



ORDINANCE 21-500  
TOWN OF MOUNT CARMEL, TENNESSEE  
AN ORDINANCE TO REPEAL AND REPLACE APPENDIX B-1  
OF THE MUNICIPAL CODE, PERSONNEL POLICIES AND  
PROCEDURES.

**BE IT ORDAINED** by the Board of Mayor and Aldermen of the Town of Mount Carmel, Tennessee, as follows:

**SECTION I.** That the Municipal Code be amended by deleting Appendix B-1, *Personnel Policies and Procedures*, of the Mount Carmel Municipal Code and replacing it with the following policy, in its entirety.

**SECTION II. LEGAL STATUS PROVISIONS.**

- A. Conflict with Other Ordinances. In case of conflict between this ordinance or any part thereof and the whole or part of any existing or future ordinance of the Town of Mount Carmel, the most restrictive shall in all cases apply.
- B. Validity. If any sections, clause, provision, or portion of this ordinance shall be held to be in doubt or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.
- C. Effective Date. This ordinance shall become effective upon passage and publication, the public welfare requiring it.

Pat Stilwell, Mayor  
Pat Stilwell, Mayor

Attest:

Mike Housewright  
Mike Housewright, City Manager

Approved as to form:

John Pevy  
John Pevy, City Attorney

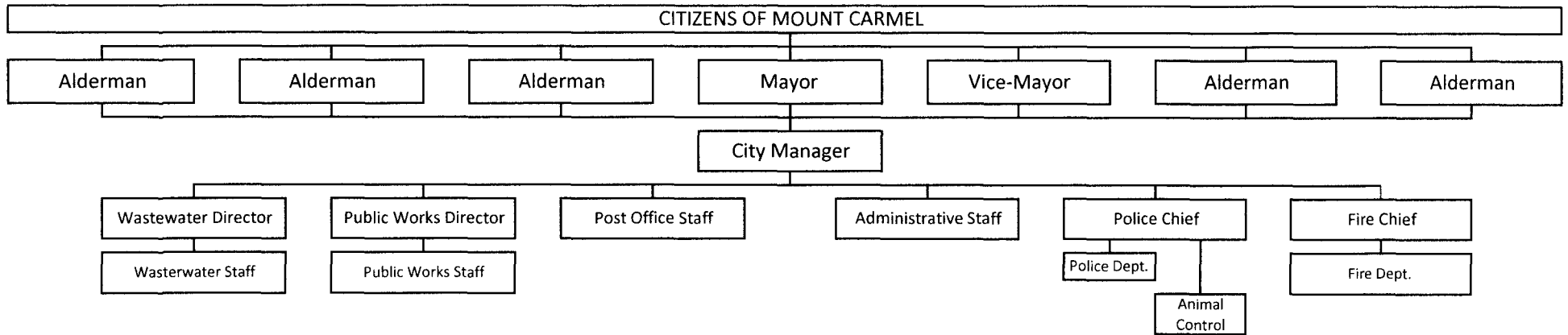
| MOTION: <i>Gibson</i> <i>March 2021</i> |      |      |       |
|-----------------------------------------|------|------|-------|
| SECOND: <i>Fleishour</i>                |      |      |       |
| 1 <sup>st</sup> READING                 | AYES | NAYS | OTHER |
| Alderman Mindy Fleishour                | X    |      |       |
| Alderman John Gibson                    | X    |      |       |
| Alderman Jim Gilliam                    | X    |      |       |
| Alderman Steven McLain                  |      | X    |       |
| Alderman Darby Patrick                  | X    |      |       |
| Vice-Mayor Tresa Mawk                   | X    |      |       |
| Mayor Pat Stilwell                      | X    |      |       |
| <b>TOTALS</b>                           |      |      |       |

| MOTION: <i>Gibson</i> <i>April 2021</i> |      |      |       |
|-----------------------------------------|------|------|-------|
| SECOND: <i>Fleishour</i>                |      |      |       |
| 2 <sup>nd</sup> READING                 | AYES | NAYS | OTHER |
| Alderman Mindy Fleishour                | X    |      |       |
| Alderman John Gibson                    | X    |      |       |
| Alderman Jim Gilliam                    |      | X    |       |
| Alderman Steven McLain                  |      | X    |       |
| Alderman Darby Patrick                  | X    |      |       |
| Vice-Mayor Tresa Mawk                   | X    |      |       |
| Mayor Pat Stilwell                      | X    |      |       |
| <b>TOTALS</b>                           |      |      |       |

**PERSONNEL POLICIES  
AND  
PROCEDURES**



**TOWN OF MOUNT CARMEL, TENNESSEE**



## Town of Mount Carmel Organizational Chart

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## SECTION I: PERSONNEL POLICIES

### 1.1 INTRODUCTION TO PERSONNEL REGULATIONS

The Town of Mount Carmel Personnel Policy and Procedures hereinafter referred to as “Personnel Regulations,” adopted by resolution, is applicable to all employees of the Town of Mount Carmel whose activities and functions are subject to the control and direction of the City Administrator. These policies and procedures and all other town manuals do not bestow any additional rights to employees regarding employment or employment benefits. These policies and procedures are not part of a contract and no employee has any contractual right to the matters set forth herein. This will serve as notice to all employees that the employment relationship may be terminated by either the Town or the employee at any time for any reason. All employees are “at will” and the Town is an “at will” employer under Tennessee law. The Town reserves the right to change any and all such policies, practices, and procedures in whole or in part at any time, with or without notice to employees.

These Personnel Regulations shall be made available to all employees. Regular employees will receive a copy of the regulations upon employment. Any employee, who desires to review the regulations during work hours, may review the departmental copy.

### 1.2 PURPOSE AND OBJECTIVES

The primary purpose of these policies is to establish an understanding, cooperation and efficiency in local government operations by establishing a system of personnel administration which provides consistent, impartial and effective policies and procedures for the employees of the Town of Mount Carmel Tennessee without regard to race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information, communication with an elected public official, free speech, refusing to participate in or remain silent about illegal activities, exercising a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law. The objectives of these policies are to promote and increase efficiency, provide fair and equal opportunities, develop a process of recruitment and selection of employees and promote high morale among employees.

It is the Town of Mount Carmel’s policy not to discriminate against any employee or applicant for employment or during the course of employment due to race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information, communication with an elected public official, free speech, refusing to participate in or remain silent about illegal activities, exercising a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law. Race, color, religion, age, sex, national origin or ancestry, marital status, veteran’s status, or ability in accordance with applicable federal, state, and local law. If an employee believes that he or she has been involved in any incident that was discriminatory, he or she should report the incident immediately to Management. The Town further complies with all federal and state laws protecting employees from discrimination.

It is the policy of the Town of Mount Carmel to apply and foster a sound program of personnel administration to ensure the legal employment and placement of applicants, the establishment of a classification and compensation program, the establishment of an employee relations system and the provision of employee development and training and record retention.

### 1.3 COVERAGE

The Personnel Regulations will apply to all employees unless otherwise stated under exempt positions. Temporary, seasonal and part-time employees are subject to all regulations but do not have access to insurance benefits, leave accrual, holiday pay, or retirement benefits.



All offices and positions of the local government placed in the exempt service are:

1. all elected officials;
2. members of appointed boards and commissions;
3. consultants, advisers, and legal counsel rendering temporary professional service;
4. the local government attorney;
5. independent contractors;
6. part-time employees paid by the hour or the day who are not considered regular unless otherwise indicated;
7. the local government judge;

Some policies apply to all employees and officers of the municipality, including those placed in the exempt service, such as policies related to discrimination and/or harassment, and policies required by state or federal law.

#### **1.4 ADMINISTRATION**

These rules will be administered by the City Administrator under the direction of the Board of Mayor and Aldermen in conformity with the ordinance establishing a personnel system.

The governing body is responsible for the appointment of the Administrator, establishment of overall policy guidelines for the operation of municipal government including adoption of the Personnel Regulations and amendments thereto, development and adoption of an annual fiscal budget.

The City Administrator is the Chief Administrative Officer for the Town of Mount Carmel. The administrator is hired and serves at the pleasure of the governing body. He or she is responsible to the governing body for the proper operations of all town functions. The responsibilities of the administrator include appointment and termination of all town employees, enforcement and application of all laws, provisions of the Town Charter and Municipal Code, and acts of the governing body including but not limited to the Personnel Regulations and pay classification plan. The administrator is also responsible for implementation of additional rules, policies and procedures, which may be necessary for the proper operation of the Town or its various departments, provided that such rules and procedures are consistent with the Personnel Regulations adopted by the governing body.

Department Heads and supervisors are responsible for the administration and enforcement of the Personnel Regulations for employees in their respective program areas.

The Town Administrative Department's responsibility and functions regarding the administration of the personnel regulations shall include, but not be limited to, the development and presentation of personnel regulations and recommended amendments consistent with proper employment practices to the City Administrator for consideration and presentation to the governing body. The Administrative Department shall also provide technical assistance to Department Heads and supervisors on the interpretation and application of the Personnel Regulations.

**Amendments to the rules and regulations shall be made in accordance with the procedure herein. Nothing in the personnel rules and regulations document shall be deemed to give employees any more property rights in their jobs than may already be given by the local government charter. The local government reserves the right to alter or change any or all of these rules without prior notice to employees.**

## 1.5 AMENDMENTS TO PERSONNEL POLICIES

Amendments or revisions to these regulations, policies and procedures may be recommended for adoption by the City Administrator or by the Board of Mayor and Aldermen of its own initiative. Such amendments or revisions of these regulations, policies and procedures shall become effective upon approval by the Board of Commissioners.

All departmental regulations, policies and procedures as presently constituted or hereinafter adopted, which are not in conflict with these regulations, policies and procedures shall be in effect.

## 1.6 SEVERABILITY

If any Charter, Article or Section of these Regulations is found to be in conflict with Federal, State or City laws and regulations, or Court decision, that section will continue in effect only to the extent permitted by such law or regulation or Court decision. If any Charter, Article or Section of these regulations is or becomes invalid or unenforceable, such invalidity or unenforceable nature will not affect or impair any other Charter, Article or Section of these regulations.

## 1.7 DEFINITIONS

For this manual's purpose, the following words and phrases have the meanings respectively ascribed to them by this chapter. Terms not assigned here will be assumed to have their common meanings.

**Absence Without Leave** – An unauthorized absence for which leave was not available or a leave request was either not made or denied.

**Actual Service** – The time engaged in performing the duties of a position or positions, including absences with pay and authorized leave without pay.

**Alcohol** – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

**Alcohol Concentration** – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.

**Alcohol Use** – The consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

**Allocation** – Assigning a position to its appropriate class in relation to the duties performed.

**Anniversary Date** – (Also known as “review date”, “increment day”, or “service date”) The most recent date of appointment to, or employment in, a full-time position used to determine seniority.

**Annual Leave/Vacation Leave** – Paid leave that is granted to each eligible employee for vacation or other personal uses.

**Applicant** – An individual who has completed and submitted an application for employment with the local government; any person who has on file an application for employment or any person who is otherwise being considered for employment or transfer to the police department, fire department, or to a position requiring a commercial driver's license (CDL) being processed for employment. For the purposes of the drug testing policy, an applicant may also be: a uniformed employee who has applied for and is offered a promotion or who has been selected for a special assignment, a non-uniformed employee who is offered a position as a uniformed employee; or an employee transferring to or applying for a position requiring a CDL.

**Application** – A form used to apply for positions with the Town of Mount Carmel.

**Appointment** – The offer to and acceptance by a person of a position either on a regular or temporary basis

**At-Will Employer** – The authority of the employer under Tennessee State law which means that an employer may legally hire, fire, suspend or discipline any employee at any time and for any reason, good or bad, with or without cause or for no reason at all, as long as the motivation for the action is not in violation of any law.

**Authorized Representative** – A person or persons possessing authority, authorized and delegated by the immediate superior, who has the authority and power to delegate such authority.

**Break-in-service** – Any separation from the service of the local government, whether by resignation, layoff, dismissal, unsatisfactory service, disability, retirement, or unauthorized absences of three days or more without leave. Authorized leaves and authorized leaves of absence without pay are not considered as constituting a “break-in-service”.

**CDL** – A commercial driver’s license (CDL) required of anyone who drives a vehicle in excess of 26,000 pounds or who carries 16 or more passengers, or any size vehicle used in the transportation of hazardous materials.

**Certification** – Endorsement as meeting the required minimum standards for a vacant position.

**Class** – A group of positions that are sufficiently alike in general duties and responsibilities to warrant the use of the same title, specifications, and pay range.

**Class Code** – An identifying number assigned to each job title in the classification plan.

**Class Series** – A number of classes of positions that are substantially similar in the types of work involved and differ only in rank. This is determined by the importance of duties, the degree of responsibility, and the amount of training and experience required. Such classes constitute a series.

**Class Specification** – A written description of a class. This consists of class title, a general statement of the work level and its distinguishing features, examples of duties, and desirable qualifications for the class.

**Classification** – The act of grouping positions into classes regarding: (1) duties and responsibilities; (2) education requirements, knowledge, experience, and ability; (3) test of fitness; and (4) pay ranges. Classification allows an arrangement of positions whereby equal pay is given for substantially equal responsibility and authority.

**Classification Plan** – The official or approved system of grouping positions into appropriate classes consisting of: (1) an index to the class specification; (2) the class specification; and (3) rules for administering the classification plan.

**Classified Service** – The classified service includes all positions in the local government service except those listed under exempt service.

**COBRA** – The Consolidated Omnibus Budget Reconciliation Act that requires employers to offer extended health care benefits in the event of a qualifying event.

**Compensation** – The standard pay rates that have been established for the prospective classes of work as set forth in the compensation plan.

**Compensation Plan** – The official schedule of pay approved by the governing body, assigning one or more pay rates to each class title

**Continuous Service** – The most recent period of employment without interruption except for absences on approved leaves or absences to service in the U.S. armed forces.

**Counseling/Coaching** – These are opportunities to address employee performance, contributions, goals and or plans in a one-on-one situation. Employees who are experiencing performance related challenges are provided sessions in a non-disciplinary mode to alter or change their behavior. However, if the behavior does not improve these can be a pre-cursor to more formal disciplinary actions. Employees who are at or above expected performance levels are given feedback to encourage greater contributions, additional possibilities, and new or more focused initiatives.

**Daughter or Son / Child** – A stepchild; biological, adopted, or foster child; legal ward; or child of a person standing in loco parentis who is under the age of 18. A child who is 18 years old or older qualifies if he/she is incapable of self-care because of mental or physical disability.

**Demotion** – Involuntary or Voluntary assignment of an employee from one class to another class that has a lower maximum pay rate and/or rank. It could result in a reduction in pay when the result of a disciplinary action.

**Department** – The primary organizational unit under the immediate charge of a department head who reports directly to the City Administrator and designated in budget documents.

**Department Head** – The director or chief of a local government department.

**Disability Leave** – Paid leave that may be granted to an eligible employee who is unable to pursue the duties of his/her position because of physical or mental impairment.

**Disciplinary Action** – An action which may be taken by the employee’s Department Head or City

Administrator for any legal reason which may include, but is not limited to, when an employee fails to follow or violates the policies, procedures and rules of conduct of departmental rules, these Personnel Rules and Regulations or the Municipal Code. Disciplinary action includes, oral counseling, written reprimand, suspension, demotion and/or dismissal.

**Dismissal** – A type of disciplinary action resulting in the separation from employment from the local government for cause. (NOTE – At-Will employers do not have to dismiss employees for “cause” as long as it is not a violation of state or federal laws.)

**DOT** – The Department of Transportation

**Driver** – Refers to any person who operates a commercial motor vehicle. This includes, but is not limited to: full-time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drivers and independent, owner-operated contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For pre-employment/pre-duty testing only, the term “driver” includes a person applying to an employer to drive a commercial motor vehicle.

**EAP** – Employee Assistance Program – an employee benefit program intended to help employees deal with personal problems that might adversely impact their work performance, health, and well-being. EAPs generally include short-term counseling and referral services for employees and their household members.

**EBT** – Evidential Breath Testing used to detect alcohol usage; an instrument approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA’s Confirming Products List of Evidential Breath Measurement Devices.”

**Eligible** – A person who has successfully met required qualifications for a particular position.

**Eligible List** – A document consisting of those applicants who are eligible for a vacant position as established by the Human Resources Department.

**Emergency Appointment** – An appointment made when an emergency arises, and time will not permit compliance with the personnel appointment procedures.

**Employee** – (synonymous with “incumbent”) - The person selected to perform the work of a position. An employee is an individual who is legally employed by the local government and is compensated through the local government payroll for services. Individuals or groups compensated on a fee basis are not employees.

**Employee Development** – Providing the training programs and opportunities for employees to meet the skills and knowledge requirements needed to carry out their responsibilities.

**Employee Evaluation** – The system of assessing the quality and quantity of an employee’s performance

**Employment Date** - The original date of appointment to, or employment, in a position.

**Evaluation** - The system which has been established for evaluating an employee’s performance in accordance with performance standards set forth on job descriptions. An overall process consisting of periodic counseling/coaching sessions compiled with an annual written performance report of employee contributions, strengths, weaknesses and goals. A two-way dialogue between the employee and their supervisor is designed to inform the employee with feedback regarding his/her performance and is an effort to challenge the employee to have greater contributions to the Town. Evaluations are made before the end of the first sixth (6) months of employment and before the end of the twelfth (12) month and on an annual basis thereafter.

**Examination** – The process of testing, evaluating, or investigating the fitness and qualifications of applicants and employees.

**Exempt Employee** - Employees that are compensated on the “whole job” basis and are exempt from overtime in accordance with Title 29, Part 541, of the Code of Federal Regulations.

**Exempt Service** – The elected positions of mayor, aldermen, and those individuals who serve at the pleasure of the elected officials who appointed them to their positions; board and commission members; people employed as consultants or counsel rendering temporary professional services; and positions involving seasonal, temporary, emergency, or voluntary employment or appointments to whom the rules and regulations are not applicable.

