



CITY OF FAIRVIEW

EMPLOYEE POLICIES & PROCEDURES

City of Fairview
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Introduction

This is your copy of the City of Fairview's Personnel Rules and Regulations. No personnel manual can anticipate every possible situation, but the City has provided you these general provisions in order to give you a better understanding of what the City expects of you and what you can expect of the City. These rules and regulations were adopted by the Board of Commissioners of the City of Fairview on April 6, 2006, Ordinance Number 615.

Revised September 7, 2006, Ordinance Number 641 (Sick Leave)
Revised December 4, 2008, Ordinance Number 732 (FACTA)
Revised May 6, 2010, Ordinance Number 764 (Tobacco Use Policy)
Revised February 7, 2013, Ordinance Number 799 (Vacation Plan)
Revised December 3, 2015 (by vote only, no ordinance)(Vacation Rollover)
Revised January 15, 2015 , Resolution 04-15 (Gift Acceptance Policy)
Revised May 7, 2015, Ordinance #875 (Healthy Workplace)

Whenever you have a question about the City's Personnel Rules and Regulations, please refer to this manual for guidance. Of course, if you still have questions, your Department Head, Supervisor or Human Resources Director all stand ready to assist you as best they can.

While the City of Fairview fully intends to abide by these provisions for as long as they are in effect, you should understand that this manual does not constitute a contract between the City and any of its employees. Further, the Personnel Rules and Regulations can and may be changed, in accordance with the City Charter and state and federal laws, at the Board of Commissioners' sole discretion at any time. No employee or other person enjoys any vested right to the continuation of any position, rules, regulations, policies, procedures, provisions or employee benefits contained within these Personnel Rules and Regulations.

Welcome to the City of Fairview

Welcome to the City of Fairview as a new employee! We hope that you will find your employment with the City to be an interesting, challenging and enjoyable experience.

The City of Fairview was incorporated in 1959 and is organized under the commission-manager form of government. Our general government is to provide a system of local governance that is transparent, simplicity, and easily understood and accessible for the taxpayers and residents.

The Fairview Police Department's mission is to protect and serve the citizens, and enforce federal, state laws and city ordinances.

The Fairview Fire Department is committed to delivering high quality, professional and effective customer service. The mission is to protect life, property, and the environment from fire, medical, disaster, and hazardous materials related incidents through emergency mitigation, public education and code enforcement.

The Bowie Nature Park's mission is to enhance Bowie Nature Park so that it furthers Dr. Evangeline Bowie's wishes by providing for the conservation of the Park's multiple biotic communities which all have outstanding scenic, biological, and geological value; providing areas of environmentally sound and low impact recreational opportunities; and a managing of the Park to provide for the conservation of its assets.

The Planning and Codes Department's mission is to promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people of our City.

Article I – General Provisions

Section A. Purpose

These Rules and Regulations shall apply to all employees of the City without regard to race, color, religion, national origin, age, sex, disability or political affiliation, but shall not apply to those persons who are specifically exempted from coverage in accordance with Article III of these regulations.

For simplicity's sake, all employees, whether male or female, are referred to by pronouns suggesting male gender. All use of the words "he", "him", or "his" is meant to include both genders and is in no way to be construed as being discriminatory.

Section B. Policy

It is hereby the declared personnel policy of the City of Fairview that:

- 1) The City shall neither cause nor permit discrimination because of race, color, religion, national origin, sex, disability or age. The City shall make every effort to employ those individuals who are best qualified and capable of filling authorized vacant positions. The City staff shall not practice prejudice, favoritism, discrimination or political considerations concerning fellow employees, citizens, vendors or visitors.
- 2) Continued employment with the City shall be based on merit, performance, and individual ability and be free of favoritism, discrimination and political considerations.
- 3) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and effectiveness in the operation of the City.
- 4) Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.
- 5) Appointments, promotions and other personnel actions requiring the application of the merit principle shall be based on a comprehensive employee evaluation and examinations where applicable.
- 6) Every effort shall be made to stimulate high morale by fair administration of this policy and by every consideration of the rights and interests of employees, consistent with the best interests of the public and the City. Employee's who believe this policy and/or these Rules and Regulations have been violated, either in the administration thereof or in the adherence thereto, should report such belief to their Supervisor.

Article II – Definitions

The following words, terms and phrases, when used in the Personnel Rules and Regulations, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning.

Absence without Pay – An absence from duty which is without pay due to no accrued vacation leave, sick leave or compensatory time, or an approved leave of absence without pay.

Active Employee – An employee of the City who is not on unpaid leave and is not receiving short-term or long-term disability benefits from or through the City.

ADA – Federal Americans with Disabilities Act providing certain employment protections for individuals with qualifying disabilities.

Appeals – Procedures as prescribed by these regulations for appealing disciplinary actions and other individual grievances.

Applicant – An individual who has applied in writing and/or submitted a resume, or has completed an application form for employment.

Application – A form or forms that are prescribed by the Human Resources Director in applying for positions with the City.

Appointment – The offer to and acceptance by a person of a position either on a regular full-time, regular part-time or temporary basis.

Board of Commissioners – The Mayor and other members of the City Commission who collectively serve as the governing body of the City and are vested with the power to enact ordinances and resolutions for the City.

City Manager – The Chief Executive Officer of the City, appointed by the City Commission.

City – Shall mean the municipal government of the City of Fairview, Tennessee.

City Business Days – Shall mean any Monday, Tuesday, Wednesday, Thursday or Friday, except holidays observed by the City, of any week.

Compensation – The standard rates of pay which has been established for the respective classes of work.

Compensatory Time – Time off from work in lieu of monetary payment for overtime worked.

Demotion – Re-assignment of an employee from one position to another, the latter of which has a lower level of responsibilities and a lower maximum rate of pay and rank than the former.

Department – The primary organizational unit which is under the immediate charge of a Department Head.

Disciplinary Action – Action which may be taken when an employee fails to carry out designated position duties and responsibilities or to follow departmental rules or any provisions of these Rules and Regulations.

Dismissal – The final step in disciplinary action which terminates an employee's employment with the City.

Employee – An individual who is employed by the City and is compensated through the City payroll for services performed.

Evaluation – The system that has been established for use by Supervisors to measure employee job performance.

Exempt Employee – A person employed in a bona fide executive, administrative or professional capacity, as these terms are defined in regulations of the Secretary of Labor and the Fair Labor Standards Act (FLSA) and therefore exempt from the overtime requirements of the FLSA. To qualify for an exempt status, the requirements of the employee's position must meet all of the pertinent tests relating to duties, responsibilities, and salary as stipulated in the applicable section of Regulations, 29 CFR Part 541.

Grievance – A dispute arising between employees and/or between an employee and the employee's Supervisor and/or the employee's Department Head and/or the City relative to some aspect of employment, interpretation of regulations and policies, or some management decision, including disciplinary actions other than dismissal, affecting the employee.

Human Resources Director – The City Manager or the person delegated by the City Manager with the authority to serve as the Human Resources Director.

Immediate Family –

- For purposes of using sick leave, "immediate family" shall mean spouse, children (including natural, step and adoptive) parents (including natural, step and adoptive) and any other individual residing within the employee's household who is a legal dependent of the employee for income tax purposes. .
- For the purpose of using **bereavement leave**, "immediate family" shall include spouse, children (including natural, step and adoptive), parents (including natural, step and adoptive), siblings, parents-in-law, siblings-in-law, grandparents and grandchildren.

Inactive Employee – an employee of the City who is either on unpaid leave or receiving short-term or long-term disability benefits from or through the City.

Inactive Service – the period of time, if any, during which an employee of the City is either on unpaid leave or receiving short-term or long-term disability benefits from or through the City.

Lay-off – The involuntary, non-disciplinary separation of an employee from a position because of shortage of work, materials or funds.

Leave – An approved type of absence from work as provided for by these Rules and Regulations.

Leave of Absence - Time off from scheduled work with permission, but without pay and without loss of seniority if reinstated. Sick leave, maternity leave, vacation leave, civil leave, educational leave, FMLA leave and military leave are not considered a leave of absence.

Maternity Leave – Leave for the purpose of providing time for female employees to be absent from employment for the purpose of pregnancy, childbirth and the care of an infant.

New Hire – An applicant who has accepted a conditional offer of employment from the City.

Non-Exempt Employee – A person employed in a position that is not in an executive, administrative or professional capacity, as these terms are defined in regulations of the Secretary of Labor. An employee in this position is subject to all provisions of the Fair Labor Standards Act (FLSA).

Occupational Disability or Injury Leave – A medically excused absence from duty because of an injury or illness sustained in the course of employment and determined to be compensable (1) by the City's workers' compensation insurance carrier and (2) under provisions of the Workers' Compensation law. .

Official – When referring to a person, shall mean a member of the City of Fairview Board of Commissioners.

Overtime – Time worked by an employee in excess of the maximum hours allowed per work period under the Fair Labor Standards Act and as provided for herein. Generally, overtime is paid for all hours worked over 40 during a seven-day work period. However, certain public safety employees are allowed to work additional hours over a longer work period before overtime is required.

Overtime Pay – Compensation paid to an employee in accordance with federal regulations and these rules for overtime work performed.

Performance – The way in which an employee executes assigned duties and responsibilities.

Probationary Employee – An individual who has not yet completed a probationary period.

Probationary Period – The designated period of time after an applicant is appointed or an employee is promoted in which the employee is required to demonstrate fitness for the position by actual performance.

Promotion – Officially authorized re-assignment of an employee from one position to another, the latter of which has a higher level of responsibilities and a higher maximum rate of pay and rank than the former.

PTO – Personal Time Off

Rate of Pay – A specific dollar amount, expressed as an annual rate, a monthly rate, a weekly rate or an hourly rate.

Reprimand – A type of disciplinary action, oral or written, denoting a violation of personnel regulations, which becomes part of the employee's personnel record if written.

Regular Full-Time Employee – An individual that has (1) satisfactorily completed a probationary period and (2) been scheduled to regularly work at least (40) hours per week on a non-temporary basis.

Regular Permanent Part-Time Employee - An individual that has been scheduled to regularly work forty (40) hours per week on a non - temporary basis.

Resignation – Termination from the employ of the City at the request of the employee.

Safety Sensitive – Any employee who must drive a city vehicle to get to a work site, transports passengers for the city, handles hazardous materials, operates heavy machinery, chain saws or riding mowers, is required to work with high voltage or works in “confined spaces”.

Seniority – Length of service as a City employee.

Shift Personnel of the Fire Department – All personnel of the Fire Department who are assigned to and regularly work 24-hour-on/48-hour-off shifts, specifically, including the positions of captain, lieutenant, fire engineer/driver and firefighter (unless they are assigned to non-shift, administrative duties).

Shift Personnel of the Police Department – All personnel of the Police Department who are assigned to and regularly work one of the three round-the-clock 8-hour shifts, specifically, does include the positions of sergeants, corporal, police officers and public safety dispatchers (unless they are assigned to non-shift, administrative duties).

Sick Leave – Paid leave for non-occupational illness or injury and certain other approved purposes (see Article XIV, Section C).

Substitute Employee - An employee who does not work an established schedule but who is available to be called to work in place of a regular full-time or regular part-time employee.

Supervisor – Any individual having authority on behalf of the City to assign, direct, evaluate the job-related performance of and/or discipline other employees.

Suspension – An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee, which may be with or without pay as decided by the employee's Department Head or the City Manager, as applicable.

Sworn Personnel of the Fire Department – All Fire Department personnel who either have been or are scheduled to be administered an oath of office for their respective position.

Sworn Personnel of the Police Department – All Police Department personnel who either have been or are scheduled to be administered an oath of office for their respective position.

Temporary Employee – An employee holding a position other than regular, which is of a temporary, seasonal, casual or emergency nature.

Terminal Pay – The compensation paid to a terminating employee following the last workday.

Terminating Employee – An employee of the City who is ending employment due to resignation, layoff, death, retirement or dismissal.

Termination – The cessation of employment with the City due to resignation, layoff, death, retirement or dismissal.

Transfer – Re-assignment of an employee from one position to another position.

Vacancy – An unoccupied budgeted position within the City.

Vacation Leave – Paid leave for approved time off from work which does not qualify for other types of paid leave. (See Article XIV, Section B)

Work Day – Scheduled number of hours an employee is required to work per day.

Work Period – The period of time during which hours worked are counted for purposes of determining overtime eligibility.

Work Week – The number of hours regularly scheduled to be worked during any seven (7) consecutive days; usually forty (40) hours with special provisions made in those departments requiring additional work shifts or work hours. (Fire, Police, etc.)

Article III – Coverage

All regular full-time, regular part-time, temporary, probationary and substitute employees are subject to the provisions of the Personnel Rules and Regulations. Specific offices and positions of the City that are not subject to the Personnel Rules and Regulations are as follows:

- 1) All officials elected by popular vote and persons appointed to fill vacancies in any such elective offices.
- 2) Persons retained by the City to render to the City expert, professional, technical or other services on occasion, including persons serving the City as independent contractors or consultants.
- 3) Volunteer personnel and all other personnel appointed to service without compensation, including unpaid interns.
- 5) Persons jointly employed by the City and some other government agency.
- 6) City Judge.

Article IV – Administration

The City Manager shall have the basic responsibility for the personnel program as set forth in these Rules and Regulations, and specifically shall:

- 1) Be responsible for effective personnel administration.
- 2) Serve as Human Resources Director or appoint a designee who shall be responsible for the administration and technical direction of the City's personnel program.
- 3) Appoint, remove, suspend, and discipline all employees of the City subject to the policies as set forth in the Personnel Ordinance, these Rules and Regulations, and those in State and federal law.
- 4) Fix and establish the number of employees in the various City departments and offices; determine their duties, authority and responsibilities in accordance with the policies set forth in the Personnel Ordinance and these Rules and Regulations; and determine their compensation subject to the budget limitations established by the Board of Commissioners.

The Human Resources Director, if different from the City Manager, shall administer under the direction of the City Manager the personnel program.

Article V – Classification Plan

Section A. Purpose

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

Section B. Composition of the Classification Plan

The classification plan shall consist of (see page 87 - 90):

- 1) A grouping in classes of positions in relation to one another which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions; reflecting the hierarchical structure of the organization.
- 2) Class titles, together with a description of the work of the class, which identify the class.
- 3) Written specifications for each class of positions.

Section C. Use of the Classification Plan

The classification plan shall be used:

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

Section D. Administration of the Classification Plan

The Chief Financial Officer is charged with maintenance of the classification plan to assure that it reflects the duties performed by each employee covered in the plan and the class to which each position is allocated. It is the Chief Financial Officer's duty to examine the nature of the classes and to update the classification plan as necessary by changes in the duties and responsibilities of existing positions, and periodically to

review the entire classification plan and recommend changes. (See also Article X Compensation Plan of these Personnel Rules and Regulations)

Section E. Allocation of Positions

Whenever a new position is established, or duties of an existing position change, Department Heads shall submit in writing a comprehensive job description describing in detail the duties of such a position. The Human Resources Director shall thereupon investigate the actual or suggested duties and shall then make a recommendation to the city manager as to the appropriate class allocations or the establishment of a new class. The city manager shall make the final decision as to reclassification of employees into positions authorized by the Board of Commissioners in the City's Classification and Pay Plan.

Article VI – Recruitment

Section A. Policy

It is the policy of the City to promote qualified employees to more responsible positions whenever possible. When a vacancy exists, the Department Head shall submit a Personnel Requisition to the Human Resources Director. Personnel requisitions must be approved by the City Manager before the vacancy is advertised or posted by the Human Resources Director. It is the policy of the City that the recruitment and selection of an applicant for employment shall be based upon that individual's qualifications, competency and potential, and shall not be influenced by race, color, religion, national origin, age, political affiliation, disability, or sex. Individuals shall be recruited from a wide geographic area to assure obtaining well-qualified applicants for various types of positions.

Section B. Job Postings; Transfers; Promotions

The Human Resources Director shall insure the posting of all authorized positions, as they become vacant for the purpose of informing City employees.

