



PERSONNEL Rules

(Personnel Policy)

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SECTION 1 – INTRODUCTION TO PERSONNEL RULES AND REGULATIONS

1.1. PURPOSE AND OBJECTIVES

Employment with the City is on an at-will basis. This manual and all other City manuals do not bestow any property rights or interests to employees regarding employment or employment benefits. This manual is not part of a contract and no employee has any contractual right to the matters set forth herein. The City reserves the right to change any and all such policies, practices, and procedures in whole or in part at any time, with or without prior notice to employees.

The purpose of the following policies is to establish a high degree of understanding and cooperation among the City of Fairview employees, which comes from the application of good procedures in personnel administration, and to provide standard policies for all employees. Each individual employee's primary purpose, regardless of occupational specialty, is to provide efficient and effective service for the citizens of Fairview. The primary objective in providing efficient and effective service is good stewardship of the citizen investment whether through taxes or through fees paid to the City to provide those services.

It is the policy of City of Fairview to provide equal employment opportunity to all employees and applicants for employment. No person will be discriminated against in employment because of race, color, creed, religion, gender or gender identity, age, national origin, disability, military status, genetic information, communication with an elected public official, exercise of free speech made as a citizen as a matter of public concern, refusal to participate in or remain silent about illegal activities, exercise of a statutory or constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law.*

**Whether an employee's speech addresses a matter of public concern is determined by the assessment of the content, form, and context of a given statement. If the employee speaks pursuant to his/her official duties (performing a task he/she was paid to perform); and/or the speech was not a matter of public concern; and/or his/her free speech interests are not sufficient to outweigh the City's interest(s) in promoting efficiency in delivery of public services an employee may not expect free speech protection(s).*

Per 6-21-102 of the City of Fairview Charter:

(a) The city manager may appoint, promote, suspend, transfer, and remove any officer or employee of the city responsible to the city manager; or the city manager may, in the city manager's discretion, authorize the head of a department or office responsible to the city manager to take such actions regarding subordinates in such department or office. The city manager shall appoint such heads of administrative offices or organizational units as the city manager deems necessary. The city manager may combine, or personally hold, any such administrative offices established pursuant to this subsection (a) or otherwise established or may delegate parts of the duties of the city manager's office to designated subordinates.

Per 6-21-108 of the City of Fairview Charter:

[The City Manager shall] Except as otherwise provided in this charter, appoint, promote, demote, suspend, transfer, remove, and otherwise discipline all department heads and subordinate employees at any time, subject only to any personnel rules and regulations adopted by ordinance or resolution by the commission.

It is the intent of the City for this personnel policy to comport itself with the City Charter and Municipal Code, and offer reasonable processes for making non-discriminatory, job-related employment decisions. It is not the intent of the personnel policy to grant property interest to employees beyond those established by the City of Fairview Charter. Tennessee is an Employment- At-Will state unless property interest is otherwise granted.

The City will not discriminate on the basis of a person's national origin or citizenship status with regard to employment actions. However, the City will not knowingly employ any person who is or becomes an unauthorized immigrant. In compliance with the Immigration Reform and Control Act, all employees hired after November 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 be subject to separation.

This policy applies to all terms, conditions, and privileges of employment and all policies of the City, including hiring, placement, training, employee development, promotion, transfer, compensation, benefits, grievances, educational assistance, layoffs, termination, and retirement.

The City complies with Title VI of the Civil Rights Act of 1964. Title VI requires that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The City further complies with all federal and state laws protecting employees from discrimination.

This manual and all other City manuals do not bestow any property rights or interests to employees regarding employment or employment benefits. This manual is not part of a contract and no employee has any contractual right to the matters set forth herein. *The City reserves the right to change any and all such policies, practices, and procedures in whole or in part at any time, with or without prior notice to employees.*

1.2. COVERAGE

Unless otherwise stated, the content of this Personnel Manual applies to all employees of the City. All employees will receive a copy of, or electronic access to, the manual upon employment and a copy will be held by each department head for reference. The following personnel are not covered by this personnel policy manual, unless otherwise provided and as statutorily required, and are classified in the exempted** class:

1. All elected officials;
2. The City Manager;
3. Members of appointed Commissions and commissions;
4. Consultants, advisors, and legal counsel rendering temporary professional service;
5. The City Attorney;
6. Independent contractors;
7. Persons employed on a temporary or seasonal basis;
8. Volunteer and intern personnel;
9. The City Judge;

The City Manager is covered under the personnel rules and regulations pertaining to benefits, etc. Terms and conditions of the City Manager's employment may be subject to an employment agreement as adopted by the City Commission which may outline additional items and exclusions. The City Manager works at the pleasure of the City Commission.

Some policies may be found to apply to all employees and officers of the City including those placed in the exempted class above, such as policies related to discrimination and/or harassment and policies required by state or federal law.

***The exempted class refers only to coverage under policy, and not exempt/non-exempt status as defined under 29 U.S. Code § 213 – Fair Labor Standards Act.*

1.3. ADMINISTRATION OF POLICY

The City Manager, under the legislative authority of the City Commission, is responsible for the proper operations of all City functions, enforcement and application of all laws, provisions of the City Charter, Municipal Code, and acts of the governing body including but not limited to personnel policies and procedures and pay classification plan.

The City Manager is also responsible for implementation of additional rules, policies, and procedures, which may be necessary for the proper operation of the City or its various departments, provided that such rules and procedures are consistent with the personnel policies adopted by the City Commission.

1.4. CONTACTING ELECTED OFFICIALS

No employee shall be disciplined or discriminated against for communicating with an elected official. However, an employee may be disciplined for making untrue allegations concerning any job-related matter (T.C.A. 8-50-601-604).

1.5. POLITICAL ACTIVITY

The City will not compensate employees for time when the employee is not performing work for the City. Any time off from work used by the employee for participation in political activities will be limited to earned days off, AVAIL days, or by any other arrangements worked out between the employee and the City.

Employees may enjoy the rights of any other citizen of the state of Tennessee to be a candidate for any local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. Any time off from work used by the employee for participation in political activities will be limited to earned days off, AVAIL days, or by other time off duty arrangements worked out between the employee and the City. Nothing in this section is intended to prohibit any City employee from privately expressing his/her political views or from casting his/her vote in all elections.

1.6. AMENDMENTS TO PERSONNEL MANUAL

Amendments or revisions to the personnel manual may be recommended by the City Manager for adoption of the City Commission by ordinance or initiated by the Commission itself. Such amendments or revisions of the personnel manual shall become effective upon adoption by the City Commission.

Departments may adopt their own internal operating policies (*i.e.*, SOP/SOG) specific to their operations; however, none of these policies shall be in conflict with these personnel regulations. Copies of departmental policies shall be provided to the City Manager's office and are subject to review and approval prior to implementation.

1.7. SEVERABILITY

If any chapter, article, or section of this personnel manual is found to be in conflict with Federal, State or City laws and regulations, or court decision, that section will continue in effect only to the extent permitted by such law or regulation or court decision. If any chapter, article, or section of this personnel manual is or becomes invalid or unenforceable, such invalidity or unenforceable nature will not affect or impair any other chapter, article, or section of this personnel manual.

SECTION 2 – COMPENSATION

2.1. FAIR LABOR STANDARDS ACT (FLSA)

Minimum Wage

In accordance with the Fair Labor Standards Act (FLSA), no employee shall be paid less than the Federal minimum wage unless they are expressly exempt from the minimum wage requirement by FLSA regulations. Employees paid on an hourly rate basis are paid for all time actually worked.

Overtime

Only FLSA non-exempt personnel shall be compensated for overtime. The FLSA shall govern the overtime compensation of hourly, non-exempt, City employees. The FLSA defines overtime pay as one-and-one-half times the employee's regular rate of pay for all hours worked over the applicable overtime threshold. Generally, overtime work must be authorized by the City Manager and approved via Department Heads. FLSA exempt employees who work more than (40) actual hours in a 7 - day workweek, FLSA exempt sworn police personnel who work more than (171) hours in a 28-day work period, and FLSA exempt fire service personnel who work more than (212) hours in a 28-day work period are entitled to overtime payment on a cash basis.

Workweek

A workweek is a regular recurring period of 168 hours consisting of seven, consecutive 24-hour periods. The number of days that shall constitute a workweek for regular employment is typically five in total. Schedules may vary in departments as necessary for the operation of the City. The City may set workweeks that best meet its administrative and service provision needs.

Minimum Age

The FLSA requires that employees of state and cities be at least 16 years of age for most jobs and at least 18 years of age to work jobs declared hazardous by the Secretary of Labor. Police Officers must be a minimum of 21 years of age.

2.2. PAY FOR PART-TIME WORK

Employees who are employed in part-time positions are not eligible for benefits and will only be paid for their actual hours worked. In the event that hours worked by a part-time employee exceed the FLSA defined workweek/work period threshold, overtime rates will apply.

Volunteer Firefighter receive no compensation and receive no other benefits other than workers' compensation coverage. Per call pay is calculated to reflect a de minimis payment intended to cover expenses as a nominal fee. The fee paid is subject to establishment and adjustment by Resolution of the City Commission.

2.3. ON CALL /CALL-OUT

By the nature of work performed, certain departments may require employees to be on-call after normal work hours to respond to emergencies or other immediate service requests. Each department may design its own on-call system/schedule which best fits the needs of the department. In accordance with the Fair Labor Standards Act, employees are not compensated for being in an on-call status unless the requirements placed on an employee while on-call are so restrictive that the employee cannot reasonably use the time for personal benefit.

If an hourly employee is called back to work **after the normal work shift has ended and after the employee has left the work premises**, then compensation for the extra hours worked shall be at a minimum of three hours per call-out. A call back is not an extension of regular duty hours or prearranged scheduled overtime by the employee's supervisor or scheduled training or meetings. All FLSA non-exempt employees called in to work shall be guaranteed pay or compensatory time for a minimum of three (3) hours. In the event that employee is called back to work more than once in a day, there must be a break of two hours between the end of one call and the beginning of the next. If there is not a break of two hours, then the time will be counted from the first call.

2.4. DEDUCTIONS FROM PAY

By law, the City is required to deduct, where applicable, federal withholding taxes, Social Security taxes, and garnishments from an employee's pay. The following deductions will be made:

Federal Income Tax – Federal taxes are withheld from employees' paychecks. Employees are required to file with the City a copy of the W-4 form.

Social Security – Social Security payments and deductions will be made according to the Social Security Act. The payroll department shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.

Others – Other City-authorized deductions will be made from an employee's pay with either the employee's signed consent or pursuant to a valid court order.

If applicable, this may include:

- health/hospitalization insurance (medical premiums),
- life insurance,
- dental insurance,
- vision insurance,
- deferred compensation payments,
- supplemental insurance approved by the City,
- child support or other garnishments*, and
- cost of uniforms, safety footwear, and other applicable equipment and associated use costs (example: cell phone overage charges due to personal use) during employment or upon failure to return such upon separation as allowed by state law and the FLSA**

*An employee who is garnished for more than one indebtedness within a 12- month period may be subject to disciplinary action in accordance with the Consumer Credit Protection Act (15 USC, Ch. 41); except for assignment(s) of wages for spousal or child support (T.C.A. 36-5-501 (c)(2)(i)).

** The City may deduct from an employee's final paycheck any amount due (on a depreciated/prorated basis) for failure to return City property as long as the deduction(s) do not reduce final pay to below minimum wage.

2.5. DIRECT DEPOSIT

All employees of the City of Fairview will be paid on a pay-period basis determined to best suit the needs

of the City and will be paid via direct deposit.

Final Pay Final pay will be made available no later than the employee's next regularly scheduled pay date, or within twenty-one (21) days, whichever is later.

2.6. BREAKS AND LUNCHES

Employees working an eight (8)-hour daily work schedule may be allowed to take a fifteen (15) minute paid break in the morning and another one in the afternoon. The supervisor/manager will coordinate break schedules based on the needs of the department.

- A. Coffee breaks and snack breaks are compensable rest periods for FLSA nonexempt and cannot be excluded from hours worked as meal periods as long as they are under 20 minutes in length.
- B. Meal Periods - "A bona fide mealtime, when [FLSA nonexempt only] employees are completely relieved from duty, is not work time." 29 C.F.R. § 785.19(a). "Short periods, such as coffee breaks or snack breaks, are not considered mealtime. If an employee works during the meal, the time is compensable. Whether or not an employee's meal period can be excluded from compensable working time depends on the employee 'freedom meal test'." 29 C.F.R. § 785.19(a). Unless all of the following three conditions are met, meal periods must be counted as hours worked:
 - 1. The meal period generally must be at least 30 minutes, although a shorter period may qualify under special conditions.
 - 2. The employee must be completely relieved of all duties. (If an employee must sit at a desk and incidentally answer the telephone this would be compensable time)
 - 3. The employee must be free to leave his/her duty station. There are no requirements, however, that an employee be allowed to leave the premises or work site.

