



ORDINANCE NO. 23-520
TOWN OF MOUNT CARMEL, TENNESSEE

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE TOWN OF MOUNT CARMEL TENNESSEE THAT CHANGES BE MADE AS FOLLOWS:

SECTION I. That the Code of Ordinances BE AMENDED BY DELETING Appendix, B-1, Personnel Policies and Procedures, and replacing it with the following policy in its entirety:

SECTION II. LEGAL STATUS PROVISIONS.

- A. 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. 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.

This Ordinance shall take effect immediately upon final passage and publication, the public welfare requiring it.

ATTEST:

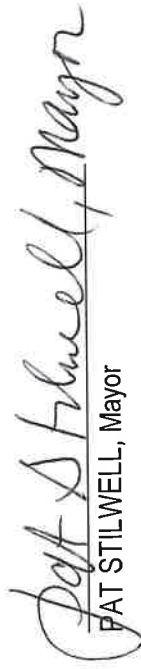


EMILY WOOD, Town Recorder

APPROVED AS TO FORM:



Town Attorney



PAT STILWELL, Mayor

MOTION: Alderman Jim Gilliam				
SECOND: Alderman Mindy Shugart				
1 st READING		AYES	NAYS	OTHER
Alderman Jim Bare		X		
Alderman John Gibson		X		
Alderman Jim Gilliam		X		
Alderman Darby Patrick		X		
Alderman Mindy Shugart		X		
Vice-Mayor Tresa Mawk				Absent
Mayor Pat Stitwell		X		
TOTALS		6	-	1

MOTION: Alderman Mindy Shugart				
SECOND: Alderman Darby Patrick				
2 nd READING		AYES	NAYS	OTHER
Alderman Jim Bare		X		
Alderman John Gibson		X		
Alderman Jim Gilliam		X		
Alderman Darby Patrick		X		
Alderman Mindy Shugart		X		
Vice-Mayor Tresa Mawk		X		
Mayor Pat Stitwell		X		
TOTALS		7	-	-

NEWSPAPER: Kingsport Times-News Published: 4/18/23

Affidavit of Publication

TIMES NEWS

701 Lynn Garden Drive • Kingsport
County of Sullivan, State of Tennessee

I, Ron Waite, being duly sworn upon oath, deposes and state that I am the publisher of the Times News, a daily newspaper published in the City of Kingsport, County of Sullivan, in the State of Tennessee. This Legal Notice contains a true and correct copy of what was published in the regular edition of said newspaper, in consecutive issues on the following dates:

Publication Dates: 07/25/2024

Ad#: 4644



Ron Waite

Signed and sworn to before me
on 07/25/2024



Rose Lynn Brooks - Notary Public
My commission expires: July 19, 2025



This legal notice was published online at www.timesnews.net and
www.tnpublicationnotice.com during the dates listed.
This publication fully complies with Tennessee Code.

PUBLIC NOTICE

Ordinance 23-517: UPDATE TO SEWER USE ORDINANCE PASSED 3/23; Ordinance 23-518: PARKING ON STREETS PASSED 4/23; Ordinance 23-519: ORDER OF BUSINESS PASSED 3/23; Ordinance 23-520: UPDATE TO PERSONNEL POLICY PASSED 3/23; Ordinance 23-521: DELETE TITLE 6 OF MUNICIPAL CODE DEPT OF PUBLIC SAFETY AND ADD CHAPTER 8 TO TITLE 1 GENERAL ADMINISTRATION PASSED 4/23; Ordinance 23-522: AMEND FY23 BUDGET PASSED 5/23; Ordinance 23-525: CHANGE BOARD OF MAYOR AND ALDERMAN MEETING TIME TO 5:30 PASSED 7/23; Ordinance 23-527: CHANGE SECTION 13-107 PERTAINING TO PENALTY FOR all VIOLATIONS Passed 8/23; Ordinance 23-528: Competitive bid threshold Passed 9/23; Ordinance 23-529: Parking lot requirements: Passed 9/23; Ordinance 24-530: Property maintenance codes: Passed 5/24; Ordinance 24-531: Update Park commission bylaws Passed 4/24; Ordinance 24-533: FEMA flood plain update Passed 6/24; Ordinance 24-535 Appoint municipal judge Passed 6/24

