

tabled at the
January 22, 2013
meeting -

ORDINANCE NO. 12-386

AN ORDINANCE AMENDING THE PERSONNEL POLICIES AND PROCEDURES BY ADDING SECTION 1.60, "PERSONNEL COMMITTEE," and BY AMENDING CHAPTER V, "EMPLOYEE COMPLAINTS and GRIEVANCES," SECTION 5.30, "WHO HEARS APPEALS," and 5.40, "GRIEVANCE PROCEDURE."

WHEREAS, the CODE OF ORDINANCES, TITLE 4 relating to MUNICIPAL PERSONNEL, CHAPTER 4 relating to PERSONNEL POLICIES AND PROCEDURES, SECTION 4.402 relating to amendment of the Policies and Procedures Manual for employees requires that all amendments be made by Ordinance of a majority of the Board of Mayor and Aldermen; and,

WHEREAS, the Town of Mount Carmel wishes to establish a personnel committee to oversee matters regarding the employees and report their recommendation to the Board of Mayor and Aldermen; and

WHEREAS, the public health and welfare require it;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF MOUNT CARMEL, TENNESSEE, as follows:

SECTION I. That the CODE OF ORDINANCES, TITLE 4, MUNICIPAL PERSONNEL, CHAPTER I, GENERAL PROVISIONS, SECTION 1.60 PERSONNEL COMMITTEE be added, as follows:

1.60. PERSONNEL COMMITTEE

The Personnel Committee shall consist of the Mayor, three aldermen, and one citizen from the Town. The three aldermen and the citizen will be appointed by the Mayor and approved by the Board of Mayor and Aldermen. The Mayor shall chair the meeting. The City Recorder shall serve as the recording secretary.

The Personnel Committee shall:

- 1) Hear and dispose of personnel complaints in accordance with the Town of Mount Carmel Policy and Procedures Manual.
- 2) Shall report to the Board of Mayor and Aldermen in writing, any and all decisions taken, no later than the next regularly scheduled Board of Mayor and Aldermen meeting.
- 3) Prepare and update job descriptions for all employees.
- 4) Interview and recommend any prospective employee.
- 5) Determine staff needs, personnel, and staff discipline.
- 6) Evaluate job performance of employees annually.
- 7) Recommend raises and bonuses for the employees annually.
- 8) Review the Personnel Policy and Procedure Manual annually.

SECTION II. That the CODE OF ORDINANCES, TITLE 4, MUNICIPAL PERSONNEL, CHAPTER V, EMPLOYEE COMPLAINTS and GRIEVANCES, SECTION 5.3 WHO HEARS APPEALS, and 5.40 GRIEVANCE PROCEDURE be amended, as follows:

5.30. WHO HEARS APPEALS

If the dismissal is undertaken by a supervisor or Department Head, the appeals shall be heard by the Mayor. If the dismissal is ordered by the City Administrator, the appeal shall be heard by the Mayor. If the dismissal is undertaken by the Mayor, the appeal shall be heard by the ~~Board of Mayor and Aldermen~~ *Personnel Committee*. A majority vote of those members present hearing the appeal is necessary to overturn the disciplinary action of the Mayor.

5.40 GRIEVANCE PROCEDURE

An employee may submit a written grievance within seven (7) calendar days after the cause of the grievance arises or becomes known to the employee. The grievance shall clearly state the basis for the grievance and the relief requested. The appeal of a decision of the City Administrator or Mayor to the ~~Board of Mayor and Aldermen~~ *Personnel Committee* must also be made in writing within seven (7) days of the decision. Time limits shall be strictly enforced. Late submission of a grievance at any stage of the procedure shall bar its consideration. The employee shall be afforded an opportunity to attend the appeal, to be represented by anyone of his/her choosing, and to present evidence and/or witnesses on his/her behalf. The appeal shall be heard within thirty (30) days after filing. If a hearing is held a decision shall be rendered within ten (10) calendar days following the conclusion of the hearing.

A copy of the Personnel Policy and Procedure Manual is attached.

SECTION III. This Ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the town of Mount Carmel, Tennessee, requiring it.

ADOPTED this the 22nd day of January, 2013.

LARRY FROST, Mayor

ATTEST:

MARIAN SANDIDGE, Recorder

FIRST READING	AYES	NAYS	OTHER
ALDERMAN EUGENE CHRISTIAN			
ALDERMAN WANDA DAVIDSON			
ALDERMAN LEANN DEBORD			
ALDERMAN FRANCES FROST			
VICE-MAYOR PAUL HALE			
ALDERMAN CARL WOLFE			
MAYOR LARRY FROST			
TOTALS			

PASSED FIRST READING: January 22nd, 2013

SECOND READING	AYES	NAYS	OTHER
ALDERMAN EUGENE CHRISTIAN			
ALDERMAN WANDA DAVIDSON			
ALDERMAN LEANN DEBORD			
ALDERMAN FRANCES FROST			
VICE-MAYOR PAUL HALE			
ALDERMAN CARL WOLFE			
MAYOR LARRY FROST			
TOTALS			

PASSED SECOND READING: February 25th, 2013

PUBLICATION AFTER PASSAGE:

DATE: _____

NEWSPAPER: *Kingsport Times-News*

PERSONNEL POLICIES AND PROCEDURES



TOWN OF MOUNT CARMEL, TENNESSEE

**APPROVED: September 27, 2001
AMENDED: March 25, 2003; August 24, 2004, March 22, 2005,
October 25, 2005, December 27, 2005, July 22, 2008, February 23, 2010,
October 25, 2011, August 28, 2012, February 25, 2013**

FOREWORD

The Town of Mount Carmel is pleased to welcome you as a municipal employee. You are now part of an organization that exists for one purpose, to serve the people of Mount Carmel. Your job is to serve all of the people of the town with efficiency and courtesy. It is well to bear in mind that the services of the town are as good as, and no better than, the employees performing them.

This personnel policy manual is written to acquaint new employees and remind old employees of the advantages and the responsibilities of town employment. In addition, it provides guidance to supervisors and members of the Governing body.

Just as the services extended by the town are important to the citizenry, the well-being and welfare of the town employees are also essential.

Every town job is important and the manner in which you perform your job determines to a large extent the public relations of town government, as well as pay increases. You will find being considerate and courteous, as well as conscientious, reliable, and prompt, gives you more satisfaction in your work and, at the same time, increases the regard that the people of Mount Carmel have for town employees.

These policies have been approved by the Board of Mayor and Aldermen and employees should review this manual at least twice a year.

Nothing contained anywhere in this manual should be construed as a contract for employment, nor a promise or guarantee for perpetual association or advancement in pay or position. It is not intended to create a property interest in future employment. Any individual employment contract must be in writing, approved by the Board of Mayor and Aldermen, and signed by the Mayor.

TABLE OF CONTENTS

<u>FOREWORD</u>	i
------------------------------	---

<u>TABLE OF CONTENTS</u>	ii - iv
---------------------------------------	---------

CHAPTER I:

GENERAL PROVISIONS

1.10 - Adoption of Rules	1
1.20 - Amendment of Rules Procedures	1
1.30 - Administration of Rules	1
1.40 - Coverage of the Rules	1
1.50 - Definitions	1, 2
1.60 - Personnel Committee	3

CHAPTER II

EQUAL EMPLOYMENT OPPORTUNITY

2.10 - Prohibition of Discrimination	3
2.20 - Discrimination Complaints and Appeals	3
2.30 - Sexual Harassment	4
2.40 - Workplace Harassment	4

CHAPTER III

CLASSIFICATION, PAY AND FRINGE BENEFITS

3.10 - Job Descriptions.....	5
3.20 - Employee Compensation.....	5
3.30 - Periodic Pay Increases and Advancement	5
3.40 - Benefits	5
3.50 - Pay at Termination	6
3.60 - Hours of Work	6
3.70 - Attendance.....	6
3.80 - Overtime Compensation	6, 7
3.81 - Call Out Pay	7
3.90 - Travel and Official Expenses.....	7
3.100 - Mandatory Uniform Allowance	7
3.110 - Retirement	7
3-120 - Phone Use Policy	7, 8

