

PERSONNEL MERIT SYSTEM ORDINANCE

An ordinance of the Town of Mount Carmel creating and establishing a personnel merit system for said town.

Be it ordained by the City of Mount Carmel.

Article 1 - General Provisions

Section 1. This Ordinance shall be known as the "Personnel Merit System Ordinance" or "Personnel Ordinance."

Section 2. A Personnel Merit System for the City of Mount Carmel is hereby established for the purpose of providing a personnel policy under which entry into and continuance in the service of the City shall be on the basis of merit, efficiency, and fitness, free of personal and political considerations.

Section 3. It is hereby the declared personnel policy of the City that:

- 3.1 Employment in the city government shall be based on merit, efficiency, and fitness, free of personal and political considerations.
- 3.2 Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the Municipal Government.
- 3.3 Positions having similar duties and responsibilities shall be classified and compensated for on a uniform basis.
- 3.4 Appointments, promotions and other personnel actions requiring the application of the merit principle shall be based on systematic tests and evaluation.
- 3.5 Every effort shall be made to stimulate high morale by fair administration of this ordinance and by every consideration of the rights and interests of employees, consistent with the best interests of the public and the city.
- 3.6 Tenure of employees covered by this ordinance shall be subject to good behavior, satisfactory performance of work, necessity for the performance of work, and availability of funds.

Article 2 - Definitions

Section 1. As used in this Ordinance, the following quoted words and terms shall have the meanings enumerated hereinafter:

- 1.1 "Municipality" or "City" shall mean the City of Mount Carmel.
- 1.2 "Chief Executive" shall mean the Mayor of the City of Mount Carmel.
- 1.3 "Governing Body" shall mean the City Council vested with power to enact ordinances and resolutions for the City of Mount Carmel.
- 1.4 All those definitions as listed in Rule II of the Personnel Rules and Regulations.

Article 3 - Coverage

Section 1. All offices and positions of the City are divided into the classified service and the exempt service. The classified service hereinafter referred to as the "Classified Service", shall include all permanent full-time and permanent part-time positions in the city service which are not specifically placed in the exempt service by this Ordinance. All offices and positions of the City specifically placed in the exempt service shall be as follows:

- 2.1 All officials elected by popular vote, and persons appointed to fill vacancies in any such elective offices.
- 2.2 The Chief Executive, and direct assistant (s) thereto.
- 2.3 Members of appointive boards, commissions or committees.
- 2.4 Persons employed to render the city expert, professional, technical or other services of occasional character.
- 2.5 Volunteer personnel, such as volunteer firemen; and all other personnel appointed to serve without compensation.
- 2.6 City attorney and assistant city attorneys.
- 2.7 Housing authority personnel.
- 2.8 Persons employed by the city for not more than six (6) months during a fiscal year for special purposes and seasonal work.
- 2.9 Part-time employees paid by the hour or day.
- 2.10 Employees who are hired to meet the immediate requirements of an emergency condition, such as fire, flood, earthquake, riots, etc, which threatens life or property.
- 2.11 Persons serving the city as independent contractors.
- 2.12 Persons retained as consultants.
- 2.13 Persons jointly employed by the municipality and some other governmental agency.
- 2.14 City judge.
- 2.15 Building Inspector

Article 4 - Administration

Section 1. The Chief Executive shall have the basic responsibility for the personnel program as set forth in this Ordinance. He specifically shall:

- 1.1 Be responsible for effective personnel administration;
- 1.2 Appoint a Personnel Officer who shall be responsible for the administration and technical direction of the city's personnel program.
- 1.3 Appoint, remove, suspend, and discipline all officers and employees of the city subject to the policies as set forth in this Ordinance, provisions of the charter, and those in State law; or he may, at his discretion, authorize the head of the department or office responsible to

him to appoint and terminate subordinates in such departments and offices;

- 1.4 Fix and establish the number of employees in the various city departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in this Ordinance and subject to the approval of the Governing Body and budget limitations; and
- 1.5 Perform such other duties and exercise such other power in personnel administration as may be prescribed by Law and this Ordinance.

Section 2. The Chief Executive shall appoint a Personnel Officer, or combine the duties of the Personnel Office with that of another position, who shall:

- 2.1 Administer under the direction of the Chief Executive, the personnel program as set forth in this Ordinance and the Personnel Rules and Regulations;
- 2.2 Perform all lawful and necessary duties essential to the effective administration of the personnel system and serve as a secretary to the Personnel Board, but shall have no vote;
- 2.3 Recommend to the Chief Executive rules and revisions and amendments thereto for the consideration of the Governing Body;
- 2.4 Recommend to the Chief Executive a position classification plan for approval by the Governing Body, and install and maintain such a plan;
- 2.5 Prepare and recommend to the Chief Executive a pay plan for all city employees for the Governing Body approval;
- 2.6 Establish and maintain a roster of all persons in the municipal service setting forth each officer and employee, class title of his position, salary, and changes in class title, status, and such other data as may be deemed desirable or useful;
- 2.7 Investigate periodically the operation and effect of the personnel provisions of this Ordinance and the Rules, and at least annually report his findings and recommendations to the Chief Executive;
- 2.8 Advise the Chief Executive on manpower utilization;
- 2.9 Foster and develop programs for the improvement of personnel effectiveness, including training, safety, health, counseling and welfare;
- 2.10 Encourage and exercise leadership in the development of an effective personnel system for the city; and
- 2.11 Perform such other duties as may be assigned by the Chief Executive not inconsistent with this ordinance.

Section 3. A Personnel Board, hereinafter referred to as "Personnel Board," or "Board," which shall consist of three (3) members, is hereby created. One (1) of whom shall be appointed by the Governing Body, One (1) of whom shall be nominated and elected by the regular city employees, and the third of whom shall be appointed as Chairman by the Chief Executive. Each member shall be appointed for a full three (3) years term, except that of the members first appointed shall be as follows: one member of the Board shall be initially appointed for a term of one (1) year; one for two (2) years; and one for three (3) years. Vacancies occurring prior to the end of a term shall be filled in the same manner as the original appointments were made. Members appointed to fill the same shall hold under such appointment only for the unexpired term. After the initial election and appointment of members to the Board, members shall be elected and appointed in December of each year and shall take office on January 1st, next following. No elected official or employee of the city shall be eligible for membership on the Board.

