

ORDINANCE NO. 99-4

AN ORDINANCE TO ESTABLISH PERSONNEL RULES AND REGULATIONS FOR EMPLOYEES OF THE TOWN OF SPRING HILL, TENNESSEE, IN ACCORDANCE WITH ARTICLE 4, SECTION 4-101, OF THE CHARTER OF THE TOWN OF SPRING HILL. THESE RULES AND REGULATIONS SHALL SERVE AS THE PRIMARY SOURCE DOCUMENT OF PERSONNEL POLICIES.

BE IT ENACTED BY THE TOWN SPRING HILL, TENNESSEE:

SECTION I - PERSONNEL RULES AND REGULATIONS

- A. **PURPOSE** - The purpose of this ordinance is to establish a system of personnel administration in the TOWN OF SPRING HILL that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through impartially applying personnel policies and procedures free of personal and political considerations and regardless of race, color, gender, age, creed, national origin, or disability.

B. **COVERAGE** - All offices and positions of the municipal government are divided into the classified service and the exempt service. The classified service shall include all regular full-time and regular part-time positions in the town's service unless specifically placed in the exempt service. All offices and positions of the municipal government placed in the exempt service are as follows:

1. all elected officials;
2. the town manager;
3. members of appointed boards and commissions;
4. consultants, advisers, and legal counsel rendering temporary professional service;
5. town attorney;
6. independent contractors;
7. people employed by the municipality for not more than three months during a fiscal year;
8. part-time employees paid by the hour of the day and not considered regular;
9. volunteer personnel appointed without compensation;

- B. **REGULAR PART TIME** - Regular part-time employees are individuals who do not work on a daily basis and whose hours cannot exceed twenty (20) hours per week unless approved by the CITY ADMINISTRATOR. Regular part-time employees are excluded from all benefits afforded full-time employees.
- C. **TEMPORARY PART-TIME EMPLOYEE** - A part-time employee is an individual who works twenty (20) hours per week. Temporary part-time employees receive no benefits.
- D. **VOLUNTEER EMPLOYEE** - A volunteer is an individual who works for the town for little or no compensation.
- E. **VOLUNTEER FIREFIGHTERS** - Volunteer firefighters are appointed by the fire chief when necessary. Volunteer firefighters are not compensated and have no other benefits except coverage under the Town's Workers Compensation Insurance Policy.

SECTION III - HIRING PROCEDURES

- A. **POLICY STATEMENT** - Pursuant to Title 4, Chapter 1, Section 4 of the charter of the TOWN OF SPRING HILL, the primary objective of this hiring policy is to ensure compliance with the law and to obtain qualified personnel to serve the citizens of the town. Appointments to positions are based on merit, technical knowledge, and work experience. No person shall be employed, promoted, demoted, discharged, or in any way favored or discriminated against because of race, gender, age, color, religion, creed, ancestry, disability, or national origin. Nothing in the personnel rules and regulations document shall be deemed to give employees any more property rights in their jobs than may already be given by the town charter. The town reserves the right to alter or change any or all of these rules without prior notice to employees.
- B. **RECRUITMENT** - The town will employ only capable and responsible personnel who are of good character and reputation. When a vacancy occurs in any department, the position will be filled by promotion from a lower position within the organization if a

qualified employee is available. When qualifications are considered equal, then the length of continuous service in the organization will be the determining factor for selection. When a vacancy occurs that cannot be filled from within the organization, the CITY ADMINISTRATOR will prepare and post the appropriate position description at various locations in the town. The CITY ADMINISTRATOR will also provide notice of vacancies in alternate media including taped messages, radio announcements, or other methods to ensure effective communication to people with disabilities.

- C. **APPLICATION PROCESS** - All people seeking appointment or employment with the town shall complete a standard application form as provided by the municipal government. Employment applications shall be accepted at the CITY HALL office during regular office hours only. The TOWN OF SPRING HILL will make reasonable accommodations in the application process to applicants with disabilities making a request for such accommodations.

- D. **INTERVIEWS** - All appointments are subject to an interview with the CITY ADMINISTRATOR and appropriate department head. The TOWN OF SPRING HILL will make reasonable accommodations in the interview process to applicants with disabilities making a request for such accommodations.

E. **APPOINTMENTS** - All appointments to existing positions in the TOWN OF SPRING HILL shall be made by the CITY ADMINISTRATOR. Following a conditional offer of employment, every prospective employee, when required, may be given a medical examination and a general physical exam by a licensed physician designated by the municipal government to ensure they can perform the essential functions of the position they have been offered. The cost of this medical exam shall be borne by the town. Any prospective employee who is unable to successfully perform the essential functions tested for in the medical examination shall have the offer of employment by the town withdrawn only if they:

1. cannot perform the essential functions due to a disability that cannot reasonably be accommodated;
2. pose a direct threat to themselves and/or others;
3. are unable to perform the essential functions due to a temporary condition or disability not protected by ADA.

F. **CITIZENSHIP AND ALIEN STATUS VERIFICATION** - The town will not discriminate on the basis of a person's national origin or citizenship status with regard to

recruitment, hiring, or discharge. However, the town will not knowingly employ any person who is or becomes an unauthorized alien. In compliance with the Immigration Reform and Control Act, all employees hired after Nov. 6, 1986, regardless of national origin, ancestry, or citizenship, must provide suitable documentation to verify identity and employability. The documentation must be provided within three (3) days of employment or the individual will not be hired.

G. **NEPOTISM** - No member of the immediate family, as defined by these rules, of an existing employee or an elected official shall be hired by the town while that existing employee is employed by the town or the elected official holds elected town office.