Transfer or promotion of an employee within that employee's department shall be reviewed by the Human Resources Director and approved by the employee's Department Head and the City Manager.

Lateral transfers shall be made only after evaluating whether the transfer is in the best interest of the City and the employee. Finding a capable replacement for the employee who is seeking a transfer must be considered.

Transfer or promotion of an employee from one department to another shall be coordinated through the affected Department Heads and the Human Resources Director, and shall be subject to the approval of the City Manager. Generally, employees are not eligible for promotion or transfer to another department during the probationary period. (See also Article IX for further information concerning probationary periods.)

Section C. Notification

The Human Resources Director shall prepare recruiting notices to publicize vacancies and to secure applicants for vacant positions. As an accommodation to persons with disabilities, notices shall be provided in alternate formats if requested.

Section D. Minimum Qualifications

The Human Resources Director, in consultation with the Department Head concerned, shall review the minimum qualifications as specified in the current job

description. Upon approval by the City Manager, such requirements shall be announced in all vacancy and/or promotional announcements.

Section E. Residency Requirements

Due to the nature of the job and the possibility for emergency call-back, all sworn personnel of the Police and Fire Departments must be able to respond to a call “within one hour of the city limits.” Any new sworn employee of the Police or Fire Department who cannot respond “within one hour of the city limits” at the time of hire, shall, as a condition of employment, be allowed 6 months to establish residency “within one hour of the city limits.”

Section F. Rejection of Applicants

The Human Resources Director may reject any new applicant for employment if it is determined that the applicant is not qualified for the job. The reasons for rejection may include, but are not limited to, any one or more of the following: the application was not timely filed on the prescribed form; the applicant does not possess the minimum qualifications; the applicant has established an unsatisfactory employment or personnel record of such a nature as to demonstrate unsuitability for employment; the applicant has made false statement of any material fact; the applicant is unable to perform the essential functions of the position with or without reasonable accommodation; the applicant is addicted to the habitual use of drugs, not including alcohol ; the applicant does not reply to mail or telephone inquiry; the applicant fails to accept appointment within the period of time prescribed in the offer; or the applicant was previously employed and was removed for cause or resigned not in good standing.

Section G. Examinations

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

Examinations may consist of one or more of the following types: A written test of required knowledge; an oral interview by the Supervisor, the Department Head and the Human Resources Director or his designee and/or an oral interview board established to assess the knowledge, skills and abilities of the applicants; a performance test of manual skills; a physical test of the candidate’s ability to perform the essential functions of the position; a written test of mental ability; or an evaluation of training and experience. The Human Resources Director will make reasonable accommodations in the examination process to disabled applicants requesting such accommodations.

After a conditional offer of employment and prior to the first day of employment with the City, all new hires shall be required to undergo and pass a medical examination to determine physical fitness to perform the essential functions of the position for which they have been offered employment. Such physicals shall be job-related and in

accordance with the City's drug and alcohol testing policy, include drug testing. An Applicant with a verified positive controlled substance test will be denied employment. One who refuses consent to a drug/alcohol test will be denied employment. Certain public safety positions may also require successful completion of a post-offer psychological exam, as required by law.

Section H. Background Checks

The City shall conduct appropriate background checks on all final candidates for employment. The scope and nature of this background check may vary based upon the type of position being filled. After a conditional offer of employment, candidates for certain positions may be required to undergo a background check (criminal, driver's or credit).

Article VII – Eligibility Lists

Section A. Establishment of Eligibility Lists

The Human Resources Director shall establish and maintain employment lists of the various classes of positions in the City service as are necessary to meet the needs of the service.

Section B. Types of Eligibility Lists

Eligibility lists, in order of their priority, shall be “reemployment lists,” “promotional eligibility lists,” and “original appointment eligibility lists.”

- 1) “Reemployment lists” shall be created following a lay-off or reduction in force as follows:
 - a) The names of probationary and regular employees laid off in good standing for lack of funds or work shall, at the request of the employee, be placed upon reemployment lists for classes which, in the opinion of the Human Resources Director, require basically the same qualifications, duties, and responsibilities as those of the class of positions from which lay-off was made.
 - b) Names of persons being placed upon reemployment lists shall be in order of total cumulative time served in probationary and regular status, and shall remain on such lists for a period of six (6) months unless a person no longer seeks employment with the City.
- 2) “Promotional eligibility lists” and “original appointment lists” shall be created in accordance with the Personnel Ordinance when appropriate for the position being filled. Names of applicants shall be placed upon the appropriate eligibility lists in the relative order of their final examination results. Promotional eligibility lists shall remain valid for a period of time as specified by the department in the promotional announcement. Original appointment lists shall remain valid until such time as the Human Resources Director, in consultation with the respective Department Head, determines that the current list no longer contains any acceptable candidates.

Article VIII – Appointments

Section A. Procedure

When a vacant position is to be filled, the Human Resources Director, in concurrence with the respective Department Head and the City Manager, shall identify a list of the top three or more qualified candidates for that position. Consideration shall be given first to current employees who are on the eligibility list for promotion, if applicable. If no appropriate promotion eligibility list exists, the Human Resources Director shall then submit a list of the top three or more candidates eligible for reemployment, if applicable. In the event there is no reemployment list, the Human Resources Director, in concurrence with the respective Department Head and the City Manager, shall certify a list of the top three or more outside applicants for that position. The City Manager may authorize a temporary promotional appointment of an existing employee. No such employee shall remain in a temporary promotional appointment status for more than six months. By the conclusion of six months, the employee shall either be returned to their original position or appointed to regular status in the promoted position.

Section B. Rehiring of Employees

Full-time employees who leave employment with the City will have to go through the application process and then if rehired in the future will not have their prior full-time service period counted for purposes of determining benefit eligibility. **They will be considered new employees.**

Section C. Part-time and Temporary Employees

Part-time employees and temporary employees shall be paid an hourly rate for all hours worked up to forty (40) per week and are not eligible for group health insurance, group life insurance, and group accidental death and dismemberment coverage under the City's group policies or the City's retirement plan.

Volunteer firefighters and auxiliary police officers are part-time employees and are paid a designated amount per work shift depending on their level of training and assignment.

For any part-time employee who transitions to a full-time position with the City without any interruption of service, the City will count prior part-time hours worked in establishing an equivalent full-time years of service credit to be used in determining benefit eligibility for those benefit programs that have an eligibility waiting period.

A temporary employee is any employee hired to work on a temporary basis (such as a seasonal employee or as a replacement for an employee on leave of absence), regardless of the number of hours worked per week. Temporary employees do not receive benefits, but are eligible for market pay adjustments as specified for all

employees. After six (6) months of employment, a temporary employee's status shall be evaluated and the employee shall either be reinstated as a regular employee, reinstated again as a temporary employee or be dismissed. Temporary employees may be dismissed at any time without right of appeal as provided for herein for regular employees.

Article IX – Probationary Period

Section A. Policy

It is the policy of the City that all new employees in regular full-time, regular part-time and temporary positions be simultaneously placed in a probationary status. The probationary period is an integral part of the City's evaluation process and shall be utilized by the Department Head and Supervisor as an opportunity to observe the probationary employee's work, to train, to aid the probationary employee in adjusting to the position, and to dismiss any probationary employee whose performance or attendance fails to meet acceptable standards.

Section B. Duration

With the exception of sworn personnel of the Fire and Police Departments, all new employees in regular full-time, regular part-time and temporary positions shall be in a probationary status for six (6) months from the date of hire. All new sworn personnel in the Fire and Police Departments shall be in a probationary period for twelve (12) months due to technical and professional on-the-job training. Salary adjustments may be made during probation depending upon progress in performance or upon completion of training phases. Probationary periods may be extended for up to six (6) additional months at the discretion of the Department Head subject to the approval of the Human Resources Director and City Manager.

Section C. Evaluation and Completion of Probation

The Supervisor shall evaluate the performance of the probationary employee, except new sworn personnel of the Fire and Police Departments, by no later than the end of the sixth month. New sworn personnel of the Police Department shall be evaluated by their respective Supervisor on a schedule determined by the department. New sworn personnel of the Fire Department shall be evaluated by their respective Supervisor by the end of the third, sixth and twelfth months. Additional evaluations may be completed prior to these intervals if necessary to address performance problems. The evaluations shall be documented on a designated form. Upon completion of the probationary period, the Department Head shall review the evaluations and recommend to the Human Resources Director and to the City Manager whether regular full-time or part-time status should be conferred, the probation extended for up to six (6) additional months, or the employee dismissed.

Section D. Dismissal of Probationary Employee

At any time during or upon the conclusion of the probationary period, an employee may be dismissed by the employee's respective Department Head with or without cause and with no right to appeal as provided for regular employees herein.

Section E. Transferred or Promoted Regular Employees

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

Article X – Compensation Plan

Section A. Policy

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

Section B. Administration of the Compensation Plan

The Chief Financial Officer, under the direction of the City Manager, shall administer the City's compensation plan.

Plan for salary and wage administration:

- 1) All starting salaries for new hires shall be a joint decision of the respective Department Head and the Chief Financial Officer, subject to the approval of the City Manager.
- 2) The minimum of the salary range for the position classification is for new employees with little to no experience.
- 3) New hires with proven related experience may be hired at 5% over the minimum of their respective salary range but not at a salary higher than current employees with comparable experience who are performing satisfactorily in the same position. Any starting salary more than 5% over the minimum shall require approval from the City Manager.
- 4) Starting salary shall be documented in a letter of confirmation and acceptance of a job offer to the future employee from the Chief Financial Officer, Human Resources Director or the City Manager.
- 5) Except for sworn public safety positions, new hires shall be considered for a salary increase of not more than five percent (5%) upon successful completion of their probationary period. The first annual merit increase approved for city employees following such an end of probation increase shall be pro-rated for the number of pay periods worked since the end of probation increase. Employees who separate from the City but then are re-hired in the same position by the City at or above their last rate of pay and who received a salary increase at the end of their first six months of original employment with the City are not eligible for a salary increase at the end of their first six months of re-employment with the City.

- 6) Sworn personnel of the Police and Fire Departments shall be considered for salary increases at specified intervals during their first 24 months of employment based upon performance evaluations and completion of required certifications/training.
- 7) The Human Resources Director shall be responsible for conducting surveys and/or reviewing studies of salary ranges at least annually and making recommendations for position range rates.
- 8) Depending upon annual salary budget guidelines, career ladder programs for public safety employees and other economic factors, regular employees shall be evaluated for merit-based salary adjustments at least annually. The individual employee's performance, attendance record, and efforts for self-improvement shall be factors in determining the adjustment of salary within the salary scale.
- 9) All rate-of-pay adjustments, including both merit-based and market adjustment, if any, but not including end-of-probation-period, career ladder and promotional rate-of-pay adjustments, shall be made effective with the first full pay period in July of each year.
- 10) The rate of pay upon promotion of an employee shall be the minimum rate of pay for the higher position range or 7% above the employee's last rate of pay immediately prior to promotion, whichever is greater, but not in conflict with other employees in the same position to which promoted and not to exceed the maximum rate of pay for the higher position. Employees who are promoted shall be placed on probationary status in accordance with Article IX of these Personnel Rules and Regulations.
- 11) If the 7% promotional raise would put the promoted employee at a salary level above an existing employee(s) who has been performing satisfactorily in the higher classification, then the promoted employee's new salary shall be set equal to the existing employee in the higher classification. Provided, however, that the promoted employee shall receive the difference between the new salary and what the salary would have been with the full 7% promotional raise as a one-time lump sum payment at the time the promotion becomes effective.
- 12) Employees who are promoted to a higher position shall be eligible for regular, non-pro-rated, merit adjustments to their rate of pay both during and following this promotion probationary period.
- 13) In the case of voluntary demotion or demotion through no fault of the employee, the employee's rate of pay shall either be reduced to the maximum rate of the lower position range or remain at the present rate, whichever is lower. Provided, however, that if an employee who is promoted to a new position is subsequently demoted voluntarily prior to successfully completing the probationary period for the new position, the employee's salary will be set at the rate earned prior to the promotion.

- 14) In the case of demotion for cause, the employee's new rate of pay shall be determined by the Department Head, Human Resources Director, and the City Manager.

Section C. Adoption or Rejection of the Compensation Plan

The Chief Financial Officer, under the direction of the City Manager, shall develop a uniform and equitable compensation plan. Salary ranges for each class shall be coordinated with the position classification plan and shall be based upon the ranges of pay for other classes, requisite qualifications, general rates of pay for comparable work in public and private employment in the area, cost of living data, maintenance of other benefits received by employees, the financial policy of the City, and other economic considerations. The compensation plan shall then be submitted to the Board of Commissioners for adoption.

The Board of Commissioners shall: (1) adopt the plan of compensation by ordinance to be amended by resolution, or (2) reject the same. When the Board of Commissioners rejects a plan of compensation, it shall be returned to the City Manager accompanied by recommendations. The City Manager in consultation with the Chief Financial Officer and Human Resources Director shall thereupon formulate another plan of compensation in accordance with these recommendations. The revised plan of compensation, upon approval by the Board of Commissioners, shall then become the plan of compensation under which all covered employees are paid.

The compensation plan may be amended from time to time, as circumstances require in accordance with the above provisions and as set out in the Personnel Ordinance.

Section D. Payroll Processing

The City processes payroll checks on a biweekly basis. Checks will be available on the Friday following the end of each two-week pay period. Any required corrections identified after the payroll has been processed will be made on the next biweekly payroll.

Section E. Overtime and Compensatory Time

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

There is no shift differential pay policy for any City of Fairview employee including Public Safety employees. Non-exempt employees required to work overtime

may be compensated with time off (compensatory time – total accumulation allowed 40 hours) or paid for such overtime. Except for shift personnel of the Fire Department and Police Department, overtime, whether paid or exchanged for compensatory time, shall be computed on the basis of one and one-half times the regular rate of pay for the hours worked in excess of forty (40) hours per week. For shift personnel of the Fire Department, overtime, whether paid or recognized with compensatory time, shall be computed on the basis of one and one-half times the regular rate of pay for the hours worked in excess of 106 hours per fourteen (14) day pay period; Police Department (80 hours per pay period). For all departments such hours, as the case may be, must be actual hours worked but shall include any vacation leave, compensatory time used, holidays, and approved absences for work-related injuries. Sick leave shall not be counted in actual hours worked. Any other absence shall be at the City Manager's discretion.

Regular full-time and regular part-time employees who are in executive, administrative, or professional positions as defined by the Fair Labor Standards Act are exempt from the overtime provisions of the Act. Therefore, the City is not legally required to compensate these employees, either through overtime pay or compensatory time, for extra hours worked. All employees, whether exempt or non-exempt, are required to report hours worked on the appropriate forms and forward to the Department Head for approval. The Chief Financial Officer shall maintain all payroll records.

Section F. On-Call; Emergency Call-Outs

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 a non-exempt employee is called back to work for an emergency after the normal work shift has ended and **after the employee has left the work premises**, then compensation for the extra hours worked shall be at a rate of one and one-half (1.5) times the regular rate of pay, including a reasonable length of time to travel to work. The Department Head shall determine whether the work is of an emergency nature, and shall determine whether the travel time is reasonable. All non-exempt employees called in to work shall be guaranteed pay or compensatory time for a minimum of two (2) hours.

Section G. Holiday Pay

All holiday pay will be computed on the basis of a regular work day and only those employees normally scheduled on a rotating shift will be eligible for such pay. Eligible employees will be compensated at a time and one-half rate plus another

workday off. Any employee called upon (call –ins) to work on a holiday who is not scheduled to work on that day will receive time and one-half pay.

Holiday is defined by the calendar day **not the observed day**.

Firefighters assigned to 48/96 hours shift duty receive “Personal Time Off” (PTO) in lieu of vacation and holiday benefits. Holiday pay and/or holiday credit is not available to inactive employees.

Section H. Terminal Pay

For all terminating employees, terminal pay shall consist of any accrued vacation leave and compensatory time.