CHAPTER IV

LEAVE

4.10 - Vacation Leave.....	9
4.20 - Sick Leave	9, 10
4.30 - Holiday Leave	10, 11
4.40 - Civil Leave	11
4.50 - Maternity Leave	11, 12

4.60 - Funeral Leave.....	12
4.70 - Military Leave	12
4.80 - Injury Leave	12
4.90 - Absence Without Leave	12
4.100 - Family Leave.....	13
4.110 - Records to be Maintained	13

CHAPTER V

EMPLOYEE COMPLAINTS AND GRIEVANCES

5.10 - Employee Complaints	13
5.20 - What Disciplinary Matters Are Appealable	13
5.30 - Who Hears Appeals	13
5.40 - Grievance Procedure.....	13
5.50 - Types of Disciplinary Action	14

CHAPTER VI

DISCIPLINARY ACTION

6.10 - Grounds	14, 15
6.20 - Administration of Discipline	15
6.30 - Disciplinary Authority.....	15
6.40 - Protective Suspension	15
6.50 - Other.....	15
6.51 - Traffic Violations While Operating City Vehicles	15, 16

CHAPTER VII

STAFFING

7.10 - Policy Statement.....	16
7.20 - Announcement of Available Positions	16
7.30 - Application and Examination	16
7.40 - Medical Examinations	16, 17
7.50 - Employee Orientation.....	17
7.60 - Promotion	17
7.70 - Probation Period	17
7.80 - Re-Employment.....	17
7.90 - Drug Testing	17
7.100 - Employment of Relatives	17, 18
7.110 - Physical Standards for Employment.....	18
7.120 - Emergency Employment.....	18
7.130 - Pay Rates in Demotion	18
7.140 - Employee Training.....	18
7.150 - Layoff, Termination, and/or Resignation.....	18, 19
7.160 - Garnishments.....	19

CHAPTER VIII

PERFORMANCE EVALUATION

8.10 - Performance Evaluation Process	19
8.20 - Frequency of Reports.....	19
8.30 - Review of Performance Report	19
8.40 - Records to be Maintained	19, 20
8.50 - Maintenance of Records	20
8.60 - Public Review of Records.....	20
8.70 - Employee Performance.....	20

CHAPTER IX

POLITICAL ACTIVITY, ETHICS AND CONDUCT

9.10 - Political Activity	20
9.20 - Ethics	20
9.30 - Outside Employment.....	20
9.40 - Termination, Accountability and Disclosure Act.....	20
9.50 - Use of Municipal Time, Facilities, Etc.....	20, 21
9.60 - Use of Position.....	21

<u>EMPLOYEE CERTIFICATION</u>	22
FORM ATTACHED	

CHAPTER I

GENERAL PROVISIONS

1.10 ADOPTION OF RULES

These rules and amendments to these rules apply to each employee (contract employees and independent contractors are not covered).

1.20 AMENDMENT OF RULES PROCEDURES

These rules may be amended from time-to-time as the needs of the service require. Amendments and revisions of these rules and regulations not inconsistent with the Town Charter may be initiated by the Governing Body. Proposed amendments or revisions, in whole or in part, will be reviewed with town personnel prior to implementation. Changes in applicable superseding state and federal law shall take effect upon the effective date(s) of such superseding laws.

Holders of copies of these Personnel Policies are responsible for inserting changes as they are issued and for keeping their respective copies of the Policies up to date.

Copies of this Manual are issued to all covered employees. Replacement copies may be obtained from the Office of the City Recorder. Manuals shall be returned upon employee separation or upon request by the City Administrator.

Suggestions for amendments to these Policies are welcome at any time from any employee. Such suggestions should be submitted in writing to the City Administrator.

1.30 ADMINISTRATION OF RULES

On a day-to-day basis the City Administrator shall be charged with the responsibility of the administration of the provisions of these policies. However, the policies are not meant to remove or diminish the authority of the Mayor as Chief Executive Officer. In the event of a vacancy in the position of City Administrator or in the event of the temporary absence of the City Administrator, any function to be exercised by the City Administrator may also be exercised by the Mayor.

1.40 COVERAGE OF THE RULES

These policies apply to all covered employees of the Town of Mount Carmel, Tennessee, including all existing employees at the date of the adoption of these policies, and these rules shall supersede any written or unwritten rules or practices of the Town of Mount Carmel and are intended to supersede any conflicting ordinance.

1.50 DEFINITIONS

Whenever the following terms are used, they shall have the following meanings:

- (1) Absence Without Leave - The unauthorized absence of an employee from place of duty during normal duty hours.
- (2) Appointed Position - A position in which there is vested a grant of power either discretionary or ministerial with duties created and defined by law (e.g. City Administrator, Recorder, Treasurer, City Judge, Fire Chief, City Attorney, Public Utilities Board Manager, Recreation Director, etc.).
- (3) Appointing Authority - The Board of Mayor and Aldermen in the case of the City Administrator and Recorder, the Mayor in the case of all other appointed positions and Department Heads with the advise and consent of the Board of Mayor and Aldermen, the Public Utilities Board in the case of sewer department employees, and Department Heads in the case of all other employees.
- (4) City - Town of Mount Carmel, Tennessee.
- (5) Complaint - A misunderstanding or disagreement on the part of an employee arising out of a belief that they are being treated unfairly in regard to the terms or conditions of their employment.
- (6) Cooperation - Ability to work with others.
- (7) Dismissal - The termination of employment of an employee.
- (8) Emergency Employee - An employee hired to provide temporary assistance because of a special project or temporary increase in workload.

- (9) Employee - Any person in the employ of the town who receives a salary or wage. Non-exempt employees are paid by the hour and will be paid overtime when they work over 40 hours in any one workweek. Exempt employees include City Administrator, Recorder, Police Chief, Public Works Foreman, Waste Water Foreman, Treasurer and any other employee in a position qualifying as "exempt" under the Fair Labor Standards Act.
- (10) Exempt employee - An employee compensated on a salary basis who also meets one of the definitions under the Fair Labor Standards Act for an employee exempt from the provisions of the overtime compensation provisions.
- (11) Contract Employees - Employees who work under an individual contract, e.g. Recreation Director, City Judge, etc.
- (12) Employee Classifications
 - A. Full-time Permanent - A permanent position that normally requires a minimum 40 work hours per week.
 - B. Part-time Permanent - A permanent position that normally requires less than 40 work hours per week.
 - C. Full-time Temporary - A temporary position lasting for an unspecified amount of time that does normally require a minimum 40 work hours per week. This employee shall not receive fringe benefits provided other employees
 - D. Part-time Temporary - A temporary position lasting for an unspecified amount of time which normally requires less than 40 work hours per week. This employee shall not receive fringe benefits provided other employees.
- (13) Governing Body - The Board of Mayor and Aldermen
- (14) Grievance - An appeal of termination.
- (15) His/he - These words and all similar references to the masculine gender shall be understood to include the feminine gender as well.
- (16) Immediate Family - A husband, wife, child, father, mother, sister, brother, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandchildren and grandparents of employee.
- (17) Initiative - Ability to plan and execute without being instructed in specific detail.
- (18) Knowledge of Work - Knowledge of the job through education, training and experience. An understanding of "why" as well as "how".
- (19) Reduction in Force - Involuntary termination (reduction in work force) of employment because of lack of work, lack of funds, privatization or reorganization.
- (20) Leave of Absence - An approved period of time during which the employee is not physically present for work.
- (21) Leave Without Pay - Time off from work for the employee's personal reasons and for which period the employee receives no pay and shall not accumulate benefits.
- (22) Non-exempt employee - An employee who receives a regular hourly wage and is required to account for all time worked as well as the use of sick, vacation and other leave time on an hourly basis who is entitled to overtime pay at a rate of not less than one and one-half times his or her hourly rate after having worked forty (40) hours of work in any given work week;
- (23) On-Call Employee - An employee required to respond within thirty (30) minutes to a call to report to work that is placed outside normally scheduled working hours.
- (24) Pay Period - The period of time between normal paydays that are every other Thursday.
- (25) Personal Appearance - Neatness, cleanliness, style of clothing, grooming, and appearance that is appropriate for the job being performed.
- (26) Probationary Period - A period of six (6) months during which an employee is required to demonstrate his fitness for a particular position as part of the selection process.
- (27) Production - Quantity of work accomplished in a specific period of time.
- (28) Public Relations - Manners, courtesy, tact, diplomacy, proper speech and grammar, and ability to meet and work with the public.
- (29) Quality of Work - Accuracy, thoroughness, neatness, intelligence, analytical and reflective of organized thought.
- (30) Reinstatement - The privilege of rehire, which may be granted to a former employee who voluntarily terminates their employment while in good standing and after giving proper notice.
- (31) Resignation - Voluntary termination of employment by an employee.
- (32) Suspension - An enforced leave of absence, with or without pay, for disciplinary purposes or pending investigation of charges against the employee.
- (33) Transfer - The movement of an employee from one position to another that has the same pay assignment.

