package is available to employees who regularly work a minimum of 37.5 hours. Regular part-time employees will be paid an hourly rate for all hours worked up to forty hours per week, and will be paid time and one-half (1 ½) times their regular hourly rate for all hours worked over forty (40) hours per week. All regular part-time employees are eligible for market pay adjustments as specified for all employees, however, they do not receive City-provided benefits.

### **Temporary Employee**

A temporary employee is any employee hired to work on a temporary basis (such as a seasonal employee or as a replacement for an employee on leave of absence), regardless of the number of hours worked per week. Temporary employees are not eligible for the City's benefit package, but are eligible for legally mandated benefits (such as workers' compensation and social security). Those employees, who are leased to the City through temporary agencies, are not eligible for any benefits through the City. Temporary employees are

eligible for market pay adjustments as specified for all employees. After six (6) months of employment, a temporary employee's status will be re-evaluated and may be converted to regular employee status, reinstated as a temporary employee or dismissed. Temporary employees may be dismissed at any time without right of appeal as provided herein for regular employees.

### ***Introductory Period***

All new employees work on an introductory basis for the six (6) months after their date of hire. This introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance, and to determine whether the new position meets their expectations. The introductory period is also an integral part of the City's evaluation process and is used by management as an opportunity to evaluate the new employee's capabilities, work habits, and overall performance to determine whether he/she is suited to the new job. During this time the new employee will be provided with training and guidance to aid the employee in adjusting to their new position. The introductory employee may be dismissed at any time during this period if the supervisor concludes that the employee's performance or attendance fails to meet acceptable standards.

Salary adjustments may be made during the introductory period depending upon progress in performance or upon completion of training phases.

### **Evaluation and Completion of Introductory Period**

The supervisor will evaluate the performance of the introductory employee, except newly sworn personnel of the Fire and Police departments, by no later than the end of the sixth month. Newly sworn personnel of the Police Department will be evaluated by their respective supervisor on a schedule determined by the department. Newly sworn personnel of the Fire Department will be evaluated by their respective supervisor by the end of the third, sixth, and twelfth months. Additional evaluations may be completed prior to these intervals, if necessary, to address performance problems.

The evaluations will be documented on a designated form. Upon completion of the introductory period, the department head will review the evaluations and recommend to Human Resources and to the City Administrator whether regular full or part-time status should be conferred, the introductory period extended for up to six (6) additional months, or the employee dismissed.

### **Dismissal of Introductory Employees**

The at-will relationship is in effect at all times, meaning that there is no guaranteed employment with the City from an employee's date of hire, during or after the introductory period. Completion of the introductory period does not guarantee continued employment with the City for any specific time or duration and may be terminated at-will, with or without cause, and without prior notice by the City with no right to appeal as provided for regular employees who have satisfactorily completed their introductory period. Likewise, the introductory employee may end the employment relationship at-will, with or without cause or advance notice. This Handbook does not create a contract of employment between the City or its employees.

### **Transferred or Promoted Regular Employees**

A current regular employee of the City will be placed in an introductory training status for up to six (6) months (up to twelve [12] months if to a sworn position in the Police Department or the Fire Department) from the time of a transfer or promotion to determine if the employee is qualified for the new position. If performance is not satisfactory in the new position, then the employee may again be transferred if a position for which the employee is qualified is available. The City will make every reasonable effort to provide continued employment for the employee. However, the City makes no guarantee that a position will be available for such employee. The introductory training status will not deprive the employee of any benefits that would have been received had the employee not been placed on training status (provided the employee successfully completed the initial introductory period from the first date of hire).

## ***Rehired Employees***

The City is pleased to consider applications for open positions from former employees who had satisfactory performance and attendance records, and left their employment with the City in good standing. A former employee that was terminated for cause is not eligible for rehire. Former employees will be subject to the same hiring guidelines as new employees, regardless of their length of separation from the City.

With respect to benefits:

- Rehired employees will have to satisfy the same eligibility requirements as a new employee for the calculation of the service awards and vacation.
- However, if an employee returns within a one-year period and left his/her previous employment in good standing, they will be given credit for previous service with respect to service awards and vacation.
- If an employee returns within a five-year period, he/she will be given credit for previous service with respect to the City's Pension plan.

## ***Reference Checks***

We may receive requests for employment references and employment verification inquiries from outside organizations. Responses to such inquiries will be provided by Human Resources for all employees, and will be limited to an employee's dates of employment and position(s) held. No other employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

As an employee, do not under any circumstances respond to requests for information regarding current or former employees. A request for a reference, should be forwarded to Human Resources for a response. Do not respond to requests for recommendations on social networking sites regarding current or former employees at any time.

The City may receive requests for employment references and verifications from other employers or organizations. Responses to such inquiries will confirm dates of employment, positions held and the last rate of pay. A former employee's request for additional information to be disclosed should be submitted in writing to the attention of the City Administrator.

## ***Paydays and Direct Deposit***

Our payroll week begins at 12:00 a.m. midnight Sunday and ends at 11:59 p.m. on Saturday. All employees are paid bi-weekly on a Friday. Each paycheck will include earnings for all the work performed to date. If a regularly scheduled payday falls on a holiday recognized by the City as a day off, payday will be the day before the holiday.

All newly hired employees of the City will be required to have their payroll checks deposited directly into a designated checking and/or savings account at the financial institution of their choice. Direct deposit pay stubs are distributed on paydays reflecting the hours, pay, and deductions for the particular pay period.

## ***Deductions From Pay***

### **Mandatory Deductions**

The law requires deductions to cover federal, state, and local income taxes and Social Security/Medicare (FICA). These deductions are made automatically and will be itemized on the paycheck stub. The amount of the deductions may depend on the employee's earnings and on the information furnished on the employee's W-4 form regarding the number of dependents/exemptions claimed.

Any change in name, address, telephone number, marital status, or number of exemptions must be reported to Human Resources immediately to ensure proper credit for tax purposes. The W-2 form received each year indicates precisely how much of an employee's earnings were deducted for these purposes.

Any mandatory deductions to be made from an employee's paycheck may include court ordered deductions such as garnishments, child support payments, and tax liens, will be explained to the employee whenever the City is ordered to make such deductions.

### **Voluntary Deductions**

The City offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs. Any questions concerning deductions and how they are calculated should be directed to Human Resources.

### ***Errors in Pay and Improper Deductions***

The City prohibits deductions from the pay of a salaried-exempt employee based on the quality or quantity of work performed or any other reason that is inconsistent with pay on a salary basis under federal wage and hour regulations. Subject to certain exceptions, a salaried-exempt employee must receive his or her full salary for any week in which he or she performs any work without regard to the number of days or hours worked. Exceptions to this general rule include the following:

- Deductions from pay when absent from work for one or more full days for personal reasons, other than sickness or disability.
- Deductions from pay for absences occasioned by sickness or disability so long as the City maintains a bona fide leave plan, policy or practice that provides compensation for loss of pay occasioned by such sickness or disability. Deductions for such full day absences may be made, for instance, before the employee has qualified under the plan or after the employee has exhausted his/her leave under the plan.
- Deductions from pay for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules (for example, violation of the City's Anti-Harassment Policy) or infractions of safety rules of major significance.
- Deductions from pay may also be made for weeks if an unpaid leave of absence is taken.

The City need not pay a salaried-exempt employee for any workweek in which he/she performs no work. The City will not make deductions from the pay of a salaried-exempt employee for absences occasioned by jury duty, attendance as a witness, or temporary military leave. The City can offset any amounts received by an employee as jury fees, witness fees, or military pay for a particular week against the salary due for that particular week.

The City is not required to pay the full salary of a salaried-exempt employee in the initial or terminal week of his/her employment if the employee works a partial week during such week. In addition, the City is not required to pay the full salary of a salaried-exempt employee for weeks in which an exempt employee takes unpaid leave under the Family Medical Leave Act.

Every effort is made by the City to avoid errors in an employee's paycheck. If an employee believes he/she has been subjected to an improper deduction from their paycheck, he/she should notify their direct supervisor and/or manager immediately of the alleged improper deduction. If an employee does not feel comfortable going to his/her supervisor, they may inform Human Resources. An investigation will be conducted to determine if the City has made an improper deduction from the employee's paycheck, and if one has been made, the employee will be promptly reimbursed for the improper deduction.

Retaliation against any employee who comes forward to make a good faith complaint about any payroll discrepancy or claim of improper salary deduction is strictly prohibited, and may result in disciplinary action up to and including termination.

### ***Time Sheets***

Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is the time actually spent on the job performing duties. All City employees are responsible for completing a time sheet and are encouraged to document their time daily to ensure more accurate time sheets.

Altering, falsifying, tampering with time sheets, or recording time on another employee's time sheet may result in disciplinary action, up to and including termination of employment.

All employees should submit their time sheets to their immediate supervisor for approval. He/she will review and verify the initial time recorded per pay period before it is submitted for payroll processing. If any corrections or modifications are made to the time sheet, both the employee and the supervisor will be made aware of the changes prior to final submittal. The supervisor will instruct the employee to make the appropriate changes or modifications to the time sheet if applicable.

### ***Overtime and Compensatory Time; Emergency Call-Outs***

Overtime is computed and paid according to current Federal Fair Labor Standards Act criteria and regulations. Overtime must be authorized by prior approval of the department head, other authorized department designee, or the City Administrator, except in the case of an emergency.

Non-exempt employees required to work overtime may be compensated with time off (compensatory time) or paid for such overtime. Except for shift personnel of the Fire Department, overtime, whether paid or exchanged for compensatory time, will be computed on the basis of one and one-half times the regular rate of pay for the hours worked in excess of forty (40) hours per week; eighty-six (86) hours per two weeks for sworn police officers. Overtime for shift personnel of the Fire Department, will be computed on the basis of one and one-half times the regular rate of pay for hours worked in excess of 216 hours per twenty-eight (28) day pay period.

The forty (40), eighty-six (86) or Two Hundred Sixteen (216) hours, as the case may be, must be actual hours worked. Time off for sick, holiday or vacation will not be considered hours worked for the purposes of calculating overtime. Non-exempt employees may accumulate up to a maximum of forty (40) hours of compensatory time. If an employee who has reached the maximum compensatory time accrual of forty (40) hours earns additional overtime before any of the accrued compensatory time can be used, said additional overtime will be paid in cash at the rate of time and one-half. All non-exempt employees called in for overtime will be guaranteed pay or compensatory time for a minimum of two (2) hours.

If a non-exempt employee is called back to work for an emergency after the normal work shift has ended and after the employee has left the work premises, then compensation for the extra hours worked will be at a rate of one and one-half times the regular rate of pay, including a reasonable length of time to travel to work. The department head will determine whether the work is of an emergency nature, and will determine whether the travel time is reasonable.

Regular full-time and regular part-time employees who are in executive, administrative, or professional positions as defined by the Fair Labor Standards Act are exempt from the overtime provisions of the Act. Therefore, the City is not legally required to compensate these employees, either through overtime pay or compensatory time, for extra hours worked.

## ***Kelly Day and 28 Day Tour***

The City's Fire Department uses the Kelly Day and 28 Day Tour of Duty system, as used by many fire departments all over America. The tour consists of nine (9) twenty-four (24) hour shifts for two (2) of the shifts and ten (10) shifts for the third. Thus, with the hourly calculations of physical time on the twenty-four (24) shifts, this translates into 216 hours in a tour of duty for two of the shifts and 240 hours for the third. With the 240 hours for the third shift a term "Kelly Day" is hereby instituted with 24 hours given off duty at a later time. This time is awarded by the City and is scheduled by upper management of the City's Fire Department.