Note: FLSA nonexempt employees working in the field, away from their department office locations, must begin and end their 15-minute break(s) at the worksite. Travel time to and from the work location is included in the 15-minute break time. Overtime, lunch breaks, break times and any other modification of the hours/time mentioned above shall be subject to approval of the department head.

2.7. COMPENSATION DESIGN

From time to time, the City Manager may commission the use data from various sources, providers, consultants, or otherwise to determine appropriate compensation for City employees. Consideration may include current labor market economics, complexity of work, years of experience, or other job-related and necessary characteristics.

SECTION 3 – EMPLOYMENT

3.1. RECRUITMENT AND SELECTION

The City carefully selects employees through written applications, personal interviews, and job-related background and reference checks. All appointments in the City shall be made according to merit and fitness and may be subject to competitive validated written examination if consistent with business necessity. After all available information is considered and evaluated, a decision may be made by the City Manager.

Applications

The City of Fairview will make a reasonable effort to attract qualified applicants for all positions. Applications are only accepted for current position vacancies. Applicants shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that qualified applicants are obtained for City employment.

Vacancies for positions may be simultaneously posted internally and externally. The City exercises a policy of fairness for every individual who applies for work and strives for the proper placement of individuals in various departments based on their experience, qualifications, and the needs of the City.

Applications will remain active for a period of six (6) months from the date of original submission and will be retained according to the City's records retention schedule.

Internal applicants for open positions are required to submit a transfer letter of interest for each open position applied for.

Applicants may be removed from consideration if:

1. Applicant declines an appointment when offered;
2. Applicant cannot be located by the postal authorities – it will be deemed impossible to so locate an applicant when a communication mailed to the last known address is returned unclaimed;
3. Applicant cannot be located via appropriate alternative means of communication;
4. Applicant moves out of a required geographic area if residency within is required for the position;
5. Applicant for a safety-sensitive position is currently using illegal drugs or narcotics as determined by a post-offer, pre-employment drug test;
6. Applicant is found to have been convicted of a felony or misdemeanor dependent upon the nature and gravity of the offense, the time passed since the offense, and the nature of the job sought if such affects the applicant's ability to effectively perform their duties;
7. Applicant has made a false statement on the application;
8. Applicant does not file the application within the period specified in the application/examination announcement;
9. Applicant fails to satisfactorily pass background check/investigation that is job-related and necessary; and/or
10. Applicant does not possess the minimum qualifications for the position.

3.2. SELECTION EXAMINATIONS

The examinations held to establish eligibility and fitness for any position may consist of one or more of the following elements as determined by the City Manager.

1. Written Test – This validated test, when necessary, will include a written demonstration designed to show the applicant's familiarity with the knowledge involved in the class of positions to which he/she is seeking employment.
2. Oral Interview – When necessary, this will include a personal interview where the ability to deal with others, to interact with the public, and/or other individual behavioral and experiential qualifications are to be evaluated. An oral interview may also be used in examinations where a written test is unnecessary or impractical.
3. Performance Test – This test, when necessary, will involve performance tests as would aid in determining the demonstrated, job-related ability and skills of applicants to perform the work involved.
4. Physical Agility Test – When job-related and consistent with business necessity, this consists of job-related tests of conditioning, strength, agility, and physical fitness of job applicants for a specific position. This test may be given weight in the examination process or may be used to exclude from further consideration applicants who do not meet the minimum required physical job-related standards.
5. Psychological Test – When job-related and consistent with business necessity, this will include test(s) to determine mental alertness, psychological state/stability, general capacity of the applicant to adjust his/her thinking to new problems, or to ascertain special character traits and attitudes that are job-related and consistent with business necessity. This test must be administered and interpreted by a psychologist meeting practice requirements of the state.
6. Pre-employment, Post-offer Drug Test / Physical Examination – Pre-employment drug testing will be conducted for safety-sensitive positions after the offer of employment is made. Positive results on the drug test will result in an applicant being denied employment.

3.3. APPOINTMENT TO POSITIONS

The City Manager shall appoint for budgeted, vacant positions and may promote or transfer all officers and employees of the City. The City may establish eligibility lists for certain positions from which it will appoint and/or transfer employees. The City Manager and the department head shall establish the period of time that the eligibility list shall be active prior to posting the position.

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. All offers of employment are contingent on verification of the individual's right to work in the United States.

Contingent Job Offers are made to the candidate approved for hiring. The job offer is contingent on the results of job-related pre-employment inquiries as applicable. This may consist of prior employment verification, professional reference checks, and confirmation of other characteristics which are necessary to perform the duties of the position in which the individual will work. When appropriate, a criminal conviction history, health examination, driving record history and credit worthiness inquiry* may also be obtained if related to the position and consistent with business necessity.

**Following the requirements imposed by the Federal Truth-In-Lending and the Fair Credit Reporting Acts the City may conduct 3rd party-administered post-offer, pre-employment consumer investigations for positions who are responsible for payments, cash, payroll, and other financial related duties, including some law enforcement positions. Employment may be offered conditionally upon the information in the credit check.*

Post-offer, Pre-employment physical examinations may be required of prospective employees for certain positions based on the essential functions of the position as contained in the job description after a conditional offer of employment is made. The physical examination shall be given by a licensed medical practitioner, occupational or physical therapist, or appropriate licensed examiner designated by the City to determine if the employee meets required standards enabling them to perform the functions of the job.

A copy of the position's job description will be provided to the examiner. The cost of this physical examination shall be borne by the City. Prospective employees who are unable to successfully perform the essential functions tested for in the examination shall have their offer of employment by the City withdrawn.

Post-hire Medical Examinations / Physical Agility Tests - All employees of the City may, during the period of their employment, be required by their department head, with the approval of the City Manager to undergo periodic medical (which may also include mental fitness) examinations where allowed by law to determine their fitness to perform the functions of the position they currently hold. Any such medical examination shall be at no expense to the employee. Determination of fitness for duty will be by a licensed medical practitioner, occupational or physical therapist, or appropriate licensed examiner designated by the City or its insuring agency.

Annual job-related physical agility testing for incumbent positions may be required based on business necessity and characteristics of the position that necessitate testing. These will be limited to physical agility tests, which measure an employee's ability to perform actual or simulated job tasks, and physical fitness tests, which measure an employee's performance of physical tasks, as long as these tests do not include examinations that could be considered medical.

Employees determined to be physically or mentally unfit to continue in their positions may be demoted, or they may be separated from the City service.

3.4. PROMOTIONS

The City Manager may promote employees subject to the provisions of the City Charter, Municipal Code, and this personnel policy adopted in order to meet City operational needs.

A promotion is the assignment of a qualified employee from one job class to another that has a higher pay rate. A qualified employee possesses the knowledge, skills, and abilities, has the required experience level and is able to physically perform the duties and functions as outlined in the job description. In every case, promotions must involve a definite increase in duties and responsibilities and shall not be made

merely for the purpose of affecting an increase in compensation.

3.5. TRANSFERS

The City Manager may transfer officers and employees of the City subject to the provisions of the City Charter, Municipal Code, and this personnel policy adopted by ordinance in order to meet City operational needs.

A transfer is a lateral move assigning an employee from one position to another position of equal responsibility and class. Transfers can take place within a department, between departments, between positions of the same pay range, between positions of the same class, or between positions of different classes holding equal responsibility levels and pay. An employee who transfers from one department to another will retain and carry forward all benefits earned, accrued, or both as of the date of transfer.

Under no circumstances will a department head, an employee of supervisory status, a certified operator, or any employee with a higher-level position be allowed to transfer to a position of lesser responsibility without accepting the lower rate of pay associated with the position to which the employee is transferring.

Should this type of transfer be allowed, the employee's existing length of overall service to the City will be acknowledged, but the employee's pay will be adjusted to the appropriate wage for the position.

3.6. DEMOTIONS

The City Manager may demote officers and employees of the City subject to the provisions of the City Charter, state law, and this personnel policy adopted by ordinance in order to meet City operational needs.

A demotion is the assignment of an employee from one position to another that has a lower maximum pay rate and responsibility. An employee may be demoted for any of the following reasons:

1. because his/her position is being abolished and s/he would otherwise be laid off;
2. because his/her position is being reclassified to a higher grade, and the employee lacks the necessary skills to successfully perform the job;
3. because there is a lack of work;
4. because there is a lack of funds;
5. because another employee, returning from authorized leave granted in accordance with the rules of the leave, will occupy the position to which the employee is currently assigned;
6. because the employee does not possess the necessary qualifications to render satisfactory service to the position s/he holds;
7. because the employee voluntarily requests such a demotion, and an open position is available;
8. as a form of disciplinary action.

3.7. NEPOTISM / PERSONAL RELATIONSHIPS

Members of the immediate family of a City employee or elected official who meet the hiring standards may be employed to fill City positions as detailed below. For purposes of this policy, members of the immediate family include spouse, child, brother, sister, son- or daughter-in-law, sister- or brother-in-law, parents, parents-in-law, stepsisters, stepbrothers, stepchildren, and stepparents.

- No employee may directly supervise members of his/her immediate family. This does not preclude employment of immediate family members under other lines of supervision. If the City cannot reasonably transfer one of the family members to another line of supervision, and the family members can't decide which one will leave voluntarily, the employee in the more junior position will be subject to discharge.
- No special preference will be given to family members in the selection of work location, days off, AVAIL schedules, etc.
- The work and conduct of the family members will be governed by the same requirements and procedures as all other employees.
- Seasonal and temporary employees are exempt from this provision/policy.

If a personal, romantic, or intimate relationship is established between two or more employees post-hire, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to the City. When a conflict or potential conflict arises due to the relationship affecting employment, the City reserves the right to make any and all employment decisions in the best interest of the City.

3.8. TYPES OF EMPLOYEES

- **Full-Time, Ongoing Employees.** A full-time, ongoing employee is an employee who is typically scheduled a 40 hours per week (or appropriate full time shifts in public safety positions), is paid an hourly or salary rate, is subject to all conditions of employment, and receives all benefits offered unless specifically excluded by the City Charter, code, or ordinance.
- **Part-Time Ongoing Employees.** A part-time ongoing employee is an employee who works fewer hours per workweek than a full-time employee on a regular basis and whose hours cannot exceed an average of **29** hours per week. Week-to-week increases of hours beyond the 29-hour limit must be approved by the City Manager. Ongoing part-time employees are not eligible for benefits other than those statutorily mandated.
- **Temporary Employees.** Temporary employees are individuals who perform work for the City for no more than 6 months during a 12-month period and whose ongoing employment with the City is not expected at time of hire. Temporary employees are not eligible for benefits except those coverage under workers' compensation. Hours of work shall be determined by the City Manager.
- **Seasonal Employees.** Seasonal employees are hired for a pre-established period, usually during peak workloads, either directly or through an employment service and not to exceed 4 months in a 12 - month period. They may work a full-time or part-time schedule. They are ineligible for City benefits except coverage under workers' compensation.
- **Volunteers.** Volunteer workers are not considered employees of the City but are persons who perform work for the City on a voluntary basis with no compensation. These persons may be subject to special injury and/or liability coverages provided by the City's insurer.
- **Volunteer Firefighters.** Volunteer Firefighters are appointed by the Fire Chief based on qualification and ability to serve and are paid a de minimis stipend per call as approved by the City Commission. These persons are covered under either the City's workers' compensation policy, or special insurance as otherwise provided by the City's insurer.

- **FLSA Non-Exempt Employees.** According to the Overtime Requirements of the FLSA non-exempt employees are eligible for overtime pay and may be required to work more than the threshold hours for overtime in their workweek / work period. They are not exempt from overtime pay and are entitled to receive overtime pay for hours actually worked in excess of the employee's defined work period. Paid leave time will not be considered as "hours worked" for purposes of calculating overtime pay. FLSA non-exempt employees are defined under the FLSA duties tests and may include hourly and salary-non-exempt employees.
- **FLSA Exempt Employees.** Employees whose positions meet specific tests established by applicable federal laws and whose duties and responsibilities allow them to be "exempt" from overtime pay provisions as provided by the FLSA. They are not paid overtime regardless of the number of hours they work in a particular week. All exempt employees are expected to observe a normal forty-hour workweek and to work any additional hours necessary to accomplish the responsibilities of the position. Exempt employees are required to complete time records which are maintained by the City and must be submitted during the payroll process.

3.9. PERFORMANCE EVALUATION

Annually, each employee's performance may be appraised and reviewed by his/her immediate supervisor. The appraisal will be discussed with the employee so that he/she will know how he/she is progressing and what he/she may do to improve his/her performance. By this means, it is intended that each employee will have adequate opportunity to improve any level of performance in service to the City.