H. **PROBATION** - Applicants appointed to positions with the TOWN OF SPRING HILL are required to serve a six (6) month probationary period. During this period, the employee's work performance will be subject to review regarding the competence of the employee to fill the position. An employee may be terminated during this period for any reason without respect or reference to the procedures set forth in this document, the charter, or other ordinances. If the probationary period is satisfactory, the employee is recommended for a full-time appointment. The probationary period may be extended by the CITY ADMINISTRATOR when written notification is given to the probationary

employee with reasons for the extension.

- I. **TRANSFERS** - Pursuant to Article 4, Section 4.101 of the charter of the TOWN OF SPRING HILL, the CITY ADMINISTRATOR may make transfers of employees. A transfer may also be implemented as a reasonable accommodation when an employee is unable, due to a disability, to continue to perform the essential functions of the job.

- J. **PROMOTIONS/DEMOTIONS** - Pursuant to Article 4, Section 4.101 of the charter of the TOWN OF SPRING HILL, the CITY ADMINISTRATOR may make promotions/demotions of employees. A demotion may also be implemented as a reasonable accommodation when an employee, due to a disability, becomes unable to perform the essential functions of the job.

SECTION IV - COMPENSATION

- A. **SALARIES** - Pursuant to the town charter, Article 4, Section 4.101, the BOARD OF MAYOR & ALDERMEN shall set by resolution all salaries paid by the town. Due consideration shall be given to duties performed, responsibilities, technical knowledge

and skills required to perform the work satisfactorily, the labor market, and availability of people having the desired qualifications.

B. **HOURS OF WORK** - Employees unavoidably late or absent from work due to illness or other cause must notify their supervisor within the time frame established by each department (unless unusual circumstances prevent the employee from making proper notification). Such employees must explain the reason for the absence and, if possible, an anticipated time and date of return to work. Failure to notify one's supervisor of absences may result in disciplinary action. Employees found falsifying time sheets will be subject to disciplinary action up to and including dismissal. Excessive tardiness is regarded as sufficient reason for termination.

C. **PAYDAY** - All employees of the TOWN OF SPRING HILL shall be paid on a bi-monthly basis. If you have questions about your work time, salary, or paycheck, call them to the attention of the department head within the pay period in question or immediately thereafter.

If you are absent on payday and wish to have someone else obtain your check for you, you may send your identification and a signed note authorizing the Town to give your check

to the bearer.

If you lose your check, notify your department head immediately. You will be required to sign an affidavit that your check has been lost, and a new one will be issued. If you resign, your last check will be issued on the next regular payday. You should give written notice of where the check should be sent if you are not available to pick it up.

D. **PAYROLL DEDUCTIONS**

1. **Federal Income Tax**: Federal taxes are withheld from employees' paychecks based on the number of dependents claimed by the individual. Employees are required to keep on file with the municipal government a copy of the W-4 form. In the event of changes in the employee exemption status, a revised W-4 must be filed before payroll deduction adjustments will be made.

2. **Social Security**: Social Security payments and deductions will be made in accordance with the Social Security Act. The FINANCE OFFICE shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.

3. **Others:** Other deductions (hospitalization, life insurance, retirement, deferred compensation payments, credit union payments, etc.) may be made from an employee's pay only with a signed consent from the employee.

D. **OVERTIME** - Employees required to work overtime shall be compensated in accordance with the FLSA at a rate of 1½ times the employee's regular pay rate. Department heads are excluded from the overtime provisions of the town. Compensatory time off may be granted in lieu of overtime pay. Administration of the policy and accumulation of time shall also be in accordance with the FLSA.

SECTION V - BENEFITS

A. **ELIGIBILITY** - All full-time employees are eligible for all benefits provided by the town.

B. **HOLIDAYS** - Full-time employees are allowed a day off with pay on the following nine (9) holidays:

1. New Year's Day	Jan. 1
2. Martin Luther King Day	Third Monday in January
3. Presidents Day	Third Monday in February
4. Memorial Day	Last Monday in May
5. Independence Day	July 4
6. Labor Day	First Monday in September
7. Thanksgiving	Fourth Thursday in November
8. Day after Thanksgiving	Fourth Friday in November
9. Christmas Day	December 25

If a holiday falls on Sunday, it will be observed on the following Monday. If the holiday falls on Saturday, it will be observed on the preceding Friday. To receive compensation for the holiday, employees must be in a pay status on the workday before and on the workday after the holiday unless otherwise excused by the supervisor.

C. **HOLIDAY PAY** - When an employee must work on a holiday, the employee will be paid at the rate of double-time of their regular pay rate for all scheduled and unscheduled

time worked on the day observed as the holiday, or may be granted an optional day off in lieu of the day observed as the holiday.

Public safety officers (police and fire department employees) shall receive holiday pay in the form of an additional eight (8) hours pay for each of the above holidays whether on duty or not. Employees eligible for holiday pay must be in a pay status their last regular shift before a holiday and their first regularly scheduled shift after a holiday in order to receive compensation for the holiday.

- E. **ANNUAL/VACATION LEAVE – Annual Leave** - Employees shall be entitled to annual leave days per month in accordance with the number of years worked as follows:

Regular Full-time Employees (40 Hours)

<u>Years of Service</u>	<u>Hours Earned per Month</u>	<u>Annual Leave Available</u>
1-5	6.66 hours	2 weeks
6-10	10 hours	3 weeks
11-20	13.33	4 weeks
Over 20	13.33 hours	4 weeks

Annual leave earned in an employment anniversary year shall be taken during the next employment anniversary year. Annual leave shall accrue but not be taken during the

employee's first six (6) months of employment. Annual leave may be accrued and carried forward up to one hundred sixty (160) hours. Annual leave unused and in excess of one hundred sixty (160) hours, shall be forfeited and removed from records on a person's employment anniversary date.

Annual leave, so far as is practical, will be granted at the time desired by employees, but annual leave in each department must be scheduled to assure orderly operation and adequate, continuous service to the public. Department heads must plan with employees in their department an orderly annual leave schedule. Holidays, as defined above, shall not be counted as annual leave days.