The Fire Chief and Deputy Fire Chief reserve the sole right of rescheduling a Kelly Day for any employee to accommodate any type of scheduling, training, etc. For all shift personnel during a tour, the maximum threshold hours for the Federal Standards are 212 hours. It is the opinion of the City that four hours of overtime, to be paid at one and one half time the hourly rate of said employee, will be paid on the initial check after the Tour of Duty is complete, provided there are 216 hours of physical work for that tour. As for the additional 24 hours earned by the third shift, this time is awarded again with 24 hours of scheduled time off.

This 28 Day Tour of Duty is on a rotating basis using a 365 day standard calendar year. Thus, two (2) of the shifts will earn four (4) twenty-four (24) hour shifts off per year with the other shift earning five (5). This event will be on a constant rotation with no shift or personnel having bias in this event. If in the Tour of Duty an employee takes off accrued leave of any amount this will change the 4 hours of one and one-half times of the amount of pay to regular hourly pay. THE SCHEDULED KELLY DAY DOES NOT CHANGE THE RATE OF PAY OR HOURS EARNED. IT HAS ALREADY BEEN EARNED.

Any unpaid leave or suspension without pay will decrease the employee's hours of work and excludes the employee from earning overtime and/or the Kelly Day in the tour. All shift employees must have, in a 28 Day Tour of Duty, any combination of accrued leave and physical time at work to achieve 216 hours, an employee who is assigned to the shift that works the 10 shifts in the Tour of Duty accrued leave and physical time at work must achieve 240 hours total.

## ***Access to Employee Records***

Human Resources maintain a confidential personnel file on each employee. These files include such information as the employee's job application, resume, records of training, documentation of performance appraisals, salary increases, other employment-related documents, and proceedings of any and all hearings and appeals as they relate to personnel administration.

Personnel files are the property of the City, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the City, who have a legitimate reason to review information in a file, are allowed to do so. Employees who wish to review their own personnel file, should schedule an appointment with Human Resources.

## ***Personnel Data Changes***

It is important to keep personnel files up-to-date with regard to an employee's pay, deductions, benefits, and other matters. If an employee has a change in any of the following items, he/she should notify Human Resources as soon as possible:

- Legal name
- Home address or telephone number
- Person to call in case of emergency
- Number of dependents
- Marital status

- Change of beneficiary
- Driving record or status of driver's license, if required to drive while on City business
- Military or draft status
- Exemptions on W-4 tax form

## ***Absenteeism and Tardiness***

All employees are expected to maintain satisfactory attendance and report to work on time every day they are scheduled to work. Unscheduled absences, late arrivals, and early departures should be kept to a minimum as they are disruptive, and detract from the City's ability to meet its commitments.

Whenever an employee is unable to arrive at work on time, or in the case of an emergency or sudden illness or some other reason that would prevent an employee from reporting for scheduled work, the City requires that the employee call his/her immediate supervisor as soon as possible prior to the beginning of the employee's scheduled work shift or by 9:00 a.m. the morning of his/her scheduled shift, of the anticipated tardiness or absence. An employee who has a planned absence must request time off as far in advance as possible.

Employees are not permitted to leave work early without the permission of their supervisor.

If an employee anticipates that he/she will require more than three days off due to his/her own illness, he/she must communicate to their supervisor how many days he/she anticipates needing. The employee is responsible for requesting FMLA forms, to be completed after three consecutive days of absence. The City may designate an employee's absence as FMLA, if the employee is eligible for leave, and the absence is based on an FMLA qualifying reason, even if the employee did not specifically request FMLA. Absences or instances of lateness covered by an employee's use of approved FMLA leave are not considered grounds for disciplinary action. For detailed information about FMLA's requirements and procedures, refer to the Family and Medical Leave Act Policy in this handbook or contact Human Resources.

The City reserves the right, when the employee is out due to his/her own illness, to require a note from the employee's physician, which authorizes his/her return to work.

Failure to report to work on time, departing early and frequent absences without an acceptable reason, are cause for discipline and, and if continued, dismissal. Non-exempt employees are not paid for time lost due to unexcused absence or tardiness and are expected to make up the time lost during the week or to take the time off as vacation or compensatory time. Exempt employees must cover whole and half day absences that are not approved leave time, with vacation or compensatory time. Half day absences will not be deducted from a salaried exempt employee's paycheck, but will accrue until a full day's absence occurs, and then it will be deducted from their pay.

Any employee who fails to report to work without notice for three consecutive days will be considered to have voluntarily terminated employment, effective at 5:00 p.m. on the second day of unreported absence.

## ***Rest and Meal Periods***

All regular full-time and introductory employees are provided with one unpaid meal period each workday. Lunch periods vary among departments, depending on department needs or to accommodate operating requirements. If rest or meal periods are not directly assigned, employees should coordinate with their supervisor to maintain adequate coverage at all times.

Employees are expected to take the full-allotted time for their rest or meal period, and are requested not to eat at their desks or perform any work during this time. In the unlikely event of an emergency or unusual

condition, a supervisor may ask an employee to change or postpone their rest or meal period in order to accommodate operating needs. In that event, the rest or meal period will be rescheduled, the employee will be paid for the time worked.

This policy does not apply to positions that by their nature provide sufficient opportunity to rest or take an appropriate break, including but not limited to salaried managers and those in supervisory positions.

The City will provide reasonable unpaid break time each day to an employee who needs to express breast milk for their infant child, as long as it does not unreasonably disrupt the operations of the City. The break time, if possible, will run concurrently with any break time already provided to the employee. The City will make reasonable efforts to provide, if possible, a room or other location in close proximity to the work area, other than a toilet stall, where the employee can express breast milk in privacy.

## ***Performance Evaluation Program***

We believe that conducting a performance appraisal is an essential element in an employee's personal growth and development in order to help integrate their career planning with the needs and goals of the City. An important part of the review process is a discussion with the employee's supervisor, which includes a written appraisal of the employee's performance. Performance appraisals provide both the employee and their supervisor the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

While this Handbook does not describe the process in detail, it does address that a performance evaluation will be conducted formally at least once each fiscal year for each regular full-time and part-time employee. Frequent informal discussions with an employee's supervisor are also encouraged to ensure that issues or problems are addressed as they occur as opposed to saving or delaying feedback for the annual review.