- (34) Working Day - One shift during which an employee is scheduled to work.
- (35) Work Week - The number of hours regularly scheduled to be worked during any seven consecutive days by an individual employee.

1.60. PERSONNEL COMMITTEE

The Personnel Committee shall consist of the Mayor, three Aldermen, and one citizen from the Town. The three Aldermen and the citizen will be appointed by the Mayor and approved by the Board of Mayor and Aldermen. The Mayor shall chair the meeting. The City Recorder shall serve as the recording secretary.

The Personnel Committee shall:

- 1) Hear and dispose of personnel complaints in accordance with the Town of Mount Carmel Policy and Procedures Manual.
- 2) Shall report to the Board of Mayor and Aldermen in writing, any and all decisions taken, no later than the next regularly scheduled Board of Mayor and Aldermen meeting.
- 3) Prepare and update job descriptions for all employees.
- 4) Interview and recommend any prospective employee.
- 5) Determine staff needs, personnel, and staff discipline.
- 6) Evaluate job performance of employees annually.
- 7) Recommend raises and bonuses for the employees annually.
- 8) Review the Personnel Policy and Procedure Manual annually.

CHAPTER II

EQUAL EMPLOYMENT OPPORTUNITY

2.10 PROHIBITION OF DISCRIMINATION

It is the policy of the Town of Mount Carmel, Tennessee, to provide equal opportunity employment to all qualified applicants and to all employees with respect to initial employment, advancement, and general working conditions, without regard to age, race, creed, color, sex or national origin.

Discrimination against any person in recruitment, examination, employment training, promotion, retention, discipline or any other aspects of personnel administration because of political or religious opinions or affiliations or because of race, national origin or other non-merit factors is prohibited. Discrimination on the basis of age or sex or physical disability is prohibited except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration.

2.20 DISCRIMINATION COMPLAINTS AND APPEALS

Applicants for employment with the town alleging discrimination in the town employment priorities or policies, and employees of the town with complaints of discrimination shall follow the complaint and appeals procedure set forth below:

- A. The affected applicant or employee shall file a written complaint with the Town.
- B. Within ten working days after the complaint has been filed, the City Administrator shall meet with the affected employee, the party(ies) concerned in the complaint and any other persons necessary to make a decision concerning the action (unless the complaint is made against the City Administrator or Mayor in which case the Vice-Mayor shall process the complaint.).
- C. Within fifteen (15) working days after the complaint has been filed, a written decision on the complaint will be rendered. A copy of the decision shall be given to the party(ies) named in the complaint.
- D. All employees of, or applicants for employment with the Town of Mount Carmel, who believe they have been discriminated against also have a right to file a complaint with the Tennessee Human Rights Commission and/or the U.S. Equal Employment Opportunity Commission.
- E. No employee of, or applicant for employment with, the town shall be disciplined or discriminated against in any way because of the proper use of the Discrimination, Complaints, and Appeals Procedure.

2.30 SEXUAL HARASSMENT

Sexual harassment will not be tolerated by the Town of Mount Carmel. The town affirms that all men and women are to be treated fairly and equally with dignity and respect. Any form of sexual harassment contradicts the policies of the town and will be treated as discrimination on the basis of sex.

Sexual harassment is a form of employee misconduct that undermines the integrity of the employee relationship. It refers to behavior which is not welcome, which is personally offensive, which weakens morale, and which therefore interferes with the work effectiveness of its victims and their co-workers. A supervisor who uses implicit or explicit coercive sexual behavior to control, influence, or affect the career, salary, or job of an employee is engaging in sexual harassment. Similarly, an employee of the department or division who behaves in this manner in the process of conducting department or division business is engaging in sexual harassment. Sexual harassment may include actions such as:

- Sex-oriented verbal "kidding" or abuse;
- Subtle pressure for sexual activity;
- Physical contact such as patting, pinching, or constant brushing against another body; and
- Demands for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning an individual's employment status.

It is possible for sexual harassment to occur at two levels: among peers or co-workers, or between supervisors and subordinates. Complaints of sexual harassment may be submitted to the employee's immediate supervisor, unless the issue is with that particular supervisor, or the employee may have the right to go directly to the next level of management. The complaint is then channeled to the next higher supervisor, and so on up to the Board of Mayor and Aldermen, if necessary. Individuals who engage in harassment are subject to disciplinary action, including employment suspension, demotion or discharge.

2.40. WORKPLACE HARASSMENT

The Town of Mount Carmel strictly prohibits harassment on the basis of race, color, religion, gender, national origin, age, or disability as such actions constitute discrimination. No Town employee shall engage in harassment of any form.

Harassment is defined as unwelcomed or unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color, or handicapping condition as defined by the Americans With Disabilities Act that creates a hostile work environment or circumstances involving quid pro quo.

Sexual Harassment as defined by the Equal Employment Opportunity Commission is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Any town employee who believes he or she may have a complaint of harassment may follow the Town's grievance procedure found in CHAPTER V, EMPLOYEE COMPLAINTS AND GRIEVANCES, of the Town's Personnel Policy or should file the complaint within seven (7) days of the occurrence directly with the Mayor or their immediate supervisor. The Town will conduct an investigation into any allegation of harassment. An administrative official of the Town will advise the employee of the outcome of the investigation. The Mayor will take any action he deems necessary to preserve the integrity of the organization and to ensure the efficiency and effectiveness of the Town's operations.

Employees witnessing harassment shall also report such conduct to their immediate supervisor or the Mayor. Retaliation toward any employee exercising his or her right and duty to address perceived harassment will not be tolerated.

CHAPTER III

CLASSIFICATION, PAY AND FRINGE BENEFITS

3.10 JOB DESCRIPTIONS

All positions are defined according to the duties, responsibilities, level of difficulty and the minimum qualification of training and experience and other qualifications felt necessary for entry into the various classifications.

3.20 EMPLOYEE COMPENSATION

Employee compensation shall be in an amount set by the Mayor upon the recommendation of the City Administrator and within the rate/amount budgeted by the Board of Mayor and Aldermen and defined within the Merit Pay Plan (Resolution Nos. 217 and 221). Employee compensation shall depend upon a) classification, b) longevity, and c) merit.

A non-exempt town employee who does not work his regularly scheduled work week shall be paid only for hours worked, unless such absence is authorized as paid leave by the employee's supervisor, or the City Administrator, or the Mayor.

Regular paydays for all town employees shall be every other Friday. Checks will be distributed by the Treasurer to individual employees or to their supervisor. All non-exempt employees will sign their time cards at the end of each pay-period and supervisors will also be required to sign time cards. Signature on time card is a verification the employee has worked the exact hours shown on the time card and no more or no less for the applicable period shown on said card.

The following deductions, as required by State and Federal law, shall be made from each employee's pay:

- A. Federal Withholding Tax
- B. Social Security (FICA)
- C. State Withholding Tax
- D. Medicare
- E. Retirement

It is the policy of the town that no advance on future wages shall be made.

3.30 PERIODIC PAY INCREASES AND ADVANCEMENT

Salaries and wages will be evaluated annually for all town departments. Adjustments will be considered on the basis of performance, standard of service, and current finances. The various factors that influence salary adjustment and advancement are as follows: knowledge of work, quality of work, length of service, use of working time, initiative, ability to work with others, loyalty and conduct, personal appearance, public relations, absenteeism and tardiness, care and maintenance of equipment, ability to adapt, leadership, acceptance of responsibility, self-motivation and cost control.

It is the duty of the City Administrator and all department heads to identify outstanding workers by conducting an annual performance evaluation and to adjust the rate of pay if merited according to performance, across the board raises, and financial limitations.