3.10. OUTSIDE EMPLOYMENT

With the approval of the department head and City Manager (on an annual basis if ongoing), outside employment is permissible, provided that there is no conflict of interest or impairment of work performance for the City. Before outside employment begins, employees must present a written request to the City Manager describing the work to be performed.

Required overtime of any employee of the City takes priority over an employee's outside employment. Anyone who knowingly misses work or refuses mandatory overtime at his/her primary job to work a second job may be subject to disciplinary action up to, and including, termination of employment. Employees missing work because of sickness or injury that can be attributed to outside employment will not receive pay or other benefits for time lost from their City job. Approval of outside employment may be withdrawn for any business-related reason.

3.11. GRIEVANCES

A grievance is defined only as an expression of dissatisfaction, disagreement, or dispute arising between a current employee and his/her supervisor and/or the City regarding an aspect of the application or interpretation of regulations and policies, or an operational management decision affecting him/her. Disciplinary actions, promotions, demotions, and transfers are not grievable.

It is the City's desire to address grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be occasional situations that will be resolved only after a formal meeting and review. *If the grievance is for reasonable accommodation under the ADA, The City Manager must be informed in each grievance process step.*

Employee(s) who have a grievance should first discuss it with their immediate supervisor. If not resolved to the employee's satisfaction, the employee should discuss with the City Manager afterward. The City Manager's decision shall be final. Nothing in this grievance policy shall prohibit an employee from communicating with any elected official.

SECTION 4 – EMPLOYEE BENEFITS

4.1. HEALTH, DENTAL AND VISION BENEFITS

Ongoing, full-time employees, and salary-non-exempt ongoing employees will be eligible for the benefits described in a supplementary benefits summary, if applicable as soon as the eligibility requirements for each particular benefit are met. Coverage is available as defined in the benefits' Summary Plan Descriptions as adopted by the Commission.

- Part-time, temporary, seasonal employees, and volunteers are not eligible for benefits.
- No benefits are available to employees prior to the plan's stated eligibility date, except as otherwise provided by law.

4.2. RETIREMENT / TCRS

Retirement is defined as voluntary withdrawal from City employment by an employee eligible to receive retirement benefits under Social Security and/or the Tennessee Consolidated Retirement System (TCRS). Retirement benefits are based upon the regulations of the retirement system in which the employee is enrolled and any other applicable provisions that may be in effect at the time of that employee's retirement.

Retirement benefits are based upon the regulations of TCRS and any other applicable provisions that may be in effect at the time of that employee's 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 applicable schedule. Details regarding TCRS retirement eligibility and procedures may be obtained from administrative staff.

Re-employment after Retirement

Any retired member may return to service in a position covered by the TCRS and continue to draw such person's retirement allowance in a temporary capacity limited to the equivalent of 120 days per 12-month period and may earn no more than 60% of their final compensation at time of retirement.

4.3. CITY OBSERVED HOLIDAYS

All offices of the City of Fairview, except emergency and necessary operations, will be closed and employees excused from work on the holidays listed below:

1. New Year's Day	January 1
2. Martin Luther King, Jr Birthday	3 rd Monday of January
3. President's Day	3 rd Monday in February
4. Good Friday	Friday before Easter
5. Memorial Day	Last Monday in May
6. Independence Day	July 3 rd and July 4 th
7. Labor Day	1 st Monday in September
8. Veteran's Day	November 11
9. Thanksgiving	4 th Thursday in November
10. Day after Thanksgiving	4 th Friday in November
11. Christmas Eve	December 24

12. Christmas Day

December 25

Regular, full-time hourly-paid employees will be paid 8.0 hours (12.0 hours for full-time, hourly fire service employees) at their regular rate for holiday pay whether the holiday is worked or not. The City does not count holiday hours (non-worked hours) in addition to hours actually worked as 'hours worked' for purposes of calculating overtime.

When a legal holiday falls on Saturday, offices will be closed the preceding Friday. When a holiday falls on Sunday, the following Monday shall be observed. To receive compensation for a holiday, the employee must be in an active pay status on the workday before and the workday following the holiday unless on approved paid leave.

4.4. PERSONAL DAY

Full-time, ongoing, regular employees are entitled to use one (1) personal day per calendar year

4.5. AVAIL LEAVE (Available Vacation and Illness Leave)

AVAIL is an employee benefit that is awarded based on length of service to the City for all regular full-time, exempt, and non-exempt employees. Accrual will begin on the first day of employment and may be used upon accrual with no elimination period.

The City will try to honor all AVAIL requests; however, vacations cannot interfere with the City's operation. Therefore, AVAIL when used for vacation purposes must be approved by the City Manager, or designee, in advance on a first come, first-served basis. If any conflicts arise in vacation requests, preference will be given to the employee with the longest length of continuous service.

Vacations will be scheduled in advance for the mutual convenience of the employee and the City so proper adjustments can be made in the work schedules. No employee may begin his/her leave until his/her request has been approved. Legal holidays falling within a vacation period are not to be counted as AVAIL days. Service in the Tennessee National Guard, Military Reserves, State Guard, or Civil Air Patrol may be charged as AVAIL at the option of the employee where statutorily allowed.

AVAIL time will be calculated according to the following schedule:

Years of Service	8-Hour Employee Accrual Per Pay Period	24 Hour Employee Accrual Per Pay Period
1 – 4	8.00	10.50
5 – 9	9.00	11.75
10 – 19	10.00	13.00
20 +	11.50	15.00

Employees are encouraged to build as much AVAIL time as possible as a buffer against unexpected emergent events. Maximum leave accrual for 8 – hour employees is 600 hours, and for 24 – hour employees is 780 hours. If accrual limits are reached, accrual will cease until such time the employee accrual is reduced to below the accrual limit threshold.

AVAIL Pay-out at Termination of Employment. Upon voluntary separation from employment with

appropriate notice, employees will be paid out unused AVAIL leave as follows:

- Leave may not be used during the period of notice;
- Notice requirements may be waived by department directors, and for department directors by the City Manager;
- 8 – hour employee cash-out limit is 280 hours at time of separation;
- 24 – hour employee cash-out limit is 365 hours upon separation.
- Any remaining AVAIL will be converted to sick time and submitted to TCRS for retirement credit.

A break in service of 6 months or more will reset the AVAIL leave accrual calculation, with the exception of USERRA break in service.

4.5. BEREAVEMENT LEAVE

Full-time employees may take a maximum of (24) hours of bereavement leave in conjunction with services, assisting in family matters, or memorials per relative for the following family members:

Children	Spouse/Partner	Parents	Mother-in-law
Father-in-law	Stepparent	Stepchildren	Grandfather
Grandmother	Brother	Brother-in-law	Sister
Sister-in-law	Grandchildren	Daughter-in-law	Son-in-law
Legal Guardian/Foster Child or Parent			

Full-time employees may take a maximum of (8) hours of bereavement leave in conjunction with services, assisting in family matters, or memorials per relative not listed above.

The City reserves the right to request verification for bereavement leave use.

Should more than the allotted amount of leave be necessary after the bereavement period employees may seek approval from the City Manager, or designee, to use available AVAIL leave in addition to the bereavement leave. Notice must be given to the supervisor and the amount of AVAIL leave to be used and must be approved prior to the additional time being taken. Bereavement Leave may be used non-consecutively as approved.

4.6. FAMILY MEDICAL LEAVE ACT

Overview: The Family and Medical Leave Act (FMLA) provides certain employees with up to 12 weeks (in some situations up to 26 weeks) of unpaid, job-protected leave per year. It also requires that their group health benefits be maintained during the leave.

FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. It also seeks to accommodate the legitimate interests of employers and promote equal employment opportunity for men and women.

Eligibility: The Family & Medical Leave policy is applicable employees who have worked at least 12 months for the City and who have worked at least 1,250 hours during the preceding 12- month period. Such employees are eligible for a maximum of 12 to 26* weeks of leave under the act. Special rules apply for husbands and wives employed by the same employer and for exempted key employees (top 10 percent of all wage earners, and who are paid on a salary basis). People who are not covered include elected officials, volunteers, independent contractors, and legal advisors.

Leave entitlement: Eligible employees may take up to 12 workweeks of leave in a 12-month period for one or more of the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
- To care for a spouse, son, daughter, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active-duty status.

*Eligible family members of military personnel defined as the spouse, son, daughter, parent or next of kin of a covered service member may take a maximum of 26 workweeks leave under FMLA to care for a wounded member of the armed forces. This includes family members of the National Guard or Reserves who are undergoing medical treatment, recuperation, therapy, or other medical treatment for a “serious injury or illness”.

Paid / Unpaid Leave. FMLA runs concurrently with paid time off (compensatory, AVAIL) and concurrently with workers’ compensation leave. In the event that an hourly paid, non-exempt employee has accrued compensatory time, that use will precede the use of AVAIL leave.

Approved leave will be unpaid if the employee does not have paid leave available at the time FMLA starts or when all available paid leave is exhausted while out on leave.

Effects on AVAIL Leave Accrual. When an employee’s unpaid leave time is greater than 80% of their assigned shifts or more during any pay period while on FMLA, no AVAIL accrues. The combination of compensatory time, AVAIL leave, and unpaid leave may not exceed the total allowable leave under the FMLA, except as required by statute.

Guidelines. An eligible employee may take up to 12 weeks of family and medical leave in a 12- month period for the birth of a child or the placement of an adopted or foster care child. Leave may also be taken to care for oneself, a child, spouse, or parent who has a serious health condition. Eligible employees may take up to 12 weeks of unpaid leave to deal with family issues resulting from a spouse, son, daughter, or parent being called to active duty (including being notified of an impending call to active duty).

Serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment;
- A period of incapacity of more than three consecutive calendar days that also involves treatment two or more times by a health care provider or treatment which results in a regimen of continuing treatment under the supervision of the health care provider;
- Any period of incapacity due to pregnancy or for prenatal care;
- A chronic condition that requires periodic treatments, continues over an extended period of time, and may cause episodic rather than a continuous period of incapacity;
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, requiring continuing supervision of a health care provider;
- Multiple treatments either for restorative surgery after an accident or other injury, or for a condition

that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatments, such as cancer, severe arthritis, or kidney disease.

- **Serious Injury or Illness** for an Injured Service Member is defined as a covered service member's injury or illness incurred in the line of duty on active duty in the Armed Forces that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating. This could include medical treatment, recuperation, therapy, outpatient care and other treatments for a serious injury or illness.

Spouse / Same Employer. If spouses are employed by the same employer and eligible to take leave for the birth or adoption of a child, their aggregate leave under FMLA is limited to 12 weeks. For example, if the father takes four weeks leave to care for a child, the mother would be entitled to eight weeks leave, for a total of 12 weeks. If, however, the spouse experiences her own serious health condition as a result of the pregnancy, both employees are entitled to the full 12 weeks.

Right to Return to Work. On return from family and medical leave, an employee is entitled to be returned to the same position that s/he held when leave commenced, 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. The City, however, may be required by the Americans with Disabilities Act (ADA) to offer the employee an accommodation.

Notification and Scheduling. An eligible employee must provide the City at least 30 days advance notice of the need for leave for birth, adoption, or planned medical treatment when it is foreseeable. This 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 altering scheduled medical treatment.

Parents 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 30-day notice. It is the City'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. Failure to provide notification will result in the leave not being designated as FMLA. The City will, if necessary, provide the FMLA leave notice in alternate formats.

Certification. The City reserves the right to verify an employee's request for family and medical leave. Failure to provide certification from a health care provider in a timely manner may result in delay or denial of FMLA. Medical certifications will be treated as confidential and privileged information under HIPAA and the State's Open Records laws as appropriate.

If the City has a reason to question the original certification, the City may, at the City's expense, require a second opinion from a different health care provider chosen by the employer. The health care provider may not be employed by the City 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. The City will pay for second and third opinion visits.

An employee may be required to report periodically to the City the status and the intention of the employee to return to work. Before return is granted, employees are required to furnish the City with a

medical certification from the employee's health care provider stating that the employee is able to resume work.

Reduced and Intermittent Leave. Family and medical leave may be taken intermittently or on a reduced 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 the City's approval. 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 City 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 12 weeks, but it will not exceed the equivalent of 12 workweeks total leave in a 12-month period.

Restoration. Employees who are granted leave under the FMLA 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 10% highest paid workers, may be denied restoration if:
- the employer shows that such denial is necessary to prevent substantial and grievous economic injury to the employer's operations;
- 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
- if leave has commenced, the notice must provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of the leave and the urgency of the need for the employee to return.

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. If an employee fails to provide a requested fitness-for-duty certification to return to work, the City may delay restoration until the employee submits the certification. The 12-Month FMLA Period. The City follows a 12-months measured forward method. This means that the leave is measured from the first date an employee's FMLA leave begins.

Denial of FMLA Leave. If an employee fails to give timely, advance notice when the need for FMLA leave is foreseeable, the City may delay the taking of FMLA leave until 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, the City may delay continuation of FMLA leave until an employee submits the certificate. If the employee never produces the certification, the leave may not be designated as FMLA. In instances of workers' compensation leave, pregnancy, or events where the City has sufficient knowledge of an event certification may not be required.