**Fair Labor Standards Act (FLSA)** – Federal legislation mandating time-and-one-half overtime

compensation for all hours worked over forty by an employee in a workweek.

**FHWA** – The Federal Highway Administration

**Full-time Employee** - An employee working full-time who was hired under the rules of a full-time position.

**Governing Body** – The elected positions of the Board of Mayor and Aldermen.

**Immediate Family** – Includes spouse, mother or stepmother (but not both), father or stepfather (but not both), children, legally adopted children, children taken in the home to raise under a properly executed court order and those blood relatives of the employee that are verifiably living in the home and dependent upon the employee for care, sister, brother, grandparents, current mother-in-law or current father-in-law, step grandparents, grandparents-in-law, and grandchildren. Proof of these relationships may be required.

**Insubordination** – Disobedience to authority.

**Job Description** – A written explanation of one position or several very similar positions that includes a title, a definition of responsibilities and essential functions, examples of duties, and the minimum required qualifications

**Layoff** – The involuntary, non-disciplinary separation of an employee from a position due to a shortage of funds or work, abolishing a position, other material changes in the duties or organization, or for related reasons that are outside the employee's control and that do not discredit the service of the employee.

**Leave** – An authorized absence during regularly scheduled work hours that has been approved by proper authority. Leave may be authorized with or without pay as provided for by these rules.

**Leave with Pay** - Approved absence by the Supervisor and/or Department Head and for which compensation is received.

**Leave without Pay** – Approved absence by the Department Head and City Administrator for which no compensation has been received.

**Management** - A person appointed to a position that either directs, manages and/or supervises department and/or employees within that department.

**Military Leave** – Leave granted employees who enter the U.S. armed forces or who are members of the reserves who are required to attend the annual two (2) week training period.

**Nepotism** – Employment of an immediate family member which would create a direct supervisor/subordinate relationship with a family member or create an actual conflict of interest or the appearance of a conflict of interest.

**NHTSA** – The National Highway and Traffic Safety Administration

**Occupational Disability or Injury Leave** – An excused absence from duty because of an injury or illness sustained in the course of employment and determined to be compensable under the provisions of the Workers' Compensation Law.

**On Call** - Being available at a designated place for a designated period of time. Whether or not the employee is on call shall be judged in accordance with the FLSA Regulations as set out in 29 CFR, Part 553.221.

**Overtime** – Authorized time worked by an employee in excess of normal working hours or work period. Generally, overtime is paid for all hours worked over 40 during the workweek. Public safety employees are allowed to work additional hours before overtime pay is required.

**Overtime Pay** – Compensation paid to an employee for overtime work performed in accordance with the FLSA.

**Parent** – Mother or father of an employee, or an adult who had day-to-day responsibility for caring for the employee during his/her childhood in place of the natural parents.

**Part-time Employee** - A person employed on a continuous basis to fill a position who regularly works less than the established hours of employment for a day, week or month.

**Pay Plan** – A written plan/chart that places every job description in a pay grade according to knowledge, skills, and abilities. (Note – Each position may also have a designated minimum, maximum, and intermediate level of pay.)

**Pay Range** – One or more (but commonly seven) specific pay rates having a percentage relationship to one another assigned to a class of positions as the compensation for that class.

**Pay Rate** – A specific dollar amount, expressed as either an annual rate, monthly rate, or hourly rate.

**Performance** - The way in which an employee executes his/her assigned duties and responsibilities.

Performance is evaluated under the Performance Evaluation System by the immediate supervisor and reviewed by supervisors in the chain of command and the City Administrator.

**Personnel File** - An official file which is maintained in the Personnel Department for each employee and generally consists of such items as application or resume for employment; records of transfers, promotions, demotions, reinstatements, reclassification, changes in pay, performance evaluations, and disciplinary actions.

**Position** - A group of duties and responsibilities assigned to one employee. A position can be vacant or occupied.

**Promotion** - Assigning an employee from one class to another class that has a higher pay rate and/or rank.

**Provisional Employee** - An employee filling a position where no regular position exists in the Town budget and/or where the principal source of funds is grant funds provided from a source outside the Town government.

**Qualifications** - The minimum educational, experience, and personal requirements that must be fulfilled by a person prior to an appointment or promotion.

**Qualifying Event** - can include for a covered employee: (1) termination of employment (other than for gross misconduct); (2) reduction in hours of employment (change from full-time to part-time employment as well as strikes, lockouts, walkouts, and other types of reductions.)

**Rank** - The order in which an applicant's name appears on an eligible list based on the individual's composite score in the evaluation process.

**Records** - All records maintained on each employee, in the Human Resources Department and the employee's department of employment, such as the personnel file, attendance records, records of disciplinary actions, counseling records, pay records, training accomplishments, etc.

**Regular Full-time Employee** - An individual who works the equivalent of 40 hours or more per week

**Regular Part-time Employee** - An employee appointed to fill a vacancy or a newly created position who works a minimum of 20 hours each workweek. The employee is not entitled to benefits.

**Regular Service** - The regular service shall include all positions in the local government service except those listed under exempt service.

**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.

**Relative(s)** - A person connected with another by blood or affinity, including but not limited to the employee's: spouse, brother, sister, parents, step-parents, grandparents, children, step-children, grandchildren, father/mother-in-law, son/daughter-in-law, brother/sister-in-law, aunts, uncles, nieces, cousins and any other member of the employee's household.

**Removal** - Disciplinary action taken where an employee is listed in an unpaid status for a period of time as deemed necessary by the Department Head and/or administrator.

**Reprimand** - A type of oral or written disciplinary action denoting a violation of personnel or departmental regulations that becomes a part of the employee's personnel record.

**Resignation** - Separation from the employment of the Town of Mount Carmel at the request of the employee.

**Retention List** - A list of qualified applicants from a job posting will be held for a period of no more than six years following the closing of the previous posted position.

**Safety-Sensitive Positions** - Include police officers, firefighters, positions requiring a commercial driver's license, public works equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of pipelines, teachers and other positions having responsibility for the safety and care of children.

**Seniority** - The length of service with the local government as a regular employee in the classified service.

**Separation** - The removal of an individual from a position either through resignation, dismissal, layoff, disability, retirement, or death.

**Serious Health Condition** - An illness, injury, impairment, or physical or mental condition involving inpatient care or continuing treatment by a health care provider that prohibits an employee from performing his or her regular duties. Examples of serious health conditions include, but are not limited to: heart attacks

and conditions requiring bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, severe arthritis, etc.

**Service Awards** - Award presented to an employee in recognition of faithful service rendered to the citizens of the Town of Mount Carmel, or an award given for a period of continued service.

**Sick Leave** – An absence approved by the appointing authority or supervisor due to a non-occupational illness or injury.

**Skill Levels** – A grouping of positions based on similar skills, knowledge, and ability requirements.

**Standard Operating Procedures** - Administrative policies and procedures established by the Department Head and approved by the City Administrator; specific to the operation of the individual department; shall be consistent with, but not be synonymous with, these rules and regulations.

**Supervisory Employee** - A supervisory employee is an individual having authority to perform one or more of the following: hire, transfer, suspend, layoff, recall, promote, demote, discharge, assign, reward, discipline employees or responsibility to direct them, or to adjust his/her grievances or effectively to recommend such action. The exercise of such foregoing authority is not of a mere routine or clerical nature but requires the use of independent judgment.

**Suspension** – An enforced leave of absence for disciplinary purposes or pending an investigation of charges made against an employee. Depending on the misconduct, an employee may be given a minor or major suspension which has different levels of disciplinary action.

**Temporary Employee** – An employee holding a position other than full-time which is of a temporary, seasonal, casual or emergency nature or for such limited time as is specified by the City Administrator. This employee is not eligible for paid vacation, sick leave or holiday pay unless required by law. Time spent as a temporary, seasonal, casual or emergency employee does not count in the years of service computation.

**Termination** - Separation of an employee's service by resignation, layoff, disability, death, retirement or dismissal.

**Transfer** – Assignment of an employee from one position to another. Transfers can take place within a department, between departments, between positions, of the same pay range, between positions of the same class or between positions of a different class and may result in a reduction or a freeze of pay. Transfers may be considered at the employee's request or made at the discretion of management.

**Vacancy** – An unoccupied budgeted employment position without an incumbent.

**Workday** – The scheduled number of hours an employee is required to work per day. The work day shall be computed on an eight (8) hour basis, unless otherwise specified by the Town.

**Workweek** – The number of hours regularly scheduled to be worked during any seven (7) consecutive days; usually for 40 hours, with special provisions made in those departments requiring additional work shifts or work hours. The Town shall have the authority to establish other work periods as permitted under the FLSA regulations.

## SECTION II: HIRING PROCEDURES

### 2.1 POLICY STATEMENT

It is the policy of the Town of Mount Carmel 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 municipal employee or potential municipal employee on behalf of the town unless approved by the City Administrator.