PUB1T: 7/25/24

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AUG 01 2024

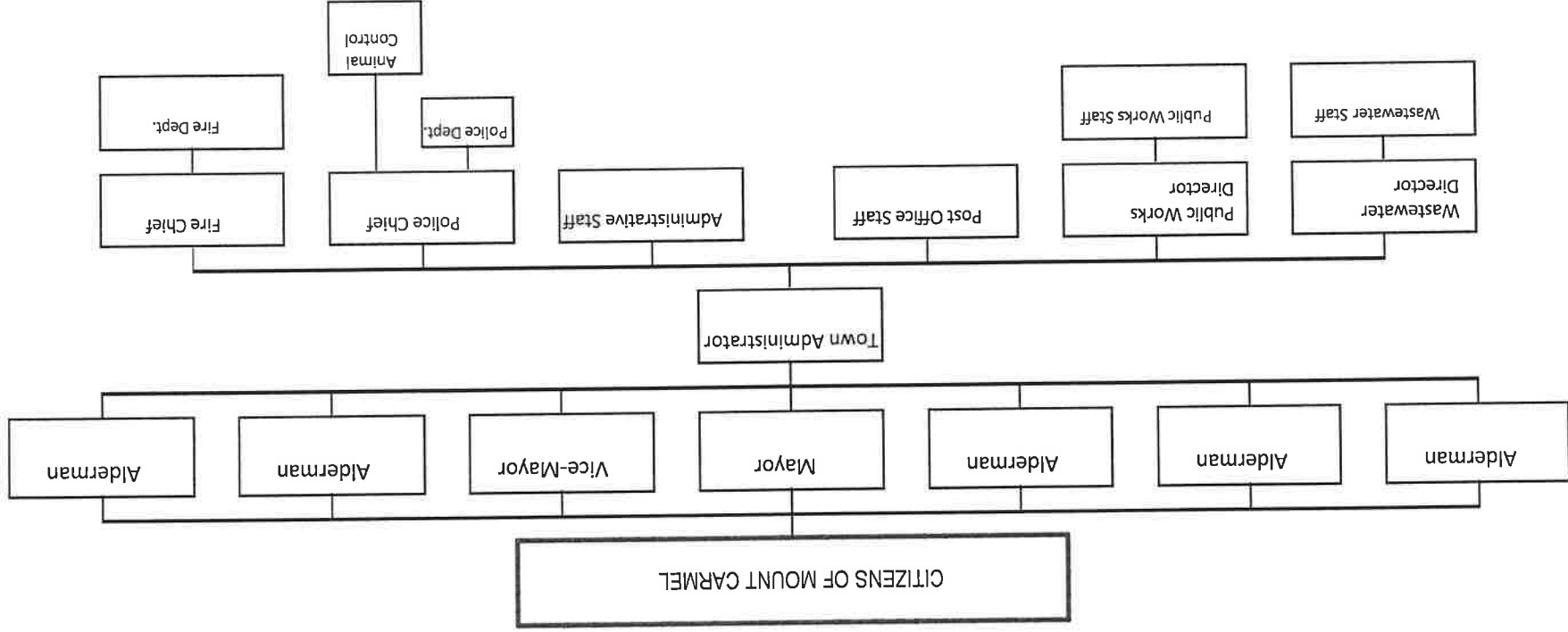
PERSONNEL POLICIES AND PROCEDURES



TOWN OF MOUNT CARMEL, TENNESSEE

Revision 2.1.23

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 Town 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 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.

1.5 AMENDMENTS TO PERSONNEL POLICIES

Amendments or revisions to these regulations, policies and procedures may be recommended for adoption by the Town 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 conflict with Federal, State or Town 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.

SECTION II: HIRING PROCEDURES

2.1 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.

2.2 JOB ANNOUNCEMENTS

Department Heads who need to fill a job opening should contact Town administrative personnel to begin the recruitment process. The Town 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 internally and externally until the position is filled.

