

ORDINANCE NO. 2015-003

AN ORDINANCE OF THE CITY OF EAGLEVILLE, TENNESSEE, TO
AMEND ORDINANCE 06-05, PERSONNEL POLICIES AND PROCEDURES

Whereas, the Eagleville City Council wishes to amend the Eagleville Personnel Policies by replacing all sections of the previously established Ordinance and Policy; and

Whereas, the Eagleville City Council has conducted a public hearing thereon.

BE IT ORDAINED by the City Council of the City of Eagleville, Tennessee: That Ordinance 06-05 of the City of Eagleville, Tennessee, also known as the Personnel Policies and Procedures, is hereby amended, replacing all sections with the following:

SECTION 1. The following personnel policies and Procedures for the City of Eagleville, Tennessee, are hereby adopted:

PERSONNEL POLICIES AND PROCEDURES

I. Purpose.

The purpose of these policies and procedures is to establish a system of personnel administration in the City of Eagleville, hereinafter referred to as “City” that is based on merit and fitness and the impartial application thereof in a manner that is free of personal and political considerations and regardless of race, color, gender, age, creed, national origin, or disability. The City of Eagleville is an “at will” employer.

The City Manager will be responsible to the City Council for the administration of the personnel policies and procedures and implementation thereof for the City.

These personnel policies and procedures do not constitute a contract between the City of Eagleville and any of its employees. This document is a statement of current policies, practices and procedures. The City reserves the right to alter or change any or all of these personnel policies and procedures without further notice to employees.

The intent of these policies is to support the City Charter and is not to conflict with or contradict the Charter. These policies serve as the general day-to-day personnel policies for city employees. However, it is acknowledged that circumstances exist in which the City Council has the authority under the Charter to act separately from these policies – such as in the appointment process undertaken by the City Council in accordance with the Charter for those positions specified by the Charter.

II. Coverage.

The following personnel are not covered by this policy, unless otherwise provided:

- (1). all elected officials;
- (2). members of appointed boards and commissions;
- (3). consultants, advisers, and legal counsel rendering temporary professional service;
- (4). City attorney;
- (5). independent contractors and/or contract employees;
- (6). Temporary employees
- (7). volunteer personnel appointed without compensation;

(8). City judge;

a. **Classes of Employees.**

Upon posting for a vacant position and upon offer of a position, the class of employment will be clearly communicated. Conditions may exist which deem it prudent that a new employee be offered employment under a class other than that which was originally posted.

(1). **REGULAR FULL TIME** - Regular full-time employees are individuals employed by the municipal government who work more than 37.5 hours per week. When made available, regular full-time employees receive full benefits unless specifically excluded by the City charter, code, or ordinances.

(2). **REGULAR PART TIME** - Regular part-time employees are individuals whose hours typically do not exceed 30 hours per week. Part-time work may involve occasions where the employee works more than 30 hours per week, but that such scheduling, circumstance, or requirement shall not be regular or frequent without changing the employee's classification by mutual agreement. Regular part-time employees are excluded from all benefits afforded full-time employees.

(3). **TEMPORARY EMPLOYEE** - A temporary employee is an individual who works for the City for no more than six months during one calendar year. Temporary employees receive no benefits.

(4). **TEMPORARY PART-TIME EMPLOYEE** - A temporary part-time employee is an individual who works less than 30 hours per week for six months or less. Part-time work may involve occasions where the employee works more than 30 hours per week, but that such scheduling, circumstance, or requirement shall not be regular or frequent without changing the employee's classification by mutual agreement. Temporary part-time employees receive no benefits.

(5). **VOLUNTEER EMPLOYEE** - A volunteer is an individual who works for the City for little or no compensation.

(6). **VOLUNTEER FIREFIGHTERS** - Volunteer firefighters are appointed by the City Council, or such appointments may be delegated to the fire chief, when necessary and are covered under the Volunteer Firefighter's Insurance Coverage Policy.

(7). **STUDENT INTERN** – Student Interns may be classified as either Temporary, Temporary Part-Time, or as Volunteer. Should a program for which a student seeks experience, or a project for which an Intern is hired to work require more than six (6) months of service, additional time may be allowed by the City Manager.

III. **Hiring Procedures.**

(1). **POLICY STATEMENT.** The City will employ only capable and responsible personnel who are of good character and reputation. The City's hiring policy is to ensure compliance with the law and to obtain qualified personnel to serve the citizens of the City. 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, national origin, or any other protected status. The City reserves the right to alter or change any or all of these rules without prior notice to employees.