Seniority or longevity is not necessarily a basis for promotion or increase in pay. Promotions and pay increases will be on the basis of performance evaluations with length of service only one factor for consideration.

3.40 BENEFITS

Fringe benefits shall be paid or accrued every pay period.

The cash pay of employees by no means constitutes their total pay since employees receive a number of benefits that have a substantial value.

The benefits for eligible employees are as follows:

- A. Health Insurance (through a plan selected by the Governing Body)
- B. Life Insurance (through a plan selected by the Governing Body)
- C. Pension Plan (through a plan selected by the Governing Body)
- D. Workman's Compensation
- E. FICA (social security)
- F. Unemployment compensation paid upon valid claim
- G. Paid holidays
- H. Paid vacations
- I. Paid sick leave

The terms and conditions of these benefits may be governed by State law, federal law, and Board policy or by contract; detailed information is available at the office of the Recorder.

3.50 PAY AT TERMINATION

Employees who are terminated will normally be paid on the next regularly scheduled payday.

3.60 HOURS OF WORK

The standard workweek for each department will be determined by the department head with approval of the City Administrator. Up to one hour will be allowed for lunch, including travel time, and will not be considered part of the regular workday.

Employees of the Wastewater/Public Works Department shall rotate "on-call duty". [Employees will be paid \$75.00 per week when they are "on call." If they are called out, then they will be paid overtime if their hours of work exceed forty in that workweek.]

The City Administrator or the Department Head shall give adequate notice to all employees of any change in the starting and stopping hours of the workday.

There shall be allowed two (2) fifteen (15) minute rest periods for all full-time employees during the workday. One period shall be mid-morning and one period shall be mid-afternoon. Such periods shall not exceed 15 minutes in length, including travel time.

3.70 ATTENDANCE

Employees shall be in attendance at their assigned places of work in accordance with the policies regarding hours of work, holidays and leave. If an employee, for some un-avoidable reason, cannot report for work, he shall notify his supervisor or department head before the start of the shift. Notification Policy will be set by the Department Head. Failure on the part of an employee to comply with these policies may be cause for disciplinary action.

3.80 OVERTIME COMPENSATION

All non-exempt employees shall receive overtime pay for each hour worked in excess of the employee's regularly scheduled 40 hour workweek, unless other agreement is reached between the employee and the Town, as allowed by law. Police officers may be compensated for overtime in accordance with the specific provisions dealing with police officers under the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. Other hourly paid town employees may also accrue compensation time off in lieu of overtime for all hours worked in excess of forty (40) in any one workweek so long as approved by the employees' Department Head and the City Administrator and may accrue such compensation time off up to a maximum of 240 hours. All hours worked in excess of forty (40) hours in any one workweek after an employee has accrued 240 hours of compensation time off must be paid at that employee's overtime compensation rate. Compensation time off must be documented by a detailed explanation of the work or project(s) that required working over forty (40) hours in the workweek on each employee's time card. All compensation time off accrued for all town employees qualifying for compensation time off must be used by June 30 of each fiscal year. A new accrual of compensation time off shall begin July 1 of each year.

Exempt employees who are paid by salary shall not be entitled to overtime compensation, or additional holiday pay. Any person required to work on a holiday as a part of their regularly scheduled workweek may receive an equal amount of time off preferably within the same pay period.

3.81 CALL OUT PAY

From time-to-time, Town employees may be required to return to the Town to answer emergency calls. When a non-exempt employee, after departing from his or her regularly scheduled work place, reports back to work for emergency service after hours, the Town will pay him or her a minimum of two (2) hour's wages from the time he or she begins work at the worksite until the time he or she leave the worksite. Each non-exempt employee called out will be paid at one and one-half (1½) times his or her regular hourly rate while on call-out duty. (Ordinance No. 380)

3.90 TRAVEL AND OFFICIAL EXPENSES

Employees shall be reimbursed for official travel in the performance of their duties, as well as for official expenses personally incurred related to their position. Details of the Town's Travel and Expense Regulations are found in Mount Carmel Code, Title I, Chapter 6 "Travel and Expense Regulations".

3.100 MANDATORY UNIFORM ALLOWANCE

A. Uniforms, when required, will be provided by the town. The cost to maintain those uniforms will also be paid by the town.

B. Personal Protective Equipment. Full-time employees may be reimbursed for the purchase of non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eye wear as Personal Protective Equipment as follows:

1. One eye wear frame with polycarbonate or CR-39 lenses up to a total cost of \$150.00.
2. One pair of non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) per year, unless unavoidably damaged earlier as determined by the Department Head, up to a total cost of \$175.00. (Ordinance No. 381)

3.110 RETIREMENT

The Town of Mount Carmel, Tennessee, has no mandatory retirement age. Continued employment in a position is dependent upon the employee's ability to continue to perform assigned tasks in an efficient and timely manner. This should not be construed to constitute a contract between the town and the employee, as all positions are subject to elimination through a reduction in force or through general reorganization, for budget limitations and for other legitimate reasons of the town.

It is the duty of any employee planning on retiring to notify the City Administrator as far in advance as possible of such retirement. Notice one year in advance is contemplated under this notice section. Retirement for medical reasons is excluded from the notification requirements.

3.120 PHONE USE POLICY

A. Authorization

Recommendations for the issuance of Town of Mount Carmel owned mobile phones should be approved by the Mayor. The use of a Town of Mount Carmel owned phone is considered a privilege and may be revoked. Regular landline phones may be provided to employees as is appropriate for their position.

Both landlines and mobile phones will be assigned by need and not every employee will have a unique landline and/or mobile phone assigned to them. Each case for a phone will be reviewed individually; the location, the business requirements, safety issues and appropriateness will all be taken into consideration when evaluating the need for a new phone.

B. Use

1. **Business Use**

Any phone owned and issued by the Town of Mount Carmel shall have as its primary function is business related uses. When an employee is in travel status, they are encouraged to use their mobile phone, if service is available.

2. **Personal Use**

This policy acknowledges that from time to time, a Town of Mount Carmel issued phone may be used for personal calls. As long as this use of the phone is incidental to its primary business use, personal calls are allowed.

If a situation occurs that warrants personal use of a Town of Mount Carmel owned phone, beyond an incidental nature, the individual shall reimburse the Town, as appropriate. Should it be determined that an individual is abusing the privilege of using a Town of Mount Carmel owned phone, the phone may be taken from the employee and/or the employee disciplined. Depending on the severity of the abuse, the Town's Discipline Policy shall apply.

Town employees are not allowed to use their personal phones during designated work hours unless specifically permitted by their Department Head. Personal calls during designated work hours may not be taken at any time when it may disrupt the employee's assigned task, work and/or may compromise the safety of the employee, other employees or the general public.

3. **Prohibited Use**

Phones issued by the Town of Mount Carmel shall not be used to harass or threaten any individual. Typically, Town phones may not be used for personal long distance or fee services. However, in an emergency situation, the expense for any such use shall be reimbursed to the Town as soon as possible. When practical, the employee must seek approval from their supervisor.

4. **Driving**

The Town of Mount Carmel encourages the safe use of phones when operating any vehicle or piece of machinery. Drivers using cell phones may pull off the road into a safe area until the call is terminated.

If available, hands free devices may be used to conduct calls while driving.

5. **Meetings**

Any individual using a Town of Mount Carmel mobile phone shall use good judgment in how and where the phone is used. Phones taken into meetings shall be turned off or to vibrate. If a call is taken during a meeting, every effort should be made not to disrupt the meeting.

Unless a call is specifically related to the topic of discussion, talking on the phone in a meeting is strongly discouraged.

C. Phone Records

Every individual Town of Mount Carmel owned mobile phone user is responsible for checking the accuracy of their bill before it is processed for payment. Discrepancies in billing data shall be resolved in a timely manner.

Landline calls incurring fees shall be assigned to the appropriate departmental budget code.

If a Town phone is used for personal long distance or fee services, the Supervisor must be notified and the Town reimbursed.

D. Other

The nature of the technology required to support the wireless mobile telephone is rapidly evolving. Phones may have additional features such as cameras, text messaging, Internet access, etc. The intent of this policy is to apply the principles enumerated herein to any such add-on or accessory feature.