If, at any other time, an employee is concerned about his/her progress or any other matters of concern regarding their employment, these should be discussed immediately with the employee's supervisor. The City believes this is extremely important in order to make an employee's employment with the City a satisfying experience.

Employees are required to sign their evaluation forms to verify that the employee has had an opportunity to discuss the evaluation with the employee's supervisor. All evaluations become part of the City's official personnel file for that employee. Individual performance evaluations are subject to the Tennessee open records law. All merit-based pay raises are preceded by and based upon a completed performance evaluation.

## ***Hiring Policy***

It is the policy of the City to promote qualified employees to more responsible positions whenever possible. When a vacancy exists, the department head will submit a Personnel Requisition to Human Resources for approval by the City Administrator before the vacancy is advertised or posted internally. The recruitment and selection of an applicant for employment will be based upon that individual's qualifications, competency and potential, and will not be influenced by race, color, religion or creed, sex, pregnancy, national origin, citizenship, age, political affiliation, disability, veteran status, genetic information or any other protected status under federal or state law. Individuals may be recruited from a wide geographic area to assure obtaining well-qualified applicants for various types of positions.

### **Examinations**

All appointments may be subject to competitive examination which will fairly and impartially test those matters relative to the ability and fitness of the applicant to efficiently perform the duties of the positions to

be filled. Human Resources will make reasonable accommodations in the examination process to disabled applicants requesting such accommodations.

After a conditional offer of employment and prior to the first day of employment with the City, all new hires will be required to undergo and pass a medical examination to determine physical fitness to perform the essential functions of the position they have been offered, and may, depending upon the position, include drug testing. Certain public safety positions may also require successful completion of a psychological exam and/or a polygraph/voice stress analysis, as required by law.

### **Residency Requirements**

Due to the nature of the job and the possibility for emergency call-back, all sworn personnel of the Police and Fire Departments must reside within 60 miles of the city limits. Any newly sworn employee of the Police and Fire Department who does not reside within 60 miles of the city limits at the time of hire must, as a condition of employment, establish residency within 60 miles within six (6) months of date of hire.

### **Background Checks**

The City will conduct appropriate background checks on all final candidates for employment. The scope and nature of this background check may vary based upon the type of position being filled. After a conditional offer of employment, candidates for certain positions may be required to undergo a background check completed by an independent company under contract with the City.

## ***Nepotism***

Except as authorized by the City Administrator due to a lack of acceptable and practical options, no applicants for employment will be hired and no employees will work or be placed in positions within the same department or under the direct or indirect supervision or accountability of a member of their immediate or extended family<sup>1</sup> as related through blood, adoption, or marriage.

If two employees in the same department or under the same direct supervision or accountability should marry or otherwise become in violation of this policy then these employees will be asked to determine which of them will transfer within ninety (90) days to any vacant position for which the employee is qualified and which would resolve the violation of the City's nepotism policy. An employee who is allowed to transfer under these circumstances must meet the minimum qualifications of a vacant, budgeted position and must have had an overall satisfactory rating on the last performance evaluation. If such a transfer cannot be arranged within ninety (90) days for either of the employees, then the employees will be asked to determine which of them will leave City employment. In the event the employees cannot determine between them who will leave, and if a transfer cannot be arranged, then the employee with the longer length of service with the City will be retained and the other will be dismissed.

## ***Job Postings, Transfers and Promotions***

Human Resources is responsible for the public posting of all authorized positions, as they become vacant for the purpose of informing City employees.

The transfer or promotion of an employee within that employee's department or from one department to another will be reviewed and coordinated by the affected department heads and Human Resources. Inter-department transfers or promotion are subject to the approval of the employee's department head and the City Administrator. Transfers between departments will be made only after evaluating whether the transfer

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<sup>1</sup> Per the Nepotism policy, immediate and extended family includes the following: spouse, son/daughter, father/mother, aunts and uncles. In addition, immediate family includes any other person residing within the employee's household who is a legal dependent of the employee for income tax purposes.

is in the best interest of the City and the employee, and are subject to the approval of the City Administrator. Generally, employees are not eligible for promotions or transfer to another department during their introductory employment period.

## ***Separation from Employment***

### **Voluntary Resignation**

Any employee may resign from City service by presenting a letter of resignation to the department head. A minimum two-week written notice is considered appropriate notice. The original resignation letter will be forwarded to Human Resources to be filed in the employee's personnel file.

Any unauthorized absence from work by an employee for a period of three (3) consecutive working days may be considered by the department head as a voluntary and immediate resignation by that employee.

### **Retirement**

The City's policy conforms to federal regulations that prohibit mandatory retirement. Employees become vested for pension benefits after five (5) years of full-time employment and will be eligible for benefits upon retirement based on their age, number of years of employment, and the average of the member's five (5) highest consecutive years of salary. Complete details of the TCRS pension benefits are available from Human Resources.

### **Lay-off**

Termination of employees due to a reduction in the workload or abolishment of positions in the classification plan will be avoided if at all possible. Lay-offs will be made within classes of positions, and all temporary employees in the affected class or classes will be laid off prior to the lay-off of any introductory or regular employees. The order of lay-offs of regular employees will be determined by the department head in consultation with Human Resources and as approved by the City Administrator. In cases where all other factors are equal, seniority will be used to determine the lay-off priority, with lay-offs being affected in reverse order of seniority. For the purpose of determining order of lay-off where seniority is a factor, total cumulative time will include time served on military leave.

### **Discharge**

Under a variety of circumstances, an employee may be discharged without notice for offenses which include, but are not limited to, failure to perform adequately the duties and responsibilities of the job; flagrant neglect of work; insubordination; possession of or being under the influence of alcohol or illegal drugs while on City business or property; harassment, theft, violation of City policy or for any other action having an adverse impact on the work and the reputation of the City. This provision does not alter the employment at-will relationship and the City's right to terminate employment with or without cause or advance notice.