(2). **RECRUITMENT.** When necessary, the City Manager will prepare and post the appropriate position description at City Hall. As dictated by the nature of vacancies, the City Manager may post

notices of vacancies in as few or as many publications and in as many formats as may be necessary to ensure an adequate pool of applicants, and in order to advertise the opportunity to people with disabilities as well as community segments that may be better reached by alternative media styles.

(3). **APPLICATION PROCESS** - All people seeking appointment or employment with the City shall complete a standard application form as provided by the municipal government and may be submitted to a background check and drug screening. Employment applications shall be accepted in the City Manager's office during regular office hours only unless the posting indicates that it is acceptable to deliver applications electronically. The City Manager will make reasonable accommodations in the application process to applicants with disabilities making a request for such accommodations.

(4). **INTERVIEWS**. All appointments are subject to an interview with the City Manager and other City official(s) at the discretion of the City Manager; however, it is not necessary that any or all applicants be interviewed. The City will make reasonable accommodations in the interview process to applicants with disabilities making a request for such accommodations.

(5). **APPOINTMENTS**. All appointments to positions in Eagleville shall be made by the City Manager unless delegated to a specific Department Head. Following a conditional offer of employment, every prospective employee may be given a medical examination by a medical clinic 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 City. 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 City withdrawn only if they:

- a. cannot perform the essential functions due to a disability that cannot reasonably be accommodated;
- b. pose a direct threat to themselves and/or others;
- c. are unable to perform the essential functions due to a temporary condition or disability not protected by ADA.
- d. fail to pass drug screen.

(6). **CITIZENSHIP AND ALIEN STATUS VERIFICATION**. The City will not discriminate on the basis of a person's national origin or citizenship status with regard to recruitment, hiring, or discharge. However, the City 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 days of employment or the individual will not be hired.

(7). **NEPOTISM**. No member of the immediate family (spouse, child, parent, sibling, grandparent, or similar relationships that are "in-law," "step," or "foster") of an existing employee or an elected official shall be hired by the City while that existing employee is employed by the City or the elected official holds elected City office. Department Heads may make a request for an exception to this policy from the City Manager when filling part-time, temporary, volunteer, or seasonal positions. The City Manager may consider an exception only when there is some hardship in filling the position under the standard process or in compliance with the general terms of this policy. Further, any exception to the nepotism policy stated above may only be considered when there is more than one degree of organizational separation between the related parties. In no case will an exception be allowed when:

- 1) the person proposed for hire is related to a City elected official
- 2) the person proposed for hire is related to the City Manager
- 3) the person proposed for hire will handle money and is related to the City Recorder

(8). **TRANSFERS.** The City Manager may make transfers of employees as needed to facilitate optimal service to the community. 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.

(9). **PROMOTIONS/DEMOTIONS.** The City Manager may make promotions/demotions of employees. A demotion may also be implemented as a reasonable accommodation when an employee, becomes unable to perform the essential functions of the job.

IV. **COMPENSATION.**

(1). **RAISES.** Merit raises will be based on performance reviews, obtaining and completing required certifications and/or degrees, and City Manager recommendations to the City Council. The City Council also reserves the right to consider Cost of living increases either separately or in conjunction with Merit Raises.

(2). **SALARIES.** The MTAS annual salary survey that shows reported market rates of salaries and wages and other reputable salary information shall be consulted in determining employee compensation. 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.

(3). **HOURS OF WORK.** The council shall establish the operating hours of City Hall and the City Manager shall establish necessary work hours for each position in order to ensure sufficient delivery of public services. 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). Department heads must notify the City Manager. 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.

(4). **BREAKS.** During each 4-hour working period, employees are allowed one 15-minute break. The breaks are to be taken with approval from the supervisor, in a designated area, and at a designated time. Fifteen-minute breaks are taken "on the clock." The employee's supervisor will choose the proper time and place for rest breaks. . Lunch breaks may vary by department; typical office-setting employees on 8-hour shifts will take a 1-hour lunch. Each Department Head is responsible for adequately scheduling staff and lunch breaks which may require varying lunch breaks on different days and/or occasionally requiring shorter lunch breaks (no less than 30-minutes) to ensure sufficient delivery of public services.

(5). **PAYDAY.** All full-time employees of Eagleville shall be paid every two weeks. All employees are required to participate in direct deposit. Questions about work time, salary, or paycheck, should be directed to the City Recorder within the pay period in question or immediately thereafter.