Annual leave benefits are earned on the first day of each month and may not be borrowed on or used prior to that day, unless authorized by the CITY ADMINISTRATOR.

F. **SHARED VACATION LEAVE** - The purpose of shared vacation leave is to permit town employees, at no additional cost to the town other than the administrative costs of administering the program, to come to the aid of a fellow town employee who:

1. has been called to active duty (not including regular summer duty) to serve in the armed forces; or

2. is suffering from or has an immediate family member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the employee to take leave without pay or to terminate his or her employment.

The CITY ADMINISTRATOR may permit an employee to receive shared vacation leave under this policy in cases of employee illness when the employee has depleted or will shortly deplete his/her total of accrued vacation, sick leave, compensatory time, holiday time, and/or other paid leave.

Prior to the use of shared vacation leave, the employee must have abided by the town's sick leave policy. The use of shared vacation leave will not significantly increase the town's costs, except for those costs that would otherwise be incurred in the administration of this program or that would otherwise be incurred by the employee's department.

The CITY ADMINISTRATOR shall determine the amount of shared vacation leave, if any, an employee may receive under this policy. The employee shall be required to provide appropriate military orders of activation or medical justification and documentation, both of

the necessity for the leave and the time that the employee can reasonably be expected to be absent due to the condition.

An employee shall not receive more than a total of one thousand and forty (1,040) hours of shared vacation leave throughout the employee's employment. To the extent possible, shared vacation leave should be used on a consecutive basis. Employees may request their CITY ADMINISTRATOR to approve the transfer of a specified amount of accrued vacation leave to an employee who is authorized to receive shared vacation leave as provided herein.

In order to be eligible to donate vacation leave, an employee must have a total of more than eighty (80) hours of accrued vacation leave, have taken at least eighty (80) hours of vacation leave within the calendar year, or have a total of accrued and used vacation leave of greater than eighty (80) hours for the calendar year. In no event shall a transfer of leave be approved that would result in an employee reducing his or her total vacation leave in a calendar year to less than eighty (80) hours. The CITY ADMINISTRATOR shall **not** transfer vacation leave in excess of the amount specified in the request. All donations of leave shall be voluntary. The CITY ADMINISTRATOR shall determine that no significant increase in town costs will occur as a result of a donation of leave.

Leave may be transferred from employee(s) from one department to an employee of the same department, or with the concurrence of both department heads, to an employee of another department.

While an employee is on shared vacation leave, he/she will continue to be classified as a town employee and shall receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using vacation leave.

1. All salary benefit payments made to the employee on a shared vacation leave shall be made by the department employing the person using the shared vacation leave.
2. The employee's salary rate shall not change as a result of being on shared vacation leave, nor under any circumstances shall the total of the employee's salary and other benefits or any other benefit received as a result of payments by the city to an insurer, health care provider, or pension system exceed the total of salary and benefits that the employee would have received had he/she been in a regular pay status.

Vacation leave shall be transferred on an hour-for-hour basis. The minimum allowable transfer of vacation leave shall be in four (4) hour increments.

The finance office shall be responsible for monitoring the donated leave and shared vacation leave and shall also be responsible for adjusting the accrued leave balances to show the transferred leave for both the donor and recipient. The finance office shall determine the appropriate fund transfers and budget amendments as needed for BOARD OF ALDERMEN action. Records of all leave time transferred shall be maintained by the Clerk of Payroll.

Once vacation leave is transferred to an employee, that vacation shall henceforth remain in the employee's accrual until exhausted and shall not revert back to the original donor employee.

The finance office shall monitor the use of shared vacation leave to insure equivalent treatment for all employees of the town. Inappropriate use or treatment of the shared vacation leave provision may result in the cancellation of the donated leave or use of shared

vacation leave. The town in its sole discretion may cancel this program at any time, with or without notice.

- G. **SICK LEAVE** - All full-time employees shall be given eight (8) hours of sick leave with pay for each month of work for the municipality to a maximum accumulation of ninety (90) days.

Regular Full-time Employees (40 Hours)

<u>Years of Service</u>	<u>Days Earned per Month</u>	<u>Hours Earned per Month</u>
1-5	1 day	8 hours
6-10	1 day	8 hours
11-20	1 day	8 hours
over 20	1 day	8 hours

Sick leave may be granted for:

1. personal illness or physical incapacity resulting from causes beyond the employee's control;
2. exposure to contagious disease so that the employee's presence at work might jeopardize the health of others;
3. medical, dental, optical, or other professional treatments or examinations; and
4. acute illness of a member of the employee's immediate family (i.e., spouse, parents,

sibling, children, in-laws, grandparents).

Upon termination or resignation, any unused sick leave shall not be cashed in for compensation and will be forfeited by the employee. After an employee has exhausted his/her accrued sick leave, a leave of absence without pay may be granted, at the discretion of the CITY ADMINISTRATOR as a reasonable accommodation to people with disabilities, or the employee may be placed on special leave without pay, or the employee may be terminated if he/she is unable to perform his/her job or another job with or without reasonable accommodation. Should the employee be able later to return to work, upon presentation of certification by a doctor, he/she shall be given preference for a position for which he/she is qualified. If an employee exceeds three (3) consecutive days on sick leave a Doctor's Certificate may be required. Employees may not borrow against future sick leave or transfer earned sick leave to another employee.

- I. **FAMILY AND MEDICAL LEAVE POLICY** - The Family and Medical Leave policy is applicable to both male and female employees who have worked at least twelve (12) months for the employer and who have worked at least one thousand two hundred and fifty (1,250) hours during the preceding twelve (12) month period. Such employees are eligible for leave under the act. Public Agencies are covered without regard to the number of

employees employed. Special rules apply for husbands and wives employed by the same employer, for highly compensated employees, and for local educational agencies. People who are *not* covered include elected officials, political appointees, volunteers, independent contractors, and legal advisors.)

Guidelines: An eligible employee may take up to twelve (12) weeks of unpaid leave in a twelve (12) month period for the birth and care of a child or the placement and care of a child for adoption or foster care. **(Note - Under the Tennessee Maternity Leave Act (TMLA), a female employee may take an additional four (4) weeks of unpaid leave if the three (3) month advance notice has been complied with.)** Leave may also be taken to care for the employee, a child, spouse, or a parent who has a serious health condition. The right to take leave applies equally to male and female employees who are eligible.

Unpaid leave to care for a newborn child or a newly placed adopted or foster care child must be taken before the end of the first twelve (12) months following the date of birth or placement.

An expectant mother may take unpaid medical leave upon the birth of the child, or prior to

the birth of the child, for necessary medical care and if her condition renders her unable to work. Similarly, for adoption or foster care, leave may be taken upon the placement of the child or leave may begin prior to the placement if absence from work is required for the placement to proceed.

An employee may take unpaid leave to care for a parent or spouse of any age who, because of a serious mental or physical condition, is in the hospital or other health care facility. An employee may also take leave to care for a spouse or parent of any age who is unable to care for his/her own basic hygiene, nutritional needs, or safety. Examples include a parent or spouse whose daily living activities are impaired by such conditions as Alzheimer's disease, stroke, recovering from major surgery, or the final stages of terminal illness.

Eligible employees who are unable to perform the functions of their position because of a serious health condition may request up to twelve (12) weeks unpaid leave. The term "serious health condition" covers conditions or illnesses that affect an employee's health to the extent that he/she must be absent from work on a recurring basis or for more than a few days for treatment or recovery.

Employees requesting medical leave due to their own illness or injury may use any balance

of sick leave, annual leave, or floating holidays prior to the beginning of unpaid leave. The combination of sick leave, annual leave, floating holidays, and unpaid leave may not exceed twelve (12) weeks. Employees requesting family leave may use unpaid leave. The combination of annual leave, floating holidays, and unpaid leave may not exceed twelve (12) weeks.

During periods of unpaid leave, an employee will not accrue any additional seniority or similar employment benefits during the leave period.

Right to Return to Work: On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commence, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his/her position has been restructured to accommodate the employee's absence.

If the employee is unable to perform the essential functions of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the FMLA. However, the employer's obligations may be governed by the American with Disabilities Act.

Notification and Scheduling: An eligible employee must provide the employer at least thirty (30) days of advance notice of the need for leave for birth, adoption, or planned medical treatment, when the need for leave is foreseeable. This thirty (30) day advance notice is not required in cases of medical emergency or other unforeseen events, such as premature birth or sudden changes in a patient's condition that require a change in scheduled medical treatment.

People who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this thirty (30) day notice.

It is the town's responsibility to designate leave in writing as FMLA leave and to notify the employee. Employees may not retroactively claim that leave was for FMLA.

The employer will provide the FMLA leave notice in alternate formats.

Certification: The employer reserves the right to verify an employee's request for family/medical leave. If an employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the employer requires that the request be supported by certification issued by the health care provider of the eligible

employee or the family member as appropriate. If the employer has reason to question the original certification, the employer may, at the employer's expense, require a second opinion from a different health care provider chosen by the employer. That health care provider may not be employed by the employer on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding.

This certification must contain the date on which the serious health condition began, its probable duration, and appropriate medical facts within the knowledge of the health care provider regarding the condition. The certification must also state the employee's need to care for the son, daughter, spouse, or parent and must include an estimate of the amount of time that the employee is needed to care for the family member.

Medical certifications given will be treated as confidential and privileged information. An employee will be required to report periodically to the employer the status and the intention of the employee to return to work.

Employees who have taken unpaid leave under this policy must furnish the employer with a medical certification from the employee's health care provider at the employees expense,

stating that the employee is able to resume work before return is granted.

Maintenance of Health and COBRA Benefits During Unpaid Leave: The employer will maintain health insurance benefits, paid by the employer for the employee, during periods of unpaid leave without interruption. Any payment for family coverage/premiums or other payroll deductible insurance policies must be paid by the employee or the benefits may not be continued.

The employer has the right to recover from the employee all health insurance premiums paid during the unpaid leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job because of their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision.

Leave taken under this policy does not constitute a qualifying event that entitles an employee to Consolidated Omnibus Budget Reconstruction Act (COBRA) insurance coverage. However, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not return to work, and therefore ceases to be entitled to leave under this policy.

Reduced and Intermittent Leave: Leave under this policy can be taken intermittently or on a reduced leave schedule when medically necessary as certified by the health care provider. Intermittent or reduced leave schedules for routine care of a new child can be taken only with approval of the CITY ADMINISTRATOR. The schedule must be mutually agreed upon by the employee and the employer.

Employees on intermittent or reduced leave schedules may be temporarily transferred by the employer to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule.

Intermittent or reduced leave may be spread over a period of time longer than twelve (12) weeks, but will not exceed the equivalent of twelve (12) workweeks in a twelve (12) month period.

Restoration: Employees who are granted leave under this policy will be reinstated to an equivalent or the same position held prior to the commencement of their leave. Certain highly compensated key employees, who are salaried and among the ten (10) percent highest-paid employees, may be denied restoration. **(Note - Restoration may be denied if**

(A) the employer shows that such denial is necessary to prevent substantial and grievous economic injury to the employer's operations, (B) the employer notifies the employee that it intends to deny restoration on such basis at the time the employer determines that such injury would occur, and (C) in any case in which the leave has commenced, the employee elects not to return to work within a reasonable period of time after receiving such notice.)

Employees voluntarily accepting a light duty assignment in lieu of continuing FMLA leave maintain their right to restoration to the original or an equivalent job until the twelve (12) weeks of FMLA leave has passed.

The 12-month FMLA Period: The twelve (12) month period during which an employee is entitled to twelve (12) workweeks of FMLA leave is measured forward from the date the employee's first FMLA leave begins. An employee is entitled to twelve (12) weeks of leave during the twelve (12) month period after the leave begins. The next twelve (12) month period will begin the first time the employee requests FMLA leave after the completion of the previous twelve (12) month period.

Denial of FMLA leave: If an employee fails to give timely advance notice when the need

for FMLA leave is foreseeable, the employer may delay the taking of FMLA leave until thirty (30) days after the date the employee provides notice to the employer of the need for FMLA leave.

If an employee fails to provide in a timely manner a requested medical certification to substantiate the need for FMLA leave due to a serious health condition, an employer may delay continuation of FMLA leave until an employee submits the certificate. If the employee never produces the certification, the leave is not FMLA leave.

If an employee fails to provide a requested fitness-for-duty certification to return to work, an employer may delay restoration until the employee submits the certificates.

J. **FUNERAL/BEREAVEMENT LEAVE** - Full-time employees shall be allowed three (3) days of leave with pay for a death in an employee's immediate family. Immediate family shall include spouse, parents, and children. Three (3) days of leave with pay will be allowed for the death of sisters, brothers, in-laws, grandparents, and other relatives. Employees wishing to attend services of non-relatives must use annual leave for this purpose.

K. **CIVIL LEAVE** - Civil leave with pay may be granted to employees to:

1. serve on jury duty,
2. answer a subpoena to testify for the town, and/or
3. perform emergency duty for national defense.

Employees selected for civil service shall be excused for the actual duration of the civil service. Upon release from civil duty during the employee's normal working hours, he/she is expected to return to duty. Employees will receive full pay during such service, providing any day received for such service is endorsed over to the Town.

- L. **VOTING** - When elections are held in the state, leave for the purpose of voting shall be in accordance with *T.C.A. 2-1-106*, herein reprinted:

"EMPLOYERS MAY DESIGNATE PERIODS OF PERMISSIBLE

ABSENTEEISM - Any person entitled to vote in an election held in this state may be absent from any service or employment on the day of the election for a reasonable period of time, not to exceed three (3) hours, necessary to vote during the time the polls are open in the county where he/she is a resident. A voter who is absent from work to vote in compliance with this section may not be subjected to

any penalty or reduction in pay for his absence. If the tour of duty of an employee begins three or more hours after the opening of the polls or ends three or more hours before the closing of the polls of the county where he/she is a resident, he/she may not take time off under this section. The employer may specify the hours during which the employee may be absent. Request for such an absence shall be made to the employer before twelve noon of the day before the election."

- M. **MATERNITY LEAVE** - Under the Tennessee Maternity Leave Act, a female employee who has been employed full time for at least one (1) year with the TOWN OF SPRING HILL and who gives at least three months advance notice of her anticipated date of departure, length of maternity leave, and intentions to return to full-time employment, may be granted maternity leave for a period not to exceed four months for pregnancy, childbirth, and nursing an infant. Sick leave may be granted for maternity purposes; otherwise, the employee will be granted a leave of absence without pay.

An employee desiring maternity leave shall notify her department head so a temporary replacement may be secured. Return to duty must be accompanied by a release statement from the employee's attending physician.

N. **MILITARY LEAVE** - Any regular employee who has completed six (6) months of satisfactory employment and who enters the U.S. armed forces will be placed on military leave. The CITY ADMINISTRATOR shall approve military leave without pay when the employee presents his/her official orders. The employee must apply for reinstatement within ninety (90) days after release from active military duty.

The employee will be reinstated to a position in the current classification plan at least equivalent to his/her former position. His/her salary will be the salary provided under the position classification and compensation plan prevailing at the time of reinstatement or re-employment for the position to which he/she is assigned. If no position is available at the time of the employee's return, the employee will be reinstated into the first available position. No current full-time employee will be terminated or laid off to allow for the reinstatement.

Any regular full-time employee who is a member of the U.S. Army Reserve, Navy Reserve, Air Force Reserve, Marine Reserve, or any of the armed forces will be granted military leave for any field training or active duty required (excluding extended active duty). Such leave will be granted upon presentation of the employee's official order to his/her jurisdictional official. Compensation for such leave will be paid pursuant to *T.C.A.* 8-33-

109.

It will be the employee's responsibility to arrange with the department supervisor to attend monthly meetings on regular off-time, with pay being applicable to the annual two-week training period. Employees entering an extended active duty will be given fifteen (15) days pay when placed on military leave.

Firefighters who are members of the U.S. Army Reserve, Navy Reserve, Air Force Reserve, or Marine Reserve shall be allowed seven and a half (7.5) shift days for reserve training.

- O. **DEATH OF AN EMPLOYEE** - Upon the death of a full-time regular employee, his/her beneficiary will receive his/her next due payroll check including pay for accrued vacation time. Further, his/her beneficiary shall be given complete assistance by the FINANCE OFFICE in settling pension, life, and hospital insurance benefits

- P. **RETIREMENT SYSTEM** - Employees of the TOWN OF SPRING HILL will be eligible for retirement benefits under the Tennessee Consolidated Retirement System.

- Q. **INSURANCE COVERAGE** - The TOWN OF SPRING HILL provides basic health and life insurance coverage. Should circumstances dictate terminating benefits, the town will

offer employees and their dependents the opportunity to extend their health insurance coverage under COBRA.

- R. **WORKERS' COMPENSATION** - All injuries arising out of and in the course of one's employment shall be governed by the Tennessee workers' compensation law. Employees on occupational disability leave shall receive only those benefits due under workers' compensation.