Public Advertisement - Applicants shall be recruited from a geographic area as wide as necessary and for a period sufficient to ensure that qualified applicants are obtained for Town Service. The Town's Administrative Office and the Department Head will determine what forms of media to extend the advertisement. The vacancy will be posted until the position is filled

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 employee's personnel file. The Town 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. Yearly pay increases, not classified as COLA, will be tied to performance evaluations.

3.3 BENEFITS

A list of current benefits is available from the Town recorder.

3.4 HOURS OF WORK

The standard workweek for each department will be determined by the department head with approval of the Town 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 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 Town Administrator or the Department Head shall give adequate notice to all employees of any change in the starting and stopping hours of the workday.

3.5 ATTENDANCE

Employees shall attend 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. The Department Head will set Notification Policy. Failure on the part of an employee to comply with these policies may be cause for disciplinary action.

3.6 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. 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 Town Administrator and may accrue such compensatory time off up to a maximum of 80 hours.

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 timecard. All compensatory time off accrued for all Town employees qualifying for compensatory time off must be used by the end of the following month.

Exempt employees who are paid by salary shall not be entitled to overtime compensation, or additional holiday pay. Any person required to work more than their regularly scheduled workweek may receive compensatory time off to be used within a reasonable time following accrual. Compensatory time must be used and cannot be paid

Vacation leave shall not accrue to any employee when an employee is on leave for more than (15) days in the month, unless otherwise directed by the Town Administrator.

4.2 SICK LEAVE

Each regular full-time employee will accrue sick leave at the rate 4 hours per pay period or 6 hours per pay period for full time police officers working 12-hour shifts. Employees may accumulate up to 720 hours of sick leave, which may be carried over from one calendar year to another. Any unused sick leave in excess shall only be credited as additional time worked when calculating the employee's retirement benefits towards TCRS retirement. No employee shall be paid for accumulated sick leave. All accumulated sick leave shall expire upon an employee's separation from employment.

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.
- 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 begin on the first day of such absence and shall continue for 10 work days or 80 hours. Any additional time off necessary shall be taken by utilizing Short-term Disability Insurance provided by the town and can be supplemented by employee vacation time.

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.

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 of 2 or more days shall require a doctor's certificate. 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 for more than fifteen (15) days in the month, unless otherwise directed by the Town Administrator.

An employee, upon exhausting all earned sick leave, may use vacation. After an employee has exhausted their accrued sick leave and vacation leave, leave without pay may be granted at the discretion of the Town 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 Town Administrator.

Employees may not borrow against future sick leave.

4.5 FUNERAL LEAVE

Up to three (3) days 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.

The employee's immediate supervisor must first approve all funeral leave. 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.

4.6 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. The Town will continue to pay the portions of the premiums they were responsible for while the service member was employed if the leave is for fewer than 31 days. For military leaves longer than 31 days the employee must pay up to 102% of cost of 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 a member or may become a member of any reserve component of the armed forces of the United States or of the Tennessee Army and Air National Guard will be entitled to a leave of absence from their respective duties for periods of military service during which they are engaged in the performance of duty or training in the service of this state, or of the United States, under competent orders. While on such leave, the employee will be granted paid leave up to twenty (20) days in anyone (1) calendar year.

Qualified employees who seek paid leave under this policy must provide the official order calling for their service or training to their supervisor. Employees serving in the National Guard or Military Reserve will receive full compensation for a period of twenty (20) days of military leave each calendar year, excluding holidays and scheduled off days. Such leave will not be charged to any form of accrued paid leave. An employee requesting military leave shall provide the Town the dates for training and travel time in advance. After the twenty (20) working days of full compensation, the Town may provide partial compensation to its employees while under competent orders. After the twenty (20) working days of full compensation, members of any reserve component of the armed forces of the United States, including members of the Tennessee Army and Air National Guard, may use up to five (5) days of sick leave in lieu of vacation leave for the purposes of not having to take leave without pay.

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 does not 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.**

4.8 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.

4.9 FAMILY LEAVE

The Family and Medical leave policy is applicable to employees who have worked at least 12 months for the Town 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.

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 during 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 Town 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.

The following actions constitute an unlawful practice and are absolutely prohibited by the Town 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)

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 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 their supervisor or the Town Administrator or any other individual 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 because of the harassment, or any other threats made against the employee because of the harassment. (d) Witnesses to the harassment.

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 has adopted a drug and alcohol testing policy. The types of tests required are pre-employment (for safety-sensitive positions), transfer (for certain safety sensitive positions), reasonable suspicion, post-accident, random (for safety-sensitive positions), return-to-duty, and follow-up post rehabilitation testing. A copy of the full policy can be obtained from the Town recorder.

6.2 TRAVEL POLICY

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. A copy of Town of Mount Carmel approved Travel Policy is available in the recorder's office.

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 Town 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 Town Administrator or designee. If vehicle becomes damaged, the employee must immediately notify supervisor.

6.4 PERSONAL / BUSINESS CELL PHONES

Employees should ensure personal cell phones do not interfere with their 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.

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. Since they are provided to conduct Town business, the employee should limit personal usage to calls that are essential. 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 Town cell phone. Employees must be aware that any electronic communication devices owned by the Town are open to audit for monetary and/or content review or for any purpose and are always subject to public record requests.

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 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.

Use of the computer is a privilege that may be restricted or revoked at any time. All information contained in the computer 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 a town computer.

Compliance with Laws and Licenses

In their use of computers, 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 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 to monitor sites visited by employees on the Internet, monitoring chat groups and newsgroups, 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.

6.10 SOCIAL MEDIA USE AND INTERNET POSTING

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.

SECTION VII: POLITICAL ACTIVITY, ETHICS, AND CONDUCT

7.1 CODE OF ETHICS

The code of ethics for personnel of the municipality and was adopted in 2007. By Ordinance 320. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality.

7.2 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 certain contracts without having an open bidding process and voting on issues where personal gain is involved.

7.3 GENETIC INFORMATION AND NONDISCRIMINATION ACT

The Town of Mount Carmel is committed to providing a work environment free of discrimination and harassment based on genetic information. It is the Town's policy to notify employees and health care providers not to provide genetic information when the Town requests health related information. The notice should be included on request forms and/or provided on a separate form when employees or healthcare providers are asked to submit health-related information.

It is the Town's policy to comply with GINA's confidentiality requirements by treating genetic information in the same way as medical information. It is also the policy of the Town not to retaliate against any employee for complaining about discrimination or harassment based on genetic information. If you feel you have been discriminated or retaliated against, or harassed based on genetic information, follow the complaint procedure detailed in the workplace harassment policy.

7.4 AMERICANS WITH DISABILITIES ACT (ADA/ADAAA)

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

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

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

Eligibility

The ADA policy applies to any qualified individual with a disability who can perform the essential functions of the job with, or without, a reasonable accommodation.

Disability

"Disability" refers to a physical or mental impairment that substantially limits one or more major life activities. A

found to have engaged in retaliation against an applicant or employee for exercising his or her rights or for making a request for reasonable accommodation under this policy will be subject to disciplinary action up to and including discharge. If an applicant or employee feels he or she has been retaliated against, the situation may be reported to any supervisory employee of the Town, or any of the following, the Town Administrator, department head or Town recorder.

APPENDICES

APPENDIX A - ACKNOWLEDGEMENT OF RECEIPT

Acknowledgement of Receipt

Town of Mount Carmel Personnel Regulations

This is to acknowledge that I have received a copy of the Town of Mount Carmel ("the Town") Personnel Policy and understand that it outlines certain Town 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; it is merely a statement of policies and procedures. I understand that the contents of the Personnel Regulations do not confer any rights on, promises to me, or guarantee my employment for any period. I understand that the Town 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 website to observe any recent changes.

I understand that my employment with the Town is employment at will and can be terminated by me of the Town 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 Town. 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 Town to provide any benefit. Rather, the Town reserves the right to alter or eliminate any benefit, without notice, at any time.

I understand that the Personnel Regulations replaces (supersedes) all prior Town policies and all prior Town 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 Town and is to be returned to the Town when employment with the Town ceases.

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

Employee Signature

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, understood its requirements, and agreed 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.

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 evaluate 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.

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