- 3.1 The Board shall hold meetings at such times and places as shall be specified by call of the chairman. All hearings shall be open to the public. Three (3) members shall constitute a quorum for the transaction of business.
- 3.2 Members of the Personnel Board shall serve without compensation, but funds will be provided for actual and necessary expenses incurred in the discharge of their responsibilities. The Governing Body shall provide the Board with suitable and convenient rooms and accommodations, and with office supplies and equipment necessary to carry on the Board's business, and shall provide the funds for such clerical, administrative, and legal assistance as may be necessary for the Board to carry out its duties. Within the amount budgeted for such purpose the Board shall have authority to employ such personnel. At the option of the Board, the Governing Body may assign personnel of the City to assist the Board.
- 3.3 The members of the Board shall be qualified electors of the city, and shall be in sympathy with the application of merit principles to public employment.
- 3.4 No member of the Personnel Board shall be a member of any local, state, or national committee of a political party, or an officer or member of a committee in any partism, political club or organization, or shall hold or be a candidate for any elective public office.
- 3.5 No member shall be appointed to the Personnel Board who holds any salaries office or employment in the city government.
- 3.6 A member of the Personnel Board shall be removable by the Governing Body only for cause, after being given a copy of charges against him and an opportunity to be heard publicly on such charges before the Governing Body.
- 3.7 The Personnel Board shall have the following duties and powers:
 - 3.71 Hear appeals of any permanent employee relative to suspension, demotion, dismissal, and other matters in which the employee feels grieved as provided, and in the manner provided, in the Personnel Rules and Regulations. The Board may revoke, modify or sustain the action being appealed. The Personnel Board shall have the right of subpoena, the power to examine witnesses under oath, the power to compel the attendance of witnesses, and the power to require the production of evidence by subpoena.

During such review, both the appealing employee and the appointing authority or other person whose action is being reviewed shall have the right to be heard publicly, be represented by a person of his choice, and to present evidentiary facts. At the hearing of such appeals or grievances technical rules of evidence shall not apply. All appeals shall be concluded as expeditiously as possible and in accordance with the requirements and procedures as set forth in the Personnel Rules adopted pursuant to this Ordinance. The decisions of the Personnel Board in such cases shall be final.

3.72 Represent the public interest in the improvement of personnel administration in the City Service.

3.73 Advise the Governing Body, Chief Executive and the Personnel Official on problems concerning personnel administration.

Article 5 - Personnel Rules

Section 1. The Chief Executive, in consultation with the Personnel Official, shall be responsible for preparation of such personnel rules and amendments thereto as may be necessary to carry out the provisions of this Ordinance to be submitted to the Governing Body for adoption after public hearing. Such public hearing thereon shall be held before the Governing Body, within thirty (30) days thereafter, after at least two (2) weeks notice published in a newspaper of general circulation in the city. After the public hearing, the Chief Executive shall forthwith make such amendments to the rules as the Governing Body may deem desirable, and the Governing Body shall adopt such rules by resolution within ninety (90) days of the public hearing. Except as provided in Article 7, of this Ordinance, if not adopted by resolution of the Governing Body within ninety (90) days of the public hearing, such personnel rules shall become effective as if they had been so adopted, and shall have the full force and effect of law. Amendments to the personnel rules shall be made in accordance with the above procedure.

Section 2. The personnel rules shall establish regulations, specific procedures, and policies governing the personnel system including but shall not be limited to the following:

- 2.1 Administration of a position classification plan covering all positions in the classified service, including employment standards and qualifications for each class;
- 2.2 Administration of a plan of compensation directly correlated with the position classification plan, providing a rate or range of pay for each class;
- 2.3 The announcement of vacancies and the acceptance of applications for employment;
- 2.4 Preparation, announcement, and conduction of examinations;
- 2.5 Establishment and use of employment lists containing names of persons eligible for appointment;
- 2.6 Certification and appointment of persons from employment lists to fill vacancies, and the making of provisional, temporary, casual, and emergency appointments;

- 2.7 Evaluation of the work of employees including those serving a probationary period;
- 2.8 Transfer, promotion, and reinstatement of employees in the competitive service;
- 2.9 Disciplinary action, demotion, suspension, and separation from the service of employees by resignation, layoff, separation, dismissal, and for incapacity to perform required duties;
- 2.10 Standardization of hours of work, attendance and leave regulations, and working conditions;
- 2.11 Development of employee morale, welfare, and training programs;
- 2.12 A uniform system of procedure for the handling of all grievances and appeals;
- 2.13 Vacations, holidays, paid and unpaid leaves, and other fringe benefits;
- 2.14 Promotional policies and procedures;
- 2.15 Establishment, maintenance, and use of adequate and necessary personnel records and forms; and
- 2.16 Such other matters as may be necessary and proper to carry out the intent and purpose of this Ordinance.

Article 6 - Classification

Section 1. The Personnel Official shall make an analysis of the duties, authority, and responsibility of all positions in the classified service and shall recommend to the Chief Executive for adoption by the Governing Body a position classification plan. Each position in the classified service shall be assigned to a job classification on the basis of its kind and level of its duties and responsibilities, to the end that all positions in the same class shall be sufficiently alike to permit use of a single descriptive class title, the same qualifications, requirements, the same tests of competence, and the same pay scale. A job class may contain one position or more than one position.

Section 2. The Governing Body shall by resolution, after public hearing, approve a classification plan in accordance with the provisions as set out in Article 5, Section 1, of this Ordinance. The Personnel Official shall thereafter allocate each position to its appropriate class.

Section 3. The class to which each position is initially allocated following adoption of this Ordinance shall be the class in which the employee shall have status conferred on him by Article 13.

Section 4. The initial class plan shall be revised from time to time as changing conditions require, upon recommendation of the Personnel Official to the Chief Executive, and with the approval of the Governing Body by resolution, after public hearing, in accordance with the provision as set out in Article 5, Section 1, of this Ordinance. Such revisions may consist of the adoption of new classes or the abolishment, consolidation, division, or amendment of existing classes. Nothing herein shall be constructed as affecting the power of the Governing Body to abolish positions in the classified service.

Article 7 - Compensation

Section 1. The Personnel Official, under the direction of the Chief Executive and in consultation with the Finance Director, shall develop a uniform and equitable pay plan consisting of minimum, intermediate, and maximum rates of pay for each class of positions. Salary ranges for each class shall be coordinated with the position classification plan and shall be based on the ranges of pay for other classes, requisite qualifications, general rates of pay for comparable work in other public and private employment in the area, cost of living data, maintenance or other benefits received by employees, the financial policy of the city, and other economic considerations. The pay plan and the rules for its administration shall then be submitted to the Governing Body for adoption.

Section 2. The Governing Body shall: (1) adopt the plan of compensation, or (2) adopt the same without modifying the plan except by uniform modification of all classes, or (3) reject the same. Adoption shall be by resolution. When a plan of compensation is rejected by the Governing Body, it shall be returned to the Chief Executive. The Personnel Official shall thereupon formulate another plan of compensation in accordance with Section 1, of this Article. Upon approval of the plan by the Governing Body, it shall be the plan of compensation under which all members of the classified service must be paid.

Section 3. After the pay plan and the rules for administration have been adopted by the Governing Body, the Personnel Official shall assign each job class to one of the pay ranges provided in the pay plan.

Section 4. The pay plan may be amended from time to time as circumstances require in accordance with the provisions as set out in Sections 1 and 2, of this Article.