Employee Benefits While on FMLA. During periods of FMLA, the City will continue to provide health insurance benefits at the employee rate. If premiums are current, the City will maintain health insurance benefits during periods of unpaid leave without interruption. Any payment for premiums or other payroll deductible insurance policies must be paid by the employee or the benefits may be terminated. Arrangements may be made between the employee and the City for a payment plan for the employee's portion of insurance premiums. If interrupted, the City is obligated to reinstate benefits upon an employee's return to work.

The City has the right to recover from the employee all health insurance premiums paid by the City on

behalf of the employee during the FMLA 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 this recapture provision.

FMLA leave under this policy does not constitute a qualifying event that entitles an employee to Consolidated Omnibus Budget Reconstruction Act (COBRA) benefit; however, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not be returning to work. At that point, the employee ceases to be entitled to leave under this policy and may be offered COBRA.

Workers' Compensation While on FMLA. Workers' Compensation injury/illness meets the criteria for a serious health condition, therefore, the workers' compensation absence and the FMLA leave entitlement will run concurrently.

4.8. AMERICANS WITH DISABILITIES ACT (ADA)

The City of Fairview is committed to the fair and equal employment of individuals with disabilities under the Americans with Disabilities Act (ADA). It is The City of Fairview's policy to provide reasonable accommodation to individuals with disabilities who are qualified for the job in question unless the accommodation would impose an undue hardship on the City. The City prohibits any harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested a reasonable accommodation.

In accordance with the ADA as amended, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment and all employees.

Disability

"Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. A "qualified person with a disability" means an individual with a disability who has the requisite skills, experience, and education for the job in question and who can perform the essential functions of the job with or without reasonable accommodation.

Reasonable Accommodation

The City will seek to provide reasonable accommodation for a known disability or at the request of an individual with a disability. Many individuals with disabilities can apply for jobs and perform the essential functions of their jobs without any reasonable accommodations. However, there are situations in which a workplace barrier may interfere. A "reasonable accommodation" is any change or adjustment to the job application process, work environment, or work processes that would make it possible for the individual with a disability to perform the essential functions of the job without placing an undue hardship on the City.

There are three types of reasonable accommodation that may be considered:

- Changes to the job application process so that a qualified applicant with a disability will receive equal consideration for the job opportunity;
- Modifications to the work environment so that the qualified individual with a disability can perform the essential functions of the job; or

- Adjustments that will allow a qualified individual with a disability to enjoy the same benefits and privileges of employment as other similarly situated employees without disabilities.

Essential Job Functions

For each position, the job description typically will identify essential job functions. The City Administrator generally will review job descriptions on a periodic basis to evaluate job functions designated as essential. An employee's questions about a job's requirements should be directed to the employee's supervisor or the City Administrator.

Requesting a Reasonable Accommodation

An employee with a disability is responsible for requesting an accommodation from his/her supervisor and engaging in an informal process to clarify what the employee needs and to identify possible accommodations. The City will provide notice of the employee's rights under the ADA and document the interactive process discussions. If requested, the employee is responsible for providing medical documentation regarding the disability.

The employee should describe the problem created by a workplace barrier so that an appropriate accommodation may be considered. The City Administrator, or designee, will work with the employee to identify possible reasonable accommodations and to assess the effectiveness of each in allowing the employee to perform the essential functions of the job.

Based on this interactive process, a reasonable accommodation will be selected that is appropriate for both the City and the individual employee. While an individual's preference will be considered, The City is free to choose between equally effective accommodations with consideration toward expense and impact on the rest of the organization.

A request for reasonable accommodation may be denied if it would create an undue hardship for the City. The City will provide notification in writing of denial based on undue hardship. Factors to be considered when determining whether an undue hardship exists include the cost of the accommodation, the organization's overall financial resources, the financial resources of the particular facility at which the accommodation is to be made, the number of employees at the facility, the total number of employees of the organization, and the type of operation.

Grievances

In the event that an employee would like to grieve the outcome of the reasonable accommodation and interactive process, he/she should follow the City of Fairview Grievance Procedure.

Safety

All employees are expected to comply with all safety procedures. The City will not place qualified individuals with disabilities in positions in which they will pose a direct threat to the health or safety of others or themselves. A "direct threat" means a significant risk to the health or safety of one's self or others that cannot be eliminated by reasonable accommodation. The determination that an individual with a disability poses a direct threat typically will be made by the City and will be based on factual, objective evidence. A written copy of the determination will be given to the employee so that s/he may submit additional information and/or challenge the determination that s/he poses a direct threat.

Confidentiality

All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

It is the policy of the City to prohibit any harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels s/he has been subject to such treatment or has witnessed such treatment, the situation should be reported using the harassment complaint procedure.

The City of Fairview's policy prohibits retaliation against an employee for exercising his or her rights under the ADA or applicable state fair employment laws. Any employee found to have engaged in retaliation against an employee for exercising his or her rights or for making a request for reasonable accommodation under this policy will be subject to disciplinary action up to and including discharge. If an employee feels he or she has been retaliated against, the situation should be reported using the harassment complaint procedure.

4.9. WORKERS COMPENSATION LEAVE

An employee of the City of Fairview who suffers injury or illness as a result of a work-related accident or condition shall receive compensation during the period of illness or injury in accordance with the Tennessee Worker's Compensation Act.

Work Related Injuries Notification: If you experience any injury on the job as a City employee - regardless of whether it seems minor; regardless of whether it needs medical attention - you must take the following steps:

1. Report the injury immediately to your supervisor and the City safety officer;
2. If the supervisor or safety officer is not available, report it to the Administrative office;
3. Should the injury occur after hours (weekdays) or on the weekends, report of the injury must be made as soon as practicable – immediately if possible – to the supervisor;
4. Failure to comply with this procedure may result in disciplinary action up to, and including, termination of employment.

Please note that your health insurance will not cover the cost of a work-related injury. Timely reporting is important for you and is required by law.

No compensation shall be paid by the City for the first seven (7) days of disability resulting from injury, excluding the day of injury. *If AVAIL leave is accumulated, the employee may use it for this seven (7) day period only.* If disability extends beyond the seven (7) day period, workers' compensation payment from the workers' compensation insurer will commence with the eighth day after the injury. Beginning on the eighth day, and for as long as worker's compensation benefits continue, no accumulated paid leave shall be used by the employee to supplement workers' compensation temporary disability pay. In the event the disability from injury exists for a period as long as fourteen (14) days, then the workers' compensation insurer will be retroactively paid beginning with the first day after injury through.

Employees on occupational disability leave due to an on-the-job injury will not be charged AVAIL leave during the period of convalescence. Employees shall continue to accrue AVAIL leave at their regular rate while on occupational disability or injury leave. The employee shall continue paying their portion of their insurance premiums normally deducted from their paycheck while on worker's compensation leave.

Unless required statutorily (i.e., leave that places no undue hardship on the City under ADA), workers' compensation leave shall not be extended beyond six (6) months.

Time Off for Medical Appointments. Any City employee with a workers'-compensation-related illness or injury who is on the job but seeing a medical provider for said illness/injury will not be required to use his/her accumulated AVAIL leave for medical appointments that are scheduled during the employee's regularly scheduled work hours. Medical providers and medical appointments shall include, but not necessarily be limited to specializing physicians, medical practitioners, chiropractors, occupational therapists, and providers from other medical fields, as prescribed by provisions of the TN Code, Title 50, Chapter 6.

4.10. MILITARY LEAVE

Any employee who is or becomes a member of the armed forces of the United States (including the Army, Army Reserves, Army National Guard, Navy, Naval Reserve, Marine Corps, Marine Corps Reserve, Air Force, Air Force Reserve, Air National Guard, Coast Guard, Coast Guard Reserve, Commissioned Corps of the Public Health) and leaves work for initial training for the Guard or Reserves, leaves work to join active-duty military, or is called to active duty, will be placed on military leave. Such employee must present his/her supervisor or department head with advance notice of the active-duty orders. The employee's seniority, status and pay rate will remain unchanged during his/her time of military leave. Continued health insurance coverage will be offered up to 24 months, with the employee paying premiums due for such policy. For the first 31 days of military leave, the City will maintain contribution at the same level as was done prior to leave. An employee wishing to continue health insurance coverage during his/her military leave shall provide a mailing address where notices of premium payments due may be sent. When an employee's unpaid leave time is greater than 80% of their assigned shifts or more during any pay period, no AVAIL leave accrues.

The process for reinstatement of employees returning from military leave begins when the employee submits an "application for re-employment." Said application must be submitted within ninety (90) days of the end of service, or from the end of hospitalization continuing after discharge for a period of not more than one (1) year for an injury/illness related to deployment.

The returning employee will be re-employed in the position they would have attained had they not been absent for military service, with the same seniority, status and pay.

4.11. GUARD/RESERVIST LEAVE

Any employee who is member or may become a member of any reserve component of the armed forces of the United States or of the Tennessee Army and Air National Guard will be entitled to a leave of absence from their respective duties for periods of military service during which they are engaged in the performance of duty or training in the service of this state, or of the United States, under competent orders. While on such leave, the employee will be granted paid leave up to twenty (20) days in anyone (1) calendar year.

Qualified employees who seek paid leave under this policy must provide the official order calling for their service or training to their supervisor. Employees serving in the National Guard or Military Reserve will receive full compensation for a period of twenty (20) days of military leave each calendar year, excluding holidays and scheduled off days. Such leave will not be charged to any form of accrued paid leave. An employee requesting military leave shall provide the City the dates for training and travel time in advance. After the twenty (20) working days of full compensation, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, may use AVAIL for any additional working days.

Active State Duty: TN State Guard, Civil Air Patrol

In addition to the leave of absence provided above, employees who are members of the Tennessee army and air national guard on active state duty or the Tennessee state guard and civil air patrol shall be entitled to an unpaid leave of absence from their respective duties, without loss of time, pay not specifically related to leave of absence time, regular leave or AVAIL accrual, or impairment of efficiency rating for all periods of service during which under competent orders he/she is engaged in the performance of duty or training in the service of this state, including the performance of duties in an emergency.

Pursuant to T.C.A. § 42-7-102, members of the United States air force auxiliary civil air patrol who participate in a training program for the civil air patrol, or in emergency and disaster services, as defined in T.C.A. § 58-2-101, are entitled to a leave of absence with pay for a period of not more than fifteen (15) days during a calendar year for such purposes if the leave of absence is at the request of the employee's wing commander or the wing commander's designated representative. Employees granted leave are entitled to their regular salary during the time that they are away from their regular duties. All the rights and benefits of the employee continue as if a leave of absence had not been granted. It is the responsibility of the employee to make arrangements with their department head for leave to attend monthly meetings on regular off time, with the expectation that the paid leave granted herein will be applied to the annual training periods required for reservists.

4.12. LEAVE WITHOUT PAY

Leave without pay is defined as time off from regular work which may be granted without pay at the recommendation of the employee's department head. Leave without pay may only be authorized by the City Manager unless provided for statutorily.

Leave without pay may only be granted after an employee exhausts all applicable paid leave, and for a period not to exceed thirty (30) days for good and sufficient reasons which are considered uncontrollable. When an employee is on Leave Without Pay for greater than half of their assigned shifts during any pay period, no AVAIL leave.

There is no job protection entitlement associated with a leave without pay except where statutorily mandated. Such leaves of absence may be granted to regular, ongoing full-time employees in instances where unusual or unavoidable circumstances require a prolonged absence and all applicable unpaid and paid-time-off options are unavailable or have been exhausted.

- The City reserves the right to limit the number of leaves granted an employee unless statutorily mandated.
- The employee on leave without pay will not receive holiday pay.

An employee who utilizes leave time to actively pursue other employment or who accepts any employment or goes into business while on leave of absence shall be considered to have resigned from their employment and will be terminated as of the day the other employment began.

4.13. VOTING LEAVE

When elections are held in the state, leave for the purpose of voting, if requested, shall be in accordance with T.C.A. 2-1-106. 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 the person 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 such absence.

If the tour of duty [workday] of an employee begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls of the county where the employee is a resident, the employee may not take time off under this section. The City may specify the hours during which the employee may be absent. Application for such absence shall be made to the City before twelve o'clock (12:00) noon of the day before.

4.14. JURY AND CIVIL DUTY LEAVE

Civil leave with pay shall be granted to employees for the following reasons:

1. Jury duty (T.C.A. 22-4-108);
2. To answer a subpoena to testify for the City.

Employees providing proper documentation when selected for jury duty shall be excused from their assigned duties for the actual duration of the jury duty. In the event of release from jury duty during the employee's normal working hours, s/he shall be expected to return to his/her department. An employee shall receive full pay from the City during jury duty. Any monies received from jury duty may be kept by the employee.