The City compensates persons leaving the City's employment for any reason, including retirement, for any balance of accrued vacation leave not taken. This compensation is based upon 100% of the employee's ending regular rate of pay. A final paycheck will be issued to any discharged or resigning employee on the next regular payday.

All Company property issued to an employee, such as equipment, laptop computer, wireless phone, keys, etc., must be turned in to the employee's manager prior to his/her final day of employment, or whenever it is requested by the manager or member of management. Any property not turned in prior to the employee's final separation may result in further action by the City to recover such items or may result in the deduction of the value of such property from the employee's final paycheck.

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) states that terminated employees and their covered dependents, if applicable, may continue group health coverage under the City's plan beyond

the date it would normally be terminated. See COBRA under 'Required Programs and Policies' for further information.

It is the employee's responsibility to notify Human Resources of any change of address so the income tax form (W-2) and/or other important documents may be forwarded to them.

## Employee Benefits

### **Holidays**

All active full-time employees, both regular and introductory, will receive the following twelve (12) paid holidays:

- New Year's Day
- Martin Luther King Day
- President's Day
- Good Friday,
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve
- Christmas Day

The holiday schedule does not apply to shift personnel of the Fire and Police departments because they are required to work when their scheduled shift falls on any City-observed holidays. Such employees will receive compensation as described below under holiday pay. Part-time and temporary employees are not eligible for holiday pay.

If a holiday falls over a vacation, holiday pay will apply instead of the vacation pay that otherwise would have been applied. If a recognized holiday falls on a Saturday or Sunday, eligible employees will observe the holiday either the Friday before or Monday after the holiday as designated by the City.

### **Holiday Pay**

Except as described below for shift personnel of the Police and Fire Departments, employees whose normal work schedule includes working on a recognized holiday will be paid at their regular hourly rate for each hour worked on the holiday, and provided another scheduled day off in lieu of the holiday or be paid at a rate of two and one-half times their normal wage rate for the hours worked on the holiday with the approval of the department head. Any non-exempt employee, other than shift personnel of the Fire and Police departments, who work on a holiday due to an emergency or for operating efficiency, will be compensated at one and one-half times their regular rate of pay for the actual hours worked that day, regardless of the number of hours worked that week, in addition to the regular holiday pay.

All shift personnel of the Police and Fire Departments, regardless of whether they actually work a regular shift which falls on a recognized holiday, will accrue one day of additional vacation leave in lieu of each City observed holiday, and will be paid at their regular hourly rate for any hours actually worked on that holiday.

In order to receive pay for an observed holiday, an employee must work on or have an excused and paid absence from the normal work day preceding and following the holiday. Absence due to illness may require a doctor's statement. Holiday pay and/or holiday credit is not available to employees on unpaid leave of absence.

## ***Vacation Leave***

All active full-time employees, both regular and introductory, will accrue vacation leave monthly, but will not earn these hours until the employee's anniversary date. Vacation leave earned in an employment anniversary year will be taken during the next employment anniversary year.

Vacation Leave will be computed on the number of standard work hours in a week. For vacation leave purposes, the term "workday" as it applies in this section shall be computed on an eight hour basis for forty (40) hour per week employees and twelve (12) hours for uniformed Fire Personnel on a 28 day cycle.

| <b>Years of Service</b> | <b>40 Hour Employee<br/>Vacation Hours Earned</b> | <b>24/48 Hour Fire Personnel<br/>Vacation Hours Earned</b> |
|-------------------------|---|--|
| 1-5 years               | 6.667 hours per month                             | 10 Hours per month   |
| 6-11 years              | 10 hours per month                                | 15 Hours per month   |
| 11+ years               | 13.334 hours per month                            | 20 Hours per month   |

Temporary and part-time employees are not eligible for vacation benefits.

Employees should submit requests for vacation leave to their department head at least two weeks prior to taking leave. Every effort will be made to grant the vacation time desired as long as operational requirements can be met despite the employee's absence. Vacation leave must be taken at a minimum of ¼ hour (15 minute) increments.

The maximum number of vacation hours which may be carried over each anniversary date is 80 hours. In cases where City operations have made it impractical for an employee to use vacation time, the department head, with the approval of the City Administrator, may authorize accrual beyond 80 hours. Employees will be paid for any unused vacation leave upon termination of employment.

## ***Sick Leave***

All active full-time employees, both regular and introductory, will accrue sick leave monthly at the rate of one (1) working day for each completed month of service. Shift personnel of the Fire Department will accrue twenty-four (24) hours of sick leave per month of service. There is no limit on the amount of sick leave that may be accrued, and must be taken at a minimum of ¼ hour (15 minute) increments. During the first and last months of service or any months during which the employee was on an approved Leave of Absence, an employee must be in a paid status with the City for at least 80% of the month in order to accrue sick leave for that month. Employees may not borrow against future sick leave before it is earned and accrued. Sick leave taken that extends beyond earned sick leave credits will be charged to vacation leave or to leave without pay.

Sick leave may be used for the personal illness or treatment of illness of the employee or immediate family<sup>1</sup> member, non-occupational injury, or absence due to pregnancy, childbirth, or related medical conditions. A pro-rated amount of any accrued and unused sick leave may also be used to supplement any workers' compensation benefits paid to the employee for the difference between what the employee would have earned, net of deductions, during the comparable portion of the injury leave and the actual amount of the workers' compensation paid to the employee. Sick leave may not be used as personal time, or at any time while an employee is at work on a second job, regardless of health status.

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<sup>1</sup> Immediate family under the Sick Leave Policy includes the following: spouse, son/daughter, father/mother or others consistent with the intent of this policy and subject to the approval of the City Administrator. In addition, immediate family includes any other person residing within the employee's household who is a legal dependent of the employee for income tax purposes.