If an employee is absent on payday and wishes to have someone else obtain his/her paycheck, identification and a signed note authorizing the City to give the check to the bearer must be provided to the City Recorder. If an employee loses a paycheck, he/she should notify the City Recorder immediately. The employee will be required to sign an affidavit that the paycheck has been lost, and a new one will be issued. If an employee resigns, the last paycheck will be issued on the next regular payday. The employee should give written notice of where the check should be sent if he/she is not available to pick it up.

(6). **PAYROLL DEDUCTIONS.**

- a. **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.
- b. **Social Security:** Social Security payments and deductions will be made in accordance with the Social Security Act. The City Recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.
- c. **Others:** Other deductions may be made from an employee's paycheck upon approval of the employee and the City Council or by other legal authority upon proper notice to the City. The City Recorder shall notify any employee immediately upon any required change(s) in deductions.

(7). **OVERTIME.** Hourly paid employees required to and preapproved to work overtime shall be compensated in accordance with the FLSA at a rate of 1 ½ times the employee's regular pay rate for the overtime hours worked. As a small city with small fire and police departments, hourly employees of those departments are not entitled to overtime pay. However, overtime by hourly employees of the fire department and the police department will earn additional leave time (comp time) at a rate of 1 ½ hours for each hour of overtime worked. Failure by hourly employees to get authorization for overtime may be subject to reprimand.

(8). **COMP TIME.** Comp time may only be accumulated by hourly employees. When overtime is not authorized by a Department Head or the City Manager, overtime will not be paid as 1 ½ times, but will instead earn comp time at 1 ½ hours for each overtime hour worked.

When, in the judgment of the City Manager, extenuating circumstances lead to a requirement that salaried employees work an extremely high number of hours in a certain period of time, Comp Time may be granted. Such approval must be documented in writing in the personnel file and with the City Recorder along with timesheets justifying hours and notation documenting the circumstances. If/when financial compensation is applied to compensate for such circumstances, no such Comp Time may be considered.

Comp time must be depleted before Earned Time Off (ETO) or SICK Leave can be used.

Upon termination of City employment, accrued, unused Comp time will be paid to the employee. The amount due to the employee may be paid in a lump sum, or alternatively, the City may elect to schedule the pay out amounts due in increments equal to the individual typical pay, and to do so at intervals consistent with the City's normal payroll schedule until the obligation is satisfied. Any other quicker method or payout schedule will also be deemed acceptable at the City's sole discretion.

(9). **PUBLIC SAFETY EXCEPTIONS.** It is acknowledged that the nature of the work involved in the Police and Fire Departments are more complex than the general office setting, with officers and firefighters subject to being called out at any moment during their shifts. As such, standard rules for regular breaks and lunch breaks do not apply. However, the Chiefs of these departments will work with those in the department to ensure that in a typical day, officers/firefighters have adequate rest time or breaks. Likewise, at the appropriate Chief's discretion, he/she may elect to sign off on additional time for the day if/when an officer/firefighter on a regular 9-hour shift or other such shift that includes a standard meal break was called out so frequently during a particular shift, that no rest time was feasible. If/when this election is made, the only additional time allowed will be that created by eliminating the meal time,

and the Chief will make every effort to adjust the officer/firefighter's schedule for the rest of the week so as not to incur overtime or comp time. At the appropriate Chief's discretion, officers/firefighters may be scheduled on 8-hour or other such shifts as may be deemed appropriate for scheduling and include no designated meal/break time.

(10). **DUAL CLASS EMPLOYMENT GUIDELINES.** In the case that officers/firefighters serve in more than one role – particularly as a Eagleville Fire Department Volunteer Firefighter and any other official position, paid or unpaid, with the City of Eagleville (whether paid firefighter, police officer, or other), it is imperative that time and resources be accounted for separately between volunteer and other employment classes.

Paid Employees working regular shifts and responding to calls as a regular course of their shift shall not be paid any incentive pay or other benefit afforded volunteers for such service. Likewise, a dual classed individual responding to a call while not on his/her regular shift will be responding as a volunteer, may be eligible for incentive pay or other benefits afforded volunteers for such service, but shall not be entitled to pay or other benefits afforded to paid staff on the same event.

A dual classed employee will be deemed to be working as a volunteer if/when the notice of a call out to which the employee responds occurs outside of the employee's scheduled shift and when that employee is not already on duty as a paid employee. If the call comes through an hour or less before the employee's scheduled shift or an hour or less after the end of the scheduled shift and the employee responds, at the Chief's discretion and with approval of the City Manager, the employee's time may be counted toward the shift for the day.

Calls that carry over from one class shift to another class shift: Paid employees responding to call outs that extend beyond their scheduled paid shift time and into their scheduled volunteer shift shall remain in their paid employee status unless/until relieved of duty on that call as directed by the supervising Chief or until their responsibility to the call is fulfilled. The employee will not be entitled to volunteer incentives, but may incur overtime (Comp Time) as a paid employee unless the Chief adjusts the schedule later in the week.

If the reverse is true and an individual responds to a call as a Volunteer employee, and the call out extends into a time period in which the individual is scheduled as a paid employee, the following shall apply. Paid employees will be expected to arrive at their paid duty station within two (2) hours of the completion of their responsibilities to the call out as a volunteer responder. If the paid status is as an exempt employee and the employee is able to report to work with a minimum of three (3) hours remaining in the shift, no time adjustments will be necessary. If the paid status is as a non-exempt (hourly) employee, the employee's time must be made up by either using available Comp Time or ETO, or the Chief may elect to adjust the employee's schedule in order to make up the lost hours, but in no case shall such an employee be reprimanded for missing time for responding as a volunteer unless they fail to report to duty within two (2) hours of the completion of their responsibilities as a volunteer responder and fail to notify the Chief.

V. BENEFITS.

(1). **ELIGIBILITY.** All full-time employees are eligible for all benefits provided by the City. Accumulated leave amounts will be reported to each employee on at least a monthly basis.

a. **HOLIDAYS.** 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.

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|-----|------------------------|--------------------------------------------------------|
| 1. | New Year's Day | January 1 st |
| 2. | Martin Luther King Day | 3 rd Monday in January |
| 3. | Good Friday | Friday before Easter |
| 4. | Memorial Day | Last Monday in May |
| 5. | Independence Day | July 4 th |
| 6. | Labor Day | First Monday in September |
| 7. | Election Day | 1st Tuesday in Nov. (even years) up to three (3) hours |
| 8. | Veteran's Day | November 11 th |
| 9. | Thanksgiving | 4th Thursday in Nov. and Friday following |
| 10. | Christmas | December 24 th & 25 th |

b. **HOLIDAY PAY.** When a full-time employee must work on a holiday, they will be granted an alternate day off in lieu of the day observed as the holiday. Full time public safety officers (police and fire department employees) shall receive holiday pay in the form of an additional day's pay for each of the above holidays that they work. Public safety officers that are scheduled to be off on the holiday will earn one day of Comp Time to be used at a later date at their discretion and with approval of the Chief.

Full-time employees other than public safety officers that are called in or scheduled to work on a holiday will earn one day of Comp Time to be used at a later date at their discretion and with approval of the Manager.

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.

c. **PERSONAL / VACATION.** Employees shall be entitled to Earned Time Off, (ETO) per year in accordance with the number of years worked as follows:

Regular Full-time Employment Years of Service	Days Earned per Year	Days Earned per Month
0 to 1	12 days	1 day per month
>1 – 10	15 days	1.25 days per month
>10 – 20	21 days	1.75 days per month
>20	30 days	2.5 days per month

Employees cannot accumulate more than 40 days of ETO.

Employees earning ETO moving from one tier into another will begin accruing ETO under the new tier beginning with the first full pay period beginning after the work anniversary designated for each ETO tier.

ETO shall be considered accrued at the end of each calendar month and will be shown on reporting documentation as earned after the end of the month in which it is accrued. Employees may not use ETO until it has accrued, but may use it before it has been shown on reporting documentation.

Employees may not use ETO until they have been employed for 3 months, unless approval is given in advance by the City Manager.

ETO for hourly employees may be taken on as little as a quarter hour basis. ETO for salaried, exempt employees is generally taken only in full day increments, but may be taken in half day increments in extenuating circumstances and with approval of the City Manager.

ETO, so far as practical, will be granted at the time desired by employees, but ETO leave in each department must be scheduled to assure orderly operation and adequate, continuous service to the public and approved in advance by Department Head. Department Heads must plan with employees in their department an orderly ETO schedule. Department Heads must plan ETO with pre-approval of the City Manager. Holidays, as defined above, shall not be counted ETO hours.

Upon termination of City employment, up to 40 days of accrued, unused Personal/Vacation leave will be paid to the employee. The amount due to the employee may be paid in a lump sum, or alternatively, the City may elect to schedule the pay out amounts due in increments equal to the individual typical pay, and to do so at intervals consistent with the City's normal payroll schedule until the obligation is satisfied. Any other quicker method or payout schedule will also be deemed acceptable at the City's sole discretion.

d. **SICK LEAVE.** Full-time employees are awarded sick leave at a rate of one (1) day per month. Accumulated sick leave may be used by an employee for his/her absence due to the medical/health/wellness needs (illness, appointments, etc.) of the employee or his/her dependents, a documented FMLA-qualifying event, or up to three (3) days for the death of an immediate family member (spouse, child, parent, sibling, grandparent, or similar relationships that are "in-law," "step," or "foster"). A physician's certification of illness is required on the fourth (4th) consecutive day of sick leave absence, for an FMLA event, or when there is potential or suspected sick leave abuse and the employee has been notified in writing that such documentation will be required for further excused absences.

Sick leave shall be considered accrued at the end of each calendar month and will be shown on reporting documentation as earned after the end of the month in which it is accrued. Employees may not use sick leave until it has accrued, but may use it before it has been shown on reporting documentation.

Employees cannot accumulate more than 40 days of Sick Leave. Upon termination of

City employment, accrued, unused sick leave will be forfeited and is not subject to or due to the employee.

e. **FUNERAL/BEREAVEMENT LEAVE.** The Sick Leave benefit explained in section (d) above includes leave for Funeral/Bereavement of immediate family members. Employees wishing to attend services of other relatives and non-relatives may use ETO leave for this purpose. Employees that do not earn ETO or Sick Leave, and employees that do not have any accrued ETO or Sick Leave, will be allowed excused, unpaid leave in the event of death of an immediate family member as described under the Sick Leave section.

f. **CIVIL LEAVE.** Civil leave with pay may be granted to employees

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

Employees selected for civil service shall be excused for the actual duration of the civil service granted that documentation of the requirement for such service is provided to the City Recorder. Following service, the employee must provide the City Recorder with documentation from the agency requiring service related to any pay for such 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, less any payment(s) from the agency requiring such service. A failure to document pay while serving shall result in forfeiture of any supplement pay benefits to keep the employee whole.

g. **ADMINISTRATIVE LEAVE.** Administrative leave shall include occasions where the facility is closed due to inclement weather, loss of power, heat or cooling, or where the City Manager has determined that it is more suitable to meet with employees away from the office to discuss City operations, etc.

h. **SHARED LEAVE.** The City Manager shall establish and maintain an administrative policy and operating procedure allowing for the sharing of certain accrued leave time among employees, particularly for the purpose of employees voluntarily donating leave time to an employee facing extenuating circumstances and potential unpaid leave status. Said administrative policy shall be established in such a way that cost incurred by the City as a result of the policy is limited to the management of the policy itself.

i. **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 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."

j. **MILITARY LEAVE.** Any regular employee who has completed six months of satisfactory employment and who enters the U.S. armed forces will be placed on military leave. The City Manager shall approve military leave without pay when the employee presents his/her official orders. The employee must notify for reinstatement within 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*.

k. **DEATH OF AN EMPLOYEE.** All employees shall have a named beneficiary (or beneficiaries) listed with the City Recorder for their personnel file. Upon the death of a full-time regular employee, his/her beneficiary will receive his/her next due payroll check. Further, his/her beneficiary shall be given complete assistance by the City Recorder in settling any employer-sponsored life or hospital insurance benefits.

l. **RETIREMENT SYSTEM.** Employees of the City may participate in the Tennessee Consolidated Retirement System, if the City Council elects to provide this retirement benefit.

m. **INSURANCE COVERAGE.** If eligible, employees of the City may participate in group health and life insurance coverage and any other insurance coverages the City may elect to offer.

n. **WORKERS' COMPENSATION.** All injuries arising out of and in the course of one's employment shall be governed by the Tennessee workers' compensation law.

VI. SEPARATIONS.

(1). **TYPES OF SEPARATIONS.** All separations of employees from City 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 City property in the employee's custody must be transferred to the department.

- a. **RESIGNATION.** In the event an employee decides to leave the municipal government's employ, a two week notice is expected 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 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.
- b. **LAYOFF.** The City Manager, upon approval from the City Council, 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 regular employees.
- c. **DISABILITY.** An employee may be separated from employment for disability when he or she is unable to perform the requirements of the job because of a physical or mental impairment. The employee, a legal representative, or the city may initiate a termination for disability. The city may require the employee to undergo an examination to be performed by a physician selected by the city..
- d. **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 those that may be paid to the employee's beneficiary(ies) named in the personnel file.
- e. **AT-WILL EMPLOYMENT.** The City of Eagleville is an "at will" employer. This means employees can be terminated at any time, with or without cause, for any reason, with or without advance notice. Tennessee is an at will employment State, therefore, Employees of the City of Eagleville have no rights to continued employment with the City. Employees may be dismissed for cause, for no cause, for any cause as long as it does not violate federal and state law.
- f. **GRIEVANCE POLICY.** The city is committed to providing employees an effective and responsive conflict resolution and grievance process.
1. Conflict resolution process: Conflict resolution is an informal process whereby an employee discusses his/her employment concern with their supervisor(s), other management staff, or the city manager in order to reach a mutual understanding or solution. This process is used to deal with concerns other than those for which the grievance process is available. The conflict resolution process is available to all employees and can be instituted by an employee by verbal request to his or her supervisor. It is the expectation that supervisors and employees make every effort to resolve employment concerns promptly as they arise. The conflict resolution process shall be used:
 - (a) When an employee believes that a violation, misinterpretation or misapplication of the city's policies, rules, regulations, ordinances or administrative orders has occurred; or

(b) When an employee believes that a work-related issue, condition or concern is inequitable, unfair, unreasonable, or unsafe as set forth in the established practices, policies, rules, regulations, ordinances or administrative orders of the city.

2. Grievance process: A full-time employee not satisfied with a suspension without pay, demotion, or dismissal may have the city manager review such disciplinary action.

(a) Such review must be requested in written form within five (5) calendar days from the date that the employee is notified of the disciplinary action.

(b) The city manager shall meet with the employee, review the written documents and supporting evidence, and consult with whatever other sources deemed appropriate. The city manager shall present his decision, in writing, to the employee as soon as practicable.

(c) The decision of the city manager shall be final and binding on all parties.

VII. MISCELLANEOUS PERSONNEL POLICIES

(1). **OUTSIDE EMPLOYMENT.** No full-time employee of the City shall accept any outside employment without written authorization from the City Manager. The City Manager 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. It is acknowledged that several positions in the City are part-time. However, it is critical that employment elsewhere does not prohibit the employee from responding in a timely manner and in a way that the public continues to receive expected services.

(2). **USE OF MUNICIPAL TIME, FACILITIES, ETC.** No employee of Eagleville 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.

(3). **POLITICAL ACTIVITY. ***NOTE***** Nothing in this section is intended to prohibit any municipal government employee from privately expressing his/her political views or from casting his/her vote in all elections.

a. **In elections for Eagleville municipal offices.** No municipal government employee, whether on or off duty, whether in or out of uniform, and whether on or off City property, shall at any time or any place:

- Become a candidate for or campaign for an elective office of the City;
- directly or indirectly solicit, receive, collect, handle, disburse, or account for assessments, contributions, or other funds for a candidate for a City office;
- organize, sell tickets to, promote, or actively participate in a fund-raising activity of a candidate for a City office;
- take an active part in managing the political campaign for a candidate for a City office;
- solicit votes in support of or in opposition to a candidate for a City office;
- act as a clerk, watcher, challenger, or similar officer at the polls on behalf of a

- candidate for a City office;
- drive voters to the polls on behalf of a candidate for a City office;
- endorse or oppose a candidate for a City office in a political advertisement, broadcast, campaign literature, or similar material;
- address a rally or similar gathering of the supporters of opponents of a candidate for a City office;
- initiate or circulate a nominating petition for a candidate for a City office;
- wear campaign buttons, pins, hats, or other similar attachment, or distribute campaign literature in supporting or opposing a candidate for a City office.

b. In all other elections for public office. City employees are entitled to seek election to offices that are not a part of the City of Eagleville. Employees may not campaign in any way for candidates for any public office while on duty for Eagleville.

(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.)

(4). **SOLICITATION.** The City believes that its employees should not be exposed to frequent solicitations for charitable purposes. Solicitation of city employees while on duty is prohibited. Organizations may request that the City Manager make information/causes/events known to employees and invite their participation, and the City Manager, in his/her sole discretion will determine whether or not such action is appropriate.

(5). **PERSONAL COMMUNICATION.** Personal use of office telephone, cellular phones, text messaging, computers, and other office equipment during regular work hours, except in emergency cases, is discouraged. When using City equipment for personal use, employees may be charged. Excessive and/or inappropriate use may lead to disciplinary action or dismissal.