In all cases of occupational disability, the responsibility of determining the character, degree, and potential duration of an injury shall rest with the licensed, practicing medical doctor(s) designated by the INSURANCE CARRIER. The medical doctor(s) may make periodic examinations, progress reports, and recommendations as deemed necessary by the INSURANCE CARRIER.

Before an employee is returned to full duty, the employee must demonstrate his/her fitness for duty by passing the performance test administered by the department head. This will only test for ability to perform routine tasks using those skills required for the position. Should an employee be unable to return to work within twelve (12) months from the day

following the date of injury, the employee may be subject to separation only if he/she:

1. cannot perform the essential functions due to a disability that cannot reasonably be accommodated; and
2. poses a direct threat to himself/herself and/or others.

Employees shall report immediately any injury incurred in the course of their employment, however minor, to their supervisor or department head and take such first aid or medical treatment as may be necessary. Any employee determined to have been able, but who fails, to make such a report shall not be eligible for occupational disability or injury leave.

When an employee is injured on the job, the supervisor or department head shall immediately notify the CITY ADMINISTRATOR, who shall submit an accident report to the INSURANCE CARRIER and retain a copy in the safety file. Where an accident causes serious bodily injury or death to an employee, the supervisor shall immediately notify the CITY ADMINISTRATOR.

All injuries arising out of and in the course of one's employment shall be governed by the

Tennessee Workers' Compensation Law.

The town will pay, for up to thirty (30) calendar days, the difference between workers' compensation and the employee's regular take home pay, taking into account the tax-free provision of workers' compensation benefits. Any monies received as a benefit under workers' compensation must be deposited by the employee in original check or draft form with the office. The total amount of monies paid the employee each pay period shall not exceed the full pay the employee would have received for the period at his/her regular straight-time or normal work period pay rate in effect as of the date of the injury.

The employee may remain on disability leave for another ninety (90) calendar days after the thirty (30) calendar day period has lapsed for a total of one hundred twenty (120) days after the date of injury, if necessary for medical reasons. However, after the thirty (30) day period has lapsed, the employee will receive only the indemnity rate from workers' compensation. The employee can supplement that indemnity rate using all vacation/sick time earned to date. The total amount of monies paid the employee each pay period, however, shall not exceed the full pay the employee would have received for the period at his/her regular straight-time or normal work period pay rate in effect as of the date of the injury.

In highly unusual circumstances, the CITY ADMINISTRATOR may extend the total period of disability leave from one hundred twenty (120) days to one hundred sixty-five (165) days. In addition, an employee may request advance vacation and/or sick leave of up to two (2) weeks. If advanced vacation leave is granted, it may be used to supplement the workers' compensation benefits as outlined in this subsection.

Employees on occupational disability leave due to an on-the-job injury will not be charged sick leave during the period of convalescence. They will not be charged vacation leave either unless they have chosen to supplement the workers' compensation benefits with vacation leave. Employees shall continue to accrue sick leave and vacation leave at their regular rate while on occupational disability or injury leave.

In all cases of occupational disability, the responsibility of determining the character, degree and potential duration of an injury shall rest with one of the panel of three licensed, practicing medical doctors designated by the INSURANCE CARRIER. The medical doctor(s) may make periodic examinations, progress reports and recommendations as deemed necessary by the INSURANCE CARRIER.

In the case where occupational disability to an employee occurs and the employee has been reported as occupationally disabled for a period of thirty (30) calendar days, the department head shall review the progress of the case with, and make recommendations to the CITY ADMINISTRATOR. They will determine if the best interests of both the town and employee would be served by returning the employee to light duty for a specified period of time.

Before an employee is returned to full duty, the employee must be certified by the attending physician as capable of performing the essential functions of the job. The physician will be furnished a copy of the job description, a list of the essential job functions as determined by the DEPARTMENT HEAD and the department head, and a form listing the required capabilities. The attending physician must complete the form provided by the FINANCE OFFICE documenting the employee's ability to perform the essential job functions. The town reserves the right to obtain a second medical opinion from the physician of its choosing before a final decision is made on a return to light or full duty.

If an employee is unable to return to the position held at the time of the injury, the CITY ADMINISTRATOR shall take reasonable steps to place the individual in a comparable position, if one is available, for which he/she is qualified and able to perform the essential

functions, with or without a reasonable accommodations.

Should an employee be unable to return to full duty within one hundred twenty (120) days after the date of injury, or within one hundred sixty-five (165) days if the CITY ADMINISTRATOR has approved the extended time, and no comparable position for which the employee is qualified is available, the employee may be subject to separation only if:

1. he/she cannot perform the essential functions of the job due to a disability that cannot be reasonably accommodated; or
2. the employee poses a direct threat to himself/herself or others.

S. **OTHER BENEFITS** - The TOWN OF SPRING HILL provides uniforms for police, fire, parks and recreation, public works, and utility department employees.

SECTION VI - SEPARATIONS AND DISCIPLINARY ACTIONS

A. **TYPES OF SEPARATIONS** - All separations of employees from town positions shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, layoff, death, retirement, dismissal, and the inability to perform the essential job

functions with or without a reasonable accommodation due to a disability. At the time of separation and prior to final payment, all records, assets, and other items of town property in the employee's custody must be transferred to the department. Any amount due because of shortages shall be withheld from the employee's final compensation.

1. **Resignation** - In the event an employee decides to leave the municipal government's employ, a one (1) week notice shall be given to his/her supervisor so that arrangements for a replacement can be made. In such a case, employees will be expected to return any or all municipal government equipment assigned. An unauthorized absence from work for a period of three (3) consecutive working days may be considered by the department head as a resignation. If a former employee returns to municipal government employment, his/her status of seniority, pay, leave, etc. will be the same as any new employee beginning work for the first time.