SECTION 5 – GENERAL RULES OF CONDUCT

Employees are responsible to follow the ethics code as defined in The City of Fairview Ethics Ordinance (City of Fairview Municipal Code, Ch. 5 – Code of Ethics) and are not authorized to use City time, facilities, equipment, or supplies for personal use, gain, or advantage.

5.1. RULES OF CONDUCT

The following list of unacceptable activities is a sample of the types of infractions to the Code of Conduct that may result in disciplinary action. It does not include all types of conduct that can result in disciplinary action, up to and including termination.

Rule 1 – VIOLATION OF RULES

Employees of the City of Fairview shall not commit any act or omit any acts which constitute a violation of any of the rules, regulations, directives, or orders of this policy whether stated in this rule or elsewhere (i.e., departmental SOP/SOG).

Rule 2 – UNBECOMING CONDUCT

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the City. Unbecoming conduct shall include that which brings the City disrepute or reflects discredit upon the individual as an employee of the City, or that which impairs the operation or efficiency of the City.

Rule 3 – IMMORAL CONDUCT

Employees shall not participate in any incident involving moral turpitude, which impairs their ability to perform or causes the City to be brought into disrepute. Definition of Moral Turpitude: conduct that is believed to be contrary to community standards of honesty, justice, or good morals, thought by a reasonable person to be shameful, corrupt, or vile acts.

Rule 4 – CONFORMANCE TO LAWS

Employees shall in the course of their duties obey all laws of the United States and of any state and local jurisdictions in which the employees are present. Violation of any law may be evidence of violation of this section.

Rule 5 – REPORTING FOR DUTY

Employees shall report for duty at the time and place required by assignment or orders and shall be properly equipped and be aware of all information required for the proper performance of duty.

Rule 6 – NEGLECT OF DUTY

Employees shall not commit any acts expressly forbidden or omit any acts that are specifically required by the laws of this state, the ordinances of this City, the Personnel Policy, policies, procedures, or directives of the City. Employees shall not engage in any activity or personal business, which could cause them to neglect or be inattentive to duty.

Rule 7 – FICTITIOUS ILLNESS OR INJURY REPORTS

Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the City as to the condition of their health.

Rule 8 – EMPLOYMENT; INJURED – LIMITED DUTY

No employee shall engage in off-duty employment of any kind while on AVAIL leave for illness, workers compensation leave, or leave of absence status, except by specific written permission from the City Manager.

Rule 9 – SLEEPING ON DUTY

Employees shall remain awake while on duty. If unable to do so, they shall so report to their supervisor, who shall determine the proper course of action.

Rule 10 – UNSATISFACTORY PERFORMANCE

Employees shall maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Employees shall perform their duties in a manner, which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department.

Unsatisfactory performance may be demonstrated by a lack of knowledge of the job duties; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the position; the failure to take appropriate action; or absence without approval.

Rule 11 – INSUBORDINATION

Employees shall promptly obey any lawful directives of a supervisor, department head, or the City Manager.

Rule 12 – GRATUITIES

Employees shall not accept, directly or indirectly, any money gift, gratuity, or other consideration or favor of any kind from anyone other than the City (1) For the performance of an act, or refraining from performance of an act, that he/she would be expected to perform, or refrain from performing in the regular course of his/her duties; or (2) That might reasonably be interpreted as an attempt to influence his/her discretion, or reward for past exercise of discretion, in executing municipal business.

Rule 13 – ABUSE OF POSITION

Employees shall not use their official position, official identification card, or badges:

1. To secure any privilege or exemption for themselves or others that is not authorized by the charter, general law, or ordinance or policy of the City; or
2. To avoid consequences of unlawful acts.

Rule 14 – ENDORSEMENTS AND REFERRALS

Employees shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service.

Rule 15 – CITIZEN COMPLAINTS

Employees shall courteously and promptly direct complaints against employees to a supervisor for handling. Supervisors taking a complaint may attempt to resolve the complaint but shall never attempt to dissuade anyone from lodging a complaint against any employee.

Rule 16 – COURTESY

Employees shall be courteous to the public and co-workers. Employees shall be tactful in the performance of their duties; shall exercise patience and discretion; and shall not engage in argumentative discussions. In the performance of their duties, employees shall not use coarse, violent, profane, or

insolent language or gestures, and shall not express any discriminatory intent toward others.

Rule 17 – REPORTS

Employees shall submit all required reports on time and in accordance with established procedures. Reports submitted by employees shall be truthful and complete and no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information, or alter, remove, or destroy any report once filed for the purpose of altering the natural order of information. Per Public Chapter 495 – 2019 the penalty for knowingly making a false entry in, or a false alteration of a government record, may be punishable as a Class E Felony under Tennessee Law.

Rule 18– ISSUANCE / RETURN OF CITY OWNED EQUIPMENT

Each employee may be issued or provided with authorized equipment required for duty. Any employee separated from employment shall return all equipment issued.

Employees shall utilize City-owned property only for its intended purpose in accordance with established procedures and shall not abuse, damage, alter, tamper with, repair unless authorized, or allow unauthorized persons to use City-owned property. All City-owned property issued to employees shall be maintained in a proper order and returned upon separation from employment. Intentionally defacing or damaging City property is not permitted.

Rule 19 – TRUTHFULNESS

Upon the directive of the City Manager, department head or a supervisor, employees shall fully and truthfully answer all questions specifically directed and narrowly relating to the performance of official duties or fitness for duty which may be asked of them.

As a public employee, the City may require you to provide information as part of an internal and/or administrative investigation to determine whether disciplinary or administrative action is necessary. You may be ordered to truthfully respond to questions or be subject to disciplinary action. You may be asked questions specifically, directly, and narrowly related to performance of your official duties or fitness for your job. You are entitled to all the rights and privileges guaranteed by the law and the Constitution of the United States, including the right not to be compelled to incriminate yourself. If you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you could be subject to discharge. If you do answer, neither your statement, nor any information or evidence which is gained by reason of such statement, can be used against you in any subsequent criminal proceedings. However, these statements may be used against you in relation to subsequent internal discipline.

Rule 20 – ETHICAL and LEGAL BEHAVIORS

Employees shall not conspire or knowingly engage in any activity which deprives any person of their civil rights, due process, equal opportunity for employment, advancement, job opportunities, or any constitutional or statutory guaranteed right. No employee shall disseminate confidential or protected information to any unauthorized person for any purpose.

Rule 21 – BUSINESS DEALINGS

Except for the receipt of such compensation as may be lawfully provided for the performance of his city duties, it shall be unlawful for any city officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the city.

5.2. DRUG FREE WORKPLACE

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly

conduct the public business, the City has adopted a drug and alcohol testing policy. The policy complies with the Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Department of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. The types of tests that may be required under the DFW policy are pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random (for safety-sensitive positions only), return-to-duty, and follow-up.

It is the policy of the City that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol is prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to disciplinary action. Prohibited and/or illegal conduct includes but is not limited to:

1. being on duty or performing work for the City while under the influence of drugs and/or alcohol, including prescription or over-the-counter medication that renders an employee unsafe in the performance of duty (the employee is obligated to disclose to his/her supervisor when he/she is taking prescription or over-the-counter medication that may render them unsafe to perform – failure to do so may result in disciplinary action up to, and including, termination);
2. engaging in the manufacture, sale, distribution, use or unauthorized possession of drugs at any time and of alcohol while on duty or while in or on City property, or City vehicles;
3. refusing or failing a drug and/or alcohol test administered under the policy;
4. providing an adulterated, altered, or substituted specimen for testing;
5. use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and
6. use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures

Employees who are required to take prescribed or over-the-counter medication shall notify the immediate supervisor should the medication produce, or be at risk of producing, any effects which might limit the employee's ability to safely perform his/her job. Per Public Chapter 373 – 2019 a valid prescription is defined only as a prescription issued within six (6) months prior to a positive drug test.

Compliance with this substance abuse policy is a condition of employment; the City will pay for all required drug tests. The City is under no obligation to allow for leave for rehabilitation, or to pay for such leave, unless statutorily required.

The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or disciplinary actions up to and including termination of employment. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or disciplinary actions up to and including termination of employment.

All property belonging to the City is subject to inspection at any time without notice, as there is no expectation of privacy.

- a. Property includes, but is not limited to, vehicles, desks, containers, files, and storage lockers.
- b. Employees assigned lockers (that are locked by the employee) are also subject to inspection.

Employees who have reason to believe another employee is using alcohol or illegal drugs while on duty must report the facts and circumstances immediately to their supervisor or the City Manager. Failure to do so may result in disciplinary action. Supervisors are required to detail in writing the specific facts, symptoms, or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate department head who shall immediately forward the information to the City Manager.

The City performs post-offer, pre-employment; random selection (for safety sensitive positions); post-accident; reasonable suspicion; and fitness-for-duty testing.

All employees in safety-sensitive positions (such as equipment / vehicle operators that require a Commercial Driver's License) are subject to alcohol and drug testing in accordance with the Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143, Title V).

A job applicant will be denied employment with the City if his/her post-offer, pre-employment test result has been confirmed positive.

Current employees will be subject to disciplinary action up to and including termination of employment if their test result has been confirmed positive, if they refuse to test, or for any other violations outlined in the Drug Free Workplace policy.

To the extent allowed under the Tennessee Open Records Law, all information from an employee's or applicant's drug and alcohol test is confidential and only those individuals with a need to know are to be informed of test results.

5.3. WORKPLACE VIOLENCE AND HARASSMENT

The City is committed to preventing workplace violence and to maintaining a safe work environment. It is the policy of the City to promote a productive, safe, and healthy work environment for all employees, customers, vendors, contractors, and members of the general public and to provide for the efficient and effective operation of the City's activities.

Employees are expected to maintain a productive work environment free from harassing or disruptive activity including threats of physical violence. No form of bullying or harassment will be tolerated, including sexual harassment and harassment based on race, color, creed, religion, gender or gender identity, age, national origin, disability, military status, genetic information; an employee's communication with an elected public official, exercise of free speech made as a citizen as a matter of public concern, refusal to participate in or remain silent about illegal activities, exercise of a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law.

This policy applies to all City employees, elected officials, appointed officials, regular part-time/temporary/seasonal employees, members of the public, and contractors. The governing body may discipline an elected official in whatever manner it deems appropriate, consistent with its authority under state law, the municipal charter, ordinances, resolutions, or other rules governing discipline of elected officials.

Per Public Chapter 331 – 2019 the City can seek an injunction against a person who commits harassment against a City employee.

Harassment of an employee by a non-employee is defined as two (2) or more instances of contact serving no legitimate purpose directed at an employee, in connection with that person's status as an employee, that a reasonable person would consider alarming, threatening, intimidating, abusive, or emotionally distressing and that does or reasonably could interfere with the performance of the employee's duties.

The City will not tolerate bullying, or verbal or physical conduct by an employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, abusive, offensive, or hostile environment.

1. No employee or non-employee shall be allowed to harass any other employee or non-employee by exhibiting behavior including, but not limited to, the following:
 - a. Verbal harassment – Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slurs; offensive flirtations or propositions; verbal intimidation; exaggerated criticism or name-calling; spreading untrue or malicious gossip about others.
 - b. Physical Harassment – Any physical assault, such as hitting, pushing, kicking, holding, impeding, or blocking the movement of another person.
 - c. Visual Harassment – Displaying derogatory or offensive posters, cartoons, publications, or drawings.
 - d. Bullying – Workplace bullying refers to unwanted aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. The imbalance of power involves the use of physical strength, access to embarrassing information, or popularity to control or harm others. This behavior may be performed by individuals (or a group) directed towards an individual (or a group of individuals).
 - e. Abusive Conduct - acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, which can include but is not limited to:
 - i. repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
 - ii. verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or
 - iii. the sabotage or undermining of an employee's work performance in the workplace.

A single act generally will not constitute abusive conduct, unless such conduct is determined to be severe; multiple acts may rise to the level of pervasive. To aid employees in identifying abusive conduct, the following examples are provided. These examples are not exhaustive; they illustrate, however, the types of conduct that may violate this policy:

- Intimidating an employee by excessive yelling, repeated emotional outbursts, berating others, using an unreasonably harsh tone of voice;
- Undermining another's work by withholding pertinent work-related information or purposefully giving incorrect information, or by not giving enough information to do what is required, as compared to others;
- Persistent or constant criticism in front of others for the purpose of humiliating another employee;
- Isolating an employee from co-workers, or launching a campaign not based on facts to provoke an employee to leave or be removed;
- Making humiliating or degrading remarks about a person through or on social media; or
- Any malicious behavior a reasonable person would find unprofessional, disturbing, and/or harmful

to his or her psychological health.