E. Recordings

Employees that use devices to record telephone conversations shall do so only in a manner consistent with the status of such applicable Local, State and Federal Laws.

CHAPTER IV

LEAVE

4.10 VACATION LEAVE

No temporary employee, working full-time or part-time, shall be entitled to vacation leave. Permanent part-time employees are not entitled to vacation leave.

At the date of the adoption of these Policies, each employee shall be entitled to his vacation time earned up to that date and thereafter each full-time permanent employee shall earn vacation time in accordance with the following schedule:

<u>YEARS SERVICE</u>	<u>ALLOWABLE VACATION PER YEAR</u>
1-year	one week
2-years	two weeks
8-years	three weeks
14-years	four weeks
20-years	five weeks

Vacation time accrued shall not exceed two (2) years entitlement calculated from the anniversary date of each year of employment. Vacation time not taken within two (2) years of the date accrued shall be cashed out. At no time, shall any employee take more vacation time per year than is allowed under the above schedule under "allowable vacation per year" column, or up to two years accrual.

Vacation leave must be applied for by the employee and may be used only when approved by the department head, who shall designate such time or times when it will least interfere with the efficient operation of the department. However, this action must not be arbitrary and the department head may not unreasonably defer the taking of vacation leave so that employees are deprived of vacation rights. Employee vacation shall be allocated on January 1 of each year for the coming year based on what the employee qualifies for at that date. Any additional vacation that employees qualify for will not be awarded until after the anniversary date. Unless there is an emergency, all employees shall provide their supervisor with two weeks notice when requesting vacation time.

Department heads must apply for vacation leave to the City Administrator for approval.

For vacation leave purposes, an employee granted the privilege of "re-instatement" as defined on page 3 is a new employee. However, an employee re-instated after leave with or without pay or re-instated as a result of a grievance will not be considered a new employee.

Vacation leave shall not accrue to any employee on probation, in a non-pay status for 20 consecutive work hours during any pay period, suspension, lay-off, or leave of absence without pay, unless otherwise directed by the City Administrator.

No vacation leave shall be granted for less than one hour.

Vacation leave shall be taken on a normal workweek basis. Paid holidays falling within a period of vacation leave shall not be counted as vacation. Each employee, upon retirement or voluntary separation from the town, shall be paid for unused accumulated vacation leave. Upon the death of any employee, their estate shall be paid for their unused accumulated vacation leave.

4.20 SICK LEAVE

Each regular full-time employee will accrue sick leave at the rate of one work day per pay period. Employees may accumulate an unlimited amount of sick leave, which may be carried over from one calendar year to another.

Generally, employees become eligible to use sick leave in the following situations:

1. When an employees is incapacitated by sickness or a non-job-related injury, or they are seeking medical, dental or other diagnosis or treatment.
2. When necessary care and attendance of a member of the employee's immediate family is approved by a department head. Immediate family members are defined in Section 1.50 "Definitions," No. 16, "Immediate family."
3. When employees have received notice from their doctor that they may jeopardize the health of others because they have been exposed to a contagious disease.

Sick leave benefits shall commence on the first day of such absence and shall continue for as long as sick leave credit remains. A one work-day absence while sick will constitute a charge of one day of sick leave. Each day deducted from an employee's sick leave accumulation shall be for a regular workday and shall not include holidays and scheduled days off.

Sick leave shall be requested in advance for any non-emergency medical, dental or other diagnosis or treatment. Employees shall, when possible, notify their department head of their illness or incapacity before they are due to report to work on the first day of any sick leave. When an employee is not physically capable of doing so, they shall give notice as soon as possible.

To prevent abuse of the sick leave privilege, department heads are required to satisfy themselves that an employee is genuinely ill before sick leave is authorized. Any absence may require a doctor's certificate; and, any absence in excess of three workdays may also require a doctor's certificate to return to work, if, in the opinion of the department head, such action is deemed appropriate. Sick leave may be denied, and appropriate disciplinary action taken, when an employee is shown to be abusing sick leave privileges.

Sick leave shall not accrue to an employee who is on "leave without pay," including Short-term Disability, or is absent from work without approved excuse for 5 or more work days during any pay period

An employee, upon exhausting all earned sick leave, may use earned annual leave (vacation). After an employee has exhausted their accrued sick leave and vacation leave, leave with, or without pay may be granted at the discretion of the mayor as a reasonable accommodation to disabled people. Also, employees may be placed on special leave without pay, or they may be terminated if unable to perform their job or another job with or without a reasonable accommodation. Should employees later be able to return to work, upon presentation of certification by a doctor, they shall be given preference for employment in a position for that they are qualified, with the approval of the mayor. Employees may not borrow against future sick leave or transfer earned sick leave to another employee. Only the mayor may make exceptions to leave policy due to unusual and/or extenuating circumstances.

No employee shall be paid for accumulated sick leave. All accumulated sick leave shall expire upon an employees separation from employment; except that, an employee who retires under the Tennessee Consolidated Retirement System shall have all unused sick leave credited as additional time worked when calculating the employee's retirement benefits. (Res. 335, December 27, 2005)

4.30 HOLIDAY LEAVE

The following shall be paid holidays for all permanent employees and shall be observed on the dates and days as prescribed by law:

New Year's Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Veterans' Day
Independence Day	Christmas Eve
Labor Day	Christmas Day

The town offices, except essential services, shall be closed on official holidays. When a holiday falls on Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, it shall be observed on the following Monday. Permanent part-time employees shall not be eligible for paid holidays.

All full-time permanent non-exempt employees required to work on a holiday may receive an equal amount of time off preferably within the same pay period or may be paid for those holiday hours worked at the rate of one and one-half times their regular rate at the discretion of the Department Head.

If a holiday occurs while an employee is on Workers' Compensation leave or other disability compensation leave, and is not using sick leave or vacation leave, no credit for the holiday shall be allowed.

In order to receive pay for an observed holiday, an employee must not have been absent without pay on the work day immediately preceding or immediately following the holiday unless excused by the supervisor or unless taking vacation or sick leave on such days.

Holidays that occur during a vacation, sick, funeral or other authorized leave shall not be charged against the leave.

4.40 CIVIL LEAVE

Employees are eligible for paid civil leave in the following situations:

1. When an employee is called to serve as a juror or is appointed to serve as a clerk or judge on an election board, the employee is entitled to his regular pay. Any fees paid to him as a result of this service shall be turned over to the town.
2. For the purpose of voting if the employee's working hours prevent voting during the time the polls are open.
3. When an employee is called to perform emergency civilian duty.
4. When an employee is subpoenaed to appear in court on behalf of the town.

An employee who is required by subpoena to appear in court as a plaintiff, defendant or witness on a personal matter shall not be granted civil leave, but may be granted vacation leave or leave without pay.

An employee whose public service duty is completed before the end of his normal working day with the town shall return to his post of duty.

4.50 MATERNITY LEAVE

A pregnant employee may request maternity leave at such time as she feels she is unable to perform her normal duties or when her physician advises her to do so. Such leave shall be for a period not to exceed ninety (90) calendar days and shall be without pay after accrued vacation and sick leave have been expended.

An employee on maternity leave is expected to return to work after childbirth, miscarriage or abortion at the end of the 90-day leave of absence, or as soon thereafter as she can be reasonably expected to perform her normal duties. Failure to report at the end of the 90-day leave shall be considered as a resignation unless a time extension has been approved by the City Administrator.

4.60 FUNERAL LEAVE

Up to three (3) days in-state or (5) days out-of- state of funeral leave with pay may be granted for attendance of funerals of the immediate family of an employee. Any additional days may be charged to vacation, sick leave, or taken as leave without pay with the approval of the Department Head. One day of funeral leave with pay may be allowed for attendance of funerals of other non-immediate family members.

All funeral leave must first be approved by the employee's immediate supervisor.

In situations where several employees wish to have time off to attend a funeral or funerals, discretion must be used by supervisory personnel so that town service can be maintained.

4.70 MILITARY LEAVE/VETERANS' RE-EMPLOYMENT

Any regular employee who has completed six months of satisfactory employment and who enters the U. S. armed forces will be placed on military leave. The City Administrator, mayor, or department head will approve military leave without pay when the employee presents his/her official orders. The employee must apply for reinstatement within 90 days after release from active duty.