3. **Layoff** - The department head, upon approval from the CITY ADMINISTRATOR, may lay off an employee in the municipal government service when he/she deems it necessary by reason of shortage of funds, the abolition of a position, or other material changes in the duties or organization of the employee's position, or for related reasons that are outside the employer's control and that do not reflect

discredit upon the employee's service. Temporary employees shall be laid off before probationary or regular employees. The order of layoff shall be in reverse order to total continuous time served upon the date established for the layoff to become effective.

3. **Disability** - An employee may be separated for disability when he/she cannot perform the essential functions of the job because of physical or mental impairment that cannot be accommodated without undue hardship or because the disability poses a direct threat to the health and safety of others. A reasonable accommodation may include transfer to a comparable position for which the individual is qualified. Action may be initiated by the employee or the municipality, but in all cases it must be supported by medical evidence acceptable to the CITY ADMINISTRATOR, and the disability must prevent the employee from performing the essential functions of the job. The municipal government may require an examination at its expense to be performed by a licensed physician of its choice.

4. **Retirement** - Whenever an employee meets the conditions set forth in the retirement system's regulations, he/she may elect to retire and receive all benefits earned under the appropriate retirement system.

5. **Death** - Separation shall be effective as of the date of death of an employee. All compensation due in accordance with these rules shall be paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse.

6. **Dismissal** - The CITY ADMINISTRATOR may dismiss an employee for just cause that is for the good of the Town service. Reasons for dismissal may include, **BUT SHALL NOT BE LIMITED TO:** misconduct, negligence, incompetence, insubordination, unauthorized absences, falsification of records, violation of any of the provisions of the charter, ordinances, or these rules. The dismissal shall be effective immediately and all salary and benefits shall cease upon notice of dismissal.

When the decision to dismiss an employee has been reached, the employee shall be furnished a written notice containing the reasons therefore, and notice of the right to appeal the charges orally or in writing before the BOARD OF MAYOR & ALDERMEN. The request to appeal must be filed in writing no later than five (5) days after the date of dismissal, excluding Saturday and Sunday.

If the employee requests a hearing on the proposed action in a timely manner, the CITY ADMINISTRATOR shall promptly set a date and time for the hearing. The decision of the BOARD OF MAYOR & ALDERMEN shall be final.

B. **DISCIPLINARY ACTION** - Whenever an employee's performance, attitude, work habits, or personal conduct fall below a desirable level, supervisors shall inform the employee promptly and specifically of such lapses and shall give him/her counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident in and of itself may justify severe initial disciplinary action; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct. The types of disciplinary actions are:

1. **Oral Reprimand** - Whenever an employee's performance, attitude, work habits, or personal conduct fall below a desirable level, the supervisor shall inform the employee promptly and specifically of such lapses and shall give him/her counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary actions. The supervisor

will place a memo in the employee's file stating the date of the oral reprimand, what was said to the employee, and the employee's response.

2. **Written Reprimand** - In situations where an oral warning has not resulted in the expected improvement, or when more severe initial action is warranted, a written reprimand may be sent to the employee, and a copy shall be placed in the employee's personnel folder. The supervisor administering the reprimand shall advise the employee that the action is a written reprimand and emphasize the seriousness of the problem; cite previous corrective actions and/or informal discussions relating to the offense; identify the problem and/or explain the offense; inform the employee of the consequences of continued undesirable behavior; detail corrective actions and identify dates by which the corrective actions shall be taken.

At the conclusion of a conference with the employee, a copy of the written reprimand shall be placed in the employee's personnel folder. It is recommended that the affected employee sign the written reprimand to indicate that he/she has seen the document and to acknowledge receipt of the employee's copy. Should the employee refuse to sign the written reprimand, the supervisor will obtain a witness

to sign and date the form and so indicate the employee's refusal to sign.

3. **Suspension** - An employee may be suspended with or without pay by his/her department head with the approval of the CITY ADMINISTRATOR, not to exceed a total of ten (10) days in any twelve (12) month period. Pursuant to the appeals procedures, a written statement of the reason for suspension shall be submitted to the employee, and notice of the right to appeal the decision orally or in writing before the Board of Mayor and Aldermen. The request to appeal must be filed in writing no later than five (5) days after the date of suspension, excluding Saturday and Sunday. The employee will be granted a hearing before the BOARD OF MAYOR & ALDERMEN, upon request, pursuant to the appeals process. An employee determined to be innocent of the charges shall be returned to duty with full pay for the period of suspension. All records associated with a suspension shall become a permanent part of the employee's personnel file.

- C. **GRIEVANCE POLICY** - The purpose of this policy is to set forth the principles of the TOWN OF SPRING HILL and to prescribe uniform disposition procedures of grievances presented by individual employees. A grievance can be something real, alleged, or an misunderstanding concerning rules and regulations or administrative orders involving the employee's health, safety, physical facilities, equipment or material used, employee

evaluation, promotion, transfer, layoff, recall, and any other related items.

When a request for an accommodation is denied, a disabled employee may also file a grievance in accordance with this policy or the grievance procedures adopted pursuant to ADA. Employees will be treated fairly in all respects. Those who feel they have been subjected to unfair treatment have the right to present their grievance to the proper person for prompt consideration and a fair decision. The employee may present his/her case or a representative of his/her choosing and expense may present it.

Employees must remember that there is no grievance until the department head or other appropriate person has been made aware of the dissatisfaction. Once this is done, the following steps are to be taken:

Step 1. Discuss the problem with the immediate supervisor. If satisfaction is not obtained, the grievance is advanced to the second step.

Step 2. Discuss the problem with the appropriate department head. If the grievance is not resolved, it is advanced to the third step along with all documentation.