Under no circumstances are the following items permitted on City property, including City- owned parking areas, except when issued or sanctioned by the City for use in the performance of the employee's job:

- a. dangerous chemicals;
- b. explosives or blasting caps;
- c. other objects carried for the purposes of injury or intimidation;

Anyone determined to be responsible for threats of, or actual violence, or other conduct that is in violation of this policy will be subject to prompt disciplinary action up to and including termination. Employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisors, department heads, or the City Manager before the situation escalates into potential violence.

The City is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns. Employees have the right to file a police report at their own discretion if they believe a criminal act has occurred. Employees are prohibited from interfering or attempting to interfere with any departmental investigation.

False allegations will be dealt with on a case-by-case basis, and depending on the outcome, may include disciplinary action, up to and including termination.

Sexual Harassment

The following actions constitute an unlawful employment practice and are absolutely prohibited by the City when they affect employment decisions, create a hostile work environment, cause distractions, or unreasonably interfere with work performance. They are:

1. Sexual harassment or unwelcome sexual advances;
2. Requests for sexual favors;
3. Verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, or propositioning;
4. Explicit or implied job threats or promises in return for submission to sexual favors;
5. Inappropriate sexually oriented comments on appearance;
6. Sexually oriented stories;
7. Displaying sexually explicit or pornographic material, no matter how the material is displayed or communicated; and/or
8. Sexual assault on the job by supervisors, fellow employees, or non-employees
9. Demeaning insulting, intimidating or sexually suggestive written, recorded or electronically transmitted materials (such as email, instant message, video and audio, and internet materials).

Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women.

Making harassment complaints

An employee who feels he/she is subjected to harassment should immediately contact a person (listed below) with whom the employee feels the most comfortable. Any number of individuals may be chosen. The object is to give several options to a harassment victim. Complaints may be made orally or in writing to:

1. The employee's immediate supervisor,

2. The department head,
3. The City Manager, or
4. the City Attorney.

Employees have the right to circumvent the employee chain-of-command when selecting the person to complain to about harassment. The employee should be prepared to provide the following information:

1. his/her name, department, and position title;
2. the name of the person or people allegedly committing the harassment, including their title(s), if known;
3. the specific nature of the harassment, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
4. witnesses to the harassment; and
5. whether the employee has previously reported the harassment and, if so, when and to whom.

Employee Obligation

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

Disciplinary action may be taken against an employee who fails to report instances of harassment, or who fails or refuses to cooperate in the investigation of a complaint of harassment, or who files a complaint of harassment in bad faith. Employees are prohibited from interfering or attempting to interfere with any departmental investigation. False allegations will be dealt with on a case-by-case basis, and depending on the outcome, may include disciplinary action up to and including termination of employment.

Reporting and investigating harassment complaints

The City Manager or designee as appropriate, is the office the City designates as the investigator of harassment complaints against employees. In the event the harassment complaint is against the City Manager, the investigator may be independent outside counsel appointed by the City Commission or provided through the City employment practices liability insurer.

5.4. ATTENDANCE

Punctual and regular attendance is necessary for the City to operate efficiently. The City provides a variety of forms of leave to cover absences from work. Employees are expected to report for duty and be ready to begin work by the start of the regular workday or their regular shift, unless on approved leave.

Employees unavoidably late or absent from work due to illness or other causes must notify their supervisor within the time frame established by each department, unless unusual circumstances prevent the employee from making proper notification. Employees must explain the reason for the absence and, if possible, the anticipated time and date they will return to work. When this is not possible due to sudden illness or emergency, the employee is to notify his/her supervisor as soon as possible, and in all cases if possible, prior to the start of the workday in which the employee will be absent. Failure to notify one's supervisor of absences, or abuse of leave policies may result in disciplinary action.

An unauthorized absence from work for a period of three (3) consecutive working days including three (3) days no show/no call will be considered a voluntary resignation.

PAID TIME OFF and TIME OFF DOCUMENTATION: If the timecard /sheet calculations result in less than the assigned work hours for the pay or work period, the employee must claim paid-time-off leave e.g., AVAIL, funeral leave, jury duty, or other paid-time-off reason for the lost time, including unpaid leave. (*NOTE: All of these must be approved, and some in advance.)

Prior arrangements, approved by the supervisor, for lost time for anything other than the approved, paid-time-off reasons noted above may supersede the prior approval requirement. In other words, the employee shall be docked for lost time during the workweek if no provision is made for the absence by using any of the paid-time-off reasons listed above.

Timecards/sheets must be signed by the employee and forwarded to the supervisor for review and approval. The employee's signature attests to the accuracy and completeness of the timecard/sheet.

No City employee is to punch the time clock in/out for another employee. This and any deliberate documentation inaccuracies to timecards/sheets will be considered falsification of records and documents and shall be a violation of City policy that will result in both employees receiving disciplinary action. Per Public Chapter 495 – 2019 the penalty for knowingly making a false entry in, or a false alteration of a government record, may be punishable as a Class E Felony under Tennessee Law.

SECTION 6 – MISCELLANEOUS POLICIES

6.1. NONSMOKER 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, prohibited from the use of vapor devices, or from use of smokeless tobacco in the vehicle or equipment. This includes other occupants that may be being transported in the vehicles. Violators of this policy will be subject to disciplinary action.

6.2. IDENTITY THEFT POLICY

The risk to the City, its employees and customers for data loss and identity theft is of significant concern to the City and can be reduced only through the combined efforts of every employee and contractor. The City adopts this sensitive information policy to help protect employees, customers, contractors, and the City from damages related to the loss or misuse of sensitive information.

Sensitive information includes the following items whether stored in electronic or printed format:

1. Credit card information (including credit card number (in part or whole), credit card expiration date, cardholder name, and cardholder address);
2. Tax identification numbers (including social security number, business identification number, and City identification number);
3. Payroll information (including paychecks and pay stubs);
4. Cafeteria plan check requests and associated paperwork;
5. Medical information for any employee or customer (including doctor names and claims, insurance claims, or any related personal medical information); and
6. Other personal information belonging to any customer, employee, or contractor (including date of birth, address, phone number, maiden name, names, or customer number).

City personnel are required to use good judgment in securing confidential information to the proper extent. If an employee is uncertain of the sensitivity of a particular piece of information, s/he should contact the supervisor. In the event that the City cannot resolve a conflict between this policy and the Tennessee Public Records Act, the City will contact the Tennessee Office of Open Records.

Each employee and contractor performing work for the City will comply with the following Hard Copy Distribution policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Sensitive documentation in common shared work areas will be erased, removed, or shredded when not in use.
5. When documents containing sensitive information are discarded, they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut or Department of Defense (DOD) approved shredding device.

Each employee and contractor performing work for the City will comply with the following Electronic Distribution policies;

1. Internally, sensitive information may be transmitted using approved municipal e-mail. All sensitive information must be encrypted when stored in an electronic format.
2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

“This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.”

Staff training shall be conducted for all employees, officials, and contractors for whom it is reasonably foreseeable that they may come in contact with accounts or personally identifiable information that may constitute a risk to the City or its customers.

The City Manager, or designee, is responsible for ensuring that identity theft training for all requisite employees and contractors is provided. Employees must receive annual training in all elements of this policy. To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

6.3. DRIVERS LICENSES

Any employee who is required as an employment condition to operate a City vehicle must possess and maintain an appropriate valid driver's license. Any employee who drives a City vehicle must immediately inform his/her supervisor if his/her license becomes denied, expired, restricted, suspended, or revoked. Periodic review of employees' driving records may be conducted by the City.

Employees operating vehicles of greater than 26,000 GVW and/or carrying 15 or more passengers are required to have a Tennessee Commercial Driver's License in accordance with T.C.A. 55-50-101 et seq. Fire truck, police vehicle, and emergency medical vehicle operators are exempt from the CDL requirements.

6.4. CITY VEHICLES

The City Manager will maintain an approved list of individual positions authorized to utilize City Vehicles for take-home based on operation needs of the City. All accidents, incidents, or traffic violations that occur during the use of a City vehicle must be reported immediately to the supervisor.

City-owned vehicles and equipment are intended for official City business use, including commuting to and from work where take-home vehicle authorization has been approved.

6.5. PERSONNEL RECORDS

Per Public Chapter 495 – 2019 the penalty for knowingly making a false entry in, or a false alteration of a government record is punishable as a Class E Felony under Tennessee Law.

The City respects the dignity and worth of each individual employee, while asking each employee to offer

in return his/her loyalty, respect, and best effort. The City will collect, retain, use, disclose, and maintain the confidentiality of employee information as required by law.

Human Resources records for each employee are kept on file and maintained in a secure manner by the Administrative office.

The Human Resources File for each employee may contain, but not be limited to the following information:

- 1) Human Resources action forms noting position and wage information;
- 2) performance evaluation forms and other documentation related to an employee's job performance;
- 3) employment documentation including application and resume, employee data sheet, and income tax deduction forms;
- 4) outside employment forms;
- 5) official commendations, training and education records including certificates and diplomas;
- 6) complete documentation pertaining to all disciplinary matters and corrective actions;
- 7) information relative to grievance proceedings, and complaints of discrimination and harassment filed by the employee; and,
- 8) all applicable benefits records. All medical records shall be kept in a separate confidential file for each employee.

It is the responsibility of each employee to update personal information including change of address, telephone number, marital status, draft status, beneficiaries, number of dependents, or completed education/training maintained in the Human Resources file by notifying the Administrative office. The City shall not be held liable when incorrect withholding, wrong beneficiaries, or loss of employee benefits result from the failure of any employee to keep Human Resources records current.

Collection, Retention, and Use of Personal Information

The City will strictly follow the requirements of applicable laws regarding information collection concerning membership in protected class. With these restrictions in mind, the City will gather such information about job applicants or employees as determined by the City to meet compliance initiatives.

The following basic principles will be applied in collecting and retaining personal information:

1. The Administrative office shall maintain a complete (master) file of each employee's records, which will contain necessary information, as determined by applicable provisions within a City charter, ordinance, or resolution. The master file shall be the central file containing all employee information.
2. Each department head may maintain a file on each employee in his/her charge. The file shall be limited to performance evaluations, attendance records, official memos, letters, and information related to an employee's salary history. All information contained in this file must also be present in the master file.
3. Payroll data may be kept separately from the human resources file and the departmental file, although both may include information about an employee's salary history.
4. Supervisors may maintain separate files on their subordinates. The file shall be limited to performance evaluations, attendance records, official memos, and letters. All information contained in this file must also be present in the master file.
5. Employee information may be collected from employees whenever possible, but the City may use outside sources for other information where allowed by law.
6. Worker's Compensation documents will be maintained in a separate file in the custody of the City Manager.

7. Medical information obtained from City provided medical examinations are the property of the City and will be maintained in a secured file system separate from an employee's official Human Resources record. Medical information may include, but not be limited to the following: benefit documentation such as health insurance forms, fitness for duty examinations, drug testing results, medical information related to leaves of absence, inoculation records, etc. These documents will be maintained in a secured file system that is not open for public inspection. These procedures are in accordance with applicable laws.

Employees' Access to Human Resources Records and Management Files

Current employees may have access to and review their own Human Resources files during normal business hours. If the employee disagrees with any information found therein, the employee may submit a written disagreement to the City Manager, which will be attached to the specific document in the file(s). Contents of employee files may not be removed, except by court order. An employee desiring to access the Human Resources file of another employee must follow the procedures for public records requests.

Employees' Access Procedures

Employees may contact the City Manager, or designee, for an appointment to view their own file. Employees must review the file in the presence of an appropriate representative. Employees may take notes and may request to be provided with a copy of any of the file's contents subject to the City's policy on copy charges. Any question about the information's accuracy must be referred to the City Manager.

Disclosure of Applicant and Employee Records and Information

The content of applicant and employee Human Resources files is open to public inspection under the Tennessee Public Records law; however, some personal information has been deemed confidential under state and federal law. Only the City Manager is authorized to disclose information about applicants and employees to outside inquirers.

Confidential information shall only be disclosed under the following circumstances:

1. properly identified and duly authorized law enforcement officials without a warrant when investigating allegations of illegal conduct by applicants and employees;
2. legally issued summonses or judicial orders, including subpoenas and search warrants; and
3. others as legally allowed by state and federal law.

Requests for copies of detailed applicant and employment information shall be made in writing and should be directed to the Administrative office who will then forward to the appropriate departments. Requests for public inspection of applicant and employee records shall be directed to the Administrative office who will then inform the appropriate departments.

Police Department applicant and employment records may be exempt from public access pursuant to state law. All requests for applicant and employment records shall be reviewed by the Chief of Police on a case-by-case basis. When a request is for a professional, business, or official purpose, and includes a request for personal information as defined by T.C.A. § 10-7- 504(g), the Chief of Police (or designated custodian of files) must notify the officer prior to disclosure. The officer must be given a reasonable opportunity to be heard to oppose the release of the information. If the Chief of Police decides not to disclose personal information, the requestor must be notified within two (2) business days from the request and the files shall be released with personal information redacted.

All public records requested shall be subject to the City's public records request process. Confidential

information will be redacted out of any Human Resources files that are requested for inspection, as per Tennessee Law. Adequate time will be allotted to allow for redaction of such information as allowed by law. All requests will be completed promptly, and in a responsive and timely manner.

In all such matters, the employee shall be notified within seventy-two (72) hours of the records inspection and/or provision of copies. Police officers shall be informed that an inspection has taken place or copies have been provided; the name, address, and phone number of the person(s) making the request; person(s) for whom the request was made; and the date of inspection and/or the provision of copies. Exceptions for non-police employees may be made to release limited general information, such as the following: (a) employment dates; (b) position held; and (c) location of job site.

6.6. *ELECTRONIC DEVICE USE AND SOCIAL MEDIA POLICY*

Computers, the internet, e-mail, as with other technologies, should be used to maximize the City's efforts in serving its citizens. It is every employee's duty to use the City's electronic device resources and communication devices responsibly, professionally, ethically, and lawfully. These policies are not intended to, and do not, grant employees any contractual rights.

City-owned cellular phones are restricted for City business use. Device contents are subject to inspection and subject to the Tn Open Records Act.

Computer Use Policy Overview

The computer resources are the property of the City and should be used for legitimate business purposes. While personal use of City computer resources is not forbidden, it is discouraged. Personal use shall be minimal and shall not interfere with the performance of the employee's, or other employees', job duties and responsibilities. Employees are permitted access to the computer resources to assist them in performing their jobs. Confidential information should not be provided using e-mail or shared with individuals who are not employed by the City without authorization.

No one may use loopholes within the computer security systems, acts of deception, or knowledge of a special password to damage computer systems, compromise sensitive information, obtain extra resources, take resources from another employee, gain access to systems, or use systems from which proper authorization has not been given. Employees may not impersonate other individuals or misrepresent themselves to gain access to or compromise the City's information technologies.

The internet, e-mail or voice mail should not be used to solicit others to promote personal events or causes, commercial ventures, religious or political causes, outside organizations or other non-business matters. Employees are prohibited from uploading, posting, e-mailing, or otherwise transmitting any unsolicited or unauthorized advertising, promotional materials, junk mail, chain letters, pyramid schemes or any other form of solicitation. No one may use the City's computer resources for personal financial gain by posting messages that promote the products or services of a local business or their own product or services.

Use of the computer resources is a privilege that may be restricted or revoked at any time. All information contained in the computer resources and all documents generated there from are for the exclusive use of the City in connection with the conduct of its business and are the sole property of the City.

Waiver of Privacy Rights

Employees expressly waive any right of privacy in anything they create, store, send or receive using the computer resources. Employees consent to allowing the City to access and review all materials

employees create, store, send or receive using the computer resources.

Inappropriate or Unlawful Material

Material that is, or could reasonably be regarded as, derogatory or discriminatory on the basis of race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information or any other basis protected by law, or is fraudulent, harassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful, may not be sent, by e-mail or other forms of electronic communication (such as bulletin Commission systems, news groups and chat groups) or displayed on or stored in the computer resources.

Misuse of Software

The City purchases and licenses the use of various computer software programs. Without prior authorization and proper licensing, employees may not do any of the following: a) copy software for use on their home computers; (b) provide copies of software to any third person; (c) install software or hardware on any City computer resources; (d) download any software from the internet or other online service to any City computer resources; (e) modify, revise, transform, or adapt any software on any computer resources.

Compliance with Laws and Licenses

In their use of computer resources, employees must comply with all software licenses and copyrights and all state, federal and international laws governing intellectual property and online activities.

Communication of Confidential Information

Unless expressly authorized by the City, sending, transmitting, or otherwise disseminating confidential information is strictly prohibited.

Monitoring Usage

The City may monitor any and all aspects of the use of computer resources. The circumstances under which monitoring of computer resources may occur includes monitoring sites visited by employees on the internet, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded by employees to the internet, and reviewing e-mail sent and received by others. Employee violations of any of the provisions outlined in this policy may subject employee to disciplinary action.

Public Records

All correspondence sent and/or received by employees related to City business is public record under the Tennessee Public Records Act and may be subject to public inspection under the law.

SOCIAL MEDIA POLICY STATEMENT

This policy applies to every employee currently employed by the City in any capacity who posts any material whether written, audio, video or otherwise on any website, mobile device application, blog or any other medium accessible via the Internet. Use of the City's social media to support or oppose individual political candidates, political parties, or any ballot measure is strictly prohibited.

For purposes of this policy, social media is content created by individuals using accessible and scalable technologies through the internet. Examples of social media include but are not limited to: Facebook, blogs, RSS, YouTube, Twitter, LinkedIn, discussion forums, and online collaborative information and publishing systems that are accessible to internal and external audiences (i.e., wikis, including Wikipedia).

Employees shall abide by the terms of use and rules and guidelines of each individual social media platform utilized. By posting on the City sites, an employee may be granting to the City an irrevocable, perpetual, non-exclusive license to use and distribute content for any purpose, commercial, advertising, or otherwise. Employees who violate the terms of this policy are subject to discipline up to and including termination.

City owned or created social media

The City maintains an online presence. The provisions of this section apply to City employees posting content in an official capacity on a City owned or created social media platform or on any other platform. Unless authorized, an employee may not characterize him or herself as representing the City directly or indirectly.

All City social media sites and platforms representing the City in an official capacity must be created pursuant to this policy and be approved by the City Manager or designee. Accounts and pages should, where possible, feature the official City name and logo. The City's social media platforms are also encouraged to use official City Graphic Identity Standards for color, logo, seal, type font, marks, etc.

The City maintains a primary and predominant internet presence defined by the City Manager or designee and no other website, blog or social media site shall characterize itself as such. Whenever possible a social media site or platform shall link or otherwise refer visitors to the City's main website. The City Manager or designee shall coordinate the upkeep of content on social media sites or platforms created pursuant to this policy.

All City social media sites and platforms are subject to the Tennessee's Public Records Act (T.C.A. § 10-7-101, et seq.), and no social media site or platform shall be used to circumvent or otherwise violate this law. All lawful records requests for information contained on a City social media site or platform shall be directed to the City Manager or designee and will be fulfilled by any employee whose assistance is necessitated. Every social media site or platform shall contain a clear and conspicuous statement referencing the state law. All official postings on a City social media site or platform shall be preserved to the extent possible in each platform in accordance with any applicable retention policy.

The following content is not allowed and will be immediately removed and may subject the poster to banishment from all City social media sites and platforms:

- a. Profane language or content;
- b. Obscene images;
- c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, religion, gender or gender identity, age, national origin, disability, military status, communication with an elected public official, free speech, refusing to participate in or remain silent about illegal activities exercising a statutory constitutional right or any right under clear public policy, political affiliation, genetic information or any other basis protected by law., creed, or status with regard to public assistance;
- d. Sexual content or links to sexual content;
- e. Solicitations of commerce;
- f. Illegal conduct or encouragement of such;
- g. Content that incites violence or harassment;
- h. Links to third party sites and platforms; or
- i. Content that violates a legal ownership interest of any other party.

Rights and permissions must be secured before posting, sharing, or distributing copyrighted materials,

including but not limited to music, art, copyrighted photographs or texts, portions of copyrighted video, or information considered proprietary by a City employee, vendor, affiliate, or contractor. Authorized employees must secure written permission prior to using/incorporating any copyrighted or proprietary materials except when such material is covered under Fair Use provisions.

An employee must not post content on City sites and platforms that might be embarrassing to an individual or that could be construed as placing a customer, employee, or other individual in a negative or false light. An employee must not post content that might cause someone to believe that his/her name, image, likeness, or other identifying aspect of his/her identity is being used, without permission, for commercial purposes. Employees shall not post any content to a City's social media site or platform for their financial gain or for the financial gain of any other person or entity. A City employee posting on a City social media site or platform shall take reasonable care not to disclose any confidential information in any posting.

Non-City social media

This section applies to City employees posting content to non-City created social media sites and platforms in their personal capacity. Employees are prohibited from posting anything on the Internet that could be construed as an act of unlawful harassment, a threat, or other evidence of discrimination. Employees should limit their personal Internet activities to non-working hours, meal periods and/or rest breaks. An employee may not characterize him or herself as representing the City, directly or indirectly, in any online posting unless done pursuant to a written policy of the City.

The simultaneous use of a City email address, job title, official City name, or logo in conjunction with a posting may be evidence of an attempt to represent the City in an official capacity. Other communications leading a reasonable viewer to conclude that a posting was made in an official capacity may also be deemed evidence to represent the City in an official capacity.

Any postings on non-City social media sites and platforms made in an official capacity may be subject to the Tennessee Public Records Act. A City employee posting on a non-City social media site or platform shall take reasonable care not to disclose any confidential information in any posting. When posting in a personal capacity an employee should take reasonable care to distinguish that his content is a personal expression and not that of the City.

Perception

With social media, the lines between public and private, personal, and professional can be blurred. Employees identifying themselves as working for the City of Fairview should be mindful that they may be creating perceptions about themselves and about the City by customers, business partners, and the general public, and perceptions about themselves by co-workers, other employees, supervisors, and management.

- a. Employees must not represent or speak on behalf of the City on their personal social media sites when they are not authorized to do so.
- b. Employees must not give the appearance that they are speaking on behalf of the City and/or department or posting comments as an official City employee on personal social media sites when they are not authorized to speak on behalf of the City.
- c. This perception may be avoided by choosing to not post work-related information, featuring themselves while wearing a City uniform or displaying City logo, public safety patches, badges, or City vehicles on a personal site – especially in profile images.

These actions could cause people to believe employees are posting as authorized City spokespersons,

official department representatives, or on behalf of the City.

6.7. PERSONAL APPEARANCE

Employees' personal appearance and hygiene are important both to employees and the City. Employees are expected to maintain a good personal appearance and to consider neatness and cleanliness. Employees should always dress in a manner befitting the job, with due consideration to the needs of the City, other employees, and safety. Employees are responsible for dressing appropriately for work and following the dress code.

All full time, regular employees of the City may be provided either a monetary annual clothing or footwear allowance, or uniforms, as determined by the needs of each department and as budgets allow.

Supervisors/managers and, when notified, the Human Resources Department will interpret the application of the dress code and the appropriateness of an employee's dress at work.

Dress and appearance should not be offensive, revealing, sloppy or distracting. Clothing that works well for the beach, yard work, dance clubs, exercise sessions, and sports contests is not appropriate for a professional, casual appearance at work.

The following dress code includes appropriate appearance and dress guidelines for employees in both office and field positions. Employees who are furnished uniforms must wear them according to establish standards, and to wear them while on the job at all times unless otherwise approved.

Office personnel are expected to dress appropriately for their work environment (i.e., dress slacks, dresses, skirts and appropriate blouses, shirts, sweaters, jackets, sandals, boots, loafers, pumps).

Clothing that is typically not allowed to be worn by employees while working includes, but is not limited to, the following:

- tattered/torn clothing
- shirts with language or graphics that are vulgar, sexually explicit, or may otherwise be offensive;
- attire that is too tight, revealing, or provocative;
- clothing that exposes bare midriffs;
- mini-skirts, sun dresses, beach dresses, spaghetti-strap dresses;
- see-through blouses or shirts;
- sports bras, halter tops, or similar attire;
- tank tops, muscle shirts or mesh shirts;
- sweat suits, sweatpants, ski, or jogging pants/shorts.

Also, remember that some employees are allergic to the chemicals in perfumes and makeup, so wear these substances with restraint.

Employees arriving at work dressed inappropriately will be sent home to change, with no pay for the time so spent. Repeated violations of the dress code may result in disciplinary action up to and including termination. Variations or exceptions to the appearance policy should be addressed in advance with the supervisor and/or human resources.

The City may issue regulations regarding covering of tattoos and body art when job-related and consistent with business necessity.

The City may issue regulations regarding piercings and decorative jewelry when job or safety-related and consistent with business necessity.

On “Casual Fridays” office personnel may wear neat, clean blue jeans (must not have holes or tears) and t-shirts, sweatshirts, sneakers, and sandals. However, items of casual clothing bearing offensive slogans and/or prints and/or with designs that are inappropriate, vulgar, offensive, or advertise drug, alcohol or tobacco-related products are not permitted.

6.8. INCLEMENT WEATHER

It is the City’s intent to remain open through various weather/emergency situations unless it is determined that the essential functions of the City cannot safely be administered. This decision will be made by the City Manager and will be communicated via appropriate communication methods. In situations where advanced notice of closure is known, the City Manager will communicate such closure via appropriate means.

6.9. TELLECOMMUTING

This policy establishes the guidelines that the City will use to select and manage those employees approved to telecommute on a limited basis.