In order to utilize sick leave, an employee must notify his/her immediate supervisor or the department head no later than two (2) hours before the beginning of the scheduled work shift for departments with twenty-four (24) hour service. Employees in other departments must notify their supervisor or their department head no later than fifteen (15) minutes before the beginning of the scheduled work day.

If the absence is for three (3) consecutive working days or longer, a written statement from a licensed physician may be required. Additionally, after the equivalent of five (5) days of sick leave have been taken in any twelve (12) month period, the department head may require a physician's statement for the approved use of any sick leave during the next twelve (12) month period.

## ***Bereavement Leave***

Regardless of length of employment, regular and introductory full-time active employees will be allowed up to three (3) days' leave in the event of the death of an immediate family member<sup>1</sup>.

Bereavement leave will not prevent employees from receiving the annual attendance bonus if one is budgeted and approved by the Board of Mayor and Aldermen.

For deaths of other relatives, one (1) day will be allowed. If additional time is justifiable as determined by the employee's department head, it may be charged to sick or vacation leave at the discretion of the department head.

## ***Leave of Absence***

The City is aware that special problems of a personal nature often prompt employees to request a leave of absence. In general, leaves of absence are discouraged because the City cannot guarantee to hold the employee's job open while he/she is gone. All regular employees who have completed the introductory period are eligible for a leave of absence. The following practices will apply to leaves of absence:

1. A leave of absence will not be granted to introductory, temporary, seasonal or part-time employees.
2. Absences up to two (2) work weeks will not be considered a leave of absence but rather an "excused absence" without pay.
3. A request for a leave of absence must be in writing, and given to the employee's supervisor.
4. Each request for a leave of absence must be evaluated in advance by the employee's department head, Human Resources, and the City Administrator. The City will grant or deny the petition based on the factors of the individual case.
5. A leave of absence will not exceed six (6) months. Failure to report back to work at the expiration of any leave of absence, without approval, will be considered a voluntary termination of employment. If this occurs, the date of termination will be considered the last day worked before the leave commenced. A leave of absence may be extended upon written request if circumstances justify and merit approval by the respective department head, Human Resources, and the City Administrator.
6. After returning from a leave of absence, the City will make every effort to return an employee to their same job. However, the nature of the position may necessitate hiring someone else to fill the position. Therefore, the City cannot guarantee re-employment after a leave of absence. The City will ask the employee to return to work prior to filling the employee's former position.
7. During an unpaid leave of absence, employees will not receive credit for or accrue any paid holidays, vacation leave or sick leave.

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<sup>1</sup> Immediate family members under the Bereavement policy are as follows: spouse, son/daughter (in-law), father/mother (in-law), brother/sister (in-law), grandparents and grandchildren, aunts and uncles. In addition, immediate family includes any other person residing within the employee's household who is a legal dependent of the employee for income tax purposes.

8. After a four-week unpaid leave of absence, all group insurance benefits will end, but may be continued under COBRA, with the employee assuming the full cost of all benefits (except in the case of an approved Family and Medical Leave of Absence – see policy for further details). Any questions pertaining to insurance coverage during a leave should be discussed with Human Resources prior to going on a leave of absence.

### ***Vacation Leave Donations***

Full-time employees are eligible to receive voluntary donations of vacation leave from other employees within the limits and under the provisions provided in this section. To be eligible, an employee must be unable to work due to a non-work related, serious personal health condition which is expected to cause the employee to be absent from work for at least 40 hours more than the employee has accumulated in paid leave time (e.g. vacation, sick, and compensatory time). Medical certification will be required.

The receiving employee must exhaust all available sick, vacation, and compensatory time before donated vacation leave may be credited. Donated vacation leave will be paid at 100% of the receiving employee's current hourly pay rate regardless of the hourly pay rate of the donating employee.

Employees qualifying to receive donated vacation leave may receive only that amount of donated leave which, when combined with the employee's paid leave time available at the start of the absence, totals 480 hours. Once all available paid leave and any donated vacation leave up the maximum allowed, has been exhausted, the employee will be placed on leave without pay status.

Employees donating vacation leave must complete a donation authorization form. There is no mandatory minimum balance for vacation time.

If multiple employees volunteer to donate vacation leave to the same employee and the employee does not ultimately use all of the donated leave, the leave used will be deducted proportionately from the vacation leave balances of those who volunteered based upon each donating employee's share of the total leave donated. Any unused donated leave will be returned to the donating employees.

### ***Employee Benefit Programs***

The City offers benefits to help protect and provide security for employees and their family, based on options selected. All employees classified as regular full-time, and part-time employees who are regularly scheduled to work over thirty-seven and one-half (37.5) hours per week, as well as City officials, are eligible for the benefit programs described below following a 90-day waiting period

Temporary and seasonal employees will receive all legally mandated benefits (such as Workers' Compensation and Social Security), but are ineligible for the City's benefit package.

The City will periodically review the benefit programs, and make modifications as appropriate based on costs and the City's fiscal condition. The City reserves the right to unilaterally add, change or delete the benefits or change the cost-sharing arrangement as set forth in this Handbook at any time for any reason at its discretion.

In the event of an employee's termination of employment with the City or loss of eligibility to remain covered under the City's group health insurance program, the employee and their eligible dependents may have the right to continued coverage under the health insurance program for a limited period of time at their own expense. (See COBRA.)

### **Group Health and Dental Insurance Programs**

Medical and dental benefits are available to all eligible full-time and part-time employees, as well as City officials. The City pays the total premium cost for health insurance for employee only or family coverage. The premium cost for dental coverage for employee only coverage is fully paid by the City. If an employee elects family coverage, he/she will pay the difference between the employee only coverage and family coverage using pre-tax dollars.

Those covered individuals on an unpaid leave of absence in excess of four (4) weeks (except in the case of an approved FMLA leave) may continue coverage under COBRA, with the employee assuming the full cost of all benefits.