Step 3. Discuss the problem with the CITY ADMINISTRATOR of the town. If the

grievance is not resolved, it is advanced to The BOARD OF MAYOR & ALDERMEN. The decision of the BOARD OF MAYOR & ALDERMEN shall be final and binding to all parties involved, unless appealed to Chancery Court.

POLICIES GOVERNING THE GRIEVANCE AND APPEALS PROCEDURES - An

employee with a grievance shall be notified in writing of the right to:

1. a grievance or appeals hearing as specified in this policy;
2. receive written notification of the reason for the action that led to the grievance;
3. be represented at all stages of the grievance proceedings by legal counsel retained at the employee's expense;
4. present witnesses in his/her own behalf and cross-examine witnesses in support of the municipal government's action;
5. examine and copy all documents that will be used by the municipality as

justification for its actions; and

6. be free from threats, coercion, intimidation, or discrimination from other employees because he/she has made complaints, testified, or assisted in any manner in the above-stated grievance and appeals procedures.

- C. **RECORDS** - Records shall be made of all proceedings pertaining to the grievance actions, and these records shall be maintained in the municipal government's permanent file by THE CITY RECORDER.

SECTION VII - MISCELLANEOUS PERSONNEL POLICIES

- A. **OUTSIDE EMPLOYMENT** - No full-time employee of the town shall accept any outside employment without written authorization from the CITY ADMINISTRATOR. The CITY ADMINISTRATOR shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the employee's duties, or is incompatible with the employee's municipal employment, or is likely to discredit or embarrass the municipal government. Approval to work a second job may be withdrawn for any of the reasons above.

- B. **USE OF MUNICIPAL TIME, FACILITIES, ETC.** - No employee of the TOWN OF SPRING HILL shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to oneself or any other private person or group.
- C. **POLITICAL ACTIVITY** - No municipal government employee, whether on or off duty, whether in or out of uniform, and whether on or off municipal government property, shall at any time or any place become a candidate for, or campaign for, an elective municipal government or county office.

No municipal government employee shall: (1) take an active part in managing the political campaign of a candidate for public office; (2) directly or indirectly solicit, receive, or collect contributions or other funds for a candidate for public office; (3) sell tickets to a fund-raising activity of a candidate for public office; (4) engage in any of the other political activities such as putting up signs, solicitation of votes or participate in general campaigning for a candidate except while they are either off duty or on their own time, and while they are not in a town uniform, and while they are in places other than on town-owned property.

(Note - *T.C.A. 38-8-350* prohibits law enforcement officers from engaging in political activities, supporting or opposing any candidate, party, or measure in any election when on duty or acting in such officer's official capacity.)

- D. **SOLICITATION** - The town believes that its employees should not be exposed to frequent solicitations for charitable purposes. Therefore, solicitation shall be limited to as few visits as necessary during the course of the year. Any solicitation of employees must be approved by the CITY ADMINISTRATOR.

- E. **PERSONAL TELEPHONE CALLS** - Using the office telephone during regular work hours for local and/or long-distance personal calls, except in emergency cases, is discouraged.

- F. **FIGHTING, HORSEPLAY, DAMAGING MUNICIPAL GOVERNMENT PROPERTY** - Fighting, horseplay, and intentionally defacing or damaging city/town property is not permitted. Employees engaging in these activities will be subject to disciplinary action that could include discharge.

- G. **PARKING** - Parking is generally provided for municipal government employees.

Employees working in congested areas where parking is scarce should try to pool their transportation. The municipality does not assume responsibility for loss or damage at any time to employee vehicles or their contents.

H. **LOCKERS** - Lockers are the property of the municipality and may be inspected at any time without notice as there may be no expectation of privacy in such property. Employee-assigned lockers (that are locked by the employee) are also subject to inspection after reasonable advance notice.

I. **GARNISHMENT** - An employee who is garnished for more than one indebtedness within a twelve (12) month period may be subject to disciplinary action in accordance with the following schedule:

First offense: Oral reprimand.

Second offense: Written reprimand.

Third offense: May be discharged in accordance with the discipline and dismissal policy.

J. **BULLETIN BOARDS** - At numerous locations, the town maintains bulletin boards on

which important information connected with an employee's work is posted from time to time. Cooperation is needed in protecting the posted material. All material to be placed on the bulletin boards must be approved by the appropriate supervisor before it is posted.

- K. **LOST AND FOUND ARTICLES** - The CITY RECORDER shall act as a clearinghouse for lost and found personal property. Lost articles should be turned in and/or reported as soon as possible.

- L. **TRIP REIMBURSEMENT** - All trips that involve reimbursement and/or municipal government expense shall not be undertaken without prior approval of the CITY ADMINISTRATOR. For details regarding travel, obtain a copy of the municipal government's travel policy from the FINANCE OFFICER.

- M. **USE OF TOWN VEHICLES AND EQUIPMENT** - All town vehicles and equipment are for official use only. No person other than a town employee may operate a town vehicle or piece of machinery. Drivers and/or operators must have a valid Tennessee driver's license and be approved by the CITY ADMINISTRATOR.

- N. **POLICE POLICY** – It shall be the policy of the Town that all off-duty police officers be

required to respond and take action to any criminal acts occurring in their presence.

- O. **REPEAL OF ORDINANCES** - All ordinances or parts of ordinances in conflict herewith are hereby repealed.

- P. **SEVERABILITY** - Each section, subsection, paragraph, sentence, and clause of this ordinance is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause shall not affect the validity of any other portion of this ordinance, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted herein.

- Q. **EFFECTIVE DATE** - This ordinance shall take effect upon final passage the public welfare requiring it.

PASSED 1ST READING April 19, 1999.

PASSED 2ND READING May 17, 1999.


MAYOR

ATTEST:


RECORDER

APPROVED AS TO FORM:

TOWN ATTORNEY