Section 5. On the effective date of a new or revised pay plan, the pay of employees receiving less than the minimum rate for their class shall be increased to the minimum rate of the salary range. Employees receiving more than the maximum rate of their class shall continue to receive that higher rate. Employees whose salary rates fall at any step in the range for the position shall continue at that rate. Rates at other than an establishment step of the salary range shall be increased to the next higher step.

Article 8 - Appointments

Section 1. Appointments to positions in the classified service shall be made in accordance with this Ordinance and the Personnel Rules. Appointments and promotions shall be based on merit, efficiency, and fitness to be ascertained so far as practicable by competitive evaluation. Examinations when used and conducted to aid in the selection techniques shall test fairly the qualifications of candidates in relation to class specifications. Such tests may include written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, or any combination of these or other tests as approved by the Chief Executive. Physical and medical tests may be given as a part of any examination. The Chief Executive may include, in addition to competitive tests, a qualifying test or tests, and set minimum standards therefor. The Personnel Rules and Regulations shall include, but not be limited to, the following appointment procedures:

- 1.1 An orderly and systematic method of recruitment to insure that all those employed will be hired on the basis of merit, efficiency, and fitness without in any way being favored or discriminated against because of race, color, ancestry, sex, national origin, religious belief, or any personal or political opinions or affiliations, and to provide for the establishment of qualified lists for employment purposes;
- 1.2 In the absence of an appropriate certified employment list of qualified candidates, a provisional appointment may be made by the appointing authority, provided that employment lists shall be established for any such position within six (6) months. A provisional employee may serve only until the Personnel Official shall certify to the appointing authority a qualified candidate or candidates, and may be removed at any time without charges, right of appeal and hearing. No person shall be employed by the city under provisional appointment for a total of more than six (6) months, except during the period of suspension of an employee or pending final action on proceedings to review suspension, demotion, or dismissal or an employee (such vacancy created may be filled by the appointing authority only by provisional appointment subject to the provisions of this Ordinance and the Personnel Rules); and
- 1.3 In the event of emergency, the appointing authority may appoint such persons as are required to meet the situation but such an appointment shall not exceed thirty (30) days in any twelve (12) month fiscal year.

Article 9 - Eligible List

Section 1. The Personnel Official shall establish and maintain such employment lists of the various classes of positions in the city service as are necessary to meet the needs of the service.

Section 2. Eligible lists, in the order of their priority shall be re-employment lists, promotional eligible lists, and original appointment eligible lists.

2.1 Re-employment lists shall be created as follows: names of persons being placed upon re-employment 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 one year unless a person no longer seeks employment with the city, or the Personnel Official determines that the person has ceased to have the qualifications for the class of positions.

2.11 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 re-employment lists for the classes which in the opinion of the Personnel Official, require basically the same qualifications, duties, and responsibilities as those of the class of positions from which lay-off was made.

2.12 The names of probationary and regular employees who have resigned in good standing may, upon approval of the Chief Executive be placed upon re-employment lists, in accordance with the provisions of this Article, for classes which, in the opinion of the Personnel Official, require basically the same qualifications, duties, and responsibilities as those of the class of positions from which resignation was made.

2.2 Promotional eligible lists, and original appointment eligible lists shall be created in accordance with the provisions of Article 8 and 9, and as follows: names of applicants shall be placed upon the appropriate eligible lists in the relative order of their final rating (with the exception of re-employment lists as provided in Section 2.3 above). Eligible applicants obtaining the same score shall be considered to have the same rank on the eligible list, all other things being equal.

2.3 Policy and procedures for administering eligible lists shall be provided in the personnel rules; covering the duration, cancellation, replacement, and consolidation of such lists and the removal or suspension of the names of eligibles therefrom.

Article 10- Certification

Section 1. When an appointment is to be made to fill a vacant position in the classified service, the Personnel Official, upon requisition, shall first certify to the appointing authority a list of the top three (3) qualified candidates on the appropriate re-employment list in the order that their names appear on such list (Rule of Three). When more than one vacancy is to be filled, the number of names submitted shall equal the number of vacancies plus two. The appointing authority shall then fill the position or positions first, from those available person on the re-employment list in the order that their names appear on such list. If no appropriate re-employment list exists, the Personnel Official shall then certify to the appointing authority a list of the top three (3) qualified candidates ranked highest on the appropriate promotion list. The appointing authority shall then fill the position or positions from those candidates available in the highest qualified rating. In the event there is no appropriate promotion list of qualified candidates available, the Personnel Official shall certify a list of the top three (3) qualified candidates ranked highest on the appropriate employment list. The appointing authority shall then fill the position or positions from those candidates available in the highest qualified rating. In the absence of an appropriate certified employment list of qualified candidates, a provisional certified employment list of qualified candidates, a provisional appointment may be made by the appointing authority as provided elsewhere in this Ordinance, or the vacancy or vacancies may be filled in any other manner as provided in this Ordinance and the Rules. No appointment, except a temporary or provisional appointment, shall be made without such certification or prior authorization.

Article 11 - Veteran's Preference

Section 1. The Personnel Rules and Regulations shall provide for the allowance of veteran's preference points in accordance with the city charter, state, and federal law requirements.

Article 12- Probationary Period

Section 1. The Personnel Rules and Regulations shall provide that all regular appointments, including promotional appointments, shall be for a probationary period of six (6) months. During the probationary period, an employee may be rejected at any time without charges, right of appeal and hearing. An employee rejected during the probationary period from a position to which he has been promoted shall be re-instated to a position in the class from which he was promoted unless he is discharged as provided in this Ordinance and the Personnel Rules.

Article 13 - Status of Present Employees

Section 1. Any person holding a position included in the classified service who, on the date that this Ordinance becomes operational, shall have served continuously in such position, or in some other position in the classified service, for a period equal to the probationary period, shall assume regular status in the classified service, in the position held on such effective date without qualifying tests, and shall thereafter be subject in all respects to the provisions of this Ordinance and the Personnel Rules and Regulations. Other persons holding positions in the classified service shall be regarded as probationers who are serving out the remainder of their probationary periods before obtaining regular status, and may be certified in the same manner when they satisfactorily complete the regular work test period. The probationary period shall be computed from the date of appointment or employment.

Article 14- Promotions

Section 1. Vacancies in positions above the entrance shall be filled by promotions whenever in the judgment of the Chief Executive it is in the best interest of the city to do so. Promotions shall be on a competitive basis and shall give appropriate consideration to the applicants' qualifications and seniority.

Article 15 - Demotions, Suspensions , and Dismissals

Section 1. The appointing authority may demote, dismiss, reduce in pay, or suspend without pay for not more than thirty (30) calendar days in any calendar year (except that extensions may be made as provided in this Ordinance and the Rules pending any investigation and hearing), an employee in the classified service for any one or more of, but shall not be limited to, the following reasons:

1.1 Dishonesty, intemperance, immoral conduct, insubordination, unsatisfactory performance of duties, failure to adhere to rules and regulations or other written instructions, any other act of omission or commission tending to injure the public service, any other willful failure on the part of the employee to conduct himself properly, or any willful violation of the provisions of this Ordinance or the Personnel Rules adopted thereunder.