All terminal pay shall be paid at the employee’s regular rate of pay at the time of termination from the City. Terminal pay shall be paid lump-sum, on or by the regular pay day for the pay period during which the employee separates from the City. Any request to pay terminal pay other than lump sum must be approved by the Human Resources Director and City Manager.

Article XI – Performance Evaluation Program

Section A. Policy

The City Manager or Human Resource Director shall administer a program to evaluate the work performance of each City employee. The individual employee's performance evaluation shall be completed by the Supervisor, subject to review and endorsement of the Department Head, and shall be relevant to actual job duties and responsibilities. Departments are required to use evaluation forms approved by the Human Resources Director. Each Department Head is responsible for ensuring that employee evaluations are conducted in a timely manner prescribed by the Human Resources Director. The City Manager and Human Resource Generalist, in consultation with the Department Heads, shall monitor employee evaluations with regard to clarity of job expectations and documentation of job performance. Performance evaluation of Department Heads and other administrative employees reporting directly to the City Manager shall be conducted by the City Manager in a manner substantively similar to other City employees.

Section B. Frequency of Assessments

A performance evaluation shall be conducted for each regular full-time, regular part-time and temporary employee at least once each fiscal year. The Department Head has discretionary authority to conduct other evaluations during the year, as may be necessary, due to repeated problems in an employee's job performance, promotional considerations, lay-offs, or other circumstances that may warrant a special evaluation. Performance evaluations to be used in conjunction with a merit-based rate-of-pay adjustment to be implemented in July of each year, if approved by the City Commission, shall be completed by the beginning of June.

Section C. Processing of Employee Evaluations

The processing of employee performance evaluations is directly related to merit-based pay increases. All employees are required to sign their evaluation forms. The employee's signature shall not be considered as an indication of agreement with the evaluation; rather, it shall indicate that the employee has had an opportunity to discuss the evaluation with the employee's Supervisor. All evaluations become part of the City's official personnel file for that employee. Individual performance evaluations are subject to the Tennessee open records law. All merit-based pay raises shall be preceded by and be based upon a completed performance evaluation.

Article XII – Disciplinary Actions and Resignations

Section A. Application

This Article applies only to City employees who have completed their respective probationary periods.

Section B. Policy

The City Manager, with recommendation from the Department Head, and in accordance with the provisions of this Article, may demote, dismiss, reduce in pay, or suspend without pay for not more than thirty (30) calendar days in any calendar year (except that suspensions may be extended pending any investigation and hearing), any employee for any one or more of, but not limited to, the following reasons:

- 1) Dishonesty, intemperance, immoral conduct, insubordination, unsatisfactory performance of duties, failure to adhere to these Rules and Regulations or other written instructions, any other act of omission or commission, whether on-duty or off-duty, tending to injure the public service, any other willful failure on the part of the employee to conduct himself/herself properly, or any willful violation of the provisions of the Personnel Ordinance or the Personnel Rules and Regulations.
- 2) Failure to adhere to the City's policy on discrimination (as stated in Article I, Section B), which shall include any act of harassment.
- 3) Conviction of a felony, a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon the employee's ability to perform public service or for which a jail sentence is imposed.
- 4) Drug abuse, refusal to participate in a City-approved rehabilitation program deemed needed by the City Manager from substantiating evidence, or refusal to submit to pertinent testing in accordance with a city approved drug and alcohol testing program.
- 5) An employment history with the City that demonstrates a consistent pattern of disciplinary and/or performance problems and a lack of corrective action by the employee, in spite of documented warnings and counseling efforts by the City to encourage improvement, so as to cause sufficient doubt as to whether continued employment is in the best interest of the individual and/or the City.

Section C. Disciplinary Guidelines

It is the policy of the City to utilize disciplinary action to correct job behavior and/or performance problems when justified for cause. Disciplinary action shall be remedial rather than punitive in nature whenever possible, with the organizational objective of directing and motivating employees to fully carry forth their work obligations to the City. Employees shall be informed of standards of conduct and performance. The Progressive Discipline Procedure shall be fairly and consistently applied considering the seriousness of the infraction, mitigating circumstances, previous work record, and other relevant criteria.

- 1) Department Heads are granted authority to discipline employees, up to and including recommendation to the City Manager for termination.
- 2) The normal progression of discipline shall be as follows:
 - a) Record of Counseling: Brief, informal, handwritten record.
 - b) Verbal Reprimand: Verbal notification to an employee by the employee's Supervisor of performance or conduct that does not meet job expectations. This notification shall include an explanation of the proper performance or conduct expected and a warning that continued activity shall result in additional disciplinary action. An oral reprimand shall be documented in informal departmental records.
 - c) Written Reprimand: A formal notification to an employee by the employee's Supervisor detailing performance or conduct which does not meet job expectations, including an explanation of the proper performance or conduct expected, and a warning that continued activity shall result in additional disciplinary action. A written reprimand may include reinstatement of probationary status for a period of time of up to six (6) months, which period may be extended as necessary.
 - d) Suspension with Pay: Usually utilized when the outcome of an internal investigation is pending (also called "administrative leave").
 - e) Suspension: Minor disciplinary removal from paid status for one (1) to three (3) working days and Major disciplinary removal from paid status for four (4) or more working days, but for not more than thirty (30) calendar days in any calendar year unless an extension has been made pending any investigation and hearing.
 - f) Demotion: Only applicable when demotion is effected as a disciplinary measure, that is of a situation of "won't do" as opposed to a situation of "can't do" or "prefers to do something else".

- g) Dismissal: Dismissal of an employee from City service for the most serious violation of performance or conduct or as the final step in a series of progressive disciplinary actions.

However, there are offenses that are of such a severe or a serious nature that the normal progression of discipline cannot be used. Based on the severity of the first offense, disciplinary action can be started at steps other than the Verbal Reprimand step.

- 3) The guidelines listed below are provided for use by Department Heads in determining the appropriate level of discipline for various types of misconduct. The examples given are not intended to be all-inclusive nor are they intended to be mandatory or limiting the Department Head's discretion or authority to discipline employees. The Department Head shall consider the employee's previous work record and any mitigating circumstances that may be ascertained during the disciplinary investigation.

- a) First Group Offenses include those types of behavior which are the least severe in nature, but which require corrective action in the interest of maintaining a productive and well-managed work force. Initial corrective action for these infractions would normally be a Verbal Reprimand. If the condition is not corrected, the employee shall be subject to increasing levels of progressive discipline. First Group Offenses include, but are not limited to, the following:

- Unsatisfactory attendance or excessive tardiness
- Abuse of City time
- Obscene or abusive language
- Inadequate or unsatisfactory performance
- Failure to comply with these Rules and Regulations, except as otherwise specified herein.

- b) Second Group Offenses include acts and behavior that are more severe in nature than First Group Offenses. Initial corrective action for these offenses would normally consist of a Written Reprimand or Minor Suspension. Subsequent infractions of this type should result in a Major Suspension or Dismissal, depending upon the circumstances surrounding the infraction. Second Group Offenses include, but are not limited to the following:

- Insubordination, which is defined as failure by an employee to follow a Supervisor's directive to perform assigned work or otherwise failure to comply with applicable written policies or procedures.
- Sexual harassment or other inappropriate behavior.
- Violation of safety rules or Tennessee traffic laws while driving a city vehicle.
- Reporting to work when physical or mental ability is impaired by alcohol or the unlawful use of a controlled substance.

- Gambling on City property or during work hours.
 - Failure to report to work without proper notice to the appropriate Supervisor.
 - Unauthorized use or misuse of City property, equipment, technology, or records.
 - Making false or malicious statements that harm or destroy the reputation, authority, or official standing of a City employee or official.
 - Employee misconduct.
- c) Third Group Offenses includes acts and behavior of such a serious nature that a first occurrence normally warrants dismissal. Third Group Offenses include, but are not limited to, the following:
- Absence without approved leave for three (3) consecutive working days.
 - Possession or use of alcohol or the illegal possession or use of controlled substances while on duty, unless in the performance of duties.
 - The theft of City owned or controlled property, including supplies, inventory (including criminal evidence and lost & found items), materials, fuel or fuel products, tools, machinery or equipment.
 - Willfully falsifying, damaging, or the theft of City or employee records including vouchers, reports, insurance claims, leave and time reports, and employment applications.
 - Threatening other employees or acts of physical violence or fighting.
 - Unauthorized sleeping during work hours.
 - Unauthorized possession or use of firearms, dangerous weapons, or explosives.
 - Participation in any kind of work slow-down, sit-down, or similar concerted interference with City operations.
 - Disorderly or immoral conduct, including the conviction of a felony while in the employment of the City, or other acts, occurring either on or off-duty, that are of such a nature that to continue the employee in the current capacity could constitute negligence in regard to the City's duties to the public or other employees.
 - Accepting gifts, favors, or services that might reasonably tend to improperly influence an employee in the discharge of official duties.
 - Use of official position or authority for personal profit or political advantage.
 - Insubordination that constitutes a serious breach of discipline.
- 4) Department Heads invoking a Minor or Major Suspension shall furnish the employee an advance written notice containing the nature of the action, the reasons therefore, and the right to answer the charges orally or in writing through the grievance procedure provided in Article XIII. This notice shall be furnished at least twenty-four (24) hours prior to the proposed date of suspension. However, an immediate suspension with or without pay, with follow-up written notice, may be imposed when the Department Head determines that the act or behavior of the employee warrants such an action. An employee who has been placed on suspension shall be

prohibited from entering any City employee work place during the suspension unless authorized in advance by the Department Head, Human Resources Director or City Manager.

- 5) The dismissal of an employee shall be preceded by an advance written notice explaining the nature of the action, the reasons therefore, and the right to answer charges orally or in writing at a hearing as provided for in Sections D of this article. Other disciplinary actions may be appealed by the employee through the grievance procedure outlined in Article XIII.
- 6) Prior to issuing a notice of dismissal, the Department Head shall consult with the Human Resources Director on whether the pre-dismissal procedures followed to date have been appropriate and whether the Department Head's decision to dismiss the employee is a reasonable one under the circumstances. This consultation is not intended to substitute the judgment of the Human Resources Director for that of the Department Head on whether the employee should be dismissed.
- 7) Unless the work infractions are of a similar recurring nature, infractions should not be counted against an employee for progressive discipline purposes that extend beyond a two-year period.
- 8) In addition to the loss of pay resulting from disciplinary suspensions, other forms of discipline that may be invoked include denial of annual merit increases and demotion in pay grade, rank, and salary.
- 9) These procedures are designed to be utilized strictly as guidelines, and it is expected that Department Heads shall use their individual discretion when applying and/or recommending discipline. These guidelines are not in any way designed to restrict the Department Head from using personal judgment in handling disciplinary matters.

Section D. Notice of Intended Dismissal

Notice of intended dismissal actions must be in writing and served either personally or by certified mail on such employee. Such notice of intended dismissal shall contain a statement of the reasons for the action taken and a statement informing the employee of the right to request in writing, within five (5) City business days of receipt of the notice of intended dismissal, a pre-dismissal hearing to be conducted by the City Manager. The employee may, however, be suspended with or without pay until a written determination following the pre-dismissal hearing has been rendered. Notification will be delivered or mailed to the employee's telephone/address on payroll records. It is the employee's responsibility to keep all payroll and personnel information current.

Section E. Dismissal Hearing

The purpose of dismissal hearing is to provide the basis for making a determination of whether the Department Head's decision to dismiss the employee was a reasonable one under the circumstances. Any employee who has received a notice of dismissal shall have the right to make a written request, to be submitted to the Human Resources Director within five (5) City business days of receipt of the notice of intended dismissal, for a pre-dismissal hearing with the City Manager. Affected employees will be placed on paid administrative leave.

- 1) The City Manager shall, within five (5) City business days of receiving the written request, set the date, time and location for a dismissal hearing, and shall notify the employee, the Supervisor and the Department Head of this information. The hearing shall be set for a date that is not less than five (5) City business days but not more than ten (10) City business days after the City Manager notifies these individuals of the date.
- 2) The employee's attorney may be present at the hearing only to advise the client, not interfere with the proceedings. The City Manager may request the City Attorney to attend the hearing in order to serve in an advisory capacity. The hearing shall be audiotape recorded.
- 3) Within five (5) City business days of the conclusion of the hearing, the City Manager shall render a written decision to the employee, the employee's Department Head and the Human Resources Director.
- 4) The City Manager's decision shall be final, subject to such judicial relief as may be provided under state or federal law.
- 5) In the event any employee who reports directly to the City Manager receives a notice of intended dismissal, the decision of the Board of Commissioners, shall be final, subject to such judicial relief as may be provided under state or federal law. Unless circumstances exist as described in the following.
- 6) Any employee report of potential violations by the City Manager shall be given to the City Attorney who in turn will consult with the Mayor and Vice Mayor concerning the next appropriate step to be taken in response to the allegation. Generally speaking, in determining appropriate disciplinary actions involving the City Manager, the Board of Commissioners will utilize the same guidelines as are applied to other city employees.

Section F. Reinstatement; Reimbursement of Lost Wages

If at the conclusion of the appeal process an employee is found to have received a notice of intended dismissal without sufficient or adequate cause or merit, then that employee shall be reinstated effective immediately to the same position from which

dismissed. In such a case, if the employee was suspended without pay pending the results of the pre-dismissal hearing then that employee shall be reimbursed on the next regular pay date following final resolution of the matter for all lost wages for the hours of work for which the employee would have been otherwise normally scheduled, and all benefits, leave time, etc. shall be reinstated/reimbursed.

Section G. Reductions in Work Force

Nothing herein shall be construed as affecting the power of the Board of Commissioners to abolish positions in the classification plan. Lay-offs shall be made within classes of positions, and all provisional employees in the affected class or classes shall be laid off prior to the lay-off of any probationary or regular employee. The order of lay-offs of regular employees shall be determined by the Department Head in consultation with the Human Resources Director and as approved by the City Manager. In cases where all other factors are equal, then seniority shall be used to determine to lay-off priority, with lay-offs being affected in reverse order of seniority. For the purpose of determining order of lay-off where seniority is a factor, total cumulative time shall include time served on military leave.

Section H. Resignations

Any employee may resign from City service by presenting a letter of resignation to the Department Head. Once received, the Department Head must sign the resignation indicating "*received by*" and "*the date received*"; a copy shall be made, given to the employee and the original delivered to the Human Resources Director for filing. A minimum two-week written notice is considered appropriate notice to the City. Any unauthorized absence from work by an employee for a period of three (3) consecutive working days may be considered by the Department Head as a voluntary and immediate resignation by that employee.

Article XIII – Grievance and Appeals Procedure

Section A. Policy

It shall be the policy of the City to provide a procedure for the presentation of grievances when circumstances of misunderstanding or disagreement arise involving employees. The grievance procedure set forth below is to assure employees that their problems and complaints shall be considered fairly, rapidly, and without reprisal.

Section B. Definition

A grievance is a dispute arising between employees and/or between an employee and the employee's Supervisor and/or the employee's Department Head and/or the City relative to some aspect of employment, interpretation of regulations and policies, or some management decision, including disciplinary actions other than dismissal, affecting the employee. A grievance **may** arise from an employee's complaint about or disagreement with any of the following:

- a relationship between the employee and the employee's Supervisor and/or the employee's Department Head and/or the City;
- a relationship between the employee and other employees;
- harassment (other than sexual; see Article XVII, Section I) of the employee in his capacity as an employee of the City;
- the application or interpretation of regulations and/or policies;
- management or administrative decisions or directives affecting the employee's health, safety, workplace, equipment or material used;
- disciplinary actions, other than dismissal, involving the employee; and

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

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

Section C. Grievance Procedure

The following procedure is to be followed to resolve an employee grievance. The purpose of the procedure is to determine what is fair and just, rather than who is right. The City encourages free and open discussion between employees and Supervisors for effective communications and understanding pertaining to work-related matters.