Policy Guidelines

This policy covers approved telecommuting or working remotely, such as working from a home or other off-worksite location, including using electronic communications, such as the internet, to connect with the primary place of employment. Work product, and appropriate equipment used in production thereof, is subject to the Tennessee Public Records Act unless specifically excluded.

Criteria For Selection

The City always strives to provide equal opportunities to all employees when it comes to working situations. In some circumstances, telecommuting is a necessary and expected part of the position when a manager is telecommuting when the City offices are closed. However, telecommuting is not conducive to every employee or position. To request consideration for Telecommuting, please submit request in writing (email is sufficient) to the City Manager or designee. Keeping this in mind, the City Manager, or designee will review all reasonable employee requests to telecommute using the following criteria:

Is the employee a good candidate for telecommuting? Do they possess the following characteristics?

- Dependable
- Trustworthy
- Flexible
- Self-motivated
- Proven performance
- Comprehensive knowledge of position
- Do any performance or disciplinary histories suggest this responsibility is not a good fit for this employee?

Can the duties of the position be successfully fulfilled through telecommuting? Does the position have:

- Measurable work activities
- Little need for face-to-face interaction with co-workers and/or the public
- Clearly established goals and objectives

- Duties can be performed alone and away from a worksite
- Equipment needed is limited and can be easily stored at the off-site location

Are there extenuating circumstances for the request to telecommute? Examples would be:

- Certain states of emergency (i.e., pandemic, or other temporarily unsafe conditions)
- Reasonable accommodations under the Americans with Disabilities Act
- Other valid personal needs that prevent in-person office attendance may be considered on a case-by-case basis

Barriers and distractions faced by the employee that may inhibit the performance of duties and efforts undertaken by the employee to remove or limit those barriers or distractions to ensure work is performed on time and at acceptable standards of quality.

Disruption to the City operations and interests and the maintenance of balance of assigned or expected workloads.

The ability to work remotely is a privilege, and the City reserves the right to deny, limit, or revoke telecommuting privileges at the City's discretion.

Responsibilities

Position requirements and responsibilities will not change due to telecommuting. Workers face the same expectations in relation to professionalism, timeliness, work output and customer service, regardless of where the work is being performed. The amount of time an employee is expected to work in a given day will not lessen, although the exact scheduling of allotted hours will be left up to the discretion of the employee and the employee's direct supervisor. If an employee's physical presence is required at the Government's primary work location, then he or she is expected to report in person if deemed safe to do so.

Contact With Primary Location

Employees approved for telecommuting are responsible for maintaining regular contact with their supervisor. The supervisor will act as the employee's primary contact at the City. Both the employee and his or her supervisor are expected to work together to keep each other informed of any developments that occur during the workday.

Employees must have approval from their supervisor(s) to:

- Alter their defined work schedules.
- Move the City equipment to a new location.

Off-Site Work Areas

The City has a legal responsibility to provide liability and workers' compensation coverage to its employees. Such legal responsibilities may extend only to authorized, off-site work locations during scheduled work time. The City is responsible only for injuries, illnesses and damages that result directly from official job duties. As to any legal obligations under these insurance coverages, the City will comply with applicable law and grants no additional coverage to employees authorized under this policy. The City accepts no responsibility for employee personal property.

As the City could foreseeably be held responsible for an injury befalling an employee in their off-site work area, the City reserves the right to inspect off-site locations for safety concerns. Such an inspection will always be planned in advance.

If employees have domestic responsibilities, they must attend to during scheduled working hours, they are expected to do so in a reasonable manner that will still allow them to timely and successfully fulfill their job duties.

Off-Site Security

While positions that regularly deal with confidentiality and highly sensitive information may not be ideal candidates for off-site work, under certain circumstances such employees may be allowed to telecommute. In these situations, it is up to the employee to enforce a rigorous standard for ensuring the security of all sensitive information entrusted to them. Failure to do so will result in loss of telecommuting privileges and could result in disciplinary action. All employees who work off-site are obligated to provide secure network connections and should refrain from using unsecured WI-FI and hotspots. Secure internet connections are required.

Expenses

Working primarily off-site could result in expenses not directly addressed by this policy. If such expenses are necessary for their official duties as prescribed and benefit the sole interests of the City, then the City may choose to reimburse the employee for pre-authorized expenses. Since reimbursement is subject to management approval and is not guaranteed, potential expenditures should always be approved by the supervisor prior to the transaction being made.

Equipment

Employees approved for telecommuting will be supplied by the City with the equipment required to perform their duties on the City premises. The City may, in limited circumstances, authorize additional equipment in order to work remotely. It must be kept in mind that:

- All equipment purchased by the City remains the property of City. All equipment is to be returned in a timely fashion should the employee cease telecommuting operations for any reason.
- Hardware is only to be modified or serviced by parties approved by the City.
- Software provided by the City is to be used only for its intended purpose and should not be duplicated without consent.
- Any equipment provided by the City for off-site use is intended for legitimate business use only.
- All hardware and software should be secured against unauthorized access. A secure router or hotspot may be required if one is not already in place at the off-site work location.

SECTION 7 – SEPARATIONS AND DISCIPLINARY ACTION

All separations of employees from positions with the City shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, retirement, death, or dismissal. At the time of separation and prior to final payment, all records, assets, and other City property in the employee's custody must be transferred to the City.

Any amount due for failure to return City property may be withheld from the employee's final compensation on a depreciated/prorated basis. Deductions from pay cannot result in the employee being paid less than the federal minimum wage. These rules are not intended to grant property interest in employment. All sworn Police Department separations will comply with TN P.O.S.T. Commission notification requirements.

7.1. RESIGNATION

In the event an employee decides to leave the City's employ, an appropriate (customarily, two weeks') notice shall be given so that arrangements for a replacement can be made. In such a case, employees will be expected to return any/or all City equipment assigned and/or in their possession. An unauthorized absence from work for a period of three (3) consecutive working days may be considered resignation from employment by means of job abandonment.

If a former employee returns to City employment after resigning, his/her status of seniority, pay, leave, etc., will be the same as a new employee.

7.2. REDUCTION IN FORCE / LAYOFF

To establish an effective and equitable process in the event that a reduction-in-force (RIF) is necessary, a RIF may be determined as necessary by the City Manager. The City Manager may promulgate additional policy, rules, and procedures necessary for the implementation of a RIF.

This regulation applies to all regular employees. Provisional employees, hired for a specific period covering the duration of an assigned project, are not subject to the provisions of this policy. State-funded positions, which the City supplements, may be subject to a reduction or elimination of the City supplement. A loss of the City supplement may not ultimately result in a position reduction.

In the event that a RIF becomes necessary, consideration shall be given to (1) City needs, (2) the quality of each employee's service, and (3) as a tiebreaker, if needed, the length of service in determining retention. For the purpose of this regulation, it is understood that upon determination that a RIF becomes necessary, a RIF plan may be implemented based on any current circumstances.

7.4. DISABILITY

An employee may be separated from employment with the City for a disability when he/she cannot perform the functions of the job because of a physical or mental impairment that cannot be accommodated.

7.5. RETIREMENT

Retirement is defined as voluntary withdrawal from City employment by an employee eligible to receive

retirement benefits under Social Security, the Tennessee Consolidated Retirement System (TCRS), or other adopted retirement system. Retirement benefits are based upon the regulations of the retirement system in which the employee is enrolled and any other applicable provisions that may be in effect at the time of that employee's 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 schedule.

7.6. DEATH

All compensation due in accordance with T.C.A., Section 30-2-103, designation of beneficiary, wages and debts owed deceased employee, shall be paid except for such sums as by law must be paid to the surviving spouse.

7.7. DISMISSAL

The City Manager may remove all officers and employees of the City subject to the City Charter, state law, and provisions of this personnel policy.

7.8. DISCIPLINARY ACTION

Whenever an employee's performance, attitude, work habits, or personal conduct fall below desirable level, supervisors should inform employees promptly and specifically of such lapses and should give them counsel and assistance. All records associated with disciplinary action shall become a permanent part of the employee's file. The employee may attach a rebuttal statement, or if discipline is rescinded at a later date the City may attach a letter of rescission.

The types of disciplinary action include, but may not be limited to:

1. oral reprimand,
2. written reprimand,
3. suspension,
4. reduction in pay,
5. demotion, and
6. dismissal

Disciplinary action may be remedial and progressive, when practical, with the objective of directing and motivating employees to fully carry forth their work obligations to the City.

Employees should be informed of standards of conduct, performance, and applicable rules and regulations. Rules and regulations should be consistently applied considering the gravity of the infraction, mitigating circumstances, previous work record, and other relevant criteria. As a public employee, the City may require you to provide information as part of an internal and/or administrative investigation to determine whether disciplinary or administrative action is necessary. You may be ordered to truthfully respond to questions or be subject to disciplinary action. You may be asked questions specifically, directly, and narrowly related to performance of your official duties or fitness for your job. You are entitled to all the rights and privileges guaranteed by the law and the Constitution of the United States, including the right not to be compelled to incriminate yourself. If you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you could be subject to discharge. If you do answer, neither your statement, nor any information or evidence which is gained by reason of such statement, can be used against you in any subsequent criminal proceedings. However, these statements

may be used against you in relation to subsequent internal discipline.

Oral reprimand

Whenever an employee's performance, attitude, work habits, or personal conduct fall below a desirable level, the supervisor should inform the employee of such lapses and should give him/her counsel. If justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. The supervisor will place a memorandum in the employee's file stating the date of the oral reprimand, what was said to the employee, and the employee's response. The memorandum will be reviewed with the employee prior to placement in the employee's file.

Written reprimand

The supervisor administering the reprimand will advise the employee that the action is a written reprimand. At the conclusion of a meeting with the employee, a signed copy of the written reprimand will be given to the employee and a copy placed in the employee's file. 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.

Suspension

An employee may be temporarily suspended with or without pay by the City Manager.

Reduction in pay / Disciplinary demotion

An employee may have their pay reduced, and or be demoted as a disciplinary action by the City Manager.

Discharge

An employee may be discharged by the City Manager. The action of the City Manager as authorized by the Charter, shall be final and binding on all parties involved, unless overturned or remanded by the appropriate court on appeal.

The City will assess any disciplinary action using the following standard:

- The employee was informed either verbally, or by work rules, that an act, omission, or behavior could reasonably result in discipline.
- The employee should have known that the act, omission, or behavior could reasonably result in discipline due to the nature of the act or behavior.
- The City took reasonable steps to make a fair determination of the circumstance(s) involved.
- The City has reasonable cause to believe the employee committed the alleged act, omission, or behavior based on observation of reasonable facts, even if the employee denies such.
- The City took reasonable measures to ensure the consistent application of rules and regulations using available resources.

7.9. INVESTIGATIVE LEAVES

Administrative leave with pay/reassignment

An employee may be placed on administrative leave with pay from his/her specific job duties or temporarily reassigned pending the outcome of an investigation upon approval of the City Manager, or approved designee. A copy of the temporary removal/reassignment notification and related documentation shall be forwarded to the Administrative office for inclusion in the employee's file.

Administrative leave without pay

When an employee is unable to effectively perform the duties of his/her position due to an ongoing investigation, the employee may be temporarily placed on administrative leave without pay by the City Manager pending the outcome of the investigation when it is in the best interest of the City. In the event the employee is determined eligible to return to his/her duty at the conclusion of the investigation, the employee will be restored with backpay for hours missed.

PERSONNEL POLICY ACKNOWLEDGEMENT OF RECEIPT



Sign, date and keep this copy with your manual

Sign, date and return the duplicate acknowledgement to the Administrative office

I acknowledge that I have received a copy (written or electronic access) of the City of Fairview, TN Personnel Rules adopted by Ordinance **2023-04**. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the Personnel Rules.

I understand and agree that the Personnel Rules may be changed at any time upon issuance of ordinance by the City Commission.

I understand that nothing in the Personnel Rules or any summary brochure or employee handbook should be deemed to be a promise by the City to provide any benefit. The City reserves the right to alter or eliminate any benefit, without notice, at any time by City Commission action.

I understand that the Personnel Rules replaces (supersedes) any and all prior policies and any and all prior Personnel Rules or regulations or, employee handbooks and any information contained in any such prior rules, handbook, or manual is no longer in effect.

As an employee, I am aware that I may be required to undergo drug and/or alcohol tests where allowed by law, that I may not be informed prior to the drug and/or alcohol test, and that I may be subject to immediate dismissal if I refuse to take the test.

I understand that the Personnel Rules grant me no property interest in my employment, and employment with the City is At-Will.

I understand and agree that the City may deduct from my final paycheck any amount due (on a depreciated/prorated basis) for failure to return City property, or for reimbursement of appropriate fees paid for educational assistance, as long as the deduction(s) do not reduce final pay to below minimum wage.

Upon delivery of these personnel rules, the continuance of performing work for the City indicates my agreement to abide by these rules, even without the presence of a signature below.

Employee Signature

Date