1.2 Conviction of a felony, a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon ability to perform public service or for which a jail sentence is imposed.

1.3 Any other act or failure to act as set out in this Ordinance and the Rules and Regulations, which, in the judgment of the appointing authority, is sufficient to show that the person is an unsuitable and unfit employee, including active political campaigning on a partisan basis.

Section 2. Notice of such action must be in writing and served personally on such employee, except where an emergency situation exists, in which case the notice shall be served within three (3) working days of the action taken. Such notice shall specify the penalty and contain a statement of the charges or reasons for the action taken. The provisions of this section shall not apply to reductions in pay which are a part of a general plan to reduce salaries and wages or to eliminate positions.

Article 16 - Reductions in Workforce

Section 1. Nothing herein shall be constructed as affecting the power of the Governing Body to abolish positions in the classified service. Employees transferred, demoted or laid off because of the abolishment of positions, shall have the right of appeal and hearing in such cases. Seniority shall be observed in affecting such reduction in personell and the order of lay-off shall be in the reverse order of total cumulative time served in the classified service upon the effective date of the lay-off. Lay-off shall be made within classes of positions, and all provisional employees in the effected class or classes shall be laid off prior to the lay-off of any probationary or regular employee. For the purpose of determining order of lay-off, total cumulative time shall include time served on military leave of absence.

Article 17 - Appeals

Section 1. This Ordinance and the Rules and Regulations adopted thereunder, shall hereby grant to any regular employee the right, as a matter of law, to appeal to the Personnel Board for review any disciplinary action such as reprimand, suspension, demotion, and dismissal; any interpretation or alleged violation of this Ordinance, and the Rules and Regulations; and demotions, transfers, and lay-offs because of the abolishment of positions; except in those instances where the right of appeal is specifically denied by this Ordinance. The Personnel Rules and Regulations shall establish the appeal procedure.

Article 18 - Political Activity

Section 1. All employees in the Classified Service shall not while in the employment of the Municipal Government:

1.1 Seek or accept election to public office; accept nomination or appointment as an officer of a county or municipal political party, club, or organization. Any employee who wishes to accept or seek election or appointment to political office shall resign from the service upon indicating such intention by formal declaration or other evidence of candidacy.

1.2 Take an active part in any county or municipal political campaign, or serve as a member of any committee of a county or municipal political party, club, or organization.

1.3 Directly or indirectly solicit or take part in soliciting any such assessment, subscription, or contribution for any political organization or purposes, or distribute badges, pamphlets, or handbills of any kind favoring or opposing any candidates for election, or for nomination to a local public office, whether county or municipal.

1.4 Any person elected to public office within the Municipal Government shall not, during the term for which he was elected, be appointed to any other position in the Municipal Government unless otherwise specified in the Charter.

1.5 No employee in the classified service shall be an officer or member of a committee of a national, state, or local political party or of a partisan political club, or shall take any part in the management of the affairs of any such political party, or in such political campaign.

1.6 No person shall seek or attempt to use any political endorsement in connection with any appointment to a position, or demotion or dismissal from a position in the Classified Service.

1.7 Nothing in this Ordinance shall in any way preclude the employees right to privately express his opinions and cast his vote, to prevent any such employee from becoming and/or continuing to be a member of a political organization, or from attending any political meeting.

1.8 Any willful violation, or violation through culpable negligence, of any of the above prohibitions shall be sufficient grounds for the discharge of any employee guilty of such violation.

Article 19 - Records

Section 1. The Personnel Official shall maintain, as a minimum, adequate records of the proceedings of the Personnel Board, of official ordinances and resolutions affecting personnel administration, of personnel rules and regulations, of the examination record of every applicant, and of the employment record of every employee.

Article 20 - Right to Contract for Special Services

Section 1. The Governing Body may contract with any competent agency for the performance by such agency of such technical services in connection with the establishment of the personnel system or with its operations as may be deemed necessary. Such contract may include the delegation to such an agency of the duties herein imposed upon the Personnel Official but shall not include the delegation of the powers and duties herein vested in the Governing Body. Examples of such responsibilities and duties that may be contracted by the Governing Body are as follows:

- 1.1 The preparation of personnel rules and regulations, and subsequent revisions and amendments thereof;
- 1.2 The preparation of a position classification plan, and subsequent revisions and amendments thereof;
- 1.3 The preparation of a compensation plan, and subsequent revisions and amendments thereof;
- 1.4 The preparation, conduct, and grading of competitive examinations;
- 1.5 Special and technical services of advisory or informational character on matters relating to personnel administration.

Article 21 - Discrimination

Section 1. No person in the classified service or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, creed, national origin, sex, ancestry, age, or religious belief.

Article 22 - Provision for Review

Section 1. It shall be the duty of the Chief Executive to review and/or modify any action taken by the Personnel Official while carrying out the intent of this Ordinance and/or while acting in the capacity of authorized representative.

Article 23 - Conflicting Provisions Repealed

Section 1. All ordinances of the City of Mt. Carmel Articles, Sections, or sentences thereof, in conflict with this Ordinance are hereby declared repealed to the extent of the conflict.

Article 24 - Separability of Provisions

Section 1. The provisions of this Ordinance are hereby declared to be severable; and if any Article, section, or subsection, provision, exception, sentence, clause, phrase or parts of this Ordinance be held by any Court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force, and effect of any other Article, section or subsection, provision, exception, sentence, clause, phrase or parts of this Ordinance unless it clearly appears that other part or parts is wholly or necessarily dependent for its operation upon the part or parts so held invalid or unconstitutional, the remainder of this

Ordinance shall continue in full force and effect, it being the Governing Body's intent, now hereby declared, that this Ordinance would have passed even if such unconstitutional or void matter had not been included herein.

Article 25 - Effective Date

Section 1. This ordinance shall take effect thirty (30) days from and after its passage on third and final reading, or as otherwise provided by Section 6-308 to 6-321, Tennessee Codes Annotated.

First Reading July 11, 1985

Second Reading August 8, 1985

Third Reading September 12, 1985

Approved: Sidney Snodgrass, Mayor

Sonda Creasy
Attest: Sonda Creasy, Recorder

Approved as to form:
John S. McLellan III City Attorney

Analytic Review of Ordinance No. 82 Personnel Merit System for Mt. Carmel, Tn.
Prepared by Leota Bennett February, 1986.

By Artical Outline

- *1. Establishes Personnel Merit System and Purpose
- *2. Definations
- *3. Coverage- Who is to be covered
- 4. Adminstration
 - 1.Chief Executives responsibility and authority Limited to this ordinance,etc. and he may delegate part of this power to a head of a department or office at his discession.
 - 2. Personnel Officer and discription of duties
 - 3. Establishment of a Personnel Board and its duties
- 5. Personnel Rules
- 6. Position Classification Plan
- 7. Plan of Compensation -Pay Plan (Merit System would be developed Here)
 - 5. Protects Employees now employeed
- 8. Appointments
 - 1. Merit system could be used here as established in the Pay Plan and systematic method for hiring
 - 2. Provisional Appointment-limited
 - 3. Emergency Provision-limited
- 9. Eligible List
 - Allows employee protection from reduction inforce, etc.
- 10. Certification of Canidates for Employment
- 11. Veteran's preference
- 12.Probation Periods
- 13. Status of current Employees
- 14. Promotions
- 15. Demotion, Suspensions,dismissals-several infractions are specified
- 16. Reduction in Work Force
- 17. Appeals
- 18. Political Activity
- 19. Records to be kept
- 20. Contract Special ~~S~~ervices
- 21. Discrimination

- 22. Provision for Review
- *23. Conflecting Provisions, ~~Repealed~~
- *24. Seperability of Provision
- *25. Effective Date

*Articals are standard provisions on most Ordinances.

By Power distribution and limitations for the Mayor, Board of Alderpeople, and the Personnel Officer.

MAYORS POWERS AND LIMITATIONS

- A4,s1 Mayor has basice responsibility for the personnel program
 - ,s1.2 Appoints Personnel Officer who implements program
 - ,s1.3 Appoint, remove,etc. subject to policies set forth(including Rules and Regulations still to be developed) or delegate to Head of Department,etc.
 - ,s1.4 Establish number of employees...and determine the duties,etc. Limited to Ordinance and approval of the Board of Aldermen.
 - ,s1.5 Powers limited by this Ordinance(Rules and Regulations, Position Classification Plan, Pay Plan,etc. still to be established by decree of the ordinance)
- A4,s2.2 Power to combine Personnel Office with that of another position
Power is transferred to the Personnel Officer from the Mayor in accordance with the provision in Artical4,section 1.4.
- ,s2 Sections 2.1 to 2.11 Remove much of the Mayors Work load in this area and involves the Board of Alderpeople in the action
- ,s3 One appointment to Personnel Board
- A5,s1 Chief Executive and Personnel Officer prepare needed Rules and regulations and amendments. These are subject to approval by the Board of Mayor and Aldermen.
- A6,s1 & 4 Chief Executive accepts Position Classification Plan and revisions from the Personnel Officer and presents to the Board for Approval.
- A7,s1 Directs Chief Executive to supervise Personnel Officer in developing a Pay Plan.
- A8,s1 Approval of Exams for Employee selection.
- A9,s2.12 Approves re-employment list.
- A10,s1 Limits selection to the Personnel Officers three top canidates.
- A14, Fill vacancies in the Position Classification Plan.

Mayor, con't.

- A15, The appointing authority may demote, dismiss, etc.
- A22 Review and/or modify Personnel Officers actions.

BOARD OF ALDERPEOPLE'S POWERS AND LIMITATIONS

- A4,s1.4 Set's policy for number of employees their duties, authority (except provision in A4,s1.3), responsibility and compensation.
- ,s2 Limits Chief Executive to s,1.4 and transfers power to Personnel Officer.
- ,s2.1-2.11 Powers can be limited by the Board by this ordinance and the Rules and Regulations to be developed.
- ,s3 Appoints one member of the Board.
- A5,s1 Board approves all Rules and Regulations and Amendments
- ,s2 Subject to S1; states what shall be regulated, specific procedure governing the personnel system .
- A6,s1 Adoption of Position Classification Plan
- ,s4 approval of changes and abolish classes if the board desires
- A7 Approves Pay Plan as is, modifies or rejection.
- A10 Board limits number to considered and sets qualifications, and requirements for application certification in Rules and Regulations to be established.
- A15 Board has established Personnel Board (A4,s3) to oversee that this Ordinance and the Rule and Regulations are followed.
- A20 Board Contracts for Special Services.

PERSONNEL OFFICER'S POWERS AND DUTIES

- A4,s2 Establishes Duties
- ,1-11 Personnel Officers is under Mayor and establishes his duties and powers. Serves as secretary to Personnel Board; recommends changes to Governing Body; Position Classification Plan-makes, installs and maintains(subject to Boards Approval); Recommends Pay Plan; General Personnel Director's Job; submits annual report; Advises Chief Executive; Establishes inservice training;etc.
- A5,s1 Power to make suggestions
- ,2 Limited to Personnel rules established by Board in s1

Personnel Officer, con't.

- A6 Personnel Office has power of analysis and power to recommend Position Classification Plan.
- A7 Develops Pay Plan and How to implement the plan.
- A8 (Makes suggestion to Chief Executive Officer following these Guidelines)
- A9 Makes and Maintains Employment list, etc.
- A10 Selects three top candidates for vacant positions
- A19 Maintains Records

SIMILAR ASPECTS TO THE TENNESSEE EASTMAN COMPANY

- Articals 1,2,3 and 4 are in Ordinance Form rather than Corporate Form.
 - A4,s2.4 Position Classification Plan could be like Plant Roll(with brackets) Special Roll and Salary.
 - ,s2.5 goes with s2.4 with approval by Supervision
 - ,s3 Personnel Department, review committee, and Supervision.
 - A5,2 Most under this section are T.E. C. Procedures
 - ,2.2 Salary, Special Roll, and Plant Roll Bracket System (Merit System would need to be established in the Rules and regulations which are to be developed).
 - A6 Bracket System
 - A7 Bracket System
 - A8,s1 Merit, etc. similar
- Remaining Articals are similar to the provisions provided by T.E.C.

SUMMARY

The Chief Executive is the supervisor of the Personnel Ordinance and Officer. He is Limited in his authority, duties, etc. by this Ordinance and the Guidelines to be established in the Rules and Regulations. He is the spokesperson who after the proper guidelines have been followed informs the employee of the action to be taken. He may appoint someone else to prefore the chore.

The bulk of the power in this Ordinance, Rules and Regulations, Pay Plan, Classification Plan, etc. is with the Board of Mayor and Alderpeople. This Board must approve all the above plus any changes to made later. The Chief Executive Officer must report ^{suggested changes} to the Board for consideration. The Board has the option to accept as is, change or reject all or part of the reccomendations.

The Rules and Regulations, Pay Plan and Position Classification Plan which will be completed in the second phase of this Ordinance will establish and regulate the proceedures to be used such as how to fire, suspend, appoint, etc. and other concerns of the Board.

The Ordinance will Protect the Goverment of Mt. Carmel, the Employees and the Residents when it is placed into general use by the Board.

It will establish What will be done; How it will be done; Who will do it; When it will be done; and when applicable where it will be done. When these Checks and balances are followed it will result in a stabality within the Departments and improve employee-employer relations. Which is one of the ultimate goals of this ordinance.

TOWN OF MOUNT CARMEL
PERSONNEL RULES AND REGULATIONS ORDINANCE

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in cooperation with the
Tennessee Municipal League

December, 1977

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TOWN OF MOUNT CARMEL

PERSONNEL ORDINANCE

An Ordinance providing for a Personnel System based on merit principles for the Town of Mount Carmel, Tennessee.

The Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee does ordain as follows:

Section 1. General Purpose.

It is the purpose of this article to establish a fair and uniform system of Personnel Administration for all employees of the Town of Mount Carmel in order that the most effective services possible may be delivered to the citizens of the community in keeping with the social and economic needs of the citizens.

In order that this purpose may be accomplished, it shall be the policy of the Town of Mount Carmel that:

- (a) Employment shall be based on merit and fitness, without regard to race, religion, national origin, political affiliations, sex, or age.
- (b) Just and equitable incentives and conditions of employment shall be established and maintained.
- (c) Tenure of employees covered by this Ordinance shall be subject to good behavior, satisfactory work, necessity for the performance of work, and availability of funds.

Section 2. Definitions.

As used in this Ordinance the following quoted words and terms shall have the meanings enumerated hereinafter:

"Municipality" or "City" or "Town" shall mean the Town of Mount Carmel.

"Chief Administrative Officer" shall mean the Mayor of the Town of Mount Carmel.

"Governing Body" shall mean the Board of Mayor and Aldermen vested with power to enact ordinances and resolutions for the Town of Mount Carmel.

Section 3. Coverage.

All offices and positions of the Town are divided into the Classified Service and the Exempt Service. The Exempt Service shall include the following:

- (a) All elected officials and persons appointed to fill vacancies in elective offices.
- (b) All members of appointive boards, commissions or committees.
- (c) Town Attorney and Assistant Town Attorneys.
- (d) Consultants, Advisors, and Counsel rendering temporary professional service.
- (e) Independent contractors.
- (f) Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property.
- (g) Seasonal employees who are employed by the Town for not more than three months during the fiscal year.
- (h) Persons rendering part-time service paid by the hour or day, unless requested by the Governing Body.

- (i) Volunteer personnel, such as volunteer firemen; and all other personnel appointed to serve without compensation.
- (j) Employees of a utility or municipal school system, unless the utility board or commission or school board requests that they be covered.

The following sections of this Ordinance apply only to the classified service unless otherwise specifically provided or necessarily implied. The classified service shall include all other full-time positions in the Town service which are not specifically placed in the exempt service in this section.

Section 4. Administration.

The Chief Administrative Officer shall have the basic responsibility for the personnel program as set forth in this Ordinance. In addition to other duties as set forth in this ordinance, the Chief Administrative Officer shall:

- (a) Exercise leadership in developing a system of effective personnel administration within the municipal departments subject to this ordinance.
- (b) Develop programs for improvement of employees effectiveness, including training, safety, and health.
- (c) Recruit qualified applicants for Town employment and assist department heads in identifying qualified employees for promotion.
- (d) Maintain records of all employees of the municipal departments.
- (e) Maintain the classification plan.
- (f) Maintain and recommend a pay plan for all Town employees for the Governing Body approval.

- (g) Establish and maintain employees improvement programs.
- (h) Perform other such duties as may be assigned by the Board of Mayor and Aldermen.

Section 5. Classification Plan.

The classification plan provides a complete inventory of all positions in the Town 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 6. Pay Plan.

The pay plan shall be established and maintained which will consist of minimum and maximum rates of pay and intermediate steps for each existing pay grade (position classification as adopted by the Governing Body).

Section 7. Recruitment and Employment.

- (a) Eligibility. Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified applicants for the various types of employment positions; recruitment, therefore, should not necessarily be limited to residents of Mount Carmel; however, in cases where residents and non-residents are equally qualified for positions presently vacant, the resident shall receive first consideration in filling such vacancies.
- (b) Minimum Qualifications. The Chief Administrative Officer may, after consultation with the department head concerned, prescribe minimum qualifications as required by the nature of the

work to be performed. Such requirements shall be announced to all applicants.

- (c) Rejection of Applicants. The Governing Body shall reject any application or applicant when they have determined: That the applicant does not possess the minimum qualifications; that the applicant has established an unsatisfactory employment or personnel record (as evidenced by reference check) of such nature as to demonstrate unsuitability for employment; that the applicant has made false statement of any material fact or has practiced deception in his application; that the applicant is afflicted with any mental or physical disqualifying disease or defect that would prevent satisfactory performance of his duties; that the applicant is addicted to the habitual use of drugs or intoxicants; that the applicant was previously in the Town service and was removed for cause or resigned not in good standing. All disqualified applicants shall be notified to that effect immediately.

Section 8. Examinations.

Recruitment by Examination. All appointments in the classified service shall be made according to merit and fitness (Sec. 1a) and may be subject to competitive examination. All such examinations shall fairly and impartially test those matters relative to the capacity and fitness of the applicant to discharge efficiently the duties of the positions to be filled. The types of examinations held to establish a list of eligibles for any class shall consist of one or more of the following parts as determined by the Governing Body or their designated representative: Written test, oral interview,

performance tests, physical and mental examinations, and training and experience evaluation.

Section 9. Promotions.

Vacancies in positions above the entrance level shall be filled by promotion whenever in the judgement of the Governing Body it is in the best interest of the Town to do so, and promotions shall be on a competitive basis and shall give appropriate consideration to the applicants performance ratings, qualifications and seniority.

Section 10. Probationary Period.

The probationary, or working test period, shall be regarded as an integral part of the examination process, and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new or promoted employee to his position, and for rejecting any employee whose performance does not meet standards.

The probationary period for all regular appointments, including promotional appointments, shall be for a period of six (6) months.

Periodically, during the probationary period, the Chief Administrative Officer shall require the department head to report his observation of the employee's willingness and ability to perform his duties satisfactorily, and will tell the employee when he is not performing satisfactorily and is not meeting probationary test period requirements.

Section 11. Hours of Work.

The Governing Body shall establish hours of work per week for each position in the classified service which shall be determined in accordance with the needs of service and which shall take into account the reasonable needs of the public who may be required to do business with various Town departments.

Section 12. Attendance.

An employee shall be in attendance at regular work in accordance with these Rules and with general department regulations. All departments shall keep daily attendance records of their employees, which shall be reported to the Chief Administrative Officer, or his designated representative, on the dates he shall specify.

Section 13. Outside Employment.

No employee of the Town may engage in additional employment outside the official hours of duty unless approved by the Governing Body.

Section 14. Pecuniary Interests.