(6). **DRIVER'S LICENSES.** Every employee who is required to have a Tennessee driver's license or commercial driver's license is required to immediately, before reporting for duty the next workday, notify the City Recorder of any potential change in the status of that license, should his/her license become denied, expired, restricted, suspended, or revoked, any time during employment. Periodic review of employees' driving record will be conducted to assure adherence to this policy. The City Recorder shall check the status of licensed operators with the Department of Safety. Employees are strictly prohibited from operating any Eagleville vehicle or equipment that would require an operator's license, unless the employee has a current license to operate the vehicle or equipment.

(7). **BULLETIN BOARDS.** Eagleville maintains a bulletin board at City Hall 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 board must be approved by the City Manager before it is posted.

(8). **TRIP REIMBURSEMENT.** All trips that involve reimbursement and/or municipal government expense shall not be undertaken without prior approval of the City Manager. Mileage shall be reimbursed at a rate as established by the Federal government. Hotel, food, and other travel reimbursements shall be in accordance with the State of Tennessee Travel Regulations. For details regarding travel, obtain a copy of the municipal government's travel policy from the City Recorder.

(9). **USE OF CITY/TOWN VEHICLES AND EQUIPMENT.** This policy is established to determine the fair and equitable uses of City vehicles, to establish limitations on the uses of City take home vehicles

to minimize possible abusive use, and to comply with insurance regulations designed to limit liability and worker's compensation loss exposure. 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 Manager.

1. The City Manager shall determine which employees are granted take-home vehicles.
2. Take-home vehicles and equipment are to be used for official use such as: commuting to and from work, emergency call-out for City business, and while on duty during normal business hours. Any other use must be approved in advance by the City Manager. Only on-duty employees are allowed in the vehicle.
3. Only City employees may operate the vehicle.
4. Seat belts must be used whenever the vehicle is in operation.
5. The vehicle may not be operated when the employee is under the influence of alcohol, drugs, or medication that could affect the ability to operate the vehicle.

(10). **NON-SMOKER PROTECTION ACT.** The City complies with the Non-Smoker Protection Act of 2007, which prohibits smoking in all public places such as buildings, equipment, and City owned vehicles. All employees who operate City owned vehicles are prohibited from smoking in the vehicle or City equipment. This includes occupants who are being transported in the vehicles.

(11). **FIGHTING, HORSEPLAY, DAMAGING CITY PROPERTY.** Fighting, horseplay, and intentionally defacing or damaging City property may subject violators to disciplinary action, up to and including termination and/ or criminal prosecution.

(12). **HARASSMENT.** The City of Eagleville is committed to the principles of fair and equal employment opportunity and strives to protect all people who seek and hold employment from being subjected to illegal harassment in the workplace. It is the policy of the City of Eagleville, to provide as enjoyable a work environment as reasonably possible, free of harassment based on a person's race, color, national origin, age, sex, pregnancy, religion, creed, disability, military status or any other category protected by state and/or federal civil rights laws.

Unlawful workplace harassment is any behavior based on one or more of the protected categories mentioned above and that is: (1) unwelcome; (2) severe or pervasive; and (3) either creates a hostile work environment or is made a condition of employment. Other behavior can be inappropriate in the workplace and violate this policy if it is inconsistent with the spirit and intent of this policy, even if it doesn't rise to the level of illegal harassment.

This policy applies to all officers and employees of the City, including but not limited to full, part-time, and temporary employees, elected officials, appointed officials, temporary employees, employees covered or exempt from the personnel rules or regulations of the municipal government, and employees working under contract for the municipalities. It is not possible to make a complete list of all behaviors that might constitute unlawful harassment. Unlawful harassment can be oral, written, physical, visual, and/or exhibited or communicated in any manner (including electronically or by e-mail). Each situation will be reviewed on a case by case basis and depends on a number of factors including severity, seriousness, frequency, nature, presence or absence of tangible job consequences, and other factors. In some cases, one incident will be sufficient to constitute harassment. In other cases, a series or pattern of incidents must be present.

Some examples of behaviors that might constitute sexual harassment, if they otherwise meet the definition of unlawful harassment, include touching or physical contact of a sexual nature, propositions, sexual advances, requests for sexual favors, sexual gestures, flirtation, sexual innuendo, sexual jokes, sexual comments, sexual pictures or objects, and requests for dates after being repeatedly rejected. Some examples of behaviors that might constitute harassment based on the other protected categories (i.e., race, color, national origin, religion, gender/sex, age, disability, etc.), if they otherwise meet the definition of unlawful harassment, include derogatory, hostile, or offensive labels, slurs, epithets, jokes, stereotypes, cartoons, and other comments or materials about the category. Employees are encouraged to take reasonable steps to avoid being harassed and to take advantage of remedial opportunities offered by the City, including reporting harassment without delay; reporting without conditions attached; confronting the harasser, not misleading the harasser by laughing or smiling at offensive comments or jokes, not leading the harasser on by flirting or with sexual innuendos, considering a reasonable job transfer if offered by the City, and/or accepting a different supervisor if offered by the City.

Any employee who believes he/she is a victim of harassment or who believes that another is a victim of harassment is to immediately contact one of the following individuals: his/her supervisor, his/her department head, City Manager, City Recorder, or the Mayor. No retaliation of any kind shall be tolerated or permitted against any employee who reports or provides information about harassment in good faith. Confidentiality of any report of harassment will be maintained to the extent reasonably possible under the circumstances.

When harassment is reported, appropriate action will be promptly taken, which may include conducting a formal investigation. In the event an investigation is determined to be appropriate, it shall be conducted by the City Manager, or an appointed designee shall investigate the complaint and a report of the findings submitted to the City Manager, although certain redactions may be necessary and prudent in order to maintain confidentiality and privacy where appropriate. If possible harassment is reported to or comes to the attention of any supervisor or manager, he/she is required to immediately report the matter to the City Manager. If a harassment claim is reported by the City Manager, it shall be made to the Mayor, who will appoint the City Attorney or other appropriate designee to investigate and report to the Mayor. If a harassment claim is reported against the City Manager, it should be reported to the City Attorney who shall investigate and report to the City Council should any action be found to be in order.

To assist in the investigation of any alleged or suspected harassment, the employee making the complaint should be prepared to provide the name of the alleged perpetrator, the specific nature of the complaint, the date or period of time that it had occurred, any employment actions taken or any threats made as a result of either the harassment or the complaint, the name of witnesses to the harassment, and whether the employee has previously reported the harassment, and if so when and to whom. To facilitate an investigation and help ensure accuracy of information, individuals who wish to file a complaint of harassment are encouraged (but not required) to submit a detailed complaint in writing with the information mentioned above.

Employees are also obligated to cooperate in harassment investigations. The obligation includes, but is not necessarily limited to, coming forward with evidence (both favorable and unfavorable) about a person accused of such conduct, fully and truthfully providing information (whether orally or in writing), or verbally answering questions when required to do so by an investigator.

If, after the investigation, the City reasonably believes that the harassment or any other inappropriate behavior has taken place, appropriate action will be taken. Depending upon the severity of the situation and any other relevant factors, such action against the harasser may include, but is not limited to, mandatory participation in counseling, training (at his/her cost), disciplinary action up to and including termination, changes in job duties or location, and/or other corrective or remedial measures. If the

harasser is a member of the City Council, then the City Council shall discipline the guilty individual in a manner consistent with T.C.A. 6-20-220 and the other applicable State laws. If the harasser is not an employee, the City Manager and/or City Council shall take appropriate steps to address the situation with the goal of preventing a reoccurrence in the future.

To the extent that it would be appropriate to do so, the City will inform the reporting or complaining employee and any others who have a legitimate need to know of the general outcome if the investigation.

The City of Eagleville is an at-will employer. This means an employee can be terminated at any time, with or without cause, for any reason, with or without advance notice. Although "at-will" cities may terminate employees at anytime they cannot fire employees for an illegal or discriminatory reason such as race, creed, sex, color, national origin, religion, age, marital status, physical or mental disability, union activity, pregnancy, medical condition, or military status. The City cannot terminate employees in retaliation for filing a workers' compensation or harassment claim.

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

(14). **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.

SECTION 2. **EFFECTIVE DATE.** This ordinance shall become effective **March 1, 2015**, the public welfare requiring it.

Approved:

Travis Brown, Mayor

ATTEST:

City Recorder, Kathey Burleson

Passed First Reading: December 18, 2014

Passed Second Reading: January 22, 2015

Passed Third Reading: February 26, 2015

Public Hearing held: January 22, 2015

with 15-day notice given in the Rutherford Reader on January 1, 2015

APPROVED AS TO FORM:

City Attorney, Leon Sharber