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

If a grievance develops, the following steps shall be taken:

- 1) The employee should discuss the matter with his Supervisor as soon as the grievance develops, but shall do so no later than within five (5) City business days. The Supervisor shall make every effort to resolve the matter through oral communication.
- 2) If the matter is not resolved, the employee shall, within five (5) City business days of the employee's last effort to resolve the matter orally with the Supervisor, submit in writing to the Supervisor a complete statement as to what the employee feels the grievance to be, and a suggested solution. A designated form shall be used for writing grievances. The forms may be obtained from the Department Head or the Human Resources Director. The Supervisor shall respond in writing within five (5) City business days of receiving the employee's written grievance. At this step and the following steps, if used, copies of the grievance form and the response shall be forwarded to the Department Head.
- 3) If the Supervisor's response is not satisfactory to the employee, the employee may submit the grievance to the Department Head within three (3) City business days of receiving the Supervisor's response, following the same procedure as in Step No. 2 above.
- 4) If the grievance does not pertain to either the employee's Supervisor or another employee who reports to that same Supervisor, then the employee may submit the grievance directly to the Department Head.
- 5) The Department Head shall provide the employee with a written response within five (5) City business days of receiving the grievance from the employee.
- 6) If the Department Head's response is not satisfactory to the employee, then the employee may submit the grievance to the Human Resources Director within three (3) City business days of receiving the Department Head's decision.
- 7) The Human Resources Director shall obtain all information in its entirety from the Department Head, informally discuss the grievance with the employee, the Department Head and others as necessary, and determine, in the form of a written memorandum, whether the grievance procedures followed to date have been appropriate and whether the Department Head's decision was a reasonable one

under the circumstances, all within ten (10) City business days of receiving the grievance from the employee. The Human Resources Director shall make a copy of the grievance and all responses thereto a part of the City's official personnel file for that employee. In the event any employee who reports, either directly or indirectly, to the Human Resources Director submits a written grievance, or in the event the Human Resources Director himself/herself submits a written grievance, then no such informal discussion shall be held and the matter shall be forwarded to the City Manager as an appeal of a grievance.

Section D. Appeals of Grievance

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

Section E. Reinstatement/Reimbursement

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

Article XIV – Leaves and Absences

Section A. Holidays

The City observes the following twelve (12) holidays: New Year’s Day, Martin Luther King Day, Presidents’ Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran’s Day, Thanksgiving Day, Friday after Thanksgiving, Christmas Eve, Christmas Day plus one (1) Personal Day. On these days, active regular full-time employees of the City (other than shift personnel of the Fire and Police departments), and active employees completing probationary periods for regular full-time positions of the City (other than shift personnel of the Fire and Police departments), shall be excused, with pay, from work-related duties.

When any holiday occurs on a Sunday, the holiday shall be observed on the following Monday; when the holiday occurs on a Saturday, the holiday shall be observed on the preceding Friday.

The holiday schedule does not apply to shift personnel of the Fire and Police departments. As those employees are required to work when their scheduled shift falls on a holiday, such personnel of the Police and Fire departments shall receive compensation in accordance with Article X, Section E of these Rules and Regulations.

Section B. Vacation Leave

All active regular full-time employees of the City, and all active employees in a probationary period for regular full-time positions of the City, shall accrue vacation leave annually. Vacation leave shall be accrued on the following basis:

Years of Service	Vacation Leave Accrued per Year– All Employees Except Shift Personnel of the Fire Department	Firefighters assigned to 48/96 hour shift duty PTO per month	Vacation Time and Personal Time Off may not accrue from year to year.
1 st thru 4 th	8.0 hours /month	18.00 hours/month	Roll over up to 40 hours
5 th thru 9 th	10.00 hours/month	21.25 hours/month	Roll over up to 40 hours
10 th thru 19 th	12.00 hours/month	25.50 hours/month	Roll over up to 80 hours
20 th and up	16.67 hours/month	35.42 hours/month	Roll over up to 80 hours

Vacation leave, which is to be scheduled as far in advance as possible, may be used at the employee's discretion, provided it is approved by the Department Head. Department Heads may approve earned vacation leave if the operational requirements of the department can still be met despite the employee's absence. Vacation leave must be taken in a minimum of two (2) hour increments. Maximum annual vacation leave accrual is 80 hours.

The City compensates persons leaving the City's employment for any reason, including retirement, for any balance of vacation leave not taken.

Section C. Sick Leave

All active regular full-time employees, and all active employees in a probationary period for regular full-time positions, shall accrue sick leave monthly. During the first and last months of service or any months during which the employee was on an approved Leave of Absence, an employee must be in a paid status with the City for at least 80% of the month in order to accrue sick leave for that month. Employees may not borrow against future sick leave before it is earned and accrued. Sick leave taken that extends beyond earned sick leave credits shall be charged to vacation leave or to leave without pay.

Sick leave shall be accrued at the rate of (8 hours) for each completed month of service; maximum accumulation of 1,152 hours. No accumulated sick leave will be paid when a person terminates employment with the City. (Accumulation of sick leave will be credited for retirement with the City of Fairview). Sick leave must be taken at minimum .25 hour increment. (Amended per Ordinance #641, September 7, 2006)

Salaried personnel are not accountable for sick leave and will accrue sick leave at the rate of 96 hours per year with an accumulation of 1,152 hours to be used for retirement purposes only.

The employee may use sick leave for the following purposes:

- for personal illness, non-occupational injury, or absence due to pregnancy, childbirth, or related medical conditions;
- for the illness of any members of the employee's immediate family (see Article II, definition of "Immediate Family");
- for personal doctor and dental appointments;
- for doctor and dental appointments for any members of the employee's immediate family (see Article II, definition of "Immediate Family") whenever the employee must accompany that family member to that appointment; and
- a pro-rata amount of any accrued and unused sick leave may also be used to supplement any workers compensation benefits paid to the employee for the difference between what the employee would have earned, net of deductions, during the comparable portion of the injury leave and the actual amount of the workers' compensation paid to the employee (see Article XV, Section C).

Sick leave **may not** be used as personal time, and may not be used at any time while an employee is at work on a second job, regardless of health status. Use of sick leave following notice of resignation must be supported by a valid doctor's statement.

In order to utilize sick leave, the employee must notify the immediate Supervisor or the Department Head no later than two (2) hours before the beginning of the scheduled work shift for departments with twenty-four (24) hour service. Employees in other departments must notify their Supervisor or their Department Head no later than fifteen (15) minutes before the beginning of the scheduled work day. Employees must notify their Supervisor as far in advance as possible of foreseeable sick leave usage such as doctor appointments, therapy sessions, etc. Furthermore, employees are expected to make every effort to schedule such foreseeable absences in such a way as to not unduly disrupt City operations. If the absence is for three (3) consecutive working days or longer, a written statement from a licensed physician may be required. Additionally, after the equivalent of five (5) days of sick leave have been taken in any twelve (12) month period, the Department Head may require a physician's statement for the approved use of any sick leave during the next twelve (12) month period.

Section D. Sick Leave Donation

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

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

Employees donating sick leave must complete a donation authorization form, and may donate a maximum of 40 hours of sick leave during any calendar year. Donating employees must maintain a minimum sick leave balance of 60 days. Leave may only be donated in 4 hour increments.

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

Section E. Maternity Leave

Maternity Leave is leave for the purpose of providing time for female employees to be absent from employment for the purpose of pregnancy, childbirth and caring for the infant, where applicable. Except when the employee uses accrued paid leave during maternity leave, maternity leave is otherwise considered and treated as leave without pay. Any maternity leave (whether paid or unpaid) shall also be considered and treated as FMLA leave (see Section F of this Article).

The City shall adhere to the provisions of the Tennessee Maternity Leave Act of 1987 as may be amended or superceded. This act is set forth in T.C.A. Section 4-21-408, "Maternity Leave." Any employee anticipating making a request for Maternity Leave may obtain a copy of this act from the City's Human Resources Division.

The above referenced act provides that a female employee who has been employed for at least twelve (12) consecutive months as a full-time employee may be absent from employment not to exceed four (4) months for Maternity Leave. The City shall treat Maternity Leave for anyone with less than twelve (12) consecutive months of service as it would any non-job-related illness or injury.

The act also provides that a female employee is to give three (3) months advance notice (unless prevented from doing so because of emergency medical necessity) of her anticipated date to commence her Maternity Leave and her intent to return to full-time employment. The employee must comply with these provisions in order to be eligible for all rights and provisions of the act.

The employee shall be required to exhaust all accumulated vacation leave and compensatory time prior to taking unpaid leave during maternity leave. In addition, employees have the option of being paid any accrued sick leave during a Maternity Leave. No additional vacation leave or sick leave will accrue during the unpaid portion of a maternity leave. Disabilities due to pregnancy shall be treated the same as other conditions of disability that are eligible under the City's Short-Term Disability Coverage.

Section F. Family and Medical Leave (FMLA)

1. Guidelines

For the purposes of this section, an "eligible employee" means any employee who has been employed by the City for at least 12 months and who has worked at least 1,250 hours during the 12 months preceding the date leave commences.

An eligible employee may take up to 12 weeks of FMLA leave in a 12-month period for the birth of a child or the placement of an adopted or foster care child. The right to take leave applies equally to male and female employees who are eligible. FMLA leave for the purposes of caring for a newborn child or a newly placed adopted or

foster care child must be taken before the end of the first 12 months following the date of birth or placement. If two employees are married and wish to take leave for the care of a new child or a sick parent, their aggregate leave is limited to 12 weeks. For example, if the father takes eight weeks leave to care for a child, the mother would be entitled to four weeks leave, for a total of 12 weeks.

An eligible employee may take up to 12 weeks FMLA leave in a 12-month period to care for a child, parent or spouse who has a serious health condition.

An eligible employee who is unable to perform the essential functions of the job because of a serious health condition may request up to 12 weeks FMLA leave in a 12-month period. Additional leave under the City's leave of absence policy or as an ADA accommodation may be considered on a case by case basis regardless of the employee's length of employment with the City.

The term "serious health condition" means a physical or mental condition that involves: (1) an overnight stay in a hospital, hospice or residential medical care facility; or (2) absence from work, school or other regular daily activities for more than three (3) calendar days and continuing treatment by a health care provider; or (3) a chronic or long-term illness that is incurable or so serious that, if not treated, would likely result in incapacity for more than three days.

Eligible part-time employees may take FMLA leave in proportion to the number of hours they normally work for the City per week. For example, eligible part-time employees who normally work 35 hours per week may take up to 420 hours of FMLA leave per year; those who normally work 30 hours per week may take up to 360 hours of FMLA leave per year; and those who normally work 25 hours per week may take up to 300 hours of FMLA leave per year.

Employees qualifying for FMLA leave must use any balance of accrued leave (sick leave, vacation leave, or compensatory time) prior to beginning unpaid FMLA leave. The maximum FMLA leave during any 12 month period is 12 weeks, regardless of whether that time is paid or unpaid. Any portion of an employee's absence for a FMLA qualifying event which extends beyond 12 weeks in a 12 month period will be considered in accordance with the various other leave provisions of these Rules and Regulations. During periods of unpaid leave, an employee will not accrue any vacation or sick leave or be compensated for holidays.

2. Right to Return to Work

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave 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 the prior 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 of employment under the FMLA. Provided however, the employee's situation may qualify for accommodation under the ADA, as determined on a case-by-case basis and regardless of the employee's length of employment with the City.

3. Notification and Scheduling

An eligible employee must provide at least 30 days advance notice of the need for leave for birth, adoption, or planned medical treatment when it is foreseeable. An FMLA Leave Request form is available from the Human Resources Department. 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.

If the City has knowledge that an employee is on leave for reasons that would qualify as FMLA leave, the City shall notify the employee that such leave shall be counted as FMLA leave regardless of whether the employee requested FMLA leave.

4. Certification

The City reserves the right to verify an employee's request for FMLA leave. If an employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the City requires that the request be supported by certification from the health care provider of either the eligible employee or the family member, as appropriate. If the City has reason to question the original certification, it may, at the City's expense, require a second opinion from a different health care provider chosen by the City. That 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.

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

Employees on FMLA leave shall be required to report periodically to their department head the status and the intention of the employee to return to work. Before return is granted, employees who have taken leave under this policy for their own serious health condition must furnish a medical certification from the employee's health care provider that the employee is able to resume work.

5. Maintenance of Health and COBRA Benefits During Unpaid Leave

The City will maintain health insurance benefits, paid by the City for the employee, during periods of unpaid leave without interruption. The employee must pay any payment for family coverage, premiums or other payroll deductible insurance policies or the benefits may not be continued.

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

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

6. Reduced and Intermittent Leave

Leave can 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. After the new child reaches the age of 6 months, such intermittent leave shall require the employee to use accrued vacation time. The employee and their supervisor must mutually agree upon the schedule. Employees on intermittent or reduced leave schedules may be temporarily transferred 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.

7. The 12-month FMLA Period

For the purposes of this policy, the City has adopted the use of a "rolling" 12-month period measured back from the date an employee uses any FMLA leave. Under this method, each time an employee uses FMLA leave, the remaining leave entitlement is equal to the portion of the 12-week leave entitlement that was not used in the preceding 12-month period.

8. 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 start of FMLA leave until 30 days after the date

the employee provides notice of the need for FMLA leave. If an employee fails to provide in a timely manner a requested medical certification to substantiate the need for FMLA leave due to a serious health condition, the City may delay continuation of FMLA leave until the employee submits the certificate. If the employee never produces the certification, the leave is not FMLA leave. If an employee fails to provide a requested fitness-for-duty certification to return to work, the City may delay restoration until the employee submits the certificate.

9. Other Employment

Employees who have received City approval to work an outside job shall not be allowed to work at their outside job while on FMLA leave from the City except in cases where the employee is utilizing vacation leave to receive full pay while on leave.

10. Federal Law Prevails

In all cases, the application of the FMLA policy will be in accordance with the Federal Family and Medical Leave Act as currently codified and as amended in the future.

Section G. Bereavement Leave

Regardless of length of employment, full-time employees shall be allowed up to three (3) days leave in the event of the death of a member of the employee's immediate family. (See Article II, definition of "Immediate Family-Bereavement") One day will be allowed with pay for a brother-in-law, sister-in-law, grandparent, aunt or uncle. If additional time is justifiable as determined by the employee's Department Head, it may be charged to sick or vacation leave.

Section H. Civil Leave

Civil leave with pay shall be authorized by an employee's Supervisor or Department Head in order that employees may serve required jury duty, provided that the need for such leave is requested by the employee as far in advance as possible. The employee shall have the option of receiving full pay from the City for civil leave by assigning to the City the amount earned from the court. Otherwise, the City shall pay the difference between the employee's regular salary and the amount earned from the court.

Section I. Military Leave/Re-employment

Any full-time employee who is a member of the U.S. Army Reserve, Navy Reserve, Air Force Reserve, Marine Reserve, or any of the armed forces will be granted military leave for any field training or active duty required. Such leave will be granted when the employee presents the official order to the jurisdictional official. Military Leave will not constitute a break in service. Compensation for such leave will be paid

pursuant to T.C.A. 8-33-109. It will be the employee's responsibility to arrange with the department Supervisor to attend monthly drills.

In the event of active duty military leave, the employee will continue to be covered under the City's group health insurance plan. As provided by federal law, the employee will be covered under the military's insurance program and will cease to be covered under the City's group insurance plan after the first thirty days. The employee will be eligible to re-enroll in the City's group insurance plan upon return to **City employment**.

Section J. Educational Leave

An employee may be granted educational leave, with pay, to attend special educational programs that are job-related. Request for educational leave must be in writing and approved by the Department Head and the City Manager.

Section K. Leave of Absence

The City is aware that special problems of a personal nature often prompt employees to request a leave of absence. Leaves of absence, in general, are discouraged since the City shall try, but cannot guarantee, to hold the job open while the employee is gone. To clarify the City's position on granting a leave of absence, the following practices shall apply to all regular employees who have completed the probationary period:

- 1) A leave of absence shall not be granted to probationary, temporary, seasonal or part-time employees except as a reasonable accommodation under the ADA as determined on a case by case basis and regardless of the employee's length of employment with the City.
- 2) Up to two (2) workweeks shall not be considered as a leave of absence but as an "excused absence" without pay.
- 3) A request for a leave of absence must be made in writing to the Supervisor.
- 4) Each request for a leave of absence must be evaluated in advance by the employee's Department Head, the Human Resources Director, and the City Manager. The City shall grant or deny the petition based on the factors of the individual case.
- 5) A leave of absence shall not exceed six (6) months. Failure to report back to work at the expiration of any leave of absence, without approval, shall be considered a voluntary termination of employment, in which case the date of termination shall be considered the last day worked before the leave of absence commenced. The leave of absence may be extended upon written request if circumstances justify and merit approval of the respective Department Head, Human Resources Director, and City Manager or as a reasonable accommodation under the ADA as determined on a case by case basis regardless of the employee's length of employment with the City.

- 6) After returning from a leave of absence, the City shall make every effort to return an employee to the same job. However, the nature of the position may necessitate hiring someone else to fill the position, and there may not be another comparable job opening available. Therefore, the City cannot guarantee reemployment after a leave of absence. The City shall invite the employee to return to work and paid status before filling the employee's former position.
- 7) During leaves of absence, employees shall not receive credit for or accrue any paid holidays, vacation leave or sick leave.
- 8) After a four-week leave of absence, all group insurance benefits shall be treated as they are for a termination of employment, with the employee assuming the full cost of all benefits under COBRA. Any questions pertaining to insurance coverage during a leave should be discussed with the Human Resources Director prior to going on a leave of absence.

Section L. Absenteeism

An employee who has a justifiable reason to be absent must request time off as far in advance of the scheduled shift starting time as possible. Failure to report to work without acceptable reason may result in disciplinary action up to and including dismissal. Employees are not permitted to leave work early without permission of their Supervisor.

Employees who are absent from work for extended periods of time that would not be covered by other rules and regulations contained herein shall have their records reviewed on an individual basis and may be subject to dismissal.

Section M. Tardiness

It is understood that all employees are expected to report to work at their scheduled time. Tardiness detracts from the City's ability to meet its commitments. Tardiness is defined as being late from scheduled work time and must be documented by the Supervisor. Tardiness will be cause for prompt disciplinary action, as follows:

- 1) The first occurrence within a twelve (12) month period shall result in a verbal reprimand.
- 2) The second occurrence within a twelve (12) month period shall result in a written reprimand.
- 3) The third occurrence within a twelve (12) month period shall result in a one (1) day suspension.
- 4) The fourth occurrence within a twelve (12) month period shall result in a three (3) day suspension.
- 5) The fifth occurrence within a twelve (12) month period may result in dismissal. The employee's past record and circumstances surrounding the tardiness may affect the decision of dismissal. Each employee's case shall be evaluated separately at this final step in the disciplinary procedure.

At any step, Department Heads may use discretion for unusual circumstances such as, but not limited to, accidents, occasional car problems or inclement weather.

This section is intended to guide Supervisors in responding to an employee's tardiness problem. However, Supervisors are not restricted from evaluating an employee's tardiness record for a period of time beyond the most recent twelve (12) month period in cases where an employee has a habitual tardiness problem over an extended period of time but never records five occurrences in a single twelve (12) month period.

Article XV – Employee Benefits

Section A. Group Life and AD&D Insurance Program

The City offers at no cost to each regular full-time employee) life insurance; and accidental death and dismemberment (AD&D) insurance coverage to Public Safety Employees. The insurance carrier sets the terms and conditions of said policy. Eligible participants must designate a beneficiary and may change said beneficiary at any time by notifying the Human Resources Director in writing. Until age sixty-five (65), the amount of life insurance coverage provided shall be \$25,000 for each covered participant; \$5,000 for spouse and \$1,000 for each child over the age of six months. The amount of AD&D insurance coverage shall be \$100,000 per Public Safety Employee. After an active participant reaches the age of sixty-five (65), the volume of life insurance and AD&D coverage may be reduced from time to time in accordance with the current insurance policy in effect but in compliance with the federal Age Discrimination Act.

Section B. Life Insurance for Employees Who Become Disabled

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

Section C. Workers' Compensation

All employees are covered by Workers' Compensation Insurance in a policy carried by the City. The City adheres to the provisions and requirements of the Division of Workers' Compensation of the Tennessee Department of Labor.

When an employee is injured while at work for and being compensated by the City and requires medical attention, the employee should seek medical attention from a physician on the panel of physicians approved by the City's workers' compensation insurance carrier. The panel of approved physicians will be posted in each department. In an emergency situation, the most convenient medical service or hospital may be used by the injured employee. It is the employee's responsibility to report any such occupational injury or illness to the employee's Supervisor immediately or as soon as possible if the Supervisor is not immediately available. Failure on the part of the employee to report such an injury or illness in a timely manner could result in no workers' compensation benefits being paid. It is then the responsibility of the Supervisor to file with the Workers' Compensation Clerk (Human Resources Director) a "First Report of Injury" form. Such form shall be filed by 4:00 p.m. on the day of the injury (or day of notification by employee if later than day of the injury) if the injury occurs and/or is reported before 2:00 p.m. on a normal City business day or otherwise

by 9:00 a.m. on the first normal City business day thereafter. In no case shall the “First Report of Injury” form be filed more than 30 days after the accident/incident.

Employees off work on occupational disability or injury leave shall receive compensation in accordance with the Tennessee Department of Labor regulations. The Human Resources Director under the direction of the insurance carrier or its representatives shall coordinate all workers' compensation claims. The employee shall be required to communicate to and coordinate all activities (i.e., medical care, restricted duty, return to work, etc.) through the Human Resources Director. Failure to follow proper procedure may result in disciplinary action.

The City elects to pay employees in full for the first day of the occupational disability or injury leave. In addition, weekly temporary total disability benefits are paid if the authorized physician finds that the employee is temporarily totally disabled from working due to the occupational injury or illness. Compensation begins on the eighth (8th) day of disability from work following the injury. The date of injury and the first seven (7) days following are a waiting period and no benefits are payable by the insurance carrier unless the disability period lasts at least fourteen (14) days, in which case weekly temporary total disability benefits shall be calculated beginning the day following the injury. Temporary total disability benefits are based on 2/3 of the employee's gross average weekly wage for the last 52 weeks worked prior to the injury, subject to the minimum and maximum benefits as provided by the Workers' Compensation Law.

Employees having such disability claims may choose to supplement their weekly workers' compensation received by using a pro rata amount of any accrued sick leave, vacation leave or compensatory time for the difference between: (1) what base pay at straight time the employee would have earned during the comparable portion of the injury leave: and, (2) the actual amount of the workers' compensation paid to the employee, taking into account the tax free nature of workers' compensation benefits. Such supplements must be requested in writing (using a standard City form) and approved by the Department Head, the Human Resources Director and the City Manager. In no event shall the use of accrued leave, when combined with workers' compensation benefits, provide the employee with total pay in excess of the employee's base pay at straight time.

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

Section D. Group Health Insurance Program

The Group Health Insurance Program including Dental shall be available to all regular full-time employees through payroll deduction.

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

Section E. Vision Insurance

Each full-time Employee of the City of Fairview and their dependents will be entitled to \$100 every two years to offset the cost of eye care. Eye care may include office visit, prescription glasses or contact lenses.

Section F. FICA Insurance (Social Security)

The City participates in the Federal Insurance Contributions Act. The City and employees are required by law to make appropriate contributions according to current rates and regulations.

Section G. Unemployment Insurance

The City adheres to the Tennessee Unemployment Compensation Act. The City is required by law to make appropriate payments.

Section H. Disability Retirement Benefits Under TCRS

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

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

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

A member who meets the criteria above and whose disability is the result of an accident or physical violence occurring while in the performance of duty, without negligence on the member's part, may be retired on an accidental disability retirement allowance. There is no minimum service requirement for this benefit; however, the

accident must have been job-related. Accidental disability benefits will be paid in accordance with TCRS provisions in place at that time.

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

Section I. Pension Plan

The City participates in the Tennessee Consolidated Retirement System (TCRS). The plan is non-contributory, meaning the employees do not make direct contributions to the plan. The City makes contributions to the TCRS on the employee's behalf. Employees become vested after five (5) years of full-time employment and shall be eligible for benefits upon retirement, based on their age, their number of years of employment, and the average of the member's five (5) highest consecutive years of salary. Complete details of the TCRS pension benefits are available from Human Resources.

Section J. Supplemental Retirement Program

The City offers a deferred compensation program (ING) for both full and part-time employees to utilize. Through this program, employees may choose to deposit pre-tax dollars, subject to maximum limits established by federal law, through employee payroll deduction into tax-deferred, access-restricted savings accounts.

Section K. Direct Deposit

All employees shall have their payroll checks deposited via direct deposit into the financial institution of their choice.

Section L. Supplemental Insurance

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

Section M. City-Supplied Equipment and Uniforms

The City provides or pays a portion of the cost of the necessary equipment and uniforms for field employees to carry out their day-to-day work. If an employee loses or damages the equipment or uniforms, other than in the line of duty, or if they are not returned in good condition at the time of termination, then the City may require the employee to pay for replacement items, or the City may withhold the employee's final paycheck until the employee reimburses the City for the cost of the uniforms.

Section N. Employee Assistance Program (EAP)

Confidential professional assistance is offered to any employee or family member of an employee who feels an experienced counselor could help resolve a personal problem. The EAP offers assistance in the areas of marital, family, children, financial, legal, alcohol abuse, drug and substance abuse, grief, anxiety, depression, stress, and any other personal or emotional problems. Although there is no charge for this service, costs may be incurred if a counselor recommends outside help. However, the EAP will work to minimize the employee's costs by locating a qualified referral source that may be covered in part or completely by insurance.

Article XVI – Workplace Safety

Section A. Policy

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

Section B. Safety and Health Program Standards

The City Manager, Safety Officer or designee and the Human Resources Director shall have the responsibility to recommend implementation of plans and programs for approval by the City Manager to meet the compliance of State safety standards and laws. These plans and programs shall be at least as effective as the Federal and State standards on the same issues and shall include the following:

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

Article XVII – General Policies and Procedures

Section A. Employee Conduct

Employees of the City shall not engage in any criminal, dishonest, infamous, immoral, or notoriously disgraceful conduct or behavior, activity, or association, either on or off duty, which discredits him/her and/or the City. Each employee is expected to conduct himself/herself both on and off the job in such a manner as to reflect positively on both himself/herself and the City.

Section B. Political Activity

In accordance with T.C.A. Sections 7-51-1501 through 7-51-1503, all City employees shall:

- 1) Enjoy the same rights of other citizens of Tennessee to be a candidate for and to hold any federal, state or local political office except for any elected office of the City of Fairview; and
- 2) Enjoy the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities.

Provided, however, that:

- 1) Employees of the City shall not participate in any such political activities while on-duty for the City; and
- 2) Employees shall not use City equipment or any other City resources either on or off duty while participating in political activities.

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

Section C. Records

The Human Resources Director shall maintain adequate records of all personnel activities and transactions, the proceedings of any and all hearings and appeals as they relate to personnel administration, these Personnel Rules and Regulations, the record of every applicant as required by applicable record retention standards, and the employment record of every employee.

According to the Tennessee Public Records Act (TPRA), T.C.A. § 10-7-503(a)(2)(A): all state, county and municipal records shall at all times, during business hours, be open for personal inspection by any citizen of Tennessee. These records include personal records, applications, disciplinary reports and references, emails, text messages and voice mails as well as personnel investigations.

(Revised by Ordinance #732, December 4, 2008)

Procedure for the City of Fairview, Tennessee to comply with the **Fair and Accurate Credit Transactions Act (FACTA), 15 U.S.C.A. §1681 et. seq.** Herein after referred to as the **“ACT”**

While the City of Fairview, Tennessee is not actively involved in traditional credit accounts there exists certain transactions which place the City under the Provisions of the Act.

The following procedure is adopted to insure that the City of Fairview, Tennessee is in compliance and accomplishes all possible tasks to comply with the **“ACT”** without violation of the Tennessee Open Records Act **T.C.A. §10 – 7 - 501 et. seq.**

1. The City of Fairview, Tennessee will not release any public records relative to any individual or business entity which containing any identifying numbers including but not limited to social security numbers, business tax numbers, drivers license numbers, etc. unless and until such numbers are redacted from the document being released. Notwithstanding the afore said the redaction shall not apply to documents required to be released under a valid statute requiring the release of such numbers, a Valid Court Order requiring the release of such numbers or a release of such numbers to conduct City business to an entity under the same legal requirement to protect them as the City.

2. The City shall keep records of all persons and or entities who inspect or request copies of City of Fairview, Tennessee Records on forms to be completed by the City prior to record inspection or production.

3. When copied, no record shall be released until reviewed by the City Manager, City Recorder or the Chief of Police or their designated representative for the sole purpose of insuring that all information required to be redacted before release has been redacted.

4. No requirement of this procedure is enacted to in any way interfere with or impede compliance with the Tennessee Open Records Act but to insure compliance with the Fair and Accurate Credit Transactions Act.

Section D. Outside Employment

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

Section E. Business Dealings

Except for the receipt of such compensation as may be lawfully provided for the performance of City duties, and except as noted below, no City officer or employee shall be privately interested in or profit, directly or indirectly, from business dealings with, of or by the City.

Regular full-time, regular part-time and temporary employees of the City may, subject to the approval of the City Manager, contract to perform services for the City by meeting the following criteria: (1) the service performed must not be any service which the employee might provide in the normal scope of their regular duties; (2) the employee would be required to bid or submit a proposal in the same manner as any other prospective provider of service; and (3) the service performed must not present a conflict of interest nor a conflict of time with the employee's regular duties.

Section F. Acceptance of Gratuities and Gifts

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

(Revised with Resolution No. 04-15, passed January 15, 2015)

1. **Gifts and donations to be approved by the Board of Commissioners.** It shall be the policy of the City of Fairview, Tennessee that no City official or employee shall solicit or accept any donation or gift on behalf of the City unless and until such solicitation or proposed donation is first approved and authorized by the Board of Commissioners of the City of Fairview, Tennessee. For the purpose of this Resolution, the phrase "donation or gift" shall include, but is not limited to, such items of value as cash, bonds, real estate, automobiles, and other items of personalty. Cash and Bonds may be considered only from an Estate of the Donor or from individuals on a one at a time basis and acceptance for either can only be extended by a vote of two thirds (2/3) majority of the full Board of Commissioners of the City of Fairview, Tennessee.

2. **Fiscal Evaluation.** Prior to voting to accept a donation or gift, the Board of Commissioners shall first conduct or have conducted by a professional in the particular field of appraising of the donation or gift offered to the city a cost/benefit analysis to determine how acceptance of the proposed gift or donation will affect the City treasury and cash flow.

3. **Legal evaluation.** Prior to voting to accept a donation or gift, the Board of Commissioners shall seek and obtain appropriate legal advice to determine the legal implications of such acceptance. In no event, shall the City accept offers of donations or gifts which are predicated on the donor receiving any type of favorable treatment by

the City, nor shall the City accept donations or gifts which are predicated on the City pursuing policies which violate Federal or State law or municipal ordinance(s).

4. Inappropriate donations or gifts. In considering the acceptance of gifts or donations, the Board of Commissioners may consider whether such acceptance, or conditions of such acceptance, may be unreasonably offensive to the citizens of the City of Fairview, Tennessee.

5. Exceptions for grants and low-interest loans. Nothing in this policy shall be construed to apply to any Private Foundation, federal, or state grants or low-interest loans offered to the City of Fairview, Tennessee.

Section G. Use of City Time, Facilities, Resources

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

Section H. Use of Position

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

Section I. Sexual Harassment

Sexual Harassment is a violation of Title VII of the Civil Rights Act of 1964. Title VII guidelines have set out the following criteria as sexual harassment: (1) when submission to sexual advances is a condition of employment; (2) when submission to or rejection of sexual advances is the basis of an employment decision; or (3) when the conduct of another has unreasonably interfered with an affected person's work performance or created an intimidating, hostile, or offensive work environment. Any unwelcome sexual advances, requests for sexual favors, or sexually oriented verbal or physical conduct can also constitute sexual harassment and is strictly prohibited. This policy applies to all officers and employees of the City, including but not limited to full and part-time employees, elected officials, appointed officials, temporary employees, employees covered or exempt from the personnel rules or regulations of the municipal government, and employees working under contract for the municipality.