### 2.2 EQUAL OPPORTUNITY EMPLOYMENT

It is the obligation and policy of the Town of Mount Carmel to provide equal opportunity employment to all employees and applicants for employment. No person will be discriminated against in employment because of race, color, religion, sex, age, national origin, disability, military status, communication with elected public officials, free speech, refusing to participate in or remain silent about illegal activities

exercising a statutory constitutional right or any right under clear public policy, political affiliation, genetic information or any other basis protected by law.

The Town of Mount Carmel will provide reasonable accommodation to qualified disabled individuals unless the accommodation would pose an “undue hardship” on the Town.

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

### **2.3 USE OF JOB DESCRIPTIONS**

Job descriptions are a mechanism of communicating goals, objectives, values and expectations between all echelons of the Town’s hierarchy. The job descriptions will contain a general description of the position, essential functions, and additional duties of the job. It should be noted that these elements listed are not entirely inclusive or descriptive of all duties.

The job description will also contain minimum training and qualifications and Americans with Disabilities Act (ADA) elements and standards required to perform essential job functions. The minimum qualification standards on job descriptions should serve as norms for applicants coming into the job setting and should also serve as a basis for performance indicators in meeting the expectations of the Town for each employment position.

### **2.4 JOB ANNOUNCEMENTS**

Department Heads who need to fill a job opening should contact town administrative personnel to begin the recruitment process. The City Recorder (or their designee) will prepare and publicize job announcements to bring notice of vacancies to as many qualified persons as possible.

**In-House Posting** - Notice of vacant regular positions will be distributed to all departments for posting on employee bulletin boards or for circulation among employees within that department. Notice of regular vacancies will be posted until the position is filled.

**Public Advertisement** - Applicants shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that qualified applicants are obtained for City Service. The Town’s Administrative Office and the Department Head will determine what forms of media to extend the advertisement. The advertisement may also include the town website along with the local government cable channel. The determination for this type of advertisement will be based on, but not be limited to position, skill requirement, and the level of response from other means of recruitment. The vacancy will be posted until the position is filled.

### **2.5 APPLICATIONS**

The Town of Mount Carmel will make every effort to attract qualified applicants for every position. The appointing authority will prepare and publish a public notice of vacancies in various media, tailored to attract potential candidates, as may be designated by the City Administrator.

All employment applications are received at City Hall by the City Administrator and given thorough consideration. Applications are only accepted when vacancies exist and will only be considered for the specific position applied. Applications will not remain active once a position has been filled. Applications will remain in storage according to the time frame as allowed by under the Records retention law



## 2.6 RECRUITMENT BY EXAMINATION

All appointments in the local government service will be made according to merit and fitness and may be subject to competitive examination. All such examinations will fairly and impartially test those matters relevant to the capacity and fitness of the applicant to efficiently discharge the duties of the position to be filled.

## 2.7 TYPES OF EXAMINATION

The examinations held to establish eligibility and fitness for any class may consist of one or more of the following types of examinations as determined by the City Administrator. The City Administrator will make reasonable accommodations in the examination process to disabled applicants requesting such accommodations.

1. **Written Test** – this validated test, when required, will include a written demonstration designed to show the applicant's familiarity with the knowledge involved in the class of positions to which he/she is seeking employment.
2. **Oral Test** – This test, when required, will include a personal interview where the ability to deal with others, to meet the public, and/or other personal qualifications are to be evaluated. An oral interview may also be used in examinations where a written test is unnecessary or impractical or as a reasonable accommodation to someone unable to take a written test due to a disability.
3. **Performance Test** – This test, when required, will involve performance tests as would aid in determining the ability and manual skills of applicants to perform the work involved. The performance test may be given a weight in the examination process or may be used to exclude from further consideration applicants who:
  - a. cannot perform the essential functions of a specific position due to a disability that cannot reasonably be accommodated;
  - b. pose a direct threat to themselves or others;
4. **Physical Agility Test** – When required, this consists of job-related tests of bodily conditioning, muscular strength, agility, and physical fitness of job applicants for a specific position. This test may be given a weight in the examination process or may be used to exclude from further consideration applicants who do not meet the minimum required standards.
5. **Mental Test** – When required, this will include any test to determine mental alertness, general capacity of the applicant to adjust his/her thinking to new problems, or to ascertain special character traits and attitudes.
6. **Pre-employment Drug Test** – Pre-employment drug testing will be conducted on all positions. Positive results on the drug test can result in an applicant being denied employment.

## 2.8 NOTIFICATION AND INSPECTION OF EXAMINATION RESULTS

Each person who takes an examination will be notified by first-class mail or other appropriate means of his/her standing on the eligibility list (if one is maintained) or of his/her passing or failing. Each person in an examination may inspect his/her rating and the examination papers within ten (10) days of notification of the results. These inspections will be permitted only during regular business hours and at the office of the City Recorder.

**2.9 NEPOTISM**

No member of an immediate family, as defined in the Definitions Section of this policy, shall be employed under the same line of supervision. This does not preclude employment of immediate family members under other lines of supervision.

**2.10 CITIZENSHIP AND IMMIGRATION STATUS VERIFICATION**

The local government will not discriminate on the basis of a person's national origin or citizenship status with regard to recruitment, hiring, or discharge. However, the local government will not knowingly employ any person who is or becomes an unauthorized immigrant. In compliance with the Immigration Reform and Control Act, all employees hired after November 6, 1986, regardless of national origin, ancestry, or citizenship, must provide suitable documentation to verify identity and employability. The documentation must be provided within three days of employment or the individual will be subject to separation.

**SECTION III: CLASSIFICATION, PAY, AND FRINGE BENEFITS****3.1 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 positions.

**3.2 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 Town of Mount Carmel's adopted Merit Pay Plan Policy.

A non-exempt municipal 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.

Regular paydays for all municipal 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:

- Federal Withholding Tax
- Social Security (FICA)
- State Withholding Tax
- Medicare
- Retirement

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

**3.3 PERIODIC PAY INCREASES AND ADVANCEMENT**

Salaries and wages will be evaluated annually for all town departments. Adjustments will be considered based on 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, conduct, 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 based on performance evaluations with length of service only one factor for consideration.

### **3.4 PERFORMANCE APPRAISAL / EVALUATION**

The performance of all employees will be appraised and reviewed at least annually by their immediate supervisor. Evaluations for new hires shall occur before the end of the first sixth (6) months. Written appraisals will be discussed with the employees, so they will know how they are progressing and what they may do to improve their performance.

Department Heads will review employee performance evaluations for consistency and application of proper evaluation standards for each employee being evaluated. The failure to submit an evaluation after notice may subject the Department Head to counseling or disciplinary action. Employee performance evaluations shall be made a part of the employees personnel file. The City Administrator will perform an annual performance evaluation for all Department Heads.

As important as these written performance/appraisals are, they are not meant as substitutes for ongoing discussions between employees and their supervisors about their performance.

### **3.5 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:

- Health Insurance (through a plan selected by the Governing Body)
- Life Insurance (through a plan selected by the Governing Body)
- Pension Plan (through a plan selected by the Governing Body)
- Workers' Compensation
- FICA (social security)
- Unemployment compensation paid upon valid claim
- Paid holidays
- Paid vacations
- 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.

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

### **3.6 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 an unpaid lunch, including travel time, and will not be considered part of the regular workday.

Employees of the Wastewater/Public Works Department may 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.

### **3.7 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 unavoidable reason, cannot report for work, he/she 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.

### **3.8 OVERTIME COMPENSATION**

All non-exempt employees shall receive overtime pay at the rate of one and one-half times their regular rate of pay for each hour worked in excess 40 hours for regular employees, and 43 hours for sworn police employees. Hourly paid, FLSA non-exempt town employees may also accrue compensatory time off in lieu of overtime for all hours worked in excess of 40 hours (regular employees)/43 hours (sworn police employees) in any one workweek so long as approved by the employees' Department Head and the City Administrator and may accrue such compensatory time off up to a maximum of 80 hours. All hours worked in excess of 40 hours (regular employees)/43 hours (sworn police employees) in any one workweek after an employee has accrued 80 hours of compensatory time off must be paid at that employee's overtime compensation rate. Compensatory time, or overtime must be documented by a detailed explanation of the work or project(s) that required working overtime hours in the workweek on each employee's time card. All compensatory time off accrued for all town employees qualifying for compensatory time off must be used by June 30 of each fiscal year. A new accrual of compensatory time off shall begin July 1 of each year. Any unused compensatory time will be cashed out at this time.

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.

### **3.9 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 schedule 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.

### **3.10 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 the Town of Mount Carmel approved Travel Policy.

### 3.11 MANDATORY UNIFORM ALLOWANCE

1. Uniforms, when required, will be provided by the town. The cost to maintain those uniforms will also be paid by the town.
2. 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, or other equipment as defined in departmental SOP or as adopted otherwise.

### 3.12 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, or as required by the current retirement plan. Retirement for medical reasons is excluded from the notification requirements.

## SECTION IV: LEAVE POLICIES

### 4.1 VACATION LEAVE

The Town's benefits and leave policies have been designed with the health and well-being of its employees in mind. While leave privileges add to the benefit and compensation package of employees, they also add intangible quality of life benefits which help attract and retain a desirable workforce.

No temporary, seasonal, or part-time employees shall be eligible for the following leave and benefits.