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

Any regular full-time employee who is a member of the U.S. Army Reserve, Navy Reserve, Air Force Reserve, Marine Reserve, or any of the armed forces will be granted military leave for any field training or active duty required (excluding extended active duty). Such leave will be granted upon presentation of the employee's official order to his/her jurisdictional official. Compensation for such leave will be paid pursuant to Tenn. Code Anno. § 8-33-109.

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

4.80 INJURY LEAVE

Town employees are subject to the provisions of the Tennessee Workman's Compensation Act and are entitled to the benefits of that law, whether by injury or occupational disease arising out of and in the course of employment.

Injury or occupational disease occurring out of and in the course of employment shall be reported to the Recorder and/or supervisor as soon as possible and the Recorder shall file the necessary reports.

The Recorder will furnish information and reports concerning injuries, or alleged injuries, or occupational diseases which are or may be within the scope of the Workman's Compensation Act, in order that proper medical attention is provided, compensation and expenses are paid, investigation and determination of legal liability may be made and that compensation is terminated when the disability ceases or benefits are exhausted.

An employee entitled to be paid Workman's Compensation for temporary disability may be granted sick leave with full pay for the first five (5) working days of such disability, including the day of injury (if disability began that day, assuming

such employee has sufficient accumulated sick leave). At the expiration of the sick leave, provisions of the Workman's Compensation Act shall apply.

An employee who is receiving Workman's Compensation for an injury or occupational disease occurring out of and in the course of employment, shall have the option of electing to use accumulated sick leave and/or vacation leave to supplement Workman's Compensation up to, but not exceeding the employee's regular rate of pay. After all such sick and/or vacation leave has been used, the employee shall not be entitled to any compensation except that authorized by the Workman's Compensation Act. Such injured employees shall be carried in a leave without pay status for a period not to exceed one (1) year after which employment shall cease.

Employees injured on the job that receive a restricted release or restricted permission to return to work may be returned to their prior position if reasonable accommodation can be made without violating the medical restriction(s). Likewise, such an employee may be placed in another position within the town if such an open position exists and the injured employee's restrictions may be accommodated. Nothing herein should be construed as a commitment on the part of the Town to make work or create a position for an injured employee.

4.90 ABSENCE WITHOUT LEAVE

Absence by an employee from place of duty not specifically authorized or covered in this manual shall be charged as absence without leave.

Absence without leave shall be in a non-pay status and may be cause for reprimand or dismissal.

4.100 FAMILY LEAVE

The Family and Medical Leave Act of 1993, 29U.S.C. 2601 *et seq.*, shall be followed by the town. Please refer to the FMLA policy adopted by the Board of Mayor and Alderman. (See Resolution 265, September 24, 2002.)

4.110 RECORDS TO BE MAINTAINED

The Recorder shall maintain a record of each employee, accounting for time worked and all absences from work. The record shall include a compilation of vacation leave earned, used and unused, sick leave earned, used and unused, and any other type of approved leave used or unused.

All such reports shall be compiled by the Recorder in December each year, shall be verified by each employee, and shall be signed by said employee and by the Recorder.

All employment applications of unsuccessful applicants will be maintained in a separate file apart from employee personnel files.

CHAPTER V

EMPLOYEE COMPLAINTS AND GRIEVANCES

5.10 EMPLOYEE COMPLAINTS

In keeping with the philosophy that employee dissatisfaction should be resolved at the earliest opportunity with a minimum of paperwork, it is the Town policy to encourage employees to informally submit any job-related complaints to their immediate supervisors. The supervisor shall listen with care to employees, shall attempt to understand their points of view, and shall provide clear and timely responses to employee complaints. An employee remaining dissatisfied after conferring with his immediate supervisor with a working condition or other aspect of employment (not related to the grievance procedure) may then discuss the matter with the City Administrator and/or Mayor.

5.20 WHAT DISCIPLINARY MATTERS ARE APPEALABLE

An employee may file a written appeal of a dismissal within seven (7) calendar days after actual or constructive receipt of notice of the dismissal. No other disciplinary action is subject to appeal.

5.30 WHO HEARS APPEALS

If the dismissal is undertaken by a supervisor or Department Head, the appeal shall be heard by the Mayor. If the dismissal is ordered by the City Administrator, the appeal shall be heard by the Mayor. If the dismissal is undertaken by the Mayor, the appeal shall be heard by the Personnel Committee. A majority vote of those members present hearing the appeal is necessary to overturn the disciplinary action of the Mayor.

5.40 GRIEVANCE PROCEDURE

An employee may submit a written grievance within seven (7) calendar days after the cause of the grievance arises or becomes known to the employee. The grievance shall clearly state the basis for the grievance and the relief requested. The appeal of a decision of the City Administrator or Mayor to the Personnel Committee must also be made in writing within seven (7) days of the decision. Time limits shall be strictly enforced. Late submission of a grievance at any stage of the procedure shall bar its consideration. The employee shall be afforded an opportunity to attend the appeal, to be represented by anyone of his/her choosing, and to present evidence and/or witnesses on his/her behalf. The appeal shall be heard within thirty (30) days after filing. If a hearing is held a decision shall be rendered within ten (10) calendar days following the conclusion of the hearing.

5.50 TYPES OF DISCIPLINARY ACTION

All employees of the Town shall be subject to the following types of disciplinary action:

- A. Oral reprimand
- B. Written reprimand
- C. Suspension without pay
- D. Reduction of pay grade
- E. Demotion
- F. Dismissal

CHAPTER VI **DISCIPLINARY ACTION**

6.10 GROUNDS

The following shall be grounds for taking disciplinary action against a town employee, which will range from oral reprimand to discharge. However, this list is not inclusive. Other conduct not described herein, may result in disciplinary action.

- (1) Tardiness, early departure, absence without leave, abandonment of position, or other failure to maintain a satisfactory attendance record;
- (2) Unsatisfactory performance of duties in terms of quality or quantity;
- (3) For supervisors, inability to plan, organize, or direct the work of subordinates;
- (4) In positions requiring initiative and independent judgment, the inability to perform duties without excessive supervision;
- (5) Insubordination, including the refusal or failure to comply with a proper order of higher authority or the refusal of failure to perform assigned work within capabilities;
- (6) Abuse of sick leave or other benefits;
- (7) Neglect, waste, damage, misuse, or unauthorized taking of any kind of town property;
- (8) Failure to retain qualifications necessary for the job;
- (9) Use of offensive language toward or abusive, improper, or discourteous treatment of a member of the public or another town employee;
- (10) Harassment or unfair treatment of any person because of political or religious opinions or affiliations or because of race, color, national origin, marital status, veteran status, age, sex or physical disability;
- (11) Possession, use or presence under the influence of an intoxicating beverage or illegal drug while on duty or on town property;
- (12) Fighting or gambling while on duty or on town property;
- (13) Acceptance of any gratuity or gift for performance or non-performance of duties, use of town position or time for private gain, or other conflict of interest violation;
- (14) Unauthorized or improper use of official authority;
- (15) Violation of the prohibitions on political activity or solicitation;
- (16) Use or attempted use of political influence or bribery to obtain a favorable personnel action;
- (17) Falsification of any town document or record;
- (18) Unauthorized disclosure of official information;
- (19) Conviction of a crime under such circumstances that unfitness for the position results or that disciplinary action is otherwise necessary in the best interest of the town;
- (20) Failure to observe required safety precautions or to communicate any violation of safety rules;
- (21) Conduct unbecoming a town employee, tending to be prejudicial to the reputation of the town government, or otherwise contravening the public interest.
- (22) Violation of the constitution of the United States or the State of Tennessee, any state or federal law or regulations or any town ordinance.
- (23) Any other act or failure to act that demonstrates that the offender is unsuitable or unfit for employment with the Town of Mount Carmel.

- (24) Failure to notify supervisor, as required by department rule prior to the start of their shift if unable to work.
- (25) Breach of required confidentiality.
- (26) Sabotage.
- (27) Waste of time.
- (28) Failure to promptly report to their immediate supervisor any deficiencies in the town equipment, programs, services or other property including the regular scheduled maintenance.

6.20 ADMINISTRATION OF DISCIPLINE

Disciplinary action shall be consistent with the nature of the deficiency or violation involved and the record of the employee. Disciplinary action shall be imposed in a clear and business like manner and, as appropriate, shall be directed at improving the employee's performance and/or conduct and at avoiding recurrence of the deficiency or violation.

6.30 DISCIPLINARY AUTHORITY

Unless otherwise provided by supplemental personnel regulations, all supervisors shall have the authority to issue oral and written reprimands to their subordinate employees. Department head level shall have the authority for other types of disciplinary action, except that suspensions without pay and dismissals shall require the prior approval of the City

Administrator or Mayor. Disciplinary action other than oral reprimands shall be thoroughly documented for inclusion in the official personnel records of the employees involved.

6.40 PROTECTIVE SUSPENSION

When an employee is under investigation for a crime or official misconduct, he or she may be suspended from work with pay for the duration of the investigation or proceeding if necessary to protect the public interest. Once charged with a crime or official misconduct, the suspension may be without pay. Any return to duty shall be under such terms and conditions as may be specified by the Town, which may include reimbursement for all back pay and benefits if acquitted.

6.50 OTHER

In the event of willful destruction of property, restitution shall be made to the Town of Mount Carmel.

Assignments to undesirable tasks, shifts, hours of work, or any measure other than the foregoing shall not be used for disciplinary purposes.

A written record shall be kept for all disciplinary actions and proceedings, including oral reprimands, and placed in the employee's personnel file. This provision shall be strictly adhered to by all supervisory personnel. Exception: Oral reprimands may not necessarily be placed in the employee's file, but will be reported to the City Administrator in writing.

6.51 TRAFFIC VIOLATIONS WHILE OPERATING CITY VEHICLES

All employees will report to their Supervisor, who in turn will report to the Safety Committee Chairman, receipt of any traffic citation received by the employee while operating a city vehicle, whether it be issued by an officer or by photo enforcement cameras.

When the employee receives a citation he/she will be counseled by their supervisor and a copy of the citation shall be placed in their personnel file. If no additional citations are received within a year after the date of the first citation, all records will be expunged from their personnel file.

Should the employee receive another citation within the year following the first citation while operating a city vehicle, he/she will receive a written reprimand, which along with a copy of the citation, will be placed in their personnel file. The employee will be placed on probation for one year as of the date of the second violation. If no additional citations are received with a year after the date of the second citation, all records will be expunged from their personnel file.

Should any additional citations be received by the employee while operating a city vehicle, if the employee is on probation, the employee may be suspended for up to three days or terminated. Should the employee fail to report the receipt of any citation while operating a city vehicle or fail to provide documentation of such to his Supervisor within three working days, the employee will receive a written reprimand which will be placed in their personnel file, and be placed on three days suspension without pay.

CHAPTER VII

STAFFING

7.10 POLICY STATEMENT

It is the policy of the town to seek qualified applicants and employ them to carry out the functions of the town. Each position for which applicants are sought and each position filled must have a job description that is available to the applicant/employee.

Additionally, no town official may enter into any oral or written contract or agreement with a town employee or potential town employee on behalf of the Town unless approved by the Mayor.

7.20 ANNOUNCEMENT OF AVAILABLE POSITIONS

Vacancies in positions or the creation of a new position shall be announced. Announcements may be posted in appropriate places throughout the town and may be sent to newspapers, radio stations, educational institutions, professional and vocational societies, public officials and to such other organizations and individuals as the town may deem appropriate. Announcements may include:

- A. Information concerning the time for filing applications.
- B. A description of duties and responsibilities of the position.
- C. Minimum or additional desirable qualifications.
- D. Salary or other compensation range.
- E. Such other information as will assist interested persons to understand fully the nature of the employment and the procedure necessary to apply.
- F. All town employees will be encouraged to live within the town limits, if possible.

To assure sufficient numbers of qualified applicants, the town may continue to accept applications after the originally announced filing date. If the filing date is extended, such action will be appropriately publicized.

The town may also decide to accept applications for certain positions without any closing date, in which case the announcement for the position shall so state.

7.30 APPLICATION AND EXAMINATION

All applications shall be made on a form prescribed by the Recorder and shall be filed with the Recorder on or prior to the closing date specified in the announcement or postmarked before midnight of that date. All applications shall be signed and the truth of the statements contained therein certified by such signature.

The town may give examinations to establish employment and promotion lists. The tests in such examinations may be written or oral; a demonstration of skill; an evaluation of experience and education; an interview designed to determine general fitness for the position; physical tests of strength, stamina or dexterity; or a combination of these, which shall fairly appraise and determine the merit, qualification, fitness and ability of applicants. Such tests if administered, shall be practical in character and shall relate to the duties and responsibilities of the position for which the applicant is being examined and shall fairly test relative capacity and fitness of persons examined to perform the duties of the position(s) to which they seek to be appointed or promoted. An applicant may be required to possess scholastic education qualifications if the position for which he is being examined requires professional or technical knowledge, skills and abilities.

7.40 MEDICAL EXAMINATIONS

Before hiring, new employees may be required to undergo a medical examination to determine physical and mental fitness to perform work in the position for which application is made. The expense of the examination will be paid by

the town. Existing employees may also be required to undergo a physical examination to determine physical and mental fitness to continue to perform their duties. Expense of the examination will be paid by the town.

7.50 EMPLOYEE ORIENTATION

The department heads and supervisors have a duty to orient all new employees. Such orientation training includes familiarization of the duties of the position, the hours of work, relationship to other employees, safety precautions, the rights and obligations of an employee, and information about the unit or department.

7.60 PROMOTION

Whenever possible, vacancies will be filled by a qualified person presently employed by the town. However, the town may recruit applicants from outside the town service whenever there is reason to believe that better qualified applicants are available. Promotion within the town service shall be based upon the qualifications of the person being considered.

7.70 PROBATION PERIOD

No employee will be considered to be a permanent employee until the probationary period has been satisfactorily completed. Each new or promoted employee shall be notified of his probationary status. Probationary employees receive limited benefits while on probation. Full time employees shall be offered the opportunity to enroll for health insurance benefits at the time of employment, but must complete their one hundred eighty (180) day probationary period before being considered as a permanent employee. At the end of one hundred eighty (180) days, probationary employees shall receive all other benefits as provided other employees. (As amended by the Board of Mayor and Aldermen on March 25, 2003.)

The probationary status shall begin immediately upon the first day on the job and end on the one hundred eightieth (180th) day of employment. At this time the supervisor will advise the employee as to whether or not their performance is acceptable. The employee will complete an evaluation and the supervisor and City Administrator will complete an evaluation. An adjustment in wage rate may be made by the Mayor upon the recommendation of the City Administrator or Supervisor; the town retains the right of preemptive termination of any probationary employee. A Department Head may grant an extension of the probationary period not to exceed sixty (60) days of the original probationary period with the approval of the City Administrator.

7.80 RE-EMPLOYMENT

An individual who is separated from the service with the town for more than thirty-one (31) days, may be re-employed by complying with all the requirements of a new employee and shall be entitled to only those benefits offered to a new employee. Exception: Former employees who leave without proper notice, or were convicted of a felony will not be considered for re-employment.

7.90 DRUG TESTING

The Town of Mount Carmel is concerned about the safety of its citizens and its workers. The town drug testing policy will be available to all employees. (See Resolution No. 458).

7.100 EMPLOYMENT OF RELATIVES

Immediate family members will not be considered for employment with the town. Relatives of employees may be employed by the town as long as they are working in different departments, present exceptions accepted.

No supervisor shall supervise his or her immediate family members.

No member of an immediate family, including spouse, mother or stepmother, father or stepfather, children, sister, brother, grandparents, current mother-in-law or current father-in-law, step-grandparents, grandparents-in-law, and grandchildren, shall be employed in such capacity as to have one directly supervised by the other. This does not preclude employment of immediate family member under other lines of supervision.

That in carrying out the Mayor's duties pursuant to *Tenn. Code Anno. §6-3-106(b)(2)(A)*, in employing, promoting, disciplining, suspending and discharging all employees and department heads, in accordance with the PERSONNEL POLICIES AND PROCEDURES adopted by the Board of Mayor and Aldermen, the Mayor shall submit the

employment or promotion, but not the discipline, suspension and discharge, of a member of the immediate family of an existing employee for confirmation by the Board of Mayor and Aldermen. In confirming or denying the employment the Board shall consider the specific benefit to the Town; the specific qualifications of the candidate for employment or promotion; the line of supervision; and any other similar factor affecting the interest of the Town.