Any employee who is a victim of sexual harassment or who believes that another employee is a victim of sexual harassment should immediately contact a Supervisor, a Department Head, the Safety Officer, the City Manager or the Human Resource

Generalist. Employees may circumvent the normal chain of command in selecting to which person a sexual harassment complaint is submitted. No retaliation of any kind shall be tolerated or permitted against any employee who reports sexual harassment.

To assist in the investigation of any alleged or suspected sexual harassment, the employee making the complaint should be prepared to provide the name of the alleged perpetrator, the specific nature of the complaint, the date or period of time that it had occurred, any employment actions taken or any threats made as a result of either the harassment or the complaint, the name of witnesses to the harassment, and whether the employee has previously reported the harassment, and if so, when and to whom.

A formal investigation shall be conducted by the Safety Officer or Human Resources Director and a full report submitted to the City Manager. If the complaint is against the Safety Officer, then the City Manager or appointed designee shall investigate the complaint. If the complaint is against the City Manager, then the City Attorney shall investigate the complaint and report the findings to the City Manager and the Board of Commissioners.

If the investigation determines that sexual harassment has taken place, then the harasser shall be disciplined or dismissed depending upon the severity of the offense and any other relevant factors. If the harasser is a member of the Board of Commissioners, then the Commission shall discipline the guilty individual in a manner consistent with T.C.A. 6-20-220 and other applicable State laws. If the harasser is not an employee, then the City Manager shall take all lawful steps to insure that the sexual harassment ceases immediately.

Employees are not only encouraged to report instances of sexual harassment they are obligated to report them. Employees are also obligated to cooperate in every harassment investigation. The obligation includes, but is not necessarily limited to, coming forward with evidence (both favorable and unfavorable) about a person accused of such conduct, fully and truthfully making written reports, or verbally answering questions when required to do so by an investigator. Disciplinary action may be taken against any employee who fails or refuses to cooperate in the investigation of a complaint of sexual harassment, or who files a complaint of sexual harassment which is later determined by the City Manager (or, if the complaint is filed against the City Manager, then is determined by the City Attorney) to be false and willfully malicious in nature.

Section J. Use of City and Privately Provided Technology

City technology, including telephones (both land-line and mobile), pagers, voice-mail, computers, electronic-mail, printers, typewriters, photocopy machines and facsimile machines, are designed and intended for use by employees and officials of the City for the conducting of the City's official business. Such technology is not intended for personal use, especially of a commercial nature. In particular, such technology is not to be used to advertise the availability for sale of privately owned personal property

or services. The minor, incidental, infrequent, irregular and occasional use of such technology for an employee's non-commercial, personal business, both during and after normal working hours, is acceptable so long as such technology does not interfere with the employee's job duties and is not used in such a manner as to incur any direct expense upon the City.

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

The City reserves the right to monitor messages and the use of the computer by employees under certain circumstances listed below. Supervisors shall have the authority to inspect and extract the contents of any equipment, files, calendars or electronic mail of their subordinates in the normal course of their Supervisory duties. Employees of the Technology Department shall have the authority to inspect and extract such content for the reasons listed below.

Section K. Emergency Department Provisions

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

Section L. Nepotism

Except as authorized by the City Manager due to a lack of acceptable and practical options, no applicants for employment shall be hired and no employees shall work or be placed in positions within the same department or under the direct or indirect supervision or accountability of a member of their immediate or extended family as related through blood, adoption or marriage. (Exempted are Public Safety Volunteers).

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

will leave, and if a transfer cannot be arranged, then the employee with the higher level of job-related performance for the City shall be retained and the other shall be dismissed.

Section M. Employee Licenses and Certifications

All employees are responsible for maintaining current and valid licenses and certifications necessary to perform job duties. For example, any employee required to operate a City vehicle or equipment must possess the appropriate type of valid driver's license at all times. The City shall conduct periodic checks of required licenses and certification to insure employees keep them valid and current. If an employee who had the necessary current and valid licenses and certifications necessary to perform job duties for any reason have the license or certification terminated then that employee cannot continue in a position requiring such certification or license. Every effort will be made to transfer that employee to a position within the City which does not require the certification or license. If no opening exists or cannot be reasonably found the employee who loses the necessary certification or license must be terminated.

Section N. Tobacco Use Policy/Hiring Preference Policy/Gambling Policy (Amended per Ordinance #764, May 6, 2010)

No smoking or use of tobacco products (chewing, dipping, etc) is allowed in any government buildings or vehicles owned, leased or used by agreement with the City within the City of Fairview, Tennessee. Further this policy shall apply to all vehicles owned, leased or used by agreement by the City of Fairview, Tennessee whether the said vehicle is used by an employee of the City of Fairview, Tennessee within the City or outside the City.

1. **Purpose:** The U.S. Surgeon General has determined that exposure to "side-stream," "second hand," or "passive" smoke increases the risk to nonsmokers of developing cancer and other diseases related to smoking. The purpose of this policy is to prevent smoking in the public buildings owned, leased or used by the City and all City owned, leased or used vehicles; to provide a clean and healthy environment for all employees and visitors, and to promote a positive impression of the City operations with the general public.

2. **Use Of Tobacco Products:** Because the smoking of tobacco products poses a threat, not only to the user, but to non-users as well, and in order to provide a clean and healthy environment for all employees and visitors and to promote a positive impression of the City operations with the general public, the use of tobacco products inside City owned or leased buildings and spaces is prohibited. The City Manager shall designate smoking areas outside of and in close proximity to City buildings and spaces where employees typically work; however, no employee shall be permitted to smoke directly in front of any City owned or leased building or space including walkways and parking lots typically used by the public. This policy also applies to City vehicles. This policy does not apply to open-air facilities unless smoking therein is prohibited by other policies.

Employees who violate this policy will be subject to disciplinary action. Visitors and other non-employees who violate this policy shall be advised by employees of the policy and requested to extinguish smoking materials or to move to a designated smoking area.

In order to provide a clean environment for all employees and visitors and to promote a positive impression of the City operations with the general public, the smokeless use of tobacco products by employees while acting within the scope and in the course of their employment for the City shall be prohibited.

“Tobacco” or “Tobacco Products” is defined to be:

Any product that any part of its physical make-up consists of products from the tobacco plant. This includes but is not limited to Cigarette, Cigars, Pipe Tobacco, Chew Plugs, and Snuff.

3. Tobacco Use Free Hiring Preference Purpose: To establish a new employee hiring policy, which will contribute, to the elimination of tobacco product use in the work place and to ensure reduced costs to the City in terms of absenteeism, insurance costs, productivity loss, property damage, premature mortality, and other costs associated with the tobacco use.

Statement Of Policy: It is hereby declared the policy of the City that applicants that do not use tobacco products in any form will be given preference in the hiring process. This policy will be accomplished in the following manner:

- A. All employment ads and employment notices will announce that the City is a “tobacco free work environment.”
- B. The City’s employment application will include a question to determine whether or not an applicant is a tobacco user or non-tobacco user. If the applicant does not answer the question, it will be assumed that he/she uses tobacco products.
- C. All employment applications for specific openings will be screened first on the basis of an applicant’s qualifications for the position. If there is an adequate pool of well qualified non-tobacco product user’s applicants available, only those candidates will be scheduled for the first round of interviews with tobacco user candidates interviewed in a second session only in the event a qualified non-tobacco product user is not available for hire.
- D. In the event a candidate who uses tobacco products is selected for an interview, said candidate will be provided with a copy of the City’s current Tobacco Free Hiring policy and will be asked specifically during the interview whether or not he/she expects any difficulties in complying with the City’s policy. If it is deemed that an insurmountable problem exists, the applicant may be disqualified from further employment consideration regardless of the person’s qualifications to perform the job.

4. **Purpose:** The purchase of lottery tickets is prohibited by all on duty City employees. It is the duty of all City employees to promote a positive impression of the City operations with the general public.

Section O. Hours of Work; Inclement Weather

Hours of Work: The normal working hours for each employee of the City shall be established by that employee's Department Head, subject to the approval of the City Manager. Normal daytime working hours for administrative employees and office staff shall match or closely approximate or include the normal and customary public office hours for their respective offices, subject to the approval of the City Manager. Except for shift personnel of the Fire Department, full-time employees of the City shall be scheduled to work forty (40) hours per week. Shift personnel of the Fire Department shall be scheduled to work four (4) 24-hour-on/48-hour-off shifts per three calendar weeks.

2) Inclement Weather:

- a) Generally, inclement weather does not routinely warrant the closing of City facilities. Conditions caused by ordinary inclement weather require each employee to make a personal judgment regarding the ability to travel safely to and from work. The City shall allow non-emergency employees to make up the lost work time in the same work week (with Department Head approval) or utilize vacation leave, compensatory time or leave without pay (but not sick leave) if the employee believes it is not safe to travel to the workplace. Non-emergency employees who make the effort to travel to their workplace and who report to that workplace within a reasonable period of time, under the circumstances, and who make up the lost work time in the same pay period (with Department Head approval) shall not be required to use such leave for any such reasonable delay in arriving to the workplace. Inclement weather is further defined to include rain which causes outside work to be curtailed or halted. When in the opinion of the Department Head with the approval of the City Manager any person or persons whose work is curtailed or halted may be dismissed for the remainder of the work day. Such personnel may make up any such missed time in through any of the methods outlined in this section.
- b) In the event of extraordinary emergency conditions caused by extreme inclement weather which is dangerous or which causes treacherous travel conditions for employees and citizens, the City Manager may choose not to open or to close City facilities early. In such a circumstance, with approval of their Department Head, non-emergency employees may choose to report to work and perform their job-related duties and responsibilities and be paid for their time. Alternatively, they may choose not to report to work during this time and either they may make up the lost work time in the same work week (with Department Head approval) or they may use any accrued and unused vacation leave or earned compensatory time (but not sick leave) for the time not worked or they may request to use leave without pay for the time not

worked. The City Manager shall determine which employees are essential and which are non-essential under the specific circumstances.

Section P. Medical Fitness for Duty

Each employee of the City shall be medically fit for regular and unrestricted duty to perform the essential duties and job functions as specified in the City's current job description for that employee's position. If and when an employee of the City is found, in the context of a medical evaluation, either routine or for cause, to be conducted by a physician or other licensed health care professional of the City's choosing, to be medically unfit for regular and unrestricted duty and unable to perform the essential duties and job functions as such duties and functions are specified in the City's current job description for that employee's job, even with reasonable accommodation provided by the City if requested by the employee, then that employee shall be placed on leave effective immediately. This leave may be considered as leave pursuant to the federal Family and Medical Leave Act (FMLA), if and to the extent the employee is eligible for such leave and the medical condition qualifies as a serious health condition under FMLA.

An employee placed on such leave may not return to regular and unrestricted duty unless the employee has been found by a physician or other licensed health care professional of the City's choosing to be medically fit for regular and unrestricted duty. The City will work with the employee and the health care professional to accommodate within reason the needs of the employee in order to avoid, if and as practicable, the need for the employee to be placed on leave in the first place. If not practicable, then the City will work with the employee and the health care professional to have the employee return to work as soon as possible. Temporary restricted duties as part of a graduated return-to-regular-duty plan if and as necessary may be allowed, but only at the discretion of the department director and the city manager.

If the employee's medical condition is determined by the City to be work-related, then the employee's leave shall be handled as with any other work-related injury.

If the employee's medical condition is determined by the City to be not work-related, then the leave shall be considered and treated as paid leave (if and to the extent the employee is full-time and has any accrued and unused vacation leave and/or sick leave and/or compensatory time) or, if the employee does not qualify for such paid leave or when the full-time employee has no such paid leave remaining but does have FMLA leave remaining, then the balance of the FMLA leave, if applicable, shall be considered and treated as unpaid leave. A full-time employee who does not qualify for FMLA leave and has exhausted all paid leave may petition for unpaid leave pursuant to Article XIV, Section J regarding Leave of Absence.

If the employee has not either returned to work for temporary restricted duty as part of a graduated return-to-regular-duty plan or been found by a physician or other licensed health care professional of the City's choosing to be medically fit to perform the

essential duties and job functions of that employee's job, with or without reasonable accommodation by the time FMLA leave, if applicable, any paid leave and any leave pursuant to an approved leave of absence have been exhausted, then employment with the City shall be terminated, effective upon the exhaustion of the type of leave last remaining.

Nothing contained herein shall preclude an employee from applying for any other employment position with the City for which the employee is qualified and for which the City has a currently posted job vacancy, nor shall anything herein preclude a full-time employee from otherwise qualifying for benefits pursuant to the City's short-term and long-term disability programs as revised.

Section Q. Dress Code

The City expects all employees to dress in a manner that is appropriate to the duties and responsibilities of their positions and conveys an image of self-pride, pride in the organization and respect for other employees and the public.

Section R. Use of City-Owned Vehicles

Employees and officials of the City are prohibited from using city-owned vehicles for personal use except as provided herein. Certain employees may be authorized by the Board of Commissioners or City Manager to take a City vehicle home and are therefore authorized to commute to and from work in their assigned vehicle. In addition, certain de minimis personal use of a City vehicle that does not materially increase the number of miles a vehicle is driven is acceptable. Examples of de minimis personal use include stops for meals taken in the course of employment or, for employees with authorized take-home vehicle, stops on the way to and from home along the normal commuting route. No unauthorized passengers shall be allowed in city vehicles at any time. Employees who are authorized to drive vehicles home must reside within ten (10) miles of the city's limits.

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

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

All employees and officials are expected to exercise caution and obey all City Ordinances, Tennessee State Statutes and City Policies when using mobile telephones while operating a City vehicle. If "hands-free" equipment is provided, employees are expected to use such equipment when appropriate.

Section S. Code of Ethics

CODE OF ETHICS¹

1-401. Applicability. This chapter is the code of ethics for personnel of the City of Fairview. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the City of Fairview. The words “municipal” and “Town ” or “City of Fairview “ include these separate entities.

1-402. Definition of “personal interest.” (1) For purposes of Sections 1-403 and 404, “personal interest” means:

(a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official’s or employee’s spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

¹ State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

Campaign finance – T.C.A. Title 2, Chapter 10.

Conflict of interests – T.C.A. §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements – T.C.A. § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials – T.C.A. §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) – T.C.A. § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information – T.C.A. § 39-16-401 and the following sections.

Ouster law – T.C.A. § 8-47-101 and the following sections.

A brief synopsis of each of these laws appears in the appendix of the municipal code.

(2) The words “employment interest” include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.

1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself² from voting on the measure.

1-404. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

1-405. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the City of Fairview:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.

1-406. Use of information. (1) An official or employee may not disclose any information obtained in his official capacity of the City of Fairview or position of employment that is made confidential under state or federal law except as authorized by law.

2) An official or employee may not use or disclose information obtained in his official capacity of the City of Fairview or position of employment with the intent to result in financial gain for himself or any other person or entity.

² Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

1-407. Use of municipal time, facilities, etc. (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the Board of Commissioners to be in the best interests of the City of Fairview.

1-408. Use of position or authority. (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the City of Fairview.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the City of Fairview.

1-409. Outside employment. A full-time employee of the City of Fairview may not accept any outside employment without written authorization from the department head.

1-410. Ethics complaints. (1) The City of Fairview attorney is designated as the ethics officer for the City of Fairview, Tennessee. Upon the written request of an official or employee potentially affected by a provision of this chapter, the City of Fairview attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2)(a) Except as otherwise provided in this subsection, the City of Fairview attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The City of Fairview attorney may request the Mayor and Board of Commissioners to hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the City of Fairview's Mayor and or Board of Commissioners, the Board and Board of Commissioners shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the Board determines that a complaint warrants further investigation, it shall authorize an investigation by the City of Fairview attorney or another individual or entity chosen by the Mayor and Board of Commissioners.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the

violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics

1-411. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the Mayor and Board of Commissioners. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action as outlined herein.