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 regular employee shall earn vacation time in accordance with the following schedule (unless additional benefits were negotiated at the time of job acceptance):

| Years of Service | Days Earned per Month | Days/Hours Earned per Year |
|------------------|-----------------------|----------------------------|
| 1                | .42 Day               | 5 Days (40 Hours)          |
| 2                | .83 Day               | 10 Days (80 Hours)         |
| 8                | 1.25 Days             | 15 Days (120 Hours)        |
| 14               | 1.65 Days             | 20 Days (160 Hours)        |
| 20+              | 2.08 Days             | 25 Days (200 Hours)        |

Vacation time accrued shall not exceed two (2) years entitlement calculated from the anniversary date of each year of employment.

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.

If two employees request vacation for the same period, preference will be given to the employee who submitted the request first. Leave will be granted on a first come, first serve basis. If the absence of both employees would not interfere with the normal operations of the department, the Department Head has the option of scheduling both employees for the same or overlapping vacation period.

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 in the definitions section of this policy is a new employee. However, an employee re-instated after leave with or without pay will not be considered a new employee.

Employees on paid leave will continue to accrue vacation leave. Vacation leave shall not accrue to any employee until the required eligibility period has elapsed, when an employee is on leave without pay for more than fifteen (15) days in the month, on suspension without pay, 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.

#### **4.2 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:

- When an employee is incapacitated by sickness or a non-job-related injury, or they are seeking medical, dental or other diagnosis or treatment.
- 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 the Definitions Section of this policy.
- 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 if, in the opinion of the department head or City Administrator, such action is deemed appropriate to return to work. 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 any employee until the required eligibility period has elapsed, when an employee is on leave without pay for more than fifteen (15) days in the month, on suspension without pay, lay-off, or leave of absence without pay, unless otherwise directed by the City Administrator.

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 City Administrator as a reasonable accommodation to persons with disabilities. 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 may be given preference for employment in a position for that they are qualified, with the approval of the City Administrator.

Employees may not borrow against future sick leave.

However, employees may transfer earned sick leave to another employee under special circumstances and with the approval of the City Administrator and in consultation with the appropriate Department Head.

No employee shall be paid for accumulated sick leave. All accumulated sick leave shall expire upon an employee's 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.

#### **4.3 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             | Veterans' Day          |
| Martin Luther King Jr. Day | Thanksgiving Day       |
| Good Friday                | Day after Thanksgiving |
| Memorial Day               | Christmas Eve          |
| Independence Day           | Christmas Day          |
| Labor 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 regular full-time non-exempt employees required to work on a Town-observed holiday will receive straight time holiday pay, and in addition will be paid for hours worked on the Town-observed holiday at the rate of one and one-half times their regular rate of pay. Emergency services personnel and sewer personnel will utilize the actual holiday for observance.

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.

#### **4.4 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.
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.

#### **4.5 MATERNITY LEAVE**

The purpose of this leave is to provide female employees time off for pregnancy, childbirth, nursing, and/or bonding with the infant. If the town finds that the employee pursued other employment opportunities or worked regular part time or regular full time for another employer during the period of maternity leave, then the town does not have to reinstate the employee at the end of the leave period.

The employee must provide at least three (3) months' notice of her anticipated date of departure, except in those cases where a medical emergency prevents this notice. The employee should state the length of her requested leave and detail the intention to return to fulltime employment after the leave.

Employees who are prevented from giving three (3) months' notice because of a medical emergency which necessitates that leave begin earlier than originally anticipated shall not forfeit their rights and benefits under this section solely because of their failure to give three (3) months' advance notice.

A pregnant employee may continue working as long as she and her doctor feel that the work does not pose a hazard to her health, and as long as she can continue to perform the duties of her position in a satisfactory manner. 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.

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.

#### **4.6 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.

#### **4.7 MILITARY LEAVE/VETERANS' RE-EMPLOYMENT**

Any employee who is or becomes a member of the armed forces of the United States (including the Army, Army Reserves, Army National Guard, Navy, Naval Reserve, Marine Corps, Marine Corps Reserve, Air Force, Air Force Reserve, Air National Guard, Coast Guard, Coast Guard Reserve, Commissioned Corps of the Public Health) and leaves work for initial training for the Guard or Reserves, leaves work to join active duty military, or is called to active duty, will be placed on military leave. Such employee must present his/her supervisor or department head with advance notice of the active duty orders. The employee's seniority, status and pay will remain unchanged during his/her time of military leave. Continued health insurance coverage will be offered up to 24 months, with the employee paying premiums due for such policy. An employee wishing to continue health insurance coverage during his/her military leave shall provide a mailing address where notices of premium payments due may be sent.

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

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

Any employee who is member or may become a member of any reserve component of the armed forces of the United States or of the Tennessee Army and Air National Guard will be entitled to a leave of absence from their respective duties for periods of military service during which they are engaged in the performance of duty or training in the service of this state, or of the United States, under competent orders. While on such leave, the employee will be granted paid leave up to twenty (20) days (160 hours) in any one (1) calendar year.

Qualified employees who seek paid leave under this policy must provide the official order calling for their service or training to their supervisor. Employees serving in the National Guard or Military Reserve will receive full compensation for a period of twenty (20) days (or 160 hours) of military leave each calendar year, excluding holidays and scheduled off days. Such leave will not be charged to any form of accrued paid leave. An employee requesting military leave shall provide the town the dates for training and travel time in advance.

After the twenty (20) working days (or 160 hours) of full compensation, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, may use up to five (5) days of sick leave in lieu of vacation leave for the purposes of not having to take leave without pay.

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

Pursuant to T.C.A. § 42-7-102, members of the United States air force auxiliary civil air patrol who

participate in a training program for the civil air patrol, or in emergency and disaster services, as defined in T.C.A. § 58-2-101, are entitled to a leave of absence with pay for a period of not more than fifteen (15) days during a calendar year for such purposes if the leave of absence is at the request of the employee's wing commander or the wing commander's designated representative. Employees granted leave are entitled to their regular salary during the time that they are away from their regular duties. All the rights and benefits of the employee continue as if a leave of absence had not been granted.

It is the responsibility of the employee to make arrangements with their department head for leave to attend monthly meetings on regular off-time, with the expectation that the paid leave granted herein will be applied to the annual training periods required for reservists.

#### 4.8 INJURY LEAVE

Town employees are subject to the provisions of the Tennessee Workers' 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 City Recorder will furnish information and reports concerning injuries, or alleged injuries, or occupational diseases which are or may be within the scope of the Workers' Compensation Act, in order that proper medical attention is provided, compensation and expenses are paid, investigation and determination of applicable benefit eligibility may be made, and that compensation is terminated when the disability ceases or benefits are exhausted.

An employee entitled to be paid Workers' Compensation for temporary disability may be granted sick leave with full pay for the first five (5) working days of such disability, excluding the day of injury (assuming such employee has sufficient accumulated sick leave).

Worker's compensation pays an employee 66.67% of their weekly salary once the employee has been disabled for more than seven (7) days. Compensation will be made as of the eighth day of disability due to an occupational injury. If the employee is disabled for fourteen (14) days or more, worker's compensation will pay the employee retroactively from the first full day of absence from work up to the return date to work. Employees receiving worker's compensation payments may not supplement their pay with accrued paid leave. An employee who is receiving Workers' Compensation for an injury or occupational disease arising from the course and scope of employment, shall have the option of electing to use accumulated sick leave and/or vacation leave for the first seven calendar days of Workers' Compensation leave. After 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 may 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) or doesn't pose a safety risk to themselves or others. Likewise, such an employee may be placed in another position for which they are qualified 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.**

#### 4.9 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.

#### **4.10 FAMILY LEAVE**

The Family and Medical leave policy is applicable to employees who have worked at least 12 months for the City and who have worked at least 1,250 hours during the preceding 12-month period, and work for an employer with 50 or more employees within 75 miles of the work site. Until such time the Town employs 50 or more employees, no employees shall be deemed eligible under the Act.

#### **4.11 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.

## **SECTION V: WORKPLACE VIOLENCE AND HARASSMENT**

### **5.1 WORKPLACE VIOLENCE**

The Town is committed to preventing workplace violence and to maintaining a safe work environment. It is the policy of the Town of Mount Carmel to promote a productive, safe and healthy work environment for all employees, customers, vendors, contractors and members of the general public and to provide for the efficient and effective operation of the local government's activities. Employees and customers are to be treated with courtesy and respect at all times.

Employees are expected to maintain a productive work environment free from harassing or disruptive activity including threats of physical violence. No form of bullying or harassment will be tolerated, including sexual harassment and harassment based on race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information, communication with an elected public official, free speech, refusing to participate in or remain silent about illegal activities, exercising a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law. This policy applies to all town employees, elected officials, appointed officials, part-time/temporary employees, and contractors.

The Town of Mount Carmel will not tolerate verbal or physical conduct by an employee which bullies, harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.

1. No employee or non-employee shall be allowed to harass any other employee or non-employee by exhibiting behavior including, but not limited to, the following:
  - a. **Verbal harassment** – Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slur; offensive flirtations or propositions; verbal intimidation; exaggerated criticism or name-calling; spreading untrue or malicious gossip about others.
  - b. **Physical Harassment** – Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.

- c. **Visual Harassment** – Displaying derogatory or offensive posters, cartoons, publications or drawings.
  - d. **Bullying** – Workplace bullying refers to unwanted aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. The imbalance of power involves the use of physical strength, access to embarrassing information, or popularity to control or harm others. This behavior may be performed by individuals (or a group) directed towards an individual (or a group of individuals).
2. All employees, except those authorized to carry weapons for official job-related purposes, are prohibited from carrying weapons while performing work for the town. Handgun carry permit holders may transport and store firearms and firearms ammunition in their vehicles pursuant to the parameters in Tenn. Code Ann. Section 39-17-1313(a), as long as the firearm(s) or ammunition is kept from ordinary observation and locked within the trunk, glove box, or interior of the person's motor vehicle or a container securely affixed to such motor vehicle if the permit holder is not in the motor vehicle.
3. Under no circumstances are the following items permitted on town property, including town-owned parking areas, except when issued or sanctioned by the town for use in the performance of the employee's job:
  - dangerous chemicals;
  - explosives or blasting caps; or
  - other objects carried for the purposes of injury or intimidation.
4. Charges of violence and harassment may be reported to any supervisory employee of the local government, including the City Administrator and the Mayor. The Town will promptly investigate reports of workplace violence including suspicious individuals or activities. The City Administrator is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the City Administrator may request that the Police Chief provide assistance or assume responsibility for the investigation. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action.

## 5.2 HARASSMENT

Employees are obligated to report instances of harassment. Employees are also obligated to cooperate in every investigation of harassment. The obligation includes, but is not limited to, coming forward with evidence, both favorable and unfavorable, for a person accused of such conduct; fully and truthfully make written reports or verbally answer questions when required to do so by the investigator. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action.

Copies of the investigative report with recommendations for appropriate action will be turned over to the City Administrator for further action.

Anyone determined to be responsible for threats of, or actual violence, or other conduct that is in violation of this policy will be subject to prompt disciplinary action up to and including termination.

Employees are encouraged to bring their disputes or differences with other employees to the attention of

their supervisors, department head, or City Administrator before the situation escalates into potential violence. The City is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns. Employees have the right to file a police report at their own discretion.

Employees are prohibited from interfering or attempting to interfere with any departmental investigation.

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

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

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

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

Employees must avoid any action or conduct which could be viewed as sexual or other discriminatory harassment. Persons who engage in unlawful sexual or other discriminatory harassment will be subject to disciplinary action up to and including termination of employment.

Employees have the responsibility to bring any form of unlawful harassment to the attention of the City. Any employee who has a complaint of sexual or other discriminatory harassment may contact the employee's department head, supervisor or City Administrator. There is no requirement that the employee use any specific channel to register a complaint. A thorough, independent investigation will be conducted based on the employee's written statement of what has occurred. Such an investigation should include interviews with the complaining employee, subject of the complaint, and co-workers who may have knowledge of the situation. The City will retain confidential documentation of all allegations and investigations and will take appropriate corrective action to remedy all violations of this policy.

Employees and others will not be retaliated against for raising complaints of sexual or other discriminatory harassment, unless the claim is one that is made in dishonest bad faith.

#### **Making Harassment Complaints**

Prevention is the best tool for the elimination of harassment. Therefore, the following rules shall be strictly enforced. An employee who feels he/she is being subjected to harassment should immediately contact the employee's supervisor, department head or the City Administrator or any other responsible supervisor with whom the employee feels the most comfortable.

The employee should be prepared to provide the following information:

- (a) The employee's name, department, and position title.
- (b) The name of the person or persons committing the sexual harassment including their titles, if known.
- (c) The specific nature of the harassment, how long it has gone on, and any adverse action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.), taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment.
- (d) Witnesses to the harassment.
- (e) Whether the employee has previously reported the harassment and, if so, when and to whom.

### **Reporting and Investigation of Harassment Complaints**

The City Administrator is the person designated by the town to be the investigator of complaints of harassment against employees. In the event the harassment complaint is against the City Administrator, the investigator shall be the city attorney, or independent attorney provided by the City's Employment Practices Liability Insurance provider.

When an allegation of harassment is made by any employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the City Administrator.

The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made, and any other person contacted by the investigator in connection with the investigation.

Upon conclusion of the investigation, the investigator shall prepare a confidential report of the findings and present them to the City Administrator. The report shall include the written statement for the person complaining of harassment, the written statement of witnesses, the written statement of the person against whom the complaint of harassment was made, and all the investigator's notes connected to the investigation.

### **Action on Complaints of Harassment**

Upon review of the investigator's report, and if the City Administrator determines that the report is not complete in some respect, he/she may question complainants, the person against whom the complaint has been made, witnesses to the conduct in question, or any other person who may have knowledge about the harassment.

Based upon the report and his/her own investigation, where one is made, the City Administrator shall, within a reasonable time, determine whether the conduct of the person against whom a harassment complaint has been made constitutes harassment in violation of this policy. In making that determination, the City Administrator shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person complaining.

If the City Administrator determines that the complaint of harassment is well founded, in whole or in part, he/she shall take prompt and effective remedial action against the employee found to have engaged in harassment, which may include disciplinary action up to and including termination. To the extent possible, the disciplinary action should be consistent with the nature and severity of the offense and may take into consideration such factors as the effect of the offense on the complainant, or on employee morale and public perception of the offense. Disciplinary action will be determined on a case-by-case basis.

A written record of the disciplinary action shall be kept, including verbal reprimands. In all events, an employee found guilty of harassment shall be warned not to retaliate in any way against the person making the complaint of harassment, witnesses or any other person connected with the investigation of the complaint of harassment.

In cases where the harassment is committed by a non-employee against a municipal government employee in the work place, the City Administrator shall take whatever lawful action against the non-employee is necessary to bring the harassment to an immediate end.

## SECTION VI: MISCELLANEOUS POLICIES

### 6.1 DRUG AND SUBSTANCE ABUSE POLICY

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the Town of Mount Carmel has adopted this drug and alcohol testing policy. This policy complies with the Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Department of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. The types of tests required are: pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up. Random selection testing is performed on safety sensitive positions only. For further details reference the Town's adopted Drug Testing Policy available in the City Recorder's office.

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

1. being on duty or performing work in or on town property while under the influence of drugs and/or alcohol;
2. engaging in the manufacture, sale, distribution, use or unauthorized possession of drugs at any time and of alcohol while on duty or while in or on local government property;
3. refusing or failing a drug and/or alcohol test administered under this policy;
4. providing an adulterated, altered, or substituted specimen for testing;
5. use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and
6. use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures

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

## 6.2 TRAVEL POLICY

The Town will reimburse authorized employees for approved travel expenses on official business. Authorization for all trips will be made by the Department Head or City Administrator and when advance monies are required approval by the Finance Department. Travel expenses for attending meetings, conventions, and training seminars incurred by an employee are reimbursable to the employee upon filing a written travel reimbursement voucher for review and approval by the Department Head, and Finance Department. Reimbursement will be based upon applicable provisions contained in the Town of Mount Carmel's adopted Travel and Expense Reimbursement Policy. Reimbursement for mileage will be payable at the IRS allowable rate in the event that a personal vehicle is used by the employee in lieu of a town vehicle. However, when possible, a town vehicle shall be utilized in lieu of a personal vehicle.

## 6.3 USE OF LOCAL GOVERNMENT VEHICLES AND EQUIPMENT

All local government vehicles and equipment are for official use only. No other person other than a local government employee may operate a local government vehicle or piece of machinery. Passengers may be carried only as part of official business. Drivers and/or operators must have a valid driver's license and other certifications as required for a particular vehicle or piece of equipment and be approved by the department head or the City Administrator.

Any employee who is required as an employment condition to possess and maintain a valid driver's or commercial driver's license or any employee who drives a town vehicle must immediately, before reporting for duty the next workday, inform his/her supervisor if his/her license becomes denied, expired, restricted, suspended, or revoked any time during employment with the local government. Periodic review of employees' driving records will be conducted by the City Administrator (or their designee).

An accident by a municipal employee while driving a town-owned vehicle shall in no way be considered by the employee's personal automobile insurance carrier in fixing insurance premiums nor shall it cause any increase in the employee's personal automobile insurance premiums. T.C.A. § 56-7-1108.

## 6.4 PERSONAL COMMUNICATIONS

Employees should keep use of personal cell phones or other personal handheld communication devices to a minimum so that their use does not interfere with the employee's work or the town's operations. Cell phones shall be turned off or set to silent or vibrate mode during meetings, conferences and in other locations where incoming calls may disrupt normal workflow. If employee use of a personal cell phone causes disruptions or loss in productivity, the employee may be subject to disciplinary action.

## 6.5 BUSINESS CELL PHONES

The Town may provide and assign town-owned cell phones to employees when it will enhance employee productivity and provide a higher level of service. Business cell phones are typically provided to positions that require immediate and on-going communication due to management responsibilities, field operations and emergency response purposes. Business cell phones shall be used for appropriate business purposes in the most cost-effective manner possible. Since they are provided to conduct town business, the employee should limit personal usage to calls that are essential. The use of business cell phones for essential personal business must be kept to a minimum and shall not interfere with the conduct of town business. Department Heads may review at any time records to monitor appropriate use. The cost of any long distance personal telephone calls, even of an emergency nature, shall be paid by the employee and not the Town. If an individual is abusing the privilege of using a town cell phone, disciplinary action may be taken, along with discontinuation of the use of the city cell phone. **Employees must be aware that any electronic communication devices owned by the Town is open to audit for monetary and/or content review.**



## **6.6 CUSTOMER COURTESY**

All contact with customers, citizens, and coworkers should be handled in a professional manner. Professionalism, politeness and courtesy are essential. Lack of courtesy and professionalism may result in disciplinary action.

## **6.7 PERSONAL CONDUCT**

Employees are representatives of the Town, and as such, are expected and encouraged to conduct themselves always in a manner so as not to bring discredit upon the Town of Mount Carmel. Employees engaging in activities that are harmful to public perception of the Town may face disciplinary action.

## **6.8 DRESS CODE**

Personal appearance and manner of dress is an important part of your job responsibilities. Employees are expected to dress and groom in a manner which reflects good taste, and which is appropriate for the type of work performed. Since all employees deal with co-workers and the public on a daily basis, personal hygiene is a requirement. Employees should ensure their personal hygiene will not be offensive to others around them. This includes but is not limited to – scented body products, perfume/cologne, oral hygiene and body odor. Specific dress codes vary based on the position held and whether the job requires the use of a uniform. An employee who does not meet the standards of this policy will be required to take corrective actions, which may include leaving the premises. Any work time missed because of failure to comply with this policy will not be compensated, and repeated violations of this policy may be cause for disciplinary action.

### **1. Uniforms**

In departments where uniforms are provided, all employees are expected to wear the uniform according to departmental policy. All uniforms are expected to be kept neat and in good repair. There will be an allowance allotted for those employees required to wear uniforms and is specific to their respective department.

### **2. Administrative Personnel**

Employees who do not regularly meet the public should follow basic requirements of safety and comfort but should still be as neat and businesslike as working conditions permit. Administrative personnel who deal with the public are expected to dress in a manner that is professional and that projects a positive image for the Town. The City Administrator may choose to authorize a particular day or day of the week during which casual clothing can be worn. Following are the guidelines for administrative personnel.

### **3. Dress Code Guidelines**

- a. Clothing should be worn and fit in such a manner that it does not expose the abdomen, chest or buttocks areas.
- b. Clothing should be free of sexually related references, foul language, or messages that suggest or promote the use of illegal drugs or alcohol.
- c. The City Administrator may choose to authorize a particular day or day of the week during which casual clothing can be worn. On designated casual days, employees may not wear any of the above stated restricted clothing with the following exceptions: Employees may wear sports jerseys or shirts, and blue jeans that are not overly worn, torn or tattered.

## **6.9 FIGHTING, DISRUPTIVE BEHAVIOR, DAMAGING LOCAL GOVERNMENT PROPERTY**

Fighting, disruptive behavior, and intentionally defacing or damaging local government property are not permitted. Employees engaging in these activities will be subject to disciplinary action.

**6.10 NON-SMOKER PROTECTION ACT**

The Town complies with the Non-Smoker Protection Act of 2007 which prohibits smoking in all public places such as buildings, equipment, and town-owned vehicles. All employees who operate town-owned vehicles are prohibited from smoking in the vehicle or piece of equipment. This includes other occupants that may be being transported in the vehicles. Violators of this policy will be subject to disciplinary action.

**6.11 COMPUTER USE AND MONITORING**

Computers, the Internet, e-mail, as with other technologies, should be used to maximize the Town's efforts in serving its citizens. It is every employee's duty to use the Town's computer resources and communication devices responsibly, professionally, ethically and lawfully. These policies are not intended to, and do not, grant users any contractual rights. The term "Computer Resources" refers to the Town's computers, electronic equipment, and its entire computer network.

**Computer Use Policy Overview**

The Computer Resources are the property of the Town and should be used for legitimate business purposes. While personal use of Town computer resources including Internet and electronic mail is not forbidden, it is discouraged. Personal use shall be minimal and shall not interfere with the performance of job duties and responsibilities. Users are permitted access to the Computer Resources to assist them in performing their jobs. Confidential information or other information that would cause citizens to lose confidence in the Town or its personnel should not be provided using e-mail or shared with individuals outside the town's employment ranks.

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

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

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

**Waiver of Privacy Rights**

Users expressly waive any right of privacy in anything they create, store, send or receive using the Computer Resources. Users consent to allowing the Town to access and review all materials users create, store, send or receive using the Computer Resources.

**Inappropriate or Unlawful Material**

Material that is, or could reasonably be regarded as, derogatory or discriminatory on the basis of race, sex, religion, national origin, age, or disability, or is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful, may not be sent, by e-mail or other forms of electronic communication (such as bulletin board systems, news groups and chat groups) or displayed on or stored in the Computer Resources. Any such material received by electronic transmission from a

source outside of the Town should be deleted immediately.

**Misuse of Software**

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

**Compliance with Laws and Licenses**

In their use of Computer Resources, users must comply with all software licenses and copyrights and all state, federal and international laws governing intellectual property and online activities.

**Communication of Trade Secrets**

Unless expressly authorized by the Town, sending, transmitting or otherwise disseminating proprietary data, trade secrets or other confidential information of the Town is strictly prohibited.

**Use of Encryption Software**

Users may not install or use encryption software on any computers without first obtaining written permission from the Town.

**Monitoring Usage**

The Town has the right, but not the duty, to monitor any and all aspects of the Computer Resources, including monitoring sites visited by employees on the Internet, monitoring chat groups and news-groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by others. Employee violations of any of the provisions outlined in this policy may subject employee to disciplinary action.

**Public Records**

All employee correspondence in the form of electronic mail, including Computers, computer files, software, Internet access, voice mail and the e-mail system, are public records under the Tennessee Public Records Act and may be subject to public inspection under the law.

**6.12 SOCIAL MEDIA USE AND INTERNET POSTING****SECTION 1: IN GENERAL**

This policy applies to every employee, whether part-time, full-time, currently employed by the Town of Mount Carmel in any capacity who posts any material whether written, audio, video or otherwise on any website, blog or any other medium accessible via the internet.

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

Employees shall abide by the terms of use and rules and guidelines of each individual social media platform utilized. By posting on town sites, the Town is granted irrevocable, perpetual, non-exclusive license to use and distribute content for any purpose, commercial, advertising, or otherwise.

Employees who violate the terms of this policy are subject to discipline up to and including termination.

**SECTION 2: TOWN OWNED OR CREATED SOCIAL MEDIA**

The Town of Mount Carmel maintains an online presence. The provisions of Section 2 apply to Town of Mount Carmel employees posting content in an official capacity on the Town of Mount Carmel owned or

created social media platform or on any other platform.

An employee may not characterize him or herself as representing the Town of Mount Carmel, directly or indirectly, in any online posting unless pursuant to this policy or at the direction of a supervisor.

All Town of Mount Carmel social media sites and platforms directly or indirectly representing to be an official statement of the Town of Mount Carmel must be created pursuant to this policy and be approved by the City Administrator.

The Town's primary and predominant internet presence shall remain [www.mountcarmeltn.gov](http://www.mountcarmeltn.gov) and no other website, blog or social media site shall characterize itself as such.

The City Administrator shall coordinate the upkeep of content on social media sites created pursuant to this policy.

Whenever possible a social media site shall link or otherwise refer visitors to the Town's main website ([www.mountcarmeltn.gov](http://www.mountcarmeltn.gov)).

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

A social media site shall also contain a clear and conspicuous statement that the purpose of the site is to serve as a mechanism for communication between the Town and its citizens/customers and that all postings are subject to review and deletion by the Town. The following content is not allowed and will be immediately removed and may subject the poster to banishment from all town social media sites:

- a. Comments not topically related to the particular topic, idea or thread being commented upon;
- b. Profane language or content;
- c. Obscene images;
- d. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- e. Sexual content or links to sexual content;
- f. Solicitations of commerce;
- g. Illegal conduct or encouragement of such;
- h. Information that may tend to compromise the safety or security of the public or public systems;  
or
- i. Content that violates a legal ownership interest of any other party.

Administration of Town's social media sites.

- a. The Town's Administrative Staff will review, test, and technically approve social media tools and implementation for use by city staff.
- b. The City Recorder will maintain a list of all town social media sites, including login and password information. Employees will inform the City Recorder of any new social media sites.
- c. The Town must be able to immediately edit or remove content from social media sites.

Accounts and pages should, where possible, feature the official Town name and logo. The Town's social media platforms are also encouraged to use official Town Graphic Identity Standards for color, logo, seal, type font, marks, etc. These standards are available at the Office of the City Recorder.