7.110 PHYSICAL STANDARDS FOR EMPLOYMENT

By the nature of the work required, all job descriptions with the Town of Mount Carmel shall outline the physical qualifications to perform the work required.

7.120 EMERGENCY EMPLOYMENT

If any emergency arises the City Administrator or the Mayor may, without complying with the provisions of the personnel rules concerning regular employment, employ such persons as are necessary to meet the emergency.

7.130 PAY RATES IN DEMOTION

The rates of pay for any demoted employee shall be determined as follows:

- A. If the rate of pay in the higher position is higher than the rate of pay for the position to which demoted, the rate of pay shall be reduced to the rate of pay in the lower position.
- B. If the rate of pay in the higher position falls within the range of the position to which demoted, the rate of pay shall remain unchanged.

7.140 EMPLOYEE TRAINING

- A. Employees are encouraged to participate in conferences, conventions and meetings that have a direct relationship to the employees' position and the town services. Employees shall be considered for training programs, conventions, etc. on an annual basis. Department heads shall determine training needs on an annual basis and can include formal classes, seminars, workshops, reading material, videotapes and other methods available. Approval for attendance at such conferences, conventions and meetings shall be obtained from the department head and Town Administrator.
- B. As a condition of approval for extensive specialized training for any employee, that employee shall be required to reimburse the Town for the costs and expenses advanced or paid on behalf of the employee attendant to such training.
- C. Extensive specialized training shall include, but not be limited to, Police, Fire and Wastewater Operator certification.
- D. The procedure for reimbursement shall include the execution of a written agreement by the employee setting forth the terms for such reimbursement, which terms for such reimbursement, which terms shall include a provision for the *pro rata* reduction of the reimbursement obligation by 1/24 for each month worked by the employee after completion of the training.
- E. Any portion of the reimbursement obligation which remains unpaid at the time an employee discontinues their employment may be deducted from any final salary and benefits payment to the employee upon separation.

7.150 LAYOFF, TERMINATION, and/or RESIGNATION

Return of property - when an employee leaves the employment of the town of Mount Carmel, they will be required to return their keys, personnel policy, equipment, etc. issued to them before receiving their final paycheck.

Layoff - The department head, with approval of the City Administrator or Mayor, may lay off any employee because of a reduction in required personnel, because of a lack of work within the department, re-organization of a department or town function, a shortage of funds or materials and/or completion of a project.

Employees laid off shall receive one week's notice. Consideration: multiple job skills, most recent performance appraisal, knowledge, skills, abilities, attitude, disciplinary action. Employees laid off have no priority on re-hiring.

7.160 GARNISHMENTS

An assignment or garnishment of a portion of an employee's compensation is an inconvenient and unnecessary administrative expense to the town. The town may take such disciplinary steps, including dismissal, as are legally allowed and appropriate in the particular matter.

CHAPTER VIII

PERFORMANCE EVALUATION

8.10 PERFORMANCE EVALUATION PROCESS

The system of performance appraisal may be used for purposes of promotion, dismissal, demotion, reductions in force, and re-instatement, as well as to keep employees advised of what is expected of them and how well they are meeting these expectations.

Performance appraisal may be governed by the following:

- A. The appraisal of work performance provides recognition for effective performance and identifies aspects of performance that could be improved.
- B. Performance appraisal is a continuing responsibility of all supervisors, and supervisors shall discuss performance informally with each employee as often as necessary to insure effective performance throughout the year.
- C. Each supervisor may discuss with the employee his overall work performance at least once in each 12 calendar months for the purpose of informing the employees of the caliber of his work, helping the employee recognize areas where performance could be improved and developing with the employee a plan for accomplishing such improvements.
- D. Complaints on performance appraisals on the basis of abuse, harassment, or discrimination, are subject to the Complaint procedure described in Chapter V.
- E. Each employee shall be given a copy of the written appraisal governing his own performance, and the original will be placed in his permanent personnel file.

8.20 FREQUENCY OF REPORTS

Annual performance reports shall be prepared each June on all permanent employees.

8.30 REVIEW OF PERFORMANCE REPORT

- (1) The superior shall sign the report.
- (2) The superior shall discuss the report with the employee being rated, pointing out obvious weaknesses and strong points.
- (3) The employee being rated shall indicate by signature that the report has been discussed with said employee. Signature of employee does not imply agreement with the report. If the employee desires, he may submit a written statement that shall be attached to the report and becomes a permanent part thereof.
- (4) All reports will finally be reviewed by the City Administrator and Mayor.

8.40 RECORDS TO BE MAINTAINED

The Recorder is the official custodian of all Town records and shall maintain the following records which may be used when preparing performance reports:

- A. Individual vacation and sick leave record.
- B. Copy of each position description form.
- C. Copy of each performance report.
- D. Copy of any corrective and/or disciplinary action correspondence.
- E. Copy of suspension notices.
- F. Copy of any favorable communications including evidence of self-improvement efforts.
- G. Copy of unfavorable communications.

- H. Copy of in-service training records.
- I. Copies of time sheets.
- J. Copy of employee license number and driving record.

8.50 MAINTENANCE OF RECORDS

All personnel records and files shall be retained to satisfy state and federal requirements and Mount Carmel Code, Title 1, Chapter 5, "Document and Record Retention".

8.60 PUBLIC REVIEW OF RECORDS

The inspection of personnel records shall be subject to Tenn. Code Anno. § 10-7-503.

8.70 EMPLOYEE PERFORMANCE

No supervisor, employee or town official, shall provide references on current or former employees without (1) a written release from the current or former employee and (2) a written form letter from the prospective employer. No references will be given by telephone.

CHAPTER IX

POLITICAL ACTIVITY, ETHICS AND CONDUCT

9.10 POLITICAL ACTIVITY

Every employee of the Town shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided, that the city is not required to pay the employee's salary for work not performed for the governmental entity; and provided further, that unless otherwise authorized by law or local ordinance, an employee of a municipal government shall not be qualified to run for elected office in the local governing body of such local governmental unit in which the employee is employed. (Tenn. Code Anno. section 7-15-1501.)

9.20 ETHICS

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.

9.30 OUTSIDE EMPLOYMENT

No full-time officer or employee of the city shall accept or continue any outside employment if the work interferes with the satisfactory performance of the officer's or employee's duties. In addition, no such employee shall then accept or continue any outside employment if the work is incompatible with his city employment, or is likely to cast discredit upon or create embarrassment for the city.

9.40 TERMINATION, ACCOUNTABILITY AND DISCLOSURE ACT

All employees are responsible for disclosing conflicts of interest. This could include, but is not limited to, the hiring of immediate family members, using confidential information to obtain financial gain, the use of town personnel, resources,

property, supplies or funds for personal use or gain or entering into certain contracts without having an open bidding process and voting on issues where personal gain is involved.

9.50 USE OF MUNICIPAL TIME, FACILITIES, ETC.

No municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies such as, but not limited to private use of town vehicles, personal telephone calls, copies, internet service, etc. for private gain or advantage to himself or any other private person or group. Provided, however, that his 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.

9.60 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.

TOWN OF MOUNT CARMEL PERSONNEL POLICIES AND PROCEDURES

This manual is the property of the Town of Mount Carmel, Tennessee.

MANUAL NO. _____

The employee to whom this manual is issued is responsible for its care and good condition and for inserting supplements and making corrections necessary to keep it current. Also, the employee is required to know and understand this manual and accept appropriate discipline if the manual is not followed. Whenever there is doubt as to the meaning or intent of a rule, policy, or procedure, the employee shall seek an interpretation or explanation.

The manual is official town property issued to employees. It must be returned in good condition when the employee leaves the town service.

If found, please return to the Town of Mount Carmel, Tennessee.

I have read the foregoing Town of Mount Carmel, Tennessee, Personnel Policies and Procedures Manual, have been given the opportunity to ask any questions about its content, understand its terms, and agree to abide by its terms.

Issued to: _____

Date: _____

Signature of employee receiving this manual: _____