Section T. Abusive Conduct Prevention Policy

(Revised with Ordinance #875, passed May 7, 2015)

HEALTHY WORKPLACE ACT

The General Assembly of the State of Tennessee in the 108th Session Enacted Public Chapter Number 997, said Public Chapter amended Tennessee Code Annotated, Title 50, chapter 1 by adding the following language as a new part. The addition was codified as Tennessee Code Annotated Sections 50-1-501, 50-1-502, 50-1-503 and 50—504. The new added sections read as follows:

§ 50-1-501. Short title; Healthy Workplace Act

1. This part shall be known and may be cited as the "Healthy Workplace Act".

§ 50-1-502. Definitions

(1) "Abusive conduct" means 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, such as:

- (A) Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
- (B) Verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or
- (C) The sabotage or undermining of an employee's work performance in the workplace;

(2) "Agency" means any department, commission, board, office or other agency of the executive, legislative or judicial branch of state government; and

(3) "Employer" means any agency, county, metropolitan government, municipality, or other political subdivision of this state.

§ 50-1-503. Model policy to prevent abusive conduct

(a) No later than March 1, 2015, the Tennessee advisory commission on intergovernmental relations (TACIR) shall create a model policy for employers to prevent abusive conduct in the workplace. The model policy shall be developed in consultation with the department of human resources and interested municipal and county organizations including, but not limited to, the Tennessee municipal league, the Tennessee county services association, the municipal technical advisory service (MTAS), and the county technical assistance service (CTAS).

(b) The model policy created pursuant to subsection (a) shall:

(1) Assist employers in recognizing and responding to abusive conduct in the workplace; and

(2) Prevent retaliation against any employee who has reported abusive conduct in the workplace.

(c) Each employer may adopt the policy created pursuant to subsection (a) as a policy to address abusive conduct in the workplace.

§ 50-1-504. Immunity from suit

Notwithstanding § 29-20-205, if an employer adopts the model policy created by TACIR pursuant to subsection (a) or adopts a policy that conforms to the requirements set out in subsection (b), then the employer shall be immune from suit for any employee's abusive conduct that results in negligent or intentional infliction of mental anguish. Nothing in this section shall be construed to limit the personal liability of an employee for any abusive conduct in the workplace.

MODEL ABUSIVE CONDUCT PREVENTION POLICY Pursuant to Public Chapter 997, the Healthy Workplace Act

1. Statement of Commitment, Values, and Purpose

Comment: This section should provide an overall statement of intent for workplace behavior, describe the processes for addressing complaints, and state explicitly that retaliation will not be tolerated. It may define who will be covered by the policy in accordance With existing policy.

The City of Fairview, Tennessee is firmly committed to a workplace free from abusive conduct as defined herein. The City does and will continue to strive to provide high quality products and services in an atmosphere of respect, collaboration, openness, safety and equality. All employees have the right to be treated with dignity and respect. All complaints of negative and inappropriate workplace behaviors will be taken seriously and followed through to resolution. Employees who file complaints will not suffer negative consequences for reporting others for inappropriate behavior.

This policy applies to all full-time and part-time employees of the City of Fairview, Tennessee including interns and co-operative workers. It does not apply to independent contractors, but other contract employees are included. This policy applies

to any sponsored program, event or activity including, but not limited to, sponsored recreation programs and activities; and the performance by officers and employees of their employment related duties. The policy includes electronic communications by any employee.

2. Definition of Abusive Conduct

Comment: This section defines "abusive conduct." The language comes from Public Chapter 997. The list of items that abusive conduct does not include is provided for illustration. Abusive conduct includes 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

- Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
- Verbal/ nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or
- 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 and egregious.

Abusive conduct does not include:

- Disciplinary procedures in accordance with adopted policies of the City of Fairview
Routine coaching and counseling, including feedback about and correction of work performance
- Reasonable work assignments, including shift/ post, and overtime assignments
- Individual differences in styles of personal expression
- Passionate, loud expression with no intent to harm others
- Differences of opinion on work-related concerns
- The non-abusive exercise of managerial prerogative

3. Employer Responsibility

Comment: This section specifies responsibilities of the employer including expectations for supervisors and that employees will be informed of the abusive conduct prevention policy

Supervisors and others in positions of authority have a particular responsibility to ensure that healthy and appropriate behaviors are exhibited at all times and that complaints to the contrary are addressed in a timely manner. Supervisors will

- provide a working environment as safe as possible by having preventative measures in place and by dealing immediately with threatening or potentially violent situations;
- provide good examples by treating all with courtesy and respect;
- ensure that all employees have access to and are aware of the abusive conduct prevention policy and explain the procedures to be followed if a complaint of inappropriate behavior at work is made;
- be vigilant for signs of inappropriate behaviors at work through observation and information seeking, and take action to resolve the behavior before it escalates;
- respond promptly, sensitively and confidentially to all situations where abusive behavior is observed or alleged to have occurred.

Employee Responsibility (including witnesses)

Comment: This section states general expectations for employees including people who witness incidents of abusive conduct.

Employees shall treat all other employees with dignity and respect. No employee shall engage in threatening, violent, intimidating or other abusive conduct or behaviors. Employees are expected to assume personal responsibility to promote fairness and equity in the workplace and report any incidents of abusive conduct in accordance with this policy.

Employees should co-operate with preventative measures introduced by supervisors and recognize that a finding of unacceptable behaviors at work will be dealt with through appropriate disciplinary procedures.

4. Retaliation

Comment: This section defines retaliation and indicates that it will not be tolerated.

Retaliation is a violation of this policy. Retaliation is any act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

5. Training for Supervisors and Employees

Comment: This section encourages all supervisors and employees to participate in training and provides general guidelines for training content.

All supervisors and employees are encouraged to undergo training on abusive

conduct prevention conduct as directed by the City of Fairview, Tennessee. Training should identify factors that contribute to a respectful workplace, familiarize participants with responsibilities under this policy, and provide steps to address an abusive conduct incident.

6. Complaint Process

Comment: The next several subsections address the actual process for filing complaints, the procedures for investigation, and the resulting actions for the various parties involved. To avoid confusion, this section needs to mirror existing disciplinary processes.

Reporting

Employees: Any employee who feels he or she has been subjected to abusive conduct is encouraged to report the matter orally or in writing to a supervisor including his or her supervisor, manager, appointing authority, elected official, or to the human resources office . Employees should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the representatives identified above.

Any employee seeking to file a complaint should ensure the complaint consists of precise details of each incident of abusive conduct including dates, times, locations and any witnesses. Formal complaints should be documented in writing, but are not required to be in writing.

Witnesses: An employee who witnesses or is made aware of behavior that may satisfy the definition of abusive conduct (as defined herein) should report any and all incidents as set forth herein.

Supervisors: Supervisors must timely report known incidents involving workplace abuse, intimidation, or violence to the [HR, appointing authority or investigator]. Supervisors and appointing authorities are required to take reasonable steps to protect the complainant, including, but not limited to, separation of employees involved.

The person complained against will be notified that an allegation has been made against him or her and informed of the investigative procedure.

7. Investigation

Investigations of abusive conduct shall be conducted as soon as practicable and in accordance with the policies and practices of the City of Fairview. The objective of the investigation is to ascertain whether the behaviors complained of occurred, and therefore will include interviewing the complainant, accused, and witnesses with direct knowledge of the alleged behaviors. All interviews will be appropriately documented. The investigation will be conducted thoroughly, objectively, with sensitivity, and with due

respect for all parties. The investigator will provide a copy of the investigative report to the appointing authority for further action. All affected parties will be informed of the investigation's outcome.

8. Corrective Action

In the event of a finding of abusive conduct, the employer will take immediate and appropriate corrective action. Remedies may be determined by weighing the severity and frequency of the incidences of abusive conduct and in accordance with existing disciplinary policies of the City of Fairview, Tennessee.

Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action may include but is not limited to participation in counseling, training, and disciplinary action up to and including termination, or changes in job duties or location.

Supervisory personnel who allow abusive conduct to continue or fail to take appropriate action upon learning of such conduct will be subject to corrective action. Such corrective action may include but is not limited to participation in counseling, training, or disciplinary action up to and including termination, or changes in job duties or location.

While the City of Fairview, Tennessee encourages all employees to raise any concern(s) under this policy and procedure, the City of Fairview, Tennessee recognizes that intentional or malicious false allegations can have a serious effect on innocent people. Individuals falsely accusing another of violations of this policy will be disciplined in accordance with the disciplinary policy of the City of Fairview, Tennessee.

Any employees exhibiting continuing emotional or physical effects from the incident in question should be informed of established employee assistance programs or other available resources.

When abusive conduct has been confirmed, the employer will continue to keep the situation under review and may take additional corrective actions if necessary. Preventative measures may also be taken to reduce the reoccurrence of similar behavior or action.

9. Confidentiality

Comment: This section expresses intent to maintain confidentiality but notes that, because of the Tennessee Open Records Act, government entities cannot guarantee that complaints will be kept completely confidential.

To the extent permitted by law, the **City of Fairview, Tennessee** will maintain the confidentiality of each party involved in an abusive conduct investigation, complaint or charge, provided it does not interfere with the ability to investigate the allegations or to take corrective action. However, state law may prevent the employer from maintaining confidentiality of public records. Therefore, the **City of Fairview, Tennessee** cannot.

Article XVIII - Drug and Alcohol Testing Policy

Section A. Purpose

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

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the City has adopted this drug and alcohol testing policy. This policy is intended to comply with applicable state and federal laws, including the Drug-Free Workplace Act of 1988; 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 required are: pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up. As discussed below, not all employees are subject to all types of testing.

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

1. Being on duty or in or on City property in preparation for duty while under the influence of drugs and/or alcohol;
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;
3. Refusing or failing a drug and/or alcohol test administered under this policy;
4. Providing an adulterated, altered, or substituted specimen for testing;
5. Use of alcohol within eight hours for public safety employees and four hours for other employees 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.

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

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform job duties. It is the employee's responsibility to inform the proper Supervisory personnel of the use of any legally prescribed medication when the side effects of said medication impair the employee's ability to safely perform the duties of the position.

The Safety Officer or Human Resources Director has been designated as the municipal official responsible for answering questions regarding this policy and its implementation.

Section B. Scope

Certain aspects of this policy apply to all full-time, part-time, and temporary employees of the City. The policy also applies to applicants who have been given a conditional offer of employment for sworn police and fire positions, safety sensitive positions, and positions requiring a Commercial Drivers' License (CDL).

Section C. Consent Form

Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, Medical Review Officer (MRO), Human Resources Director or Safety Officer. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the City's drug and alcohol testing policy.

Section D. Compliance with Substance Abuse Policy

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

Section E. General Rules

These are the general rules governing the City's drug and alcohol testing program:

1. City employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician. If the employee's ability to perform his or her job functions is impaired by the use of any legally prescribed medication, the employee shall notify the proper Supervisory personnel immediately.
2. City employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on City property.
3. All City property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers. Employee-assigned lockers that are locked by the employee are also subject to inspection by the employee's Supervisor in the presence of the employee after reasonable advance notice to the employee, unless such notice is waived by the City Manager.
4. Any employee convicted of violating a criminal drug statute shall inform the City Manager and the Department Head of such conviction (including pleas of guilty and *nolo contendere*) within five days of the conviction occurring. Failure to inform the City subjects the employee to disciplinary action up to and including termination for the first offense.

Section F. Drug Testing

An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under seven separate conditions:

1. Pre-employment

All applicants for employee status who have received a conditional offer of employment with the City for sworn police and fire positions, safety sensitive positions, and positions requiring a Commercial Drivers' License (CDL) must take a drug test before receiving a final offer of employment.

2. Transfer

Employees transferring to a sworn police or fire position, and/or another position within the City that requires a commercial driver's license (CDL) shall undergo drug testing.

3. **Post-Accident/Post-Incident Testing**

Following any workplace accident (incident) determined by Supervisory personnel of the City to have resulted in significant property or environmental damage, including requiring a vehicle to be towed from the scene, or in significant personal injury, including but not limited to a fatality or human injury requiring medical treatment away from the accident (incident) scene, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible drug use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) drug test. This type of testing applies to all city employees. In accordance with federal regulations for CDL drivers, testing will be required in any fatal accident regardless of whether the driver received a moving violation arising from the accident.

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

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

Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the Department Head, affected employees who are ambulatory will be taken by a Supervisor or designated personnel of the City to the designated urine specimen collection site within 32 hours following the accident. No employee shall consume drugs prior to completing the post-accident (post-incident) testing procedures, unless such drugs are prescribed by a physician and use of such drugs is disclosed at the time of testing.

Employees must go without delay to the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to

cooperate with the substance abuse program of the City and shall result in administrative action up to and including termination of employment.

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

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

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

4. **Testing Based on Reasonable Suspicion**

A drug test is required for any City employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief should be based on recent, physical, behavioral, or performance indicators of possible drug use. Employees who are DOT must be observed in written documentation made by a Supervisor who has received drug detection training that complies with DOT regulations.

Supervisory personnel of the City making a determination requests that employee be drug tested based on reasonable suspicion shall document their specific reasons and observations in writing to the Safety Officer, Human Resources Director or City Manager within 24 hours of the decision to test and before the results of the urine drug tests are received by the City. The City Manager and Safety Officer will make the determination to test the employee.

5. **Random Testing**

Only employees of the City in sworn police or fire positions, safety sensitive positions or a position within the City that requires a commercial driver's license (CDL) are subject to random urine drug testing. Federal regulations require the City to annually random test for drugs a specific percentage of the total number of drivers possessing or obtaining a commercial driver's license (CDL). All other classes of employees subject to random drug testing will be tested on a schedule as determined by the City.

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random urine drug testing and the actual presentation for specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while others may not be tested at all, depending on the random selection.

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

6. Return-to-Duty and Follow-Up

Any employee of the City who has violated the prohibited drug conduct standards and is allowed to return to work must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly. Testing will also be performed on any employee returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

7. Periodic Medical Physicals

Sworn employees of the Fire and Police Departments shall be subject to a drug test as part of their periodic fit for duty physical assessment as required by the City.

Section G. Prohibited Drugs

All drug results will be reported to the Medical Review Officer (MRO). If verified by the MRO, they will be reported to the Safety Officer or Human Resources Director.

For testing of employees under the federal requirements for CDL drivers, the following is a list of drugs for which tests will be routinely conducted:

1. Amphetamines
2. Marijuana
3. Cocaine
4. Opiates
5. Phencyclidine (PCP)
6. Alcohol

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

Section H. Collection Procedures

Testing will be accomplished as non-intrusively as possible by an outside agency.

Section I. Laboratory Standards and Procedures

All collected urine samples will be sent to a laboratory that is certified and monitored by the federal Department of Health and Human Services (DHHS).

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

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

Section J. Reporting and Reviewing

The City shall designate a medical review officer (MRO) to receive, report, and file testing information transmitted by the laboratory. This person shall be a licensed physician with knowledge of substance abuse disorders.

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

Section K. Alcohol Testing

An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to alcohol testing under six separate conditions:

1. Post-Accident/Post-Incident Testing

Following any workplace accident (incident) determined by Supervisory personnel of the City to have resulted in significant property or environmental damage, including requiring a vehicle to be towed from the scene, or in significant personal injury, including but not limited to a fatality or human injury requiring medical treatment away from the accident (incident) scene, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible alcohol use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) alcohol test. This type of testing applies to all city employees. In accordance with federal regulations for CDL drivers, testing will be required in any fatal accident regardless of whether the driver received a moving violation arising from the accident.

Post-accident (post-incident) testing shall be carried out within two hours following the accident (incident).

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

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

Employees must go without delay to the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the substance abuse program of the City and shall result in administrative action up to and including termination of employment.

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

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the Medical Review Officer (MRO) of the City appropriate and necessary information or records that would indicate only whether or not specified prohibited alcohol (and what amount) was found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City or upon hiring following the implementation date. Post-accident (post-incident) breath alcohol testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if alcohol was present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within two hours must be fully documented by the attending medical personnel.

2. **Testing Based on Reasonable Suspicion**

An alcohol test is required for any employee where there is reasonable suspicion to believe the employee is using or is under the influence of alcohol and must be documented in writing by the employee's Supervisor.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol. This belief should be based on recent, physical, behavioral, or performance indicators of possible alcohol use.

Employees who are DOT must be observed and written documentation made by a Supervisor who has received alcohol detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior. The decision to test the employee will be made by the City Manager or Safety Officer.

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

3. **Random Testing**

Only employees of the City in a position that requires a commercial driver's license (CDL) are subject to random alcohol testing. Federal regulations require the City to annually random test for alcohol a specific percentage of the total number of drivers required to possess a commercial driver's license (CDL).

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

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

4. **Return-to-Duty and Follow-Up**

Any employee of the City, who has violated the prohibited alcohol conduct standards and is allowed to return to work, must submit to a return-to-duty test. For employees of the City in a position that requires a commercial driver's license (CDL), follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty. Other

employees of the City are not subject to follow-up random alcohol testing, but remain subject to all other applicable alcohol testing, including reasonable suspicion testing, as provided by this policy.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly. Testing will also be performed on any employee returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

Section L. Alcohol Testing Procedures

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

1. **Step One:**

An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent breath alcohol level (BAL), the test shall be considered negative. If the result is greater or equal to 0.04 percent BAL, the result shall be recorded and witnessed, and the test shall proceed to Step Two.

2. **Step Two:**

Fifteen minutes shall be allowed to pass following the completion of Step One above. Before the confirmation test or Step Two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. The breath alcohol level detected in Step Two shall be recorded and witnessed.

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

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

The completed breath alcohol test form shall be submitted to the Safety Officer or Human Resources Officer.

Section M. Education and Training

1. Supervisory Personnel Who Will Determine Reasonable Suspicion Testing

Supervisory personnel who will determine whether an employee must be tested based on reasonable cause will have at the minimum two 60-minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One 60-minute period will be for drugs and one will be for alcohol.

2. Distribution of Information

The minimal distribution of information for all employees will include the display and distribution of:

- a. Employee assistance programs;
- b. the City policy regarding the use of prohibited drugs and/or alcohol; and
- c. the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

Section N. Consequences of a Confirmed Positive Drug and/or Alcohol Test Result and/or Verified Positive Drug and/or Alcohol Test Result

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

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

satisfactorily participate in and complete the program as a condition of continued employment.

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

Section O. Voluntary Disclosure of Drug and/or Alcohol Use

In the event that an employee of the City is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss the problem with the respective Department Head in private. The City will honor such voluntary desire for help with a substance abuse problem. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

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

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

Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional (SAP) through the City's Employee Assistance Program. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective Department Head, Safety Officer or Human Resources Director and City Manager will consider each case individually and set forth final conditions of reinstatement to active duty. The employee must meet these conditions of

reinstatement. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

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

Section P. Exceptions

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

Article XIX – Travel Policy

Section A. Purpose

This guideline provides procedures and policies concerning travel for City employees.

Section B. Responsibility

Specific responsibility is assigned to the City Manager to approve in advance all overnight travel requests and to all Department Heads for ensuring adherence to these guidelines. General responsibility for these guidelines is assigned to all traveling employees.

Section C. Policy

The City of Fairview will reimburse authorized travelers for travel expenses on official city business and for employee training/professional development. It shall be the policy of the City to achieve the maximum return on its travel fund expenditures. Travel authorization will be made subject to the following criteria in order of priority and the availability of budgeted funds:

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

Section D. Procedures

1. Transportation

a. By Air

The City will pay for economy class air transportation when it is determined that the distance involved, as well as the travel time away from City duties and location of the destination make air transportation the best choice. Unless

circumstances prevent advance registrations, employees should make airline reservations at least 21 days in advance of their expected travel date in order to achieve the maximum available discount. Copies of the airline ticket receipt and boarding passes must be attached to the travel expense report.

b. By Private Vehicle

- i. The use of a private vehicle for travel to programs, meetings or other official business is discouraged except in those cases when a City owned vehicle is unavailable due to need and use by other department personnel. In cases where private vehicle use is necessary, the City will reimburse the owner of the vehicle at the mileage rate allowed by the States Travel Rates from origin to destination of business and return by the most expeditious and direct route, plus necessary and appropriate mileage at the destination of business.
- ii. In no event shall reimbursement for use of a private vehicle, meals, and lodging while in transit to and from destination exceed the cost of economy class airfare.
- iii. Other costs associated with using private vehicles such as tolls, parking fees and other expenses must be documented with receipts for reimbursement.
- iv. Employees will not be reimbursed for any fines for traffic violations, parking tickets and costs incurred because of accidents, including the cost of repairs or breakdowns on the road.

c. By City Owned Vehicles

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

d. Use of Rental Cars

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

2. Lodging

Reimbursement for lodging will be based upon the customary and usual hotel rates for government employees in the locality and the availability of accommodations. The traveler in all instances should exercise reasonableness and economy. Employees attending a conference or meeting should strive to stay at the designated hotels to take advantage of the negotiated “convention rates” at the particular facility.

3. Meals

The per diem reimbursement for meals and tips shall be \$40.00 per day with the corresponding breakdown being \$8.00 for breakfast, \$12.00 for lunch, and \$20.00 for dinner for appropriate fractions of whole days. Actual meal receipts are not required unless the meal cost exceeds the approved per diem. When meals are unavoidably in excess of these amounts, receipts and justifications will be required to support the greater payments. It is expected that the cost will be reduced by an appropriate amount for any complimentary meals served on airplanes or meals included in registration fees.

4. Registration Fees for Meetings and Conferences

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

5. Entertainment Expenses

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

6. General Information

- a. An individual combining travel on official city business and travel for personal reasons will be reimbursed only for the City’s appropriate part of the cost incurred. The basis for reimbursement must be approved by the City Manager in advance of travel.
- b. Before traveling, a “Request for Travel” form must be completed by the employee, approved by the Department Head and submitted to the finance department for determination of compliance with the budget. Two (2) copies of the request should be submitted at least two weeks in advance of travel. Emergency travel for official City business may be submitted and approved on shorter notice.
- c. The Request for Travel form, including any request for advance funds, must be approved by the City Manager for all overnight travel. The Chief Financial Officer may authorize travel to day meetings. Whenever possible, the timing of travel advance and reimbursement requests should be submitted early enough to permit the issuance of checks on [Thursday](#) of each week.

- d. The City will reimburse the employee for eligible travel expenses incurred in excess of the initial advance of travel funds upon receipt of the completed "Travel Expense Report" supported by paid receipts for transportation, lodging, registration fees, local transportation fares, and other charges for which receipts are normally given. The Travel Expense Report must be completed by the employee and returned to the Chief Financial Officer along with any remaining advance travel funds owed the City within one week after return from travel. Any reimbursement checks due the employee will be issued on the following Thursday.
- e. For the City of Fairview to take advantage of its sales tax exempt status, a direct payment must be made from the City to the vendor of travel or lodging services. Therefore, prepayment, by City check, of these expenses should be made whenever possible.
- f. Employees should provide an address and phone number with their Department Head where they can be contacted during travel if the need arises.
- g. Because of limited funds, only those travel requests, which, in the judgment of the City Manager, meet the criteria identified in the policy section, will be funded as indicated.

Article XX – Amendments; Severability; Conflicts

Section A. Amendments and Changes

The provisions of these Personnel Rules and Regulations may be amended by formal resolution of the Board of Commissioners. The Board of Commissioners enjoys the right to amend these Personnel Rules and Regulations, in accordance with the City Charter and state and federal laws, at any time. No employee or other person enjoys any vested right to the continuation of any rules, regulations, policies, procedures, provisions or employee benefits contained within these Personnel Rules and Regulations. The provisions of all employee benefits covered in this document are subject to annual appropriation by the City Commission. In addition, all benefits offered through third-parties are subject to the terms and conditions of the service contract between the City and the provider, which may be changed in the future.

Any of the provisions of these Personnel Rules and Regulations that are intended to comply with State or Federal laws or regulations shall be administered and implemented so as to always remain in compliance such laws or regulations as may be amended in the future, regardless of whether this document is actually modified to reflect such amendments in the laws or regulations.

Section B. Severability

The provisions of these Rules and Regulations are hereby declared to be severable. Should any rule or regulation, section or subsection, provision, exception, sentence, clause, phrase or part of these Rules and Regulations be held by any court to be invalid or unconstitutional, then the same shall not invalidate or impair the validity, force and effect of any other rule or regulation, section or subsection, provisions, exception, sentence, clause, phrase, or part of these Rules and Regulations unless it clearly appears that such other part or parts is wholly or necessarily dependent for its operation upon the part or parts so held invalid and unconstitutional, and the remainder of these Rules and Regulations shall continue in full force and effect, it being the corporate intent, now hereby declared, that these Rules and Regulations would have been passed, approved and adopted even if such unconstitutional or void matter had not been included herein.

Section C. Conflicts

Should any rule or regulation, section or subsection, provision, exception, sentence, clause, phrase or part of these Rules and Regulations be in conflict with any provision of the City Charter or Municipal Code, then the City Charter and Municipal Code shall prevail.

SUMMARIZED DESCRIPTIONS OF JOB CLASSES

The City Manager is appointed and employed by the Board of Commissioners. The administrative head of the municipal government under the direction and supervision of the Board of Commissioners and appoints or discharges all city employees. The City Manager acts as the personnel officer for the city and represents the city.

Chief Financial Officer, under limited supervision of the City Manager, supervises and controls the work of all departments and divisions created by this charter or created by the Board of Commissioners. Chief Financial Officer executes the directions of the City Manager instructing Department Heads accordingly and by periodic follow-up. Reports and recommends actions on various city matters to the City Manager and serves as the City Treasurer.

Finance Office Staff perform a variety of tasks including, but not limited to, business license, payroll, accounts payable, property tax receipting and other general clerical duties.

City Recorder works under limited supervision of the City Manager. The Recorder has general supervision over all the fiscal affairs of the City.

Court Clerk, under limited supervision of the City Manager, administrates all activities required to serve the legal process of the Fairview City Court including docket preparation, handling of monies related to court and maintaining record of all court actions. This position also serves as administrative assistant to the City Manager.

Chief of Police is appointed by the City Manager. The Chief is the sole administrator of the Police Department and shall provide both general and specific supervision to all departmental member as well as fill-in on general police work duties as occasion demands. The Chief organizes, directs and controls all resources of the department for the most efficient discharge of its duties to preserve the peace, protect the persons and property, and obey and enforce all ordinances of the City and all criminal laws of the State of Tennessee and USA.

Detective/Criminal Investigator is responsible for performing criminal investigations and deterring criminal activity within the community. The position reports directly to the Chief of Police.

Captain functions under general direction of and reports to the Chief of Police. The Captain will be second in command and have responsibility to take charge of Police Officer operations in law enforcement.

Lieutenant functions under general directions of and reports to the Captain. The Lieutenant shall act as the administrative officer and shall act as the Public Information Officer.

Sergeants are promoted by the Chief of Police and report directly to the Chief. They have the duty of preserving order in the City, protecting the inhabitants, and property owners from violence, crime, violations of law and of the City ordinances, and performing general police duties. Sergeants take charge of police officer operations in law enforcement, traffic control and crime prevention on an assigned shift.

Corporals shall be generally governed by the same duties and responsibilities, rules and regulations applicable to any other Police Officer and more specifically by those pertaining to the assignment as Patrolman. The Patrolman reports directly to the Sergeant on the assigned shift.

Patrolmen shall be directly accountable to the Corporals for optimum performance of duties, general conduct, and control of all matters relative to the operation of the Department.

Fire Chief works under limited supervision of the City Manager. The Chief directs and coordinates all activities of the City's Fire Department. The Chief directs training of personnel and administers laws and regulations affecting the department. The Chief oversees long-range departmental and budgetary planning.

Training and Safety Officer, under supervision of the Fire Chief, directs and coordinates all activities of the training and safety divisions of the City of Fairview Fire Departments and well as the safety training of all city departments. The Training and Safety Officer conducts and directs training of all personnel and administers laws and regulations pertaining to the departments.

Volunteer Deputy Chief, under limited supervision reporting to the Fire Chief, supervises the officers and firefighters assigned to the fire stations, protects life and property by firefighting, rescue, emergency medical, hazardous materials, fire prevention and other duties as assigned. Volunteer Deputy Chief as the Fire Chief in his absence.

Career Captain, under limited supervision reporting to the Fire Chief, supervises a shift of firefighters, protects life and property by firefighting, rescue, emergency medical, hazardous materials, fire prevention and other duties as assigned.

Volunteer Captain, under limited supervision reporting to the Fire Chief, develops and administers a program of water supply for areas of the district without fire hydrants. The Volunteer Captain responds and maintains a continuous water supply at incidents as required. He protects life and property by firefighting, rescue, emergency medical, hazardous materials, fire prevention and other duties as assigned.

Volunteer Lieutenant, under limited supervision reporting to the Fire Chief, supervises a fire station, the apparatus, drivers and firefighters assigned to that station. He provides for the maintenance of said station and apparatus. He protects life and property by firefighting, rescue, emergency medical, hazardous materials, fire prevention and other duties as assigned.

Firefighter, under supervision, protects life and property by fire fighting, rescue, emergency medical, hazardous material, fire prevention and other duties as assigned.

Planning/Zoning/Codes Director works under limited supervision of the City Manager. The Director is responsible for overseeing the operation of the Planning/Zoning/Codes Department. The Director reviews parcels of land and talks to developers and citizens about required zoning and subdivision regulations. The Director attends all meetings related to codes and planning at city and county level, reviews reference matter, codes books and updates for any code or planning change, keeps city boundary maps, zoning maps and the City of Fairview map updated. The Director works directly with the Planning Commission and various boards that deal with these issues, and is held responsible for keeping all developer bonds and utility bonds up to date. He exercises independent judgment and discretion on all matters.

Building Inspector/Codes Officer works reports to the Planning Zoning/Codes Director. The Inspector is responsible for the inspection of residential, commercial, and industrial properties including alterations for compliance with city, state and federal codes and regulations. He reviews and reads architectural blueprints, issues building permits and sign permits for all users.

Codes Clerk reports to the Planning/Zoning/Director. The Clerk performs various secretarial and clerical duties for the Planning/Zoning/Codes Department.

Community Services Director reports directly to the City Manager. He/she is responsible for the management of all public parks, playgrounds and other recreational facilities. The Director is responsible for overseeing the street department including the proper installation and inspection of all city streets and roads. He must keep operational records, executes departmental policies and city ordinances governing the operation of the street department. He/she must plan, schedule and coordinate manpower and equipment needs between the streets and park department.

Community Services Supervisor is responsible for supervising and directing the streets maintenance crews. Responsibilities include maintenance and repair of all city streets and storm water systems. He shall organize a work schedule for the crews supervised; shall assign work through oral and written instructions; shall review work through inspections; reports and observations. This position reports to the Community Services Director.

Maintenance Worker shall be under the direct supervision of the Street Maintenance Supervisor. He shall perform whatever duties are requested related to repair and maintenance and cleaning of road, facilities, storm water systems or vehicles.

Park Superintendent oversees and participates in the maintenance and upkeep of the City's Park and related equipment. He assists in the planning, layout, and completion of projects. This position also serves as the Park Ranger. This position reports directly to the Community Services Director.

Park Programmer, under limited supervision of Community Services Director, for general administration of recreational programs. Develops, organizes and teaches nature programs, assists in planning and completion of projects. Coordinates voluntary work projects and assists with upkeep of park facilities.

Operations Manager/Human Resources Director reports directly to the City Manager. He/she is responsible for the human resources and purchasing of the City, including, but not limited to, reviewing all job classifications, procurement, risk management, safety and special projects.