Active employees and officials who continue working past age 65 have the option of continuing coverage or withdrawing from coverage under the group plan and choosing coverage under the federal Medicare system, assuming all other Medicare eligibility conditions have been met. An active employee or official who chooses coverage under Medicare will be eligible for Medicare supplement reimbursement benefits under the same terms and conditions as provided for eligible retirees over age 65. Medicare supplement reimbursement benefits will cease upon retirement unless the employee or official qualifies for continued benefits as provided under the Retiree Health Insurance Program.

Specific details on coverage and benefits are outlined in the Summary Plan Descriptions for the medical and dental plans, which are provided to employees during the benefit enrollment process. Please contact Human Resources for eligibility and enrollment information.

#### **Group Life Insurance Program**

Life insurance benefits are provided to eligible full-time and part-time employees and City officials the first of the month following 90 days of employment. This insurance is payable in the event of an employee's death and is fully paid by the City. Payment will be made to the beneficiary, as designated by the employee. An employee may change their beneficiary whenever they wish by submitting the appropriate documents to Human Resources.

Until an employee reaches the age of sixty-five (65), the amount of life insurance coverage provided will be \$25,000 for each covered participant. After age sixty-five (65), the amount of life insurance for a covered participant may be reduced from time to time in accordance with the current insurance policy and in compliance with the federal Age Discrimination Act.

To the extent allowed under the City's group life insurance policy in effect at the time of disability, employees who become totally disabled as defined by the policy may be eligible for a waiver of premium benefit which will allow their life insurance to remain in effect after the employee is no longer in a paid status with the City. The specific terms, conditions, and availability of this waiver of premium benefit will be governed by the terms of the policy.

Refer to the literature provided by the insurance company for details on the life insurance coverage.

#### **Supplemental Insurance**

Several different types of supplemental insurance programs are available for purchase by employees through payroll deduction. These programs presently include, but are not limited to, accident insurance, cancer insurance, hospitalization insurance, long-term care insurance, and life insurance. See Human Resources for eligibility and enrollment information.

#### **Pension Plan**

The City participates in the Tennessee Consolidated Retirement System (TCRS). The plan is contributory, meaning employees make a 5% direct contribution to the plan. The City makes contributions to the TCRS on the employee's behalf. Employees become vested after five (5) years of full-time employment and will be eligible for benefits upon retirement based on their age, number of years of employment, and the average of

the employee's five (5) highest consecutive years of salary. Complete details of the TCRS pension benefits are available from Human Resources.

### **Disability Retirement Benefits under TCRS**

In the event that an employee becomes totally and permanently disabled and is unable to work, the employee may be eligible for disability benefits from the Tennessee Consolidated Retirement System (TCRS). In order to be approved for disability benefits by the TCRS Board of Trustees, certain requirements must be met:

1. Minimum of five (5) years of creditable service with the retirement system;
2. Be ineligible for a service retirement benefit; and
3. Be unable to engage in gainful employment due to a medically determined total physical or mental disability.

Disability retirement benefits for employees who become disabled while in service will be paid in accordance with the TCRS provisions in place at that time.

An employee who meets the criteria above and whose disability is the result of an accident or physical violence occurring while in the performance of duty, without negligence on the employee's part, may be retired on an accidental disability retirement allowance. There is no minimum service requirement for this benefit; however, the accident must have been job-related. Accidental disability benefits will be paid in accordance with TCRS provisions in place at that time.

Employees who meet the requirements for disability retirement benefits are urged to contact Human Resources for assistance in filing for benefits.

### ***Educational Leave***

An employee may be granted educational leave, with pay, to attend special educational programs that are job-related. Requests for educational leave must be in writing and approved by the department head and the City Administrator.

### ***Credit Union***

City employees have the opportunity to be affiliated with the Family Advantage Credit Union if they so desire, but it is not required.

### ***Service Awards***

The City values and recognizes continued loyalty and service to the City. In appreciation for regular full-time employees' years of service, the City will provide an appropriate gift to those employees who have met their five, ten, fifteen, twenty, and twenty-five year anniversaries.

### ***City-Supplied Equipment and Uniforms***

The City provides or pays a portion of the cost of the necessary equipment and uniforms for field employees to carry out their day-to-day work. In addition, the City provides laundering service for City issued uniforms provided to certain employees of the Public Works, Water & Sewer, and Parks & Recreation Departments.

If an employee loses or damages the equipment or uniforms, other than in the line of duty, or if they are not returned in good condition at the time of termination, the City may require the employee to pay for replacement items.

## ***Recreational Benefits***

Regular full-time employees of the City are eligible for individual memberships to Williamson County Recreation Center at no cost to the employee. Family memberships are available on a reduced-fee basis. Eligibility for this benefit begins on the date of hire. Employees joining Williamson County Recreation Center are subject to all Williamson County Recreation Center policies and organizational rules.

# Operating Procedures

## ***Travel Policy***

This guideline provides procedures and policies concerning travel for City employees. The City Administrator has been assigned specific responsibility to approve in advance all overnight travel requests and to ensure that all department directors adhere to these guidelines. General responsibility for these guidelines is assigned to all traveling employees.

The City will reimburse authorized travelers for travel expenses on official City business and for employee training/professional development. Travel authorization will be made subject to the following criteria in order of priority and the availability of budgeted funds:

1. For official City business, eligible expenses will be paid in *full* upon department head recommendation.
2. For an employee required by law or certification requirements to attend in-service training programs, eligible expenses will be paid in full upon department head recommendation.
3. For an employee who has a career development/educational training plan which is agreed to by the department head and Human Resources, or is expected to attend a professional association meeting due to an official capacity with the group, eligible expenses will be paid in *full*.
4. For an employee who has substantial departmental responsibility (i.e., department head, senior professional staff, or equivalent) and desires to attend a regional or national professional association meeting, eligible expenses will be paid in full for attendance to one such meeting per year.

### **Air Travel**

The City will pay for economy class air transportation when it is determined to be the most convenient and economical mode of travel based on the distance involved, as well as the travel time away from City duties. Unless circumstances prevent advance registrations, employees should make airline reservations at least 21 days in advance of their expected travel date in order to achieve the maximum available discount. Copies of the airline ticket receipt and boarding passes must be attached to the travel expense report.

### **Private Vehicle**

On occasion, it may be necessary for an employee to use a private vehicle for business purposes, but this practice is discouraged except in those cases when a City owned vehicle is unavailable. In such instances, the City will reimburse the employee for mileage traveled at the prevailing IRS mileage rate allowed from origin to destination of business and return, plus necessary and appropriate mileage at the destination of business.

Travel between office and home is not a reimbursable business expense. If required to travel from the office to another location, such travel is a proper business expense. If the traveler does not report to the office, but goes directly to another location, the mileage in excess of what would normally be traveled between home and the office will be reimbursed.

Expenses associated with using private vehicles for business travel, such as parking, tolls and other expenses, must be documented with receipts for reimbursement. Employees will not be reimbursed for any fines for traffic violations, parking tickets, and costs incurred because of accidents, including the cost of repairs or breakdowns on the road. In no event will reimbursement for use of a private vehicle, meals, and lodging while in transit to and from destination exceed the cost of economy class airfare.

### **City Owned Vehicles**

Arrangements for using City owned vehicles must be made in advance through the appropriate department head to avoid scheduling conflicts. The traveling employee should also request the use of a City gasoline credit card. If a City gas card is unavailable, actual receipts must be submitted for reimbursement showing fuel, lubricants, and other services required.

### **Rental Cars**

The cost of a rental car may be assumed by the City when justified due to unavailability of timely and direct public transportation or urgencies due to time schedules. Reimbursement will be based upon the customary and usual rates for a mid-size or smaller car in the locality. Receipts for the cost of a rental car must accompany the request for reimbursement.

### **Lodging**

Reimbursement for lodging will be based upon the customary and usual hotel rates for government employees in the locality and the availability of accommodations. It is preferred that employees request an economical room and always ask for the government rate unless a "corporate rate" is cheaper. Employees attending a conference or meeting should strive to stay at the designated hotels to take advantage of the negotiated "convention rates" at the particular facility.

### **Meals**

The per diem reimbursement for meals and tips shall be consistent with State of Tennessee approved per diem rates. Actual meal receipts are not required unless the meal cost exceeds the approved per diem. When meals are unavoidably in excess of these amounts, receipts and justifications will be required to support the greater payments. It is expected that the cost will be reduced by an appropriate amount for any complimentary meals served on airplanes or meals included in registration fees.

### **Telephone Calls and Facsimiles**

The actual cost of telephone calls, facsimiles and/or telegrams necessary for official business and the cost of one (1) daily phone call, of reasonable length, to the immediate family during travel status will be paid by the City.

### **Registration Fees for Meeting and Conferences**

Whenever possible, all registrations should be paid for directly by the City through invoices from the seminar organization or others. Receipts for the registration must be attached to the travel expense report along with other expense receipts.

### **Entertainment Expenses**

Approval for an expenditure of this kind must be received from the City Administrator in advance of travel.

### **General Information**

1. An individual combining travel on official city business and travel for personal reasons will be reimbursed only for the City's appropriate part of the cost incurred, and must be approved by the City Administrator in advance of travel.
2. Before traveling, a "Request for Travel" form must be completed by the employee, approved by the department head and submitted to the Finance department for determination of compliance with the budget. Two (2) copies of the request should be submitted at least two weeks in advance of travel. Emergency travel for official City business may be submitted and approved on shorter notice.
3. The Request for Travel form, including any request for advance travel funds, must be approved by the City Administrator for all overnight travel. The Finance Director may authorize travel to day meetings. Whenever possible, the timing of travel advance and reimbursement requests should be submitted early enough to permit the issuance of checks on the 10<sup>th</sup>, 20<sup>th</sup>, or last day of the month.
4. The City will reimburse the employee for eligible travel expenses incurred in excess of the initial advance of travel funds upon receipt of the completed "Travel Expense Report" supported by paid receipts for transportation, lodging, registration fees, local transportation fares, and other charges for which receipts are normally given. The Travel Expense Report must be completed by the employee and returned to the Finance Department along with any remaining advance travel funds owed to the City within one week after return from travel. Any reimbursement checks due the employee will be issued on the 10<sup>th</sup>, 20<sup>th</sup>, or last day of the month.

5. For the City to take advantage of its sales tax exempt status, a direct payment must be made from the City to the vendor of travel or lodging services. Therefore, prepayment, by City check, of these expenses should be made whenever possible.
6. Employees should provide an address and phone number with their department head where they can be contacted during travel if the need arises.
7. Because of limited funds, only those travel requests, which, in the judgment of the City Administrator, meet the criteria identified in the policy section, will be funded as indicated.

### ***Classification Plan***

In accordance with the Personnel Ordinance, the classification plan provides a complete inventory of all positions in the City's service and an accurate description and specification for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the classified service. The classification plan is used:

1. As a guide in recruiting and examining candidates for employment;
2. In determining lines of promotion, and developing employee training programs;
3. In determining salaries to be paid for various types of work;
4. In determining personal service items in departmental budgets; and
5. In providing uniform job terminology understandable by all City officials and employees and by the general public.

Human Resources, under the direction of the Finance Director and City Administrator, is responsible for administering the City's compensation plan.

### ***Compensation Plan***

The City provides, according to its financial ability, a fair and equitable compensation program for all employees, which at the same time recognizes the need to be accountable for the use of public funds. The City's compensation plan is based upon prevailing wage rates, economic conditions, and labor market influences. The compensation program is designed to attract and retain the best qualified talent possible, and to motivate and reward individual performance.

Human Resources, under the direction of the Finance Director and City Administrator, will administer the City's compensation plan. The BOMA is responsible for the approval of the compensation plan under which all covered employees are paid. The compensation plan may be amended from time to time, as circumstances require in accordance with the BOMA and as set out in the Personnel Ordinance.