No officer or employee of the Town shall have any financial interests in the profits of any contract, service, or other work performed by the Town; or shall personally profit directly or indirectly from any contract, purchase, sale, or service between the Town and any person or company; or personally or as an agent provide any surety, bail, or bond required by law or subject to approval by the Board of Mayor and Aldermen. No officer or employee shall accept any free or preferred services, benefits, or concessions from any person or company. Any official or employee who violates the provisions of this section shall be guilty of misconduct in his service.

Section 15. Political Activity.

In accordance with these Rules creating and establishing a personnel system, appointed officials and all employees in the classified service shall not seek or accept election to public office; accept nomination or appointment as an officer of a county or municipal political campaign without the approval of the Governing Body.

Section 16. Holiday Leave.

The following legal holidays shall be observed by the Town's employees; New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and such other days as may be designated by the Governing Body. When a holiday falls on a Saturday or Sunday, the preceding Friday or the following Monday shall be observed as a holiday for Town employees.

Where possible, every Town employee shall be given approved holidays as set out in this section. When an employee must work on one of these holidays, he shall receive equivalent time off. In all cases, department heads shall attempt to arrange working schedules to permit time off for holidays in preference to extra pay. In order to receive pay for an observed holiday, an employee must not have been absent without leave either on the work day before or the day after the holiday.

Section 17. Annual Leave.

All employees who have been continuously employed for a period of one (1) year or longer shall be credited with one (2) weeks vacation (based on their workweek).

Employees shall accrue vacation leave from their employment date, but shall not be entitled to take vacation until they have completed one (1) full year of service. Employees may accrue, with the approval of the Mayor and Board of Aldermen, vacation leave to a maximum of the leave earned in one (1) employment year. Employees resigning voluntarily will receive any vacation credit earned as of the date of resignation. Part-time and temporary employees shall not be entitled to vacation leave except when approved by the Governing Body.

Section 18. Sick Leave.

Sick leave with pay shall be granted to all full-time employees, except emergency employees, at the rate of one (1) working day for each completed month of service. Sick leave shall be computed on an employment year basis, and there shall be no maximum sick leave accrual amount. Sick leave with pay shall be granted for the following reasons: personal illness or physical incapacity resulting from causes beyond the employee's control; illness of a member of the employee's household that requires the employee's personal care and attention; enforced quarantine of the employee in accordance with community health regulations; or to keep a doctor appointment. Sick leave shall not be considered as a right which an employee may use at his discretion, but rather as a privilege.

Section 19. Leave with Pay.

Leave with pay may be authorized in order that regular employees may serve required jury duty, provided that such leave is reported in advance to the supervisor. In order to receive pay for such leave, the employee must deposit the money which he receives for jury duty with the Town Treasurer.

A regular employee who has completed his probationary period and who is a member of any reserve component of the United States Armed Forces will be allowed leave of absence for a period not in excess of fifteen (15) calendar days during one (1) year (as stated in TCA 8-3310).

Section 20. Leave without Pay.

A regular employee may be granted a leave of absence without pay for a period not to exceed one (1) year for temporary sickness, disability

or other good and sufficient reasons which are considered to be controlling. Such leaves shall require the prior approval of the Governing Body. A department head, with the approval of the Chief Administrative Officer, may grant a regular employee leave without pay for a period not in excess of ten (10) calendar days in any one (1) calendar year. An employee will not accrue sick leave or vacation credit while on leave of absence without pay.

Maternity leave may be granted regular employees. Accrued sick leave may be used, as well as annual leave, if the employee so elects during the excused absence period.

Section 21. Prohibitions.

No person shall be appointed to or promoted to, or demoted or dismissed from any position in the classified service, or in any way be favored or discriminated against with respect to employment in the classified service because of race, religion, national origin, political affiliation, sex, or age.

No person shall seek or attempt to use any political endorsement in connection with any appointment to a position, or demotion or dismissal from a position in the classified service.

No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or to attempt to secure for any person an appointment to a position in the classified service, or any increase in wages or other advantage in employment in such position, for the purpose of influencing the vote or political action of any person, or for any other consideration.

No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for or on account of any appointment or promotion, or any advantage in, a position in the classified service.

Any officer or employee who violates any of the provisions of this section shall forfeit his office or position.

Section 22. Separation and Disciplinary Action.

All separations of employees from positions in the classified service shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, layoff, disability, retirement, and dismissal.

- (a) Resignation. An employee may resign by submitting in writing the reasons and the effective date to his department head, as far in advance as possible, but a minimum of two (2) weeks notice is requested. Unauthorized absence from work for a period of three (3) consecutive days may be considered by the department head as a resignation.
- (b) Lay-Off. The Governing Body may lay-off an employee in the classified service when they deem it necessary by reason of shortage of funds or work, the abolition of a position, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon service of the employee. Whenever the lay-off of one or more employees shall become necessary, the Governing Body shall notify the department head at least ten (10) days in advance, of the intended action and the reason. Temporary employees shall be laid off prior to probationary or regular employees. The order of lay-off shall be in reverse order to total continuous time served.
- (c) Disability. An employee may be separated for disability when he cannot perform required duties because of a physical or

mental impairment. Action may be initiated by the employee or the Town, but in all cases it must be supported by medical evidence acceptable to the Governing Body. The Town may require an examination at its expense and performed by a licensed physician of its choice.

- (d) Disciplinary Action. Whenever employee performance, attitude, work habits, or personal conduct fall below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and shall give them counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident in and of itself may justify severe initial disciplinary action; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct.

In situations where an oral warning has not resulted in the expected improvement, or when more severe initial action is warranted, a written reprimand may be sent to the employee, and a copy shall be placed in the employee's personnel folder.

An employee may be suspended without pay by his department head, with the approval of the Chief Administrative Officer, for reasons of misconduct, negligence, inefficiency, insubordination, disloyalty, unauthorized absence, or other justified reasons when alternate personnel actions are not appropriate for such length of time as the Chief Administrative Officer, or his representative, considers appropriate, but not to exceed thirty (30) days in any twelve (12) months period. A written

statement of the reason for suspension shall be submitted to the employee affected prior to the time the suspension becomes effective. A regular employee in the classified service may be suspended by the Chief Administrative Officer without pay for a longer period pending the investigation or hearing of any charges against him. An employee determined to be innocent by the Governing Body of the charges against him shall be returned to duty with full pay for the period of suspension.

- (e) Dismissal. The Chief Administrative Officer, under the direction of the Governing Body, may dismiss or demote any employee for the good of the Town service. Reasons for dismissal may include, but shall not be limited to: incompetency or inefficiency in the performance of duties; conviction of a criminal offense or of a misdemeanor involving moral turpitude; violations of any lawful and reasonable regulation, order, or direction made or given by a superior officer; or insubordination that constitutes a serious breach of discipline; public intoxication or drinking any intoxicating beverages while on duty; being addicted to the use of narcotics or being under the influence of a drug or narcotic while on duty; theft, destruction, carelessness, or negligence in the use of property of the Town; disgraceful personal conduct or language toward the public, toward fellow officer or employees, or abusive public criticism of his superior or other public officials; unauthorized absences or abuse of leave privileges; incapacity for proper performance of duties because of a

permanent or chronic physical or mental defect; acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of his duties; falsification of records or use of official position for personal advantage; failure to pay or to make reasonable provision for the future payment of just debts; loss of an employee's driver's license and driving privileges by due process of law when the employee's position makes the operation of a motor vehicle necessary in the performance of his duties; violation of any of the provisions of the Charter, Ordinances, or these Rules.

The employee shall be furnished an advanced written notice containing the nature of the proposed action, the reasons therefore and his right to answer the charges in writing. If the employee fails to respond to the advance notice, the proposed action of the Governing Body shall be effective on the date specified with no need for further action. Otherwise, the Board of Mayor and Aldermen shall carefully consider the appeal of the employee before making a final decision.

Section 23. Grievance Procedure.

It shall be the policy of the Town, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those that occur. When any grievance comes or is directed to the attention of any supervisory employee of the Town, the supervisor shall discuss within two (2) working days all relevant circumstances with the employee and remove the causes of the grievances to the extent that he deems advisable and possesses authority. Failing resolution at this level, the grievance shall be carried to higher authority within five (5)

working days, and if necessary, to and including the department head, until a satisfactory solution has been reached or authority to deal with the situation has been exhausted.

Grievances which cannot be resolved at the supervisory level shall be brought to the attention of the Governing Body so that they may have an opportunity to resolve the grievance in question. The Board of Mayor and Aldermen shall have authority to settle all employee grievances.

Section 24. Basic Training.

It shall be the policy of the Town to provide basic training for all employees in the areas where it is necessary prior to the employee's entering into work.

Section 25. In-Service Training.

It will be the responsibility of the Chief Administrative Officer and department heads to foster and promote in-service training of employees for the purpose of improving the quality of personnel service rendered to the Town and to assist employees to equip themselves for advancement in the service.

Section 26. Employee Evaluation.

Each regular employee shall annually receive a written evaluation of his work by his immediate supervisor. Probationary employees will receive an evaluation at the end of the probationary period.

Each employee shall have the opportunity to review every evaluation made of him. Upon a review of the evaluation, the employee shall note that the evaluation is agreeable or disagreeable, and, if disagreeable, in what respects it is disagreeable.

Section 27. Records and Reports.

Personnel records; except examinations, service rating reports, personnel histories, and such other records as may be specified in these Rules or by action of the Governing Body as confidential; shall be public records and shall be open for public inspection during office hours and reasonable times in accordance with such procedures as may be prescribed. The Chief Administrative Officer, or his designated representative, shall retain records necessary to the proper administration of the Personnel system.

The Chief Administrative Officer shall prescribe necessary forms and reports for all necessary personnel changes and actions.

Section 28. Status of Present Employees.

Any person holding a position included in the classified service who, on the date that this ordinance becomes operational, shall have served continuously in such position, or in some other position in the classified service, for a period of six (6) months shall assume regular status in the classified service in the position held on such effective date without qualifying test, and shall thereafter be subject in all respects to the provisions of this personnel ordinance. Other persons holding positions in the classified service shall be regarded as probationers and may be certified in the same manner when they satisfactorily complete the regular work test period from the date of original appointment.

Section 29. Amendment of Personnel Rules.

Amendments or revisions to these Rules may be recommended for adoption by the Chief Administrative Officer or by the Governing Body

of its own motion. Such amendments or revisions of these Rules shall become effective upon approval by ordinance of the Board of Mayor and Aldermen.

Should there be a conflict between this Personnel Ordinance and the administrative rules of any department, the provisions of this Ordinance shall govern. All departmental regulations and rules as presently constituted or hereinafter adopted, which are not in conflict with these Rules shall be in effect.

Section 30. Saving Clause.

If any rule, section, or subsection of these Rules is held by any court to be invalid or unconstitutional, the same shall not invalidate, force, and effect of any other rules, section, or subsection of these Rules unless it clearly appears that such other section or subsection is wholly or necessarily dependent for its operation upon the rule, section, or subsection so held invalid or unconstitutional.

Section 31. Effective Date.

This Ordinance shall take effect after its passage on third and final reading.

First Reading _____

Approved:

C. Sidney Snodgrass, Mayor

Second Reading _____

Attest:

Kim Marsh, Recorder

Third Reading _____

Approved as to form:

Charles Robinette, Attorney

CHAPTER 8

MISCELLANEOUS REGULATIONS--CITY PERSONNEL

SECTION

- 1-801. Business dealings.
- 1-802. Acceptance of gratuities.
- 1-803. Outside employment.
- 1-804. Political activity.
- 1-805. Use of municipal time, facilities, etc.
- 1-806. Use of position.

1-801. Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the town.

1-802. Acceptance of gratuities. No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the town for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to town business.

1-803. Outside employment. No full-time officer or employee of the town shall accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the town.

1-804. Political activity. Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate

in any municipal political campaign. These restrictions shall not apply to elective officials.

1-805. Use of municipal time, facilities, etc. No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the board of mayor and aldermen has authorized the use of such time, facilities, equipment, or supplies, and the town is paid at such rates as are normally charged by private sources for comparable services.

1-806. Use of position. No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the town, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others.

TITLE 5

BUSINESS, PROFESSIONS, AND OCCUPATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. MOBILE HOME PARKS.
5. POOL ROOMS.
6. AUTOMOBILE GRAVEYARDS.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. "Going out of business" sales.

5-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purpose of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person after advertising a "going out of business" sale adds to his stock or fails to go out of business within ninety (90) days, he shall prima facie be deemed to have violated this section.

¹For beer business regulations in this code, see title 2, chapter 2; for regulations relating to building, plumbing, and wiring, etc., see title 4; and for restrictions on posting notices or advertisements and making noise to attract attention, see title 10.

CHAPTER 2

PEDDLERS, ETC.

SECTION

- 5-201. Permit required.
- 5-202. Exemptions.
- 5-203. Application for permit.
- 5-204. Issuance or refusal of permit.
- 5-205. Appeal.
- 5-206. Bond.
- 5-207. Loud noises and speaking devices.
- 5-208. Use of streets.
- 5-209. Exhibition of permit.
- 5-210. Policemen to enforce.
- 5-211. Revocation or suspension of permit.
- 5-212. Reapplication.
- 5-213. Expiration and renewal of permit.

5-201. Permit required. It shall be unlawful for any peddler, canvasser, or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit therefor in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued.

5-202. Exemptions. The terms of this chapter shall not be applicable to farmers selling their own produce, to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic, or philanthropic organizations.

5-203. Application for permit. Applicants for a permit under this chapter must file with the recorder a sworn written application containing the following: (1) Name and physical description of applicant.

(2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

(3) A brief description of the nature of the business and the goods to be sold.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.