Rights and permissions must be secured before posting, sharing or distributing copyrighted materials, including but not limited to: music, art, copyrighted photographs or texts, portions of copyrighted video, or information considered proprietary by a town employee, vendor, affiliate or contractor. Secure written permission prior to using/incorporating any copyrighted or proprietary materials except when such material is covered under Fair Use provisions.

In most cases, a release must be obtained to post, share or distribute images of non-employees whose images are identifiable.

An employee must not post content that might be embarrassing to an individual or that could be construed as placing a customer, employee or other individual in a negative or false light.

An employee must not post content that might cause someone to believe that his name, image, likeness or other identifying aspect of his identity is being used, without permission, for commercial purposes.

Commercial use of the town's social media is strictly prohibited. Employees should not post any content to a town's social media platform for their financial gain or for the financial gain of any other person or entity.

Use of the town's social media to support or oppose individual political candidates, political parties, or any ballot measure is strictly prohibited.

### **SECTION 3: NON-TOWN SOCIAL MEDIA**

This Section applies to municipal employees posting content to non-town created social media platforms in their personal capacity. Employees are prohibited from posting anything on the internet that could be construed as an act of unlawful harassment, a threat, or other evidence of discrimination. Employees should limit their personal internet activities to non-working hours, meal periods and/or rest breaks.

An employee may not characterize him or herself as representing the town, directly or indirectly, in any online posting unless pursuant to a written policy of the Town or at the direction of a supervisor.

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

An exception exists for employees engaging in protected concerted activity. The rule does not apply to "discussions and activities involving employee wages, hours and working conditions."

Any postings on non-town social media made in an official capacity may be subject to the Tennessee Open Records Act.

A town employee posting on a social media site shall take reasonable care not to disclose any confidential information in any posting.

When posting in a personal capacity an employee should take reasonable care to distinguish that his content is a personal expression and not that of the agency.

### **6.13 RECORDING AND CAMERA DEVICES**

Electronic recorders are prohibited, except when the use of an audio recorder is part of the employee's job responsibilities as strictly defined within his/her job description. Electronic recordings are allowed during official Board of Mayor and Aldermen and other various commission meetings. Audio recordings may also be utilized during disciplinary or grievance hearings for documentation purposes at the discretion of the Department Head and/or City Administrator. Failure to comply will result in prompt disciplinary actions.

### **6.14 DISCIPLINARY ACTION**

Discipline is a necessary part of any organization. It is the mutual respect and self-control of the employees of the Town that enables the Town to meet its standards and objectives. Discipline is developed both by management and employees, since if one employee fails to follow the standards and objectives, every other employee must work harder to see that those objectives are accomplished.

All local government employees not under an employment contract for a specified time period are employees' at-will of the local government. The local government reserves the right to discipline, suspend or fire any employee at any time and for any reason, good or bad, with or without cause or for no reason at all, as allowed by law. There may be occasions when local governments take disciplinary actions short of termination against employees. These actions in no way create a property right in employment for at-will employees.

## **SECTION VII: POLITICAL ACTIVITY, ETHICS, AND CONDUCT**

### **7.1 CODE OF ETHICS**

#### **Applicability**

This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board (except school board), commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities.

#### **Definition of "Personal Interest"**

(1) For purposes of Sections 3 and 4, "personal interest" means:

- (a) Any financial, ownership, or employment interest in the particular entity or person that is the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
- (b) Any financial, ownership, or employment interest in the entity or person to be regulated or supervised; or
- (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

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

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

#### **Disclosure of Personal Interest by Official with Vote**

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

**Disclosure of Personal Interest in Nonvoting Matters**

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

**Acceptance of Gratuities, etc.**

An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

- (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or
- (2) That might reasonably be interpreted as an attempt to influence his discretion, or reward him for past exercise of discretion, in executing municipal business.

**Use of Information**

- (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.
- (2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

**Use of Municipal Time, Facilities, etc.**

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

**Use of Position or Authority**

- (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.
- (2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality.

**Outside Employment**

An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy.

**Ethics Complaints**

- (1) The city attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.
- (2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.



(b) The city attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

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

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

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.

### **Violations**

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

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<sup>[1]</sup> State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the *Tennessee Code Annotated* sections indicated:

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

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

Conflict of interests disclosure statements — T.C.A. §§ 8-50-501 *et seq.*

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

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) — T.C.A. § 39-16-101 *et seq.*

Crimes of official misconduct, official oppression, misuse of official information — T.C.A. §§ 39-16-401 *et seq.*

Ouster law — T.C.A. §§ 8-47-101 *et seq.*

### **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.

## APPENDICES

### APPENDIX A - ACKNOWLEDGEMENT OF RECEIPT

#### Acknowledgement of Receipt

#### Town of Mount Carmel Personnel Regulations, Revision June 2018

This is to acknowledge that I have received a copy of the Town of Mount Carmel ("the City") Personnel Regulations, revised June 2018 or have been directed to the web-site concerning City Personnel Regulation, and understand that it outlines certain City policies, procedures and benefits as may exist at the time of publication. I understand that it is my responsibility to familiarize myself with all information within the Personnel Regulations.

I understand that the Personnel Regulations do NOT constitute a contract or agreement of any kind; rather it is merely a statement of policies and procedures. I understand that the contents of the Personnel Regulations do not confer any rights on or promises to me or guarantee my employment for any period of time. I understand that the City can alter, eliminate, or otherwise change any policy, information, or benefit described in the Personnel Regulation (except the "at-will" employment policy), without notice, at any time and it is my responsibility to review the manual periodically on the web-site to observe any recent changes.

*I understand that my employment with the City is employment at will, and can be terminated by me of the City at any time for any reason or no reason. I understand that, although other terms and conditions of my employment may change, this at-will employment relationship will remain in effect throughout my employment with the City. I understand that this at-will relationship may not be modified by any oral or implied promises or agreements. I understand that no employee has a right to continued employment by virtue of anything stated or inferred in the Personnel Regulations.*

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

I understand that the Personnel Regulations replaces (supersedes) any and all prior City policies and any and all prior City Personnel regulations, employee handbooks or manuals, and any information contained in any such prior policy, handbook, or manual is no longer in effect. I understand that the Personnel Regulations are the property of the City and is to be returned to the City when employment with the City ceases.

I understand and agree that all City property must be returned upon separation from employment. By signing below, I understand and agree that the City may deduct from my final paycheck any amount due (on a depreciated/prorated basis) for failure to return city property as long as the deduction(s) do not reduce final pay to below minimum wage.

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Employee Signature

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Date

**APPENDIX B - EMPLOYEE ACKNOWLEDGEMENT FORM**  
**EMPLOYEE ACKNOWLEDGEMENT FORM**  
**TOWN OF MOUNT CARMEL**  
**EMPLOYEE ACKNOWLEDGMENT**

As an applicant or an employee, I have carefully read the Town of Mount Carmel's drug and alcohol testing policy. I have received a copy of the Town of Mount Carmel's drug and alcohol testing policies, understand its requirements, and agree without reservation to follow this policy. As an applicant, I am aware that my offer of employment is conditional upon the results of a drug and/or alcohol test. As an employee, I am aware that I may be required to undergo drug and/or alcohol tests, that I will be informed prior to the drug and/or alcohol test, and that I may be subject to immediate dismissal if I refuse to take the test.

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| Name of Applicant or Employee | Social Security Number |
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| Department Supervisor | Department |
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| (Signature of Applicant or Employee) | Date |
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| (Signature of Witness) | Date |
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**APPENDIX C- CONSENT AND ACKNOWLEDGEMENT FORM**  
**CONSENT AND ACKNOWLEDGEMENT FORM**  
**TOWN OF MOUNT CARMEL**

**DRUG / ALCOHOL TESTING PROCEDURES**  
**CONSENT AND ACKNOWLEDGMENT FORM**

As an applicant or an employee with the Town of Mount Carmel, I hereby consent to and acknowledge that I am scheduled to undergo drug and/or alcohol testing. The test for alcohol will be a breath analysis test. The drug test will involve an analysis of a urine sample, which I will provide at a designated site. The purpose of the test will be to test for the presence of the following substances: amphetamines, marijuana, cocaine, opiates, PCP, alcohol, and/or any additional drugs listed in the Tennessee Drug Control Act. I authorize qualified personnel to take and have analyzed appropriate specimens to determine if drugs and/or alcohol are present in my system. I acknowledge that the drug/alcohol test results will be made available to the testing laboratory, medical review officer (MRO), the (personnel director), or his/her designee. As an applicant, I am aware that a confirmed and verified positive drug/alcohol test result will rescind my conditional offer of employment. As an employee, I am aware that a confirmed and verified positive test result may lead to disciplinary action up to and including immediate dismissal. I will present a copy of this form to the collection site when I report for my scheduled drug/alcohol test. I also understand that failure to provide adequate breath for testing without a valid medical explanation, failure to provide adequate urine for controlled substances testing without a valid medical explanation, and engaging in conduct that clearly obstructs the testing process are the same as refusing to test.

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| Name of Applicant or Employee | Social Security Number |
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| Department Supervisor | Department |
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| (Signature of Applicant or Employee) | Date |
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|------------------------|------|
| (Signature of Witness) | Date |
|------------------------|------|