

TOWN OF KINGSTON SPRINGS, TENNESSEE



**EMPLOYEE  
WORK  
POLICY**

**Original Policy**  
1995

**Amended**  
October 2008  
April 2014  
January 2015

Office of City Manager, Laurie L. Cooper

# TOWN OF KINGSTON SPRINGS, TENNESSEE

## SECTION I – PERSONNEL POLICIES

### A. PURPOSE AND OBJECTIVES

The primary purpose of these policies is to establish an understanding, cooperation and efficiency in local government operations by establishing good personnel practices. 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.

### B. PERSONNEL POLICY STATEMENT

It is the policy of the Town of Kingston Springs, Tennessee 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.

### C. COVERAGE

These rules and regulations will cover all employees in the local government service unless specifically excluded by this document, the local government charter, and/or the ordinances of the local government.

All local government offices and positions are divided into the classified service and the exempt service. The classified service includes all regular full-time and regular part-time positions in the local government's service unless specifically placed in the exempt service. All offices and positions of the local government placed in the exempt service are:

1. all elected officials;
2. the city manager;
3. members of appointed boards and commissions;
4. consultants, advisers, and legal counsel rendering temporary professional service;
5. the city attorney;
6. independent contractors;
7. part-time employees paid by the hour or the day who are not considered regular unless otherwise indicated;
8. volunteer personnel appointed without compensation;
9. the local government judge;

10. chief of police;
11. local government City Recorder;
12. local government engineer;
13. fire chief;
14. department heads;

#### **B. ADMINISTRATION**

These rules will be administered by the City Manager under the direction of the Kingston Springs Board of Commissioners and in conformity with the ordinance establishing a personnel system.

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.

## **SECTION II – COMPENSATION PLAN**

#### **A. PURPOSE**

The pay plan is intended to provide fair compensation for all positions. The pay plan is to be used in consideration of pay ranges for other employees, general pay rates for similar employment in private establishments and other public jurisdictions in the area, cost of living data, the financial condition of the local government, and other factors.

#### **B. MAINTENANCE OF THE PAY PLAN**

The City Manager will, from time to time, make comparative studies of all factors affecting the level of salary ranges and will recommend to the city commission such changes in the salary ranges as appear to be in order.

#### **C. PAY FOR PART-TIME WORK**

When an employment decision is for a part-time position, the individual will be paid the equivalent hourly rate for the time actually worked.

#### **D. HOURLY RATES**

Employees paid on an hourly rate basis are paid for all time actually worked. The City Commission will set by annual ordinance, as part of the Town's budget, all salaries paid by the local government. Due consideration will be given to duties performed, responsibilities, technical knowledge and skills required to perform the work satisfactorily, the labor market, and availability of people having the desired qualifications.

## **MINIMUM WAGES**

In accordance with the FLSA, no employee, whether full-time, part-time, or probationary, will be paid less than the federal minimum wage unless they are expressly exempt from the minimum wage requirement by FLSA regulations.

## **CALL-BACK AND OVERTIME PAY**

When it becomes necessary for an employee to work overtime hours or return to duty from off-duty hours due to an emergency, regular employees, part-time employees, and temporary employees will be paid according to the prevailing salary schedule. When possible, an employee's schedule will be adjusted in the same pay period to prevent overtime. Actual overtime hours in excess of 40 hours will be compensated according to the FLSA provisions at a rate of 1 ½ times the employee's regular rate. Overtime work may also be paid with compensatory time at a rate of 1 ½ times the hours worked in accordance with the FLSA. Generally, overtime work must be authorized by the supervisor and/or the City Manager.

## **SALARIED & EXEMPT EMPLOYEES**

Salaried Employees receive a flat rate of pay per pay period for a set amount of hours of work. They receive all the same benefits as full-time hourly employees if they meet all of the other requirements for a benefit. They are eligible for overtime pay. Regular salaried employee work a regular, assigned shift.

Exempt Employees are salaried, full-time employees who oversee two or more employees and are considered to be part of the Administrative Staff as defined in FLSA. Within the Town, those positions are:

- City Manager
- Assistant City Manager
- City Recorder
- Police Chief
- Public Works Director
- Parks and Recreation Director

Exempt employees are not eligible for overtime hours but have the ability to adjust their working hours as needed. Hours for exempt employees are flexible. There is no minimum or maximum number of hours that must be worked per week, but should work enough hours to accomplish the job duties and keep functions current and effective. The City Manager is to be kept apprised of the hours and availability of exempt employees to his/her satisfaction. A written log of hours is suggested, but not required. (Optional forms are available from the City Recorder's office.)

## **PAYCHECKS**

All employees of the Town of Kingston Springs will be paid on a weekly basis. If you have questions about your work time, salary, or paycheck, call it to the attention of the City Recorder within the pay period in question or immediately thereafter.

All regular weekly paychecks will be issued through AUTOMATIC DEPOSIT to the employee's selected bank account. Employees must provide the City Recorder with the necessary information on the first day of work.

**Final Paycheck** – Whenever possible, a final paycheck will be issued to a dismissed employee at the time of dismissal. The local government is required by law to issue such paychecks by the end of the first day that the payroll office is open following the dismissal.

The final paycheck for a resigning employee will be made available on his/her regular payday. In unusual circumstances, a department head may make arrangement for earlier payment.

**Lost checks** – Employees are responsible for checks after they have been issued to them. Checks lost or otherwise missing should be reported immediately to the payroll department so that a stop-payment order may be initiated. The City Recorder will determine if and when a new check should be issued to replace a lost or missing check. The employee will be responsible for paying any bank fees incurred by the Town for the stop-payment action.

**Unclaimed checks** – Checks not claimed by employees within 7 days of the date issued must be returned by the supervisor to the City Recorder.

#### PAYROLL DEDUCTIONS

By law, the local government is required to deduct, where applicable, federal withholding taxes, Social Security taxes, and garnishments from an employee's pay. In addition, the following deductions will be made when authorized by an employee:

1. **Federal Income Tax** – Federal taxes are withheld from employees' paychecks based on the number of dependents claimed by each individual. Employees are required to file with the local government a copy of the W-4 form. In the event of changes in the employee's exemption status, a revised W-4 form must be filed before payroll deduction adjustments will be made.
2. **Social Security** – Social Security payments and deductions will be made according to the Social Security Act. The City Recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.
3. **Others** – Other local government authorized deductions will be made from an employee's pay only with the employee's signed consent. Other deductions may be taken from an employee's check:
  - a. hospitalization (medical service premiums),
  - b. life insurance,
  - c. dental insurance,
  - d. pension plan, and

- e. child support garnishments (see disciplinary actions regarding garnishments, if applicable)

## SECTION III – EMPLOYMENT

### A. APPLICATIONS

The Town of Kingston Springs will make every effort to attract qualified applicants for every position.

All employment applications are received at City Hall by the City Manager and given thorough consideration.

Applications will be accepted for any position at any time during business hours in person at City Hall or by USPS. No fax or email applications will be accepted. Applications are kept on file for a period of one year. The Town of Kingston Springs exercises a policy of fairness to every person who applies for work. The City Manager will ensure reasonable accommodations in the application process for applicants with disabilities making a request for such accommodations.

#### **An applicant may be removed from consideration if the applicant:**

1. declines an appointment when offered;
2. cannot be reached by phone after three attempts via numbers provided on the application
3. moves out of town;
4. is currently using illegal drugs or narcotics as determined by a drug test, or his/her excessive use of intoxicating liquors will pose a direct threat to the health and safety of others;
5. is found to have been convicted of a felony or misdemeanor involving moral turpitude as the term is defined by law;
6. has made a false statement on the application;
7. does not file the application within the period specified in the application/examination announcement or does not use the prescribed form or uses a different format than allowed as a reasonable accommodation; and/or
8. files an incomplete application
9. does not possess the minimum qualifications as indicated in the job description

### B. 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.

### C. TYPES OF EXAMINATIONS

The examinations held to establish eligibility and fitness for any position may consist of one or more of the following types of examinations as determined by the City Manager.

The City Manager will make reasonable accommodations in the examination process to disabled applicants requesting such accommodations.

1. **Written Test** – this test, when required, will include a written demonstration designed to show the applicant's familiarity with the knowledge involved in the position 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;
  - c. are unable to perform the essential functions of a specific position due to a temporary condition or disability not protected by the ADA
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 may be conducted on safety sensitive positions. Positive results on the drug test can result in an applicant being denied employment.

#### D. NOTIFICATION AND INSPECTION OF EXAMINATION RESULTS

Each person in an examination may inspect his/her rating and the examination papers within 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.

#### E. RESIDENCY

Individuals will be recruited from a geographic area as wide as necessary to assure obtaining well-qualified applicants for the various types of employment positions. Recruitment, therefore, will not be limited to the residents of the local government or county. In cases where residents and non-residents are equally qualified for positions presently vacant, the residents will receive first consideration in filling such vacancies. All applicants for positions that require the potential for call-back to respond to

emergency situations (police, fire, and certain public works and utilities positions), will be required to live within 30 road miles from city hall or their work location. If such employees live outside this area, they must relocate to within the area within 90 days.

## **MEDICAL EXAMINATIONS AND GENERAL PHYSICALS**

### **Pre-employment**

Following a conditional offer of employment, a prospective employee, when required, may be examined by a licensed medical physician designated by the local government. This exam will determine whether prospective employees can perform the essential functions of the position offered. The cost of this medical examination will be borne by the local government.

Prospective employees who are unable to successfully perform the essential functions tested for in the medical examination shall have their offer of employment by the local government withdrawn only if they:

1. cannot perform the essential functions due to a disability that cannot reasonably be accommodated;
2. pose a direct threat to themselves and/or others; or
3. are unable to perform the essential functions due to a temporary condition or disability not protected by the ADA

### **Post-hire**

All employees of the local government may, during their employment, be required by their department head, with the approval of the City Manager to undergo an initial and/or periodic examination to determine their physical and mental fitness to continue to perform the work of their positions. These examinations shall be at no expense to the employee. Determination of physical or mental fitness will be made by a physician designated by the City Manager.

When a local government employee is reported by the examining physician to be physically or mentally unfit to perform work in the position for which he/she is employed, the employee may, within 30 days from the date of his/her notification of such determination, indicate in writing to the City Manager his/her intention to submit the question of his/her physical or mental unfitness to a physician of his/her own choice.

In the event there is a difference of opinion between the examining physician and the physician chosen by the employee, a physician will be mutually agreed upon and designated by both physicians. The third physician's decision will be final and binding as to the physical or mental fitness of the employee. The local government will pay for its physician, the employee will pay for his/her physician, and the third physician will be paid by the employee.

Employees determined to be physically or mentally unfit to continue in their positions may be demoted according to these rules, or they may be separated from the local government service only after it has been determined that they:

1. cannot perform the essential functions due to a disability that cannot reasonably be accommodated;
2. pose a direct threat to themselves and/or others;
3. are unable to perform the essential functions due to a temporary condition or disability not protected by the ADA

## G. MINIMUM AGE

The FLSA requires that employees of state and local governments be at least 16 years old for most non-farm jobs and at least 18 years old for non-farm jobs declared hazardous by the Secretary of Labor. Minors 14 and 15 years old may work outside school hours under certain conditions.

## H. TYPES OF EMPLOYEES

1. **Regular Full-time Employee** – A regular full-time employee is an employee who works a minimum of 32 hours per week, is paid an hourly or annual rate, is subject to all conditions of employment, and receives all benefits offered by the local government unless specifically excluded by the local government, charter, code, or ordinance.
  - a. Administrative employees consist of
    - City Manager
    - Assistant City Manager
    - City Recorder
    - Police Chief
    - Public Works Director
    - Parks and Recreation Director
  - b. All other employees are deemed non-administrative.
2. **Regular Part-time Employee** – A regular part-time employee is an employee who works part-time hours on a regular basis and whose hours cannot exceed 30 hours per week unless approved by the City Manager. Regular part-time employees are eligible for local government vacation and retirement benefits on a prorated basis according to the actual hours worked.
3. **Temporary Full-time Employee** – A temporary full-time employee is an employee who works full-time, not exceeding 12 months per term of employment and who is paid on a per day or per hour basis. A temporary employee may not be subject to all conditions of employment, but shall be fully capable of performing the assigned duties and will receive no benefits except coverage under workers' compensation. Individuals who are classified as temporary employees and are hired to fill a regular full-time or part-time position shall begin to accrue benefits on the effective date of regular full-time or part-time appointment.
4. **Temporary Part-time Employee** – a temporary part-time employee is an employee who works fewer than 30 hours per week. Temporary employees may not work more than 12 months per year. Part-time employees may receive no benefits.
5. **Volunteer Employee** – A volunteer is an individual who works for the local government for little or no compensation

6. **Volunteer Firefighters** – Volunteer firefighters are appointed by the fire chief when necessary. Volunteer firefighters are covered under the Volunteer Firefighters' Insurance Coverage Policy and Workman's Compensation at the expense of the Town. Policies regarding uniforms are set by the Fire Chief.

#### NEW HIRES, PROMOTIONS, DEMOTIONS, AND TRANSFERS

Pursuant to the local government charter, the City Manager has the authority to hire, promote, demote, transfer, suspend, and remove all officers and employees of the Town of Kingston Springs. All vacancies in the local government service will be filled by new hires, re-employments, promotions, appointment, conditional hires, transfer, or demotion. Whenever a department head wishes to fill a vacancy, a request must be submitted to the City Manager.

1. **New Hires** – The initial employment to a position with the local government falls into four categories. They are:
  - a. **Original Hires** – when a non-employee passes all of the tests of employability and is offered conditional employment.
  - b. **Conditional Hires** – when the local government is unable to fill a vacancy because of insufficient number of applicants or lack of qualified applicants, the City Manager may authorize the department head to fill the vacancy by a provisional appointment. Provisional appointments require the prior approval of the City Manager and no payments will be made for services rendered by the appointee prior to the appointment. The tenure of the conditional hire will be limited to a period not to exceed 4 months in any 12 month period.
  - c. **Student Hires** – Students majoring in a field of value to the local government from a qualified, cooperating educational institution may be employed on an "internship" basis for a period not to exceed 4 months. The appointment must be approved by the City Manager.
2. **Promotions** – A promotion is assigning an employee from one position to another that has a higher pay rate and responsibility. Promotions in every case must involve a definite increase in duties and responsibilities.
3. **Transfers** – When an employee desires to transfer from one department to another, it must be agreeable to both department heads involved and/or approved by the City Manager. Transferring an employee from one position to another without significant change in the responsibility level may be effective:
  - a. when the employee meets the qualification requirements for the new position;
  - b. if it is in the best interest of the local government;
  - c. if it meets the personal needs of the employee as consistent with the other requirements of this rule; and/or
  - d. as a reasonable accommodation when an employee is unable, due to a disability, to continue to perform the essential functions of the job

An employee who transfers from one local government department to another will retain and carry forward all benefits earned, accrued, or both as of the date of transfer. As a general rule, lateral transfers require no increase in compensation.

4. **Demotions** – A demotion is assigning an employee from one position to another that has a lower pay rate and responsibility. An employee may be demoted for any of the following reasons:
- a. because his/her position is being abolished and he/she would otherwise be laid off;
  - b. because his/her position is being reclassified and the employee lacks the necessary skills to successfully perform the job;
  - c. because there is a lack of work;
  - d. because there is a lack of funds;
  - e. because another employee, returning from authorized leave granted in accordance with the rules on leave, will occupy the position to which the employee is currently assigned;
  - f. because the employee does not possess the necessary qualifications to render satisfactory service to the position he/she holds;
  - g. because the employee voluntarily requests such a demotion, and it is available;
  - h. as a reasonable accommodation when an employee, due to a disability, becomes unable to perform the essential functions of the job; and/or
  - i. as a form of disciplinary action

#### **J. 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.

#### **K. FIRST DAY OF EMPLOYMENT ORIENTATION**

In order for new employees to be successful, it is imperative that they understand the overall environment in which they will be operating. Employees who understand the organization's history, scope of operation, economic goals and future prospects will identify more readily with the entire organization.

New employees shall be required to complete or provide the following documents and forms before beginning work:

1. W-4 form;

2. signed acknowledgement form from the employee handbook/personnel manual (if available);
3. Immigration Control and Reform Act Form (I-9);
4. a copy of educational certification, professional license, or certificate required per the job description;
5. emergency telephone numbers;
6. a copy of driver's license (if the position requires driving a local government vehicle) or some type of government issued identification;
7. list of dependents as required by Consolidated Omnibus Budget Reconstruction Act (COBRA); and

#### **M. MOONLIGHTING (OUTSIDE EMPLOYMENT)**

With the approval of one's department supervisor and the City Manager, "moonlighting" is permissible, provided that there is no conflict of interest or impairment of work performance for the Town of Kingston Springs. Before outside employment begins, employees must present a written request describing the work to be performed. Employees missing work because of sickness or injury that can be attributed to a second job will not receive pay or other normal benefits for time lost from their local government job. Approval of a second job may be withdrawn for any of the aforementioned reasons. Police and fire departments may have their own policies on use of uniforms and equipment and when such may be used in the course of outside employment. City vehicles may not be used on any moonlighting employment outside of the city limits of Kingston Springs. Limited use of a vehicle on a moonlighting job within the city limits of Kingston Springs may occur only with permission of the City Manager

#### **N. WORKDAY WORKWEEK**

Pursuant to the FLSA, a workweek is a regular recurring period of 168 hours consisting of seven consecutive 24-hour periods. Generally, five days per week constitute a workweek for regular employment. The City Manager may approve a schedule of more or less days. Public safety employee schedules may entail more or less days in the workweek. A standard workweek is scheduled between 8 a.m. Wednesday and 4:30 p.m. on the following Tuesday for non-exempt employees.

#### **O. ATTENDANCE**

Punctual and regular attendance is necessary for the local government to operate efficiently. Employees unavoidably late or absent from work due to illness or other causes must notify their supervisor within the time frame established by each department, unless unusual circumstances prevent the employee from making proper notification. Employees must explain the reason for the absence and, if possible the anticipated time and date they will return to work. Failure to notify one's supervisor of absences may result in disciplinary action. Employees found cheating on their time sheets or excessively tardy will be subject to disciplinary action, including, but not limited to termination of employment.

#### **P. BREAKS**

All employees who work eight-hour shifts may include one unpaid 30-minute meal break for a total of eight and one-half hours for a shift.

**NEPOINISJ**

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

**SECTION IV – LEAVE POLICIES**

Temporary, seasonal and part-time employees may not be eligible for the following leave and benefits.

The City’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.

**PAID HOLIDAYS**

The following days are considered paid holidays for all full-time employees. These days will be taken without loss of vacation credit, except for those employees required to maintain operations who receive holiday pay for working such days.

The paid holiday schedule is subject to change on an annual basis.

|                                             |                                                                            |
|---------------------------------------------|----------------------------------------------------------------------------|
| <b>New Year’s Day</b>                       | January 1                                                                  |
| <b>Martin Luther King Day</b>               | Third Monday in January                                                    |
| <b>President’s Day</b>                      | Third Monday in February                                                   |
| <b>Good Friday</b>                          | Friday preceding Easter Sunday                                             |
| <b>Memorial Day</b>                         | Last Monday in May                                                         |
| <b>Independence Day</b>                     | July 4                                                                     |
| <b>Labor Day</b>                            | First Monday in September                                                  |
| <b>Thanksgiving Day</b>                     | Fourth Thursday in November                                                |
| <b>Day after Thanksgiving</b>               | Friday after Thanksgiving                                                  |
| <b>Veteran’s Day</b>                        | November 11th                                                              |
| <b>Christmas Day</b>                        | December 25                                                                |
| <b>Christmas Eve or Day after Christmas</b> | First workday before/after Christmas (as decided annually by City Manager) |

**Weekend Holidays**

Holidays that fall on Sunday are typically observed the following Monday by those employees working Monday through Friday; holidays that fall on Saturday are observed on Friday by those employees.

**Part-time Employees**

Part-time employees are not eligible for holiday pay.

### **Legal Holidays in Lieu of Vacation Leave**

Legal holidays falling within a vacation period are not to be counted as vacation days. There shall be no pay in lieu of vacation. Vacation/Annual leave will not be charged when a regular full time employee is on "leave without pay" for 15 days during any calendar month and no annual leave accumulates. Employees may not borrow against future annual vacation or transfer earned leave to another employee.

## **VACATION LEAVE**

Vacation leave is a personal leave benefit granted to full-time employees as part of the local government's benefit package. Vacation leave will be available at the end of an employee's first year of employment.

### **Eligibility**

Permanent employees who work at least 32 hours per week are eligible for vacation leave.

### **Approval**

Vacation leave will be granted to eligible employees and approved by supervisors. You must give your supervisor as much advance notice as possible. All requests for scheduling vacation leave must be submitted for approval to the immediate supervisor at least 24 hours in advance. Approval of a request for leave must be given in writing by the supervisor. The supervisor will take into consideration the requirements of maintaining adequate service in the department before approving leave. *(See Office Policies for current procedures.)*

### **Time-Off Hours**

If the employee has accrued time off hours, the employee should use that time in the same pay period. Under circumstances approved by the City Manager, the accumulated time may be carried forward to the following pay period. (See Time-for-Time below.)

### **Time-for-Time**

If the employee has accrued compensatory time, the employee should use that time in the same pay period. If the employee has been allowed by the supervisor and City Manager to defer the compensatory time, the employee may be required to use compensatory time before using vacation leave or other times of leave.

### **Temporary / Seasonal Employees**

Temporary / Seasonal employees are not eligible for leave.

### **Waiting Period**

Employees are not permitted to take vacation for the first 12 months of employment.

### **Increments**

For vacation purposes, annual leave cannot be taken in less than half-day increments.

### **Carry-Over**

Vacation leave not used by the end of the calendar year may be carried over to the following year, however, no more than 40 hours may be carried over to the following calendar year. Vacation carried over, must be used within the first 6 months of the year to which it was carried or it will be forfeited by the employee.

### **Workers' Compensation**

Employees on Workers' Compensation will continue to qualify for vacation during the period of absence.

### **Termination of Employment**

All eligible employees who terminate from employment with the local government will be paid for any unused vacation leave. An employee who is separated from local government employment will be paid for his/her unused vacation leave on a regular pay-period basis. In no event will an employee who has not completed at least one year of satisfactory service receive terminal vacation pay.

### **Leave of Absence**

Employees on paid leave will continue to qualify for vacation leave.

### **Military**

Service in the Tennessee National Guard, militia, or military reserves may be charged as annual / vacation leave at the option of the employee. Employees electing to coincide vacation time with military leave shall receive full pay for the specified vacation leave above and beyond as provided for by Tennessee law. (See Military Leave, Section VI, Subsection F)

### **Annual Leave**

Annual leave will be granted to regular employees, but may not be taken until the employee has completed one year of service. Annual leave may not be taken until it is earned. 40 hours or less may be carried forward into the next year after the anniversary date, but must be used within six months. Failure to use leave that is carried over, will result in the loss of that leave with no compensation. For annual leave purposes, time is earned beginning with the date of regular employment to the anniversary date each year. Annual leave time for regular full-time employees will be calculated according to the following schedule:

| <u>SERVICE TIME</u> | <u>VACATION TIME</u> |
|---------------------|----------------------|
| 1 year              | 1 week               |
| 2-5 years           | 2 weeks              |
| 6-10 years          | 3 weeks              |
| 11-20 years         | 4 weeks              |

For leave purposes, the service an individual has to his/her credit includes all uninterrupted time spent as a full time employee of the local government.

Annual leave will be scheduled in advance for the mutual convenience of the employee and the local government so proper adjustments can be made in the work schedules. An employee may not begin his/her annual leave until his/her request has been approved by the department head. (*See Office Policies in the City Recorder's office for current scheduling procedures.*)

An employee who is separated from local government employment will be paid for his/her unused vacation leave on a regular pay-period basis. In no event will an employee who has not completed at least one year of satisfactory service receive terminal vacation pay.

### **SICK LEAVE**

Sick leave is a benefit to be used for legitimate sick leave purposes. Sick leave is not an employee entitlement but a benefit that is employer owned. Sick leave is accumulated at

a rate of one day per month beginning after the first 30 days of employment. See Retirement Credit below regarding unused sick leave.

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

1. Employee is incapacitated by illness or a non-job related injury, or they are seeking medical, dental, psychological or optical diagnosis and treatment.
2. Necessary care and attendance of a member of the employee's immediate family as listed below and approved by the City Manager.
3. Any other reason that is allowable under the Family Medical Leave Act.

Immediate family members are:

**(This definition of immediate family applies to this section only.)**

- Husband
- Wife
- Father
- Mother
- Brother
- Sister
- Son
- Daughter
- Father-in-Law
- Mother-in-Law
- Legal Foster Parents
- Legal Foster Children

### **Health Care Statement**

Supervisors have the right to request a healthcare provider's statement at anytime.

Absences requiring more than 3 days of sick leave may require a healthcare statement.

If it is suspected that an employee may jeopardize the health of themselves or others they may be required to submit documentation from a qualified doctor stating they are clear to re-enter the workplace at no risk to themselves or others.

### **Sick Leave Abuse Prevention**

To prevent abuse of the sick leave privilege, department heads/supervisors are required to satisfy themselves to the extent possible that the employee is genuinely ill before approving sick leave. Any absence may require a doctor's certificate, and any absence in excess of three workdays may also require a healthcare provider's certificate to return to work if, in the opinion of the immediate supervisor, such action is deemed appropriate.

Each day deducted from an employee's sick leave accumulation shall be for a regular workday or part thereof and will not include holidays and scheduled days off. Employees who requested annual leave may not change their designation to sick leave without proper healthcare provider documentation. When an employee is on "leave without pay" for 10 days during any calendar month, no sick leave accumulates.

An eight-hour absence from work while sick will constitute a charge of one day of sick leave for all employees.

### **Leave Without Pay**

After employees have exhausted their accrued sick leave, annual/vacation leave, and/or compensatory time, leave without pay may be granted at the discretion of the City Manager as a reasonable accommodation to disabled people, serious employee injuries or serious health conditions of a member of the employee's immediate family.

Also, employees may be placed on special leave without pay, or they may be subject to disciplinary action if unable to perform their job or another job with or without a reasonable accommodation. Should employees later be able to return to work, upon presentation of certification by a doctor, they shall be given preference for employment in a position for which they are qualified, with the approval of the City Manager. Consult FMLA policy for potential applicability to leave without pay.

Employees may not borrow against future sick leave or transfer earned sick leave to another employee. An employee, upon exhausting all earned sick leave, may use earned compensatory time, annual leave, or take leave without pay. Only the governing body, by a majority vote in a regular meeting, may make exceptions to leave policy due to unusual and/or extenuating circumstances.

#### **Retirement Credit**

An employee who retires under the TCRS (Tennessee Consolidated Retirement System) may have unused sick leave credited as additional time worked when calculating the employee's retirement benefits. There is no cash benefit to be paid by the city for accumulation of sick days.

#### **Eligibility**

Employees who work at least 32 hours per week are eligible to accrue sick leave. Seasonal and temporary employees may not be eligible for sick leave.

#### **Sick Leave Notification**

The employee is required to notify his/her supervisor as soon as practical but no later than the start of the workday. The employee should make every effort to reach the supervisor directly to explain the reason for absence. All employees taking an unscheduled sick day **must** minimally notify the City Recorder by leaving a message on extension 12 at any time of the day or night.

#### **Temporary / Seasonal Employees**

Temporary / Seasonal employees are not eligible for sick leave.

#### **Waiting Period**

Employees are not permitted to take paid sick leave for the first 30 days of employment.

#### **Increments**

For sick leave purposes, sick leave cannot be taken in less than 1 hour increments.

#### **Workers' Compensation**

Employees on Workers' Compensation will continue to accrue sick leave during the period of absence.

#### **Termination of Employment**

All eligible employees who terminate from employment with the City will not be paid for any unused sick leave. In some cases, certain amounts of sick leave may be applied to the employee's retirement benefits as permitted. .

#### **Transfer of Annual Leave**

Employees are not permitted to transfer their sick leave to another employee.

#### **Leave of Absence**

Employees on paid sick leave will continue to accrue sick leave. Employees on unpaid leave will not accrue sick leave.

#### **D MILITARY LEAVE**

Any employee, after 90 days employment, who is 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) who is called to active duty will be placed on military leave. Such employee must present their supervisor or department head with advance notice of their active duty orders. The employee's seniority, status and pay will remain unchanged during their time of military leave. Continued health insurance coverage will be offered up to 18 months, with the employee paying premiums due for such policy. An employee wishing to continue health insurance coverage during their 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 applicant must be submitted:

- ❖ on the first work day back for employees deployed 30 days or less;
- ❖ within 14 days of the end of service for employees deployed up to 180 days; and
- ❖ within 90 days of the end of service for employees deployed 181 days or longer

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.

#### **LEAVE OF ABSENCE WITH OR WITHOUT PAY**

If the employee exhausts all of his/her annual and sick leave and still needs time off for personal health reasons, he/she may apply for a leave of absence for up to three (3) months if he/she is a full-time employee. The request for leave must be given to the employee's immediate supervisor and the department director at least thirty (30) days prior to the start of the requested leave unless the leave is an emergency.

Regardless of the reason for the leave, it is essential that the following departments be notified in writing to ensure that benefits are properly administered: City Recorder and City Manager.

The employee's supervisor or department director may or may not approve the request for a leave of absence. The decision is at his/her discretion, unless the leave qualifies under the Family Medical Leave Act, the Tennessee Maternity Leave Act, or Military Leave. Some of the matters considered in approving the request are the employee's length of service, employment record and the reason for the absence.

While an employee might originally request a leave of absence for a period of three (3) months, it is possible that extensions may be granted. However the total leave and extensions for any one cause cannot exceed one (1) year.

Employees will not be eligible for accrual of sick and annual leave/paid holidays while he/she is on an approved unpaid leave of absence.

Employees must notify their supervisor of the anticipated date of return to work prior to that date. The employee is responsible for notifying the City Manager.

When an employee returns from an approved leave of absence, he/she may be placed in their previous or a similar position, if available. If the same or similar position is not available, the employee may receive preference for employment in any available position for which he/she is qualified.

If the employee fails to return to work at the conclusion of the leave of absence, the employee will be subject to disciplinary action. If the employee is unable to return to work, he/she is responsible for requesting an extension (in advance) from the supervisor or department director.

There may be changes in your employee benefits during a leave of absence. Employees should contact the City Recorder to determine what changes he/she may be subject to.

#### **Maintenance of Benefits during Leave of Absence**

The Town is not required to maintain employee benefit coverage while on an unpaid leave of absence. In cases where the leave of absence would trigger a qualifying event (such as a termination of coverage) due to a reduction in work hours, COBRA will be offered.

#### **JURY SERVICE LEAVE**

When an employee receives a summons to report for jury duty, the employee is required to provide a copy of the summons to his/her immediate supervisor within 1 business day of receiving the summons. Upon presentation of the summons, the employee will be excused from employment for the day or days required of the employee while serving as a juror in any court of the United States or the state of Tennessee

Upon release from jury duty during the employee's normal working hours, he/she will be expected to return to duty. Employees will receive full pay during jury service. The Town will pay the employee such employee's usual compensation. The Town will allow the employee to collect compensation from the court to cover travel expenses without affecting the employee's regular pay.

If an employee summoned for jury duty is working a night shift or is working during hours preceding those in which court is normally held, such employee will also be excused from employment as provided by this section for the shift immediately preceding the employee's first day of service on any lawsuit. After the first day of service, when such person's responsibility for jury duty exceeds three (3) hours during a day, then such person shall be excused from the person's next scheduled work period occurring within twenty-four (24) hours of such day of jury service. Any question concerning the application of the provisions of this subsection to a particular work shift or shifts shall be conclusively resolved by the trial judge of the court to which the employee has been summoned.

#### **INCLEMENT WEATHER LEAVE**

It is the Town's intent to remain open through all weather situations unless determined the essential functions of the Town cannot be safely be administered. This decision will be made by the City Manager and will be communicated via email or telephone. However, when the weather conditions appear to be so severe that an employee fears for his/her safety in traveling to or from the work site, he/she may be absent with leave if the following conditions are met:

1. The employee informs his/her immediate supervisor of his/her absence and the reason for it as soon as possible.
2. The employee reports to work immediately if a change in weather conditions allows safe transportation to the work site.
3. The employer will deduct the missed workday (or portion thereof) from accumulated vacation leave. Reporting this leave shall follow the same requirements as other leave.

The policy is meant for those who are in danger due to weather conditions only. Should any employee abuse this policy, he/she will be subject to disciplinary action. In situations where advanced notice of closure is known, the City Manager will communicate such closure via email and telephone to Department Supervisors who will then contact their employees.

#### **YOUNG LEAVE**

It is the policy of the Town to provide employees time off to vote in state, national, and local elections and to establish a procedure for reporting the time missed from work. Employees who are registered voters may receive reasonable time off to vote if they request such time off before 12 noon the day before the election. The supervisor may specify the hours during which the employee may be absent to vote, and the time off may not exceed three hours. No time off will be granted if the polls in the county where the employee is a resident are open three (3) or more hours before the employee is scheduled to begin work or if the polls close three (3) or more hours after the employee's work schedule ends.

Time off to vote shall be recorded as non-duty pay hours. Time off to vote is recorded for nonexempt employees as non-worked time when calculating overtime.

In accordance with Public Chapter 741, which amended TCA Section 2-9-103 effective April 15, 1998, any full-time employee appointed by a county election commission to work part-time as a voting machine technician, shall be granted unpaid leave for the day(s) required for the technician's duties. Supporting documentation may be required by the appropriate approving authority for the period of duty.

Any employer may not require the employee to use accrued annual leave and/or compensatory time for the period. However, either may be used at the employee's option.

#### **BEREAVEMENT LEAVE**

It is the policy of the Town to provide all regular, full-time and part-time employees time off without loss of pay due to the death of an immediate family member as defined below.

An employee who is absent during his/her regularly scheduled workweek due to the death of an immediate family member shall receive payment for reasonable and customary days absent, such days of payment not to exceed 3 regularly scheduled work days. Immediate family shall be deemed to include (1) spouse; (2) child, stepchild, foster child; (3) parent, stepparent, foster parent, parent-in-law; (4) sibling(s).

One day of leave shall be available for the death of a grandparent or grandchild.

Employees will be granted this leave without deduction from their vacation or sick leave balances.

#### DEATH OF AN EMPLOYEE

Upon the death of a regular full-time employee, his/her beneficiary will receive his/her next due payroll check, pay for accrued vacation time, if eligible for such time. Further, his/her beneficiary shall be given complete assistance by the City Recorder in settling pension, life, and hospital insurance benefits.

## SECTION V – EMPLOYEE BENEFITS

### INSURANCE BENEFITS

#### Health Benefits

The Town recognizes that employee benefits are a critical component in career decisions. The Town intends to provide a comprehensive benefits package that remains affordable and value based.

#### Eligibility

Regular, full-time employees are eligible for benefits when employees work a minimum of 32 hours per week. These benefits may include: medical coverage, dental coverage, and flexible benefit options.

If employees' hours drop below 32 hours per week on a regular basis, employees will lose eligibility for health insurance, and employees and all covered dependents will be offered COBRA.

Employees are responsible to list only dependents that are eligible for coverage as defined by the plan rules. If a covered dependent becomes ineligible based on the plan rules, it is the employee's responsibility to notify Human Resources immediately. Employees must notify the City Recorder of any changes in status within 10 days of the status change. This includes: dependent status change, address changes, divorce, marriage, birth, adoption, reduction in work hours, or any other change that could affect benefit plan eligibility.

#### Benefit Effective Dates

The effective date of coverage begins after one full month of employment.

#### Health Coverage

Eligible employees must enroll for coverage within 30 days of employment or a qualifying event. Temporary employees, seasonal employees, and interns are not eligible for medical coverage.

**Annual Enrollment / Transfer Period**

Health plans, benefit designs, eligibility rules, and premiums are subject to change each plan year based on the previous year's claims experience.

**Dental & Vision Coverage**

Additional coverage such as dental, vision, wellness and flexible benefits coverage may be available at an additional charge to the employee.

**Contribution**

The Town may elect to contribute toward the cost of health benefits. The Town's contributions are subject to change each year based on budgetary needs.

**Qualifying Events**

Employees are responsible to notify the Town if they experience any significant life event such as birth, marriage, divorce, legal separation, adoption, legal placement of a child, change of address, reduction in employee's regularly scheduled work hours, or a dependent change in status (i.e., school status). Some events will allow you to make changes to your benefits including adding or dropping dependents or terminating / adding coverage. Employees should notify the Town within 30 days of experiencing a qualifying event.

**COBRA CONTINUATION COVERAGE**

Under the federally mandated Consolidated Omnibus Budget Reconciliation Act, the local government offers employees and their families the opportunity to temporarily extend their health insurance coverage in certain instances in which coverage under the group health plan would normally end. Former employees may not be required to pay more than the group rate for this coverage, plus a 2 percent administration fee. That is, 102 percent of what it costs the local government for the same coverage.)

Some examples of triggering events could be: reduction in employees hours resulting in loss of eligibility, termination of employment (voluntary or involuntary), dependent eligibility changes (age/student status), divorce, and legal separation.

Employees covered under the local government plan have a right to continue coverage if they lose it through reduction in regular work hours or employment termination for reasons other than gross misconduct.

A spouse of a covered employee also has a right to continue coverage if coverage would be lost because the employee dies, employment is terminated, the employee and spouse become divorced or legally separated, or the employee becomes eligible for Medicare benefits.

Dependent children may also continue coverage if the employee dies, employment is terminated, the parents become divorced or legally separated, the employee becomes eligible for Medicare, or the child ceases to be a "dependent child" under the terms of the plan.

If termination or reduction in hours is the qualifying event that triggers lost coverage, continuation coverage can be in effect for 18 months. All other qualifying events will trigger continuation coverage that lasts up to 36 months. Coverage will end before 18 or 36 months, however, if certain other events take place (i.e. if the employee becomes eligible for coverage under another group health plan).

Employees and family members have the responsibility to inform the plan administrator about any change in status. Failure to do so may terminate rights to elect continued coverage. Those eligible for continuation coverage have 60 days from the date they would normally lose coverage to elect to continue under the plan.

### **Premium Payments**

Failure to make timely premium payments may result in termination of coverage.

### **C. LIFE INSURANCE**

Life insurance is not presently offered to the Town's employees.

### **D. WORKERS' COMPENSATION**

Employees on occupational disability will only be compensated in accordance with the provisions of the Tennessee Workers' Compensation Law (T.C.A. 50-6-101 through 50-6-623). No compensation shall be allowed for the first seven days of disability resulting from the injury, excluding the day of injury, except for medical attendance and hospitalization. However, if disability extends beyond that period, compensation shall commence with the eighth day after the injury. In the event, however, the disability from the injury exists for a period as long as 14 days, then compensation shall be allowed beginning with the first day after the injury (T.C.A. 50-6-205).

Employees on occupational disability leave due to an on-the-job injury will not be charged sick leave or vacation leave during the period of convalescence. The employee shall continue to accrue sick leave and vacation leave at the employee's regular rate while he/she is on occupational disability or injury leave.

Employees shall immediately report any injury incurred in the course of their employment, however minor, to their supervisor or department head, and take such first aid or medical treatment as may be necessary. Any employee determined to have been able, but who fails, to make such a report shall not be eligible for physicians' fees or any compensation that may have accrued under the provisions of the Workers' Compensation Law.

### **E. UNEMPLOYMENT COMPENSATION**

The state of Tennessee offers unemployment benefits through the Employment Security Division.

Unemployment insurance benefits provide income to individuals who have lost work through no fault of their own. The benefits are intended to partially offset the loss of wages while an unemployed worker searches for suitable work, or until his employer can recall him to work.

This coverage is authorized in the Tennessee Employment Security Law, which requires most types of employers with one or more employees to pay the cost of the insurance. Nothing is deducted from the employee's wages to pay for this coverage.

To find out more about Unemployment Compensation eligibility, contact the Tennessee Department of Labor and Workforce Development.

## **OTHER BENEFITS**

### **Uniform Policy**

When non-emergency employees are required to wear a uniform in the performance of their duties, the City may either pay an allowance for a uniform or furnish a uniform at a cost not to exceed \$300 a year.

The uniform allowance is subject to change and each department will handle uniforms in a manner that fits their budgetary and staffing requirements. The City may, from time to time, adjust the maximum annual uniform allowance granted to employees for the cost of their uniforms.

Upon separation, the employee is required to return all uniforms to the employer in good condition. Lost or damaged uniforms may result in a deduction from the employee's final paycheck.

### **Phone Policy**

Employees that work away from the office during business hours or are subject to emergency call back after hours will be given a phone allowance for a portion of their personal cell phone bill on a monthly basis. This flat rate will be established by the City Recorder, based on current rates. The town will not provide phones, batteries or any other accessories. Employees may be required periodically to provide proof of continuing phone service. Failure to provide proof will cancel the allowance.

### **Mileage Reimbursement – Personal Vehicle**

Employees who do not have a vehicle provided by the Town and have been authorized by the City Manager to use their personal vehicles for routine functions will be reimbursed mileage at the current federal rate. Routine functions would include but not necessarily be limited to: daily trips to post office and bank, trips to local businesses, trips to meetings and trainings, trips to other city facilities, etc. The employee must file a "Mileage Report" to the City Recorder for reimbursement.

### **Employee Assistance Program**

The Town provides an Employee Assistance Program at no direct charge to employees. The purpose of the EAP is to restore and strengthen the health and productivity of employees in the workplace. This means providing employees with free and confidential counseling and one-on-one services to assist with a wide array of work/home life issues. The EAP is a confidential service guaranteed by state and federal laws as well as professional licensing regulations. Confidentiality will be maintained regarding all contacts to the extent allowed by law. Appointments are kept confidential and information is not included in personnel records nor revealed to supervisors, coworkers,

family or friends. Should an employee be referred to the EAP by a supervisor, the EAP can only confirm for the supervisor, upon their request, if the contact was made and the dates on which meetings took place. No other information will be released to the supervisor without the consent of the employee or a legal requirement to do so. Specific information is released only when the employee has signed specific written consent, the law requires it, or there is concern for client safety or the safety of others.

**Employee Service Awards**

The employee is eligible to receive the following awards for completion of different intervals of continuous service to the Town:

| <u>Upon completion of:</u> | <u>Type of Recognition:</u>                                                                                                                             |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 years.....              | Name plate added to board at City Hall and holiday for birthday that year only.                                                                         |
| 20 years.....              | Name plate added to board at City Hall and holiday for birthday for every remaining year of employment and a service plaque                             |
| 25 years.....              | Name plate, service plaque and cash or cash equivalent of \$500 (five hundred dollars).                                                                 |
| 30 years.....              | Name plate, service plaque and one additional week of vacation for that year only or cash equivalent to one week's gross pay in lieu of vacation award. |

**SECTION VI – DRUG AND ALCOHOL TESTING POLICY**

**Purpose**

The Town of Kingston Springs recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of Town of Kingston Springs to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of Town of Kingston Springs are public employees and must foster the public trust by preserving the employee and employer's reputation for integrity, honesty, and responsibility.

To provide a safe, healthy, productive and drug-free working environment for its employees to properly conduct the public business, the Town of Kingston Springs has adopted this drug and alcohol testing policy effective May 6, 2005

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

1. being on duty or performing work in or on local government property while under the influence of drugs and/or alcohol;

2. engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on 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

The City Manager has been designated as the local government official responsible for answering questions regarding this policy and its implementation.

All city/town property may be subject to inspection at any time without notice. **There is no expectation of privacy in such property.** Property includes, but is not limited to: vehicles, desks, containers, files, cell phones, computers, and lockers. Employee-assigned lockers that are locked by the employee are also subject to inspection by the employee's supervisor in the presence of the employee after reasonable advance notice to the employee, unless such notice is waived by the City Manager.

#### **Scope**

Certain aspects of this policy apply to all full-time, part-time, temporary, and volunteer employees of the Town of Kingston Springs.

#### **Consent Form**

Before a drug and/or alcohol test is administered, employees or applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, medical review officer (MRO), City Recorder, or his/her designee. The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system.

#### **Compliance with Substance Abuse Policy**

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

#### **Duty to Report Convictions**

Any employee convicted of violating a criminal drug statute shall inform the director of his/her department of such conviction (including pleas of guilty and *nolo contendere*) within three days of the conviction occurring. Failure to so inform the local government subjects the employee to disciplinary action for the first offense.

## **Drug Testing**

An applicant or employee must carry and present a valid government issued photo ID to the appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test.

## **DRUG TESTING**

Employment applicants for safety sensitive positions who have received a conditional offer of employment with the Town may be required to submit to a drug test before receiving a final offer of employment. "Safety sensitive positions" include police officers, paid firefighters, positions requiring a commercial driver's license, public works positions involving the operation of heavy equipment, water/wastewater plant operators, all positions involving the construction and maintenance of electrical lines, teachers and other positions having responsibility for the safety and care of children.

## **Transfer**

Employees transferring to a safety sensitive position as that term is defined in the preceding paragraph may be required to undergo drug testing.

## **Post-Accident/Post Incident Testing**

**(Note – All employees are subject to post-accident drug testing.)**

Following any workplace accident (incident) determined by supervisory personnel of the Town of Kingston Springs to have resulted in significant property or environmental damage or in significant personal injury, including but not limited to a fatality or human injury requiring medical treatment, any employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible drug use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident (incident) will be required to take a post-accident (post-incident) drug test.

Post-accident (post-incident) testing shall be carried out within 6 hours following the accident (incident). Urine collection for post-accident (post-incident) testing shall be monitored or observed by the same-gender collection personnel at the established collection site(s).

## **Testing Based on Reasonable Suspicion**

**(Note – All employees are subject to reasonable suspicion testing.)**

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

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief should be based on recent, physical, behavioral or performance indicators of possible drug use. One supervisor who has received drug detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior. Supervisory personnel of the Town of Kingston Springs making a determination to subject any employee to drug testing based on reasonable suspicion shall document their specific reasons and observations in writing to the City Manager within 24 hours of the decision to test and before the results of the urine drug tests are received by the department. Urine collection for reasonable suspicion testing shall be monitored or observed by same-gender collection personnel.

### **Prohibited Drugs**

All drug results will be reported to the medical review officer (MRO). If verified by the MRO, they will be reported to the City Manager. The following is a list of drugs for which tests may be conducted:

- |                  |                         |
|------------------|-------------------------|
| 1. amphetamines; | 5. hallucinogens        |
| 2. marijuana;    | 6. phencyclidine (PCP); |
| 3. cocaine;      | 7. alcohol              |
| 4. opiates;      | 8. depressants          |

### **B. CONSEQUENCES OF A CONFIRMED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT AND/OR VERIFIED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT**

Job applicants will be denied employment with the Town of Kingston Springs if their initial positive pre-employment drug test results have been confirmed and/or verified.

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

### **C. EXCEPTIONS**

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

### **D. MODIFICATION OF POLICY**

This statement of policy may be revised by the Town of Kingston Springs at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment or changes in the drug and alcohol testing policy of the Town of Kingston Springs.

## **SECTION VII – WORKPLACE VIOLENCE AND HARASSMENT**

### **Workplace Violence and Harassment**

It is the policy of Town of Kingston Springs 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. The Town of Kingston Springs will not tolerate verbal or physical conduct by an employee which 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.
2. Under no circumstances are the following items permitted on local government property, including local government-owned parking areas, except when issued or sanctioned by the local government for use in the performance of the employee's job:
  - a. all types of firearms, switchblade knives, and knives with a blade longer than four inches;
  - b. dangerous chemicals;
  - c. explosives or blasting caps;
  - d. chains; or
  - e. other objects carried for the purposes of injury or intimidation
3. Charges of violence and harassment may be reported to any supervisory employee of the local government, including the Human Resources Director, City Administrator and the Mayor. The Human Resources Director 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 to the Human Resources Director 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.
4. Copies of the investigative report with recommendations for appropriate action will be turned over to the City Manager as appropriate for further action. Disciplinary action may be taken against any employee who commits acts of workplace violence and harassment.

**Purpose**

The Town of Kingston Springs may be held liable for the actions of all employees with regard to sexual harassment and will not tolerate sexual harassment of its employees.

The local government will take immediate, positive steps to stop such harassment when it occurs. The local government is responsible for acts of sexual harassment in the workplace when the local government (or its agents or supervisory employees) knows or should have known of the conduct, unless it can be shown that the local government took immediate and appropriate corrective action. The local government may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the local government (or its agents or supervisory employees) knows or should have known of the conduct and failed to take immediate and appropriate corrective action.

This policy applies to all officers and employees of the Town of Kingston Springs including, but not limited to: full and part-time employees, elected officials, seasonal and temporary employees, employees covered or exempt from the personnel rules or regulations of the local government, and employees working under contract for the local government. The following rules shall be strictly enforced.

**Definitions**

The following actions constitute an unlawful employment practice and are absolutely prohibited by the local government 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. sex-oriented comments on appearance;
6. sex-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, on occasion, non-employees

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.

An employee who feels he/she is subjected to sexual harassment should immediately contact a person (listed below) with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

1. the employee's department head,
2. the recorder,
3. the local government manager,
4. the mayor, and/or
5. the Board of Commissioners

Employees have the right to circumvent the employee chain-of-command when selecting the person to complain to about sexual harassment. The employee should be prepared to provide the following information:

1. his/her name, department, and position title;
2. the name of the person or people committing the sexual harassment, including their title(s), if known;
3. the specific nature of the sexual harassment, how long it has gone on, any employment 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;
4. witnesses to the harassment; and
5. whether the employee has previously reported the harassment and, if so, when and to whom

#### **REPORTING AND INVESTIGATING SEXUAL HARASSMENT COMPLAINTS**

The City Manager is the person the local government designates as the investigator of sexual harassment complaints against employees. In the event the sexual harassment complaint is against the City Manager the investigator shall be a local government employee appointed by the City Recorder.

When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall:

1. immediately prepare a report of the complaint according to the preceding section and submit it to the City Manager or City Recorder.
2. make and keep a written record of the investigation at the time the verbal interview is in progress, including notes on:
  - a. verbal responses made to the investigator by the person complaining of sexual harassment,
  - b. witnesses interviewed during the investigation,

- c. the person against whom the complaint of sexual harassment was made, and
  - d. any other person contacted by the investigator in connection with the investigation
3. within 7 (seven) days of receiving the complaint, the City Manager prepares and presents the findings to the City Attorney in a report, which will include:
- a. the written statement of the person complaining of sexual harassment,
  - b. the written statements of witnesses,
  - c. the written statement of the person against whom the complaint of sexual harassment was made, and
  - d. all the investigator's notes connected to the investigation

#### ACTION ON COMPLAINTS OF SEXUAL HARASSMENT

Upon receiving an investigation report of a sexual harassment complaint, the City Manager shall immediately review the report. If the manager determines that the report is not complete in some respect, he/she may question the person complaining of sexual harassment, 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 a separate investigation is made), the City Manager shall, within a reasonable time, determine whether the conduct in question constitutes sexual harassment. In making that determination, the manager shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct, the context in which the alleged actions occurred, and the behavior of the person complaining. The decision of whether sexual harassment actually took place will be determined on a case-by-case basis.

If the City Manager determines that the harassment complaint is founded, he/she shall take immediate and appropriate disciplinary action against the guilty employee, consistent with his/her authority under the local government charter, ordinances, resolutions, or rules governing his/her authority to discipline employees.

The disciplinary action shall be consistent with the nature and severity of the offense, the employee's rank, and any other factors the governing body believes relate to fair and efficient administration of the local government. This includes, but is not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the local government. The disciplinary action may include demotion, suspension, dismissal, warning, or reprimand. Determining the level of disciplinary action shall also be made on a case-by-case basis. A written record shall be kept of imposed disciplinary actions, including verbal reprimands.

In all events, an employee found guilty of sexual harassment shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the investigation.

In cases where sexual harassment is committed by a non-employee against a local government employee in the workplace, the City Manager shall take whatever lawful action is necessary against the non-employee to bring the sexual harassment to an immediate end.

#### **OBIGATION OF EMPLOYEES**

Employees are not only encouraged to report instances of sexual harassment; they are **obligated** to report them. Employees are also obligated to cooperate in every harassment investigation. The obligation includes, but is not necessarily limited to, coming forward with evidence (both favorable and unfavorable) about a person accused of such conduct, fully and truthfully making written reports, or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of sexual harassment.

Disciplinary action may be taken against employees who fail to report instances of sexual harassment, fail or refuse to cooperate in the sexual harassment investigation, or file a complaint of sexual harassment in bad faith.

#### **EMPLOYEE ASSISTANCE PROGRAM**

The Town of Kingston Springs recognizes that a wide range of problems not directly associated with one's job function can affect an employee's job performance. In most instances, such personal problems can be overcome independently and the effect on job performance will be minimal. In other instances, normal supervisory counseling will provide the needed motivation or guidance by which such problems can be resolved so that job performance will return to an acceptable level. In some cases, regardless of the efforts of the employee or supervisor, unsatisfactory job performance persists over a period of time, either constantly or intermittently.

Town of Kingston Springs's EAP Program is operated by outside consultants and available free of charge to employees and family members living in the immediate household.

### **SECTION VIII – MISCELLANEOUS POLICIES**

#### **POLITICAL ACTIVITY**

Local government employees, whether on or off duty, whether in or out of uniform, and whether on or off city property, shall not, at any time or any place, become a candidate for an elected city office.

In all other elections for public office, local government employees may enjoy the rights of any other citizen of the state of Tennessee to be a candidate for any local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. The local government will not compensate employees for time when the employee is not performing work for the local government. Any time off from work used by the employee for participation in

political activities will be limited to earned days off, vacation days, or by any other arrangements worked out between the employee and the local government.

Nothing in this section is intended to prohibit any local government employee from privately expressing his/her political views or from casting his/her vote in all elections.

## **TRAVEL POLICY**

To ensure reimbursement for official travel, a preapproved travel authorization form is required. Lack of preapproval does not prohibit reimbursement, but preapproval does assure reimbursement within the limits of the local government travel policy. All costs associated with the travel should be reasonably estimated and *shown* on the travel request form. An approved request form is needed before advance expenses are paid or travel advances are authorized. A copy of the conference program, if applicable, should be attached on the form. If the program is not available prior to the travel, submit it with the reimbursement form.

### **Travel Documentation**

It is the responsibility of the authorized traveler to:

1. prepare and accurately describe the travel;
2. certify the accuracy of the reimbursement request;
3. note on the reimbursement form all direct payments and travel advances made by the local government; and
4. file the reimbursement form with the necessary supporting documents and original receipts

The reimbursement form should be filed with the City Recorder within 3 days of return.

### **Transportation**

All potential costs should be considered when selecting the mode of transportation. For example, airline travel may be cheaper than automobile travel when time away from work and increased meal lodging costs are considered. When time is important, or when the trip is so long that other modes of transportation are not cost beneficial, air travel is encouraged.

If the traveler goes outside the state by means other than air, the reimbursement will be limited to airfare at tourist or economy class, ordinary expenses during the meeting dates, and one day's meals and motel before and after the meeting. The traveler will be required to take annual leave for any additional time taken beyond the day before and the day after the meeting dates.

**Exceptions:** When the traveler extends the trip with personal time to take advantage of discount fares, the reimbursement will be limited to the lesser of:

1. the actual expenses incurred; or
2. the amount that would have been incurred for the business portion only, calculated with the least expensive rates available.

All expenses and savings associated with extending the trip must be submitted with the expense reimbursement form.

### **Travel by Air**

When possible, the traveler should make full use of discounts for advance airline reservations and advance registration. The traveler should request conference, government, or weekend rates (whichever is cheaper) when making lodging or rental car reservations. The local government will pay for tourist or economy class travel. The traveler should get the cheapest reasonable fare and take advantage of “super saver” or other discount fares. Airline travel can be paid by direct billing to the local government. Mileage credits for frequent-flyer programs accrue to the individual traveler. However, the local government will not reimburse for additional expenses (such as circuitous routing, extended stays, layovers to schedule a particular carrier, upgrading from economy to first class) for travelers to accumulate additional mileage or for other personal reasons.

The local government will not reimburse travel by private aircraft unless authorized in advance by the chief administrative officer.

### **Travel by Rail or Bus**

The local government will pay for actual cost of ticket.

### **Travel by Vehicles**

Automobile transportation may be used when a common carrier cannot be scheduled, it is more economical, a common carrier is not practical, or expenses can be reduced by two or more local government employees traveling together. Fines for traffic or parking violations will not be reimbursed by the local government. Reasonable tolls will be allowed when the most direct travel route requires them.

For travel between lodging quarters and meetings, conferences, or meals, reasonable taxi fares will be allowed. Remember, *original* receipts are required for claims of \$5 or more. Transportation to and from shopping, entertainment, or other personal trips is the choice of the traveler and is not reimbursable.

Reimbursement claims for taxis, limousines, or other ground transportation must be listed separately on the expense form, claiming the destination and amount of each fare.

### **Types of Ground Transportation**

1. **Personal Vehicle** – Employees should use local government vehicles when possible. Using a private vehicle must be approved in advance by the chief administrative officer. The local government will pay a mileage rate not to exceed the rate allowed by the federal schedule, which the local government adopted. The miles for reimbursement shall be paid from origin to destination and back by the most direct route. Necessary vicinity travel related to official local government business will be reimbursed. However, mileage in excess of the Rand McNally mileage must be documented as necessary and business-related. If an indirect route is taken, the Rand McNally mileage table will be used to determine the mileage to be reimbursed.

If a privately owned automobile is used by two or more travelers on the same trip, only the traveler who owns or has custody of the automobile will be reimbursed for mileage. It is the responsibility of the traveler to provide adequate insurance to hold the local government harmless for any liability from using the private vehicle.

In no event will mileage reimbursement, plus vicinity travel and associated automobile costs, exceed the lowest reasonable available airfare and associated air travel costs. Travelers will not be reimbursed for automotive repair or breakdowns when using their personal vehicles.

2. **Local Government Vehicle** – The local government may require the employee to drive a local government vehicle. If a local government vehicle is provided, the traveler is responsible for seeing that the vehicle is used properly and only for acceptable business. The employee will be reimbursed for expenses directly related to the actual and normal use of the local government vehicle when proper documentation is provided. Out-of-town repair costs to the local government vehicle in excess of \$100 must be cleared with the proper local government official before the repair is authorized.
3. **Rental Cars** – Use of a rental car is not permitted unless it is less expensive or otherwise more practical than public transportation. Approval of car rental is generally required in advance by the City Manager. Always request the government or weekend rate, whichever is cheaper. Anyone who uses a rental car for out-of-state travel must obtain liability coverage from the vendor.
4. **Taxi, Limousine, and Other Transportation Fares** – When an individual travels by common carrier, reasonable fares will be allowed for necessary ground transportation. Bus or limousine service to and from airports should be used when available and practical. The local government will reimburse parking fees and mileage for travel to and from the local airport, provided such costs do not exceed normal taxi/limousine fares to and from the airport. Receipts are required.

### **Lodging**

The amount allocated for lodging shall not ordinarily exceed the maximum per diem rates authorized by the federal rate schedule, which has been chosen by the local government.

1. If the local government reimburses using the federal rates, the Federal Travel Register provides guidelines for determining the maximum that can be reimbursed for lodging. These amounts are available by requesting a copy of IRS Publication 1542. The rates in that publication are the maximum reimbursable rates for hotel rooms. (Taxes on lodging are **not** included in the per diem limitation.)
2. Original lodging receipts must be submitted with the reimbursement form if applicable. ***Photocopies may not be acceptable.***
3. If a traveler exceeds the maximum lodging per diem, excess costs are the responsibility of the traveler.
4. If the best rate is secured and it still exceeds the maximum lodging per diem, the City Manager may authorize a higher reimbursement amount.

Even if it costs more, travelers may be allowed to stay at the officially designated hotel of the meeting; however, more moderately priced accommodations must be requested whenever possible. It will be the traveler's responsibility to provide documentation of the "officially designated meeting site" room rates if these rates are higher than the normal reimbursable amounts.

5. If two or more local government employees travel together and share a room, the lodging reimbursement rate will be the maximum of two single rooms. If an employee shares a room with a non-employee, the actual cost will be allowed up to the maximum reimbursable amount. The receipt for the entire amount must be submitted with the expense form.

**Meals and Incidentals**

The authorized traveler may be reimbursed the daily amount based on the rate schedule and the authorized length of stay. The per diem meal amounts are expected to cover meals, tips, porters, and incidental expenses. The authorized traveler will not be reimbursed for more than this.

Whether meals may be claimed depends on when the traveler leaves and returns to the official station. The traveler’s official station is home or work, whichever produces the least cost to the local government. When partial-day travel is involved, the current per diem allowance is determined as follows:

|                  |         |           |
|------------------|---------|-----------|
| <b>Breakfast</b> | 7 a.m.  | 8 a.m.    |
| <b>Lunch*</b>    | 11 a.m. | 1:30 p.m. |
| <b>Dinner**</b>  | 5 p.m.  | 6:30 p.m. |

\*Generally, lunch won’t be reimbursed unless overnight travel is involved. Lunch may be reimbursed if departure is before 11 a.m. **and** the employee is eligible to be reimbursed for dinner.

\*\*When overnight travel is involved, dinner reimbursement is made regardless of departure time.

The excess cost of an official banquet may be allowed, provided proper documentation or explanation is submitted with the expense reimbursement form. If a meal is included as part of a conference, seminar, or air fare, then the allowance for that meal should be subtracted from the total allowance for the day. For example, if a dinner is included as part of the conference fee, the maximum meal allowance for the day should be reduced by the allowed dinner amount.

**Miscellaneous Expenses**

Employees may be reimbursed for the following miscellaneous expenses:

1. Registration fees for approved conferences, conventions, seminars, meetings, and other educational programs, generally including the cost of official banquets, meals, lodging, and registration fees. Registration fees should be specified on the original travel request form and can include a request for pre-registration fee payment.
2. Laundry, valet service, tips and gratuities are considered personal expenses and are not reimbursable.

3. For travel outside the United States, all expenses claimed must be converted to U.S. dollars. The conversion rate and computation should be shown on each receipt.

### **Entertainment**

The local government may pay for certain entertainment expenses provided that:

1. the entertainment is appropriate in the conduct of local government business;
2. the entertainment is approved by the City Manager;
3. the group or individuals involved are identified;
4. documentation is attached to the expense form to support the entertainment expense claims; and
5. entertainment is not in violation of the local government's ethics policy

To request reimbursement for authorized entertainment expenses, be sure to include with the expense reimbursement form:

- ❖ Required receipts. All requests must be supported by original receipts from the vendor (restaurant, caterer, ticket office, etc.) Reasonable tips and gratuities included on the receipt **by the vendor** are reimbursable.
- ❖ A disclosure and explanation statement, explaining the purpose of the entertainment and identifying the group and number of people entertained (or individual names listed if not a recognized group).

### **Travel Reconciliation**

Within 3 business days of return from travel, the traveler is expected to complete and file the expense reimbursement form. It must be certified by the traveler that the amount due is correct and accurate. Original lodging, travel, taxi, parking, or other applicable receipts must be attached.

The City Manager will address special circumstances and issues not covered in this policy on a case-by-case basis.

### **Disciplinary Actions**

Violation of the travel rules can result in disciplinary action for employees. Travel fraud can result in criminal prosecution of officials and/or employees.

### **C 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. Drivers and/or operators must have a valid Tennessee driver's license and be approved by the department head or the City Manager. Non-local government employees may only be a passenger in a city vehicle with permission of the City Manager or as the result of an emergency or police related situation.

Vehicles that are eligible to be driven home daily are:

- Police cars (for officers residing within the 37082 zip code)
- Public Works/Sewer repair truck (director's truck only)
- Parks Director (living within 10 miles of City Hall)
- City Manager (living within 10 miles of City Hall)

These vehicles may only be driven to and from employees' home or for official business for the Town. Personal use of the vehicle during non-working hours is absolutely not allowed.

For the reason of inclement weather or an impending inclement weather emergency status, public works vehicles may be driven home by hourly employees.

All municipal employees operating a municipal vehicle or piece of equipment shall immediately report to the City Manager any vehicle or equipment accidents or damage while operating said vehicle and shall remain at the scene. An accident involving the Kingston Springs Police Department requires an accident report from another law enforcement agency. Failure to properly report an accident or damages to equipment, regardless of fault or severity of damage to the vehicle or piece of equipment, will be subject to disciplinary action.

#### **D DRIVING RECORDS**

Any employee who is required as an employment condition to possess and maintain a valid Tennessee driver's or commercial driver's license or any employee who drives a city 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 Manager.

#### **E PARKING**

Parking is generally provided for local government employees. At no time does the local government assume responsibility for loss or damage to employee vehicles or their contents, including any losses arising from fire, theft, or personal liability.

#### **F SOLICITATION**

The local government believes that its employees should not be exposed to frequent solicitations for charitable purposes; therefore, the unauthorized solicitation of employees on the premises is limited to every degree possible during the course of the year by the City Manager.

#### **G PERSONAL COMMUNICATIONS**

Personal calls / text messages that must be made or received during business hours are permitted if they are held to a minimum and do not interfere with the employee's work. Emergency phone calls / text messages may be made or received any time. When using office phones, personal long-distance calls must be billed to the caller's home phone number or reimbursed by the employee making the call if outside of the phone service plan.

#### **H. CUSTOMER COURTESY**

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

#### **I. DRESS CODE**

Employees are encouraged to dress appropriately for the type of work they perform for the local government. Where appropriate, employees may be furnished uniforms.

#### **J. FIGHTING DISRUPTIVE BEHAVIOR, DAMAGING LOCAL GOVERNMENT PROPERTY**

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

#### **K. LOST AND FOUND ARTICLES**

The City Manager acts as a clearinghouse for lost and found personal property. Lost articles should be turned in and/or reported as soon as possible. Articles will be kept for 30 (thirty) days and then disposed of at the City Manager's discretion.

#### **L. SUGGESTIONS**

The local government maintains an open mind about improving its operating procedures and encourages its employees to make suggestions toward this end. Suggestions are welcome on subjects such as safety and methods to save labor, money, energy, time, and material.

#### **M. ACCEPTING GRATUITIES**

No employee shall accept any money, other considerations, or favors from anyone other than the local government for performing an act that he/she would be required to be expected to perform in the regular course of his/her duties. No employee shall accept, directly or indirectly, any gift, gratuity, or favor of any kind that might reasonably be interpreted as an attempt to influence his/her actions with respect to the local government business.

#### **N. NON-SMOKER PROTECTION ACT & GENERAL TOBACCO USE**

The Town complies with the Non-Smoker Protection Act of 2007, which prohibits smoking in all public places such as buildings, equipment, and City-owned vehicles. All employees who operate city-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.

Employees should keep any tobacco use discreet while on duty in view of the public.

Spitting tobacco on the ground is expressly forbidden while on duty.

This policy also applies to "vapor" or "e-cigarettes".

#### **O. BUSINESS INTEREST**

No department head or supervisor shall have any financial interest in the profits of any contract, service, or other work performed by the local government. No department head or supervisor shall personally profit directly or indirectly from any contract, purchase, sale, or service between the local government and any person or company. No department head or supervisor shall personally, or as an agent, provide any surety, bail, or bond required by law or subject to the approval by the City Manager.

No local government employee shall enter into a contract with the local government or perform any work or function under any contract with the local government if he/she has a direct or indirect financial interest in the contract, unless:

1. the contract is awarded through a process that complies with the local government's purchasing requirements; or
2. the City Manager waives this section's requirements after making a formal finding that it is in the best financial interest of the local government to do so after full disclosure on the part of the local government employee of his/her direct or indirect financial interest in the contract, and City Manager's finding and waiver and the employee's full financial disclosure are recorded on the minutes of the Board of Commissioners' meeting in open session.

#### **PERSONNEL HUMAN RESOURCES RECORDS**

Personnel records for each employee are kept on file and maintained by the City Recorder. Any change of address, telephone number, marital status, draft status, beneficiaries, number of dependents, or completed education/training should be turned in to the supervisor for inclusion in the personnel file.

The City Recorder also maintains the life insurance, vacation, pension and retirement, health insurance, and sick leave records for each employee. The City Recorder will advise employees through their supervisor of their eligibility so that they may take full advantage of all the benefits available. All medical records shall be kept in a separate confidential file for each employee.

It is the responsibility of each employee to update personal information in his/her personnel file by notifying the City Recorder of any information changes. The local government shall not be held liable when incorrect withholding, wrong beneficiaries, or loss of employee benefits result from the failure of any employee to keep personnel records current.

#### **Collection of Information**

The local government will strictly follow the requirements of equal employment opportunity laws regarding information collection concerning race, color, national origin, gender, religion, age, and disabilities. With these restrictions in mind, the local government will gather such information about job applicants or employees as determined by the City Manager.

The following basic principles will be applied in collecting and retaining personal information:

1. The City Recorder may maintain a complete (master) file of each employee's records, which will contain necessary information, as determined by the City Manager.
2. Each department head may maintain a file on each employee in his/her charge, including performance evaluations, attendance records, notes, memos, letters, or other information related to an employee's salary history.
3. Payroll data may be kept separately from the human resources file and the departmental file, although both may include information about an employee's salary history.
4. Supervisors may keep separate files on their subordinates. Only information regarding employee performance may be kept in these files. A supervisor's files should be transferred to the human resources file when an employee leaves the local government.
5. Employee information may be collected from employees whenever possible, but the local government may use outside sources for other information.

### **Employee Access to Personnel Files**

Under normal circumstances, employees may have access to personnel files. The basic guidelines for access are as follows:

- Employees may review their personnel file. If the employee disagrees with any information found therein, the employee may place a written disagreement, which will be attached to the specific document, in the files.
- An employee desiring to access the personnel file of another employee must follow the procedures for open records requests.

### **Employees' Access Procedures**

When employees wish to see their personnel files, they must first make an oral or written request to their immediate supervisor. Employees may contact the City Recorder for an appointment to view the file.

Employees must review the file in the presence of an appropriate representative.

Employees may take notes and may request a copy of any of the file's contents on duplicating equipment subject to the local government's policy on copy charges. Any question about the information's accuracy must be referred to the City Manager. Employees may submit a written note of disagreement to the City Manager.

### **Disclosure of Employee Files**

The content of employee personnel files is open to public inspection; however, some personal information has been deemed confidential under state and federal law. Any request for information from an employee's personnel file must be immediately referred to the City Manager. Only the City Manager is authorized to disclose information about employees to outside inquirers. Before a file is made available for viewing, a copy shall be made, and the City Manager shall redact any confidential information.

Confidential information shall only be disclosed under the following circumstances:

1. properly identified and duly authorized law enforcement officials without a warrant when investigating allegations of illegal conduct by employees; and

2. legally issued summonses or judicial orders, including subpoenas and search warrants; and
3. others as legally allowed by state and federal law

The City Manager will restrict disclosing personnel information to prospective employers as much as possible. In most cases, such disclosures will be limited to information about the dates of employment, title or position, job location, and salary.

## **Q. ETHICS**

The Town of Kingston Springs, Tennessee has adopted a Code of Ethics as found in Municipal Ordinance #06-013, passed on December 31, 2006, which is in full compliance with state law.

This code of ethics is 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, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities.

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 the code of ethics.

## **R. COMPUTER USE AND MONITORING**

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. 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 City 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 City should be deleted immediately.

### **Misuse of Software**

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 City 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 and texts sent and received by others.

**Public Records**

All employee correspondence in the form of electronic mail may be considered a public record and may be subject to public inspection under the Tennessee Public Records Law.

**Internet Usage Policy**

All uses of the Internet on a city computer or through a city account are considered to be public information under the Electronic Communications Act of 1986, 18 U.S.C. 2510 et seq. All information on a city computer is available for review at any time. There is no personal privacy on a city computer and no rights to refuse access to your assigned computer or email account. All files are the property of the Town of Kingston Springs, Tennessee.

No computer or email file should be destroyed or deleted without first saving it to a disk that is to then be filed with City Recorder.

Internet users must keep their passwords current with the City Recorder. Any change in passwords must be authorized by the City Recorder.

Employees found to be in non-compliance with this policy may be disciplined, placed on leave without pay or terminated for violations of this policy, to be determined by the City Manager.

Violations of this policy that are found to be a violation of federal, state or local law will be reported to the appropriate police authority. Violations could be subject to prosecution.

Computers are subject to inspection by any authority or person approved by the City Manager.

Employees are to delete email from unknown senders prior to opening those emails if those emails appear to be solicitous or of an illegal nature. (See "Un-permitted Uses" below)

**Permitted Business Uses:**

The Internet is provided to employees to be used primarily as a tool for:

- Research for city related projects
- Access to other government documents
- Placing orders for city related purchases
- Making arrangements for travel for city business
- Communicating through email, instant messaging and text messaging with others regarding city business
- Inter-office communications
- Continuing education (city related)

**Permitted Personal Use:**

Employees may, if necessary, use the Internet for personal use, not exceeding a total of 15 (fifteen) minutes per shift for the following purposes:

- To check personal email
- To perform personal business functions, such as banking and making travel arrangements
- To communicate with family and friends
- Research

Time spent on the computer for personal purposes will be considered "break time".

**Unpermitted Use:**

It is expressly prohibited to use the city's Internet for any illicit, illegal or morally questionable uses, including but not limited to:

- Pornography of any type
- Solicitation of illegal acts or substances
- Solicitation of any sexual acts from adults or minors
- Emails or Instant Messages regarding sexual acts, sexual encounters
- Delivery of illegal acts or substances
- Nude photos
- Live camera feeds of illicit, illegal or immoral acts

Other uses that are not permitted:

- Emails containing profanity, defamatory, false, inaccurate, abusive, obscene, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory or illegal material, whether in the form of a joke or otherwise

both text and illustration

- Performing any business functions that are not related to the city, such as an employee's personally owned business.
- Illegal downloads of music or movies
- Modification of files and data belonging to other users without explicit permission to do so.

**EMPLOYEES SHOULD REPORT ANY "SUSPICIOUS" EMAILS TO THE CITY MANAGER IMMEDIATELY. ANY QUESTIONS REGARDING THIS POLICY SHOULD BE DIRECTED TO THE CITY MANAGER.**

**NOTICE:**

Pursuant to the Electronic Communications Act of 1986, 18 U.S.C. 2510 et seq., notice is hereby given that there are no facilities provided by the Town and its system for sending or receiving private or confidential communications.

Electronic mail, whether sent via the Internet or internally, may be a public record subject to public disclosure under the Tennessee Public Records Law and may be inspected by the public (TCA 10-7-512).

## MISUSE OF CITY PROPERTY

Misuse of city property violates the values of integrity, respect, and continuous improvement of the Town. Misuse of property may include, but is not limited to, misusing or taking broad property or the property of others without permission, or misusing or misappropriating funds, misuse of copyrighted material, vandalism, embezzlement, misuse of city vehicles and equipment, using city resources/positions, business cards/ identification/ security badges for unauthorized business or personal reasons or personal gain.

## SECTION IX – SEPARATIONS AND DISCIPLINARY ACTIONS

### A. TYPES OF SEPARATIONS

All separations of employees from positions with the local government shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, layoff, disability, death, retirement, and dismissal. At the time of separation and prior to final payment, all records, assets, and other local government property in the employee's custody must be transferred to the City Recorder or the supervisor of the department. Any amount due because of shortages shall be withheld from the employee's final compensation. Reimbursement cannot result in the employee being paid less than the federal minimum wage. All separating employees will have an exit interview scheduled with the City Manager.

### B. RESIGNATION

In the event an employee decides to leave the local government's employ, a two-week notice shall be given to his/her supervisor so that arrangements for a replacement can be made. In such a case, employees will be expected to return any/or all local government equipment assigned. An unauthorized absence from work may be considered by the department head as a resignation.

If a former employee returns to local government employment, his/her status of seniority, pay, leave, etc., will be the same as any new employee beginning work for the first time.

### C. LAYOFF

The department head, with approval from the City Manager, may lay off an employee in local government service when he/she deems it necessary by reason of a shortage of funds, abolishing a position, other material changes in the duties or organization of the employee's position, or related reasons that are outside the employer's control and that do not reflect discredit upon the employee's service.

The duties performed by a laid-off employee may be assigned to other local government employees. Temporary employees shall be laid off before regular employees. A laid-off employee who is reinstated as a local government employee within 90 days from the date he/she was laid off as if he/she had not been laid off.

#### D. DISABILITY

An employee may be separated for disability when he/she cannot perform the essential functions of the job because of a physical or mental impairment that cannot be accommodated without undue hardship or that poses a direct threat to the health and safety of others. Reasonable accommodations may include transfer to a comparable position for which the individual is qualified, job restructuring, light duty and/or physical restructuring of the workplace. A request for an accommodation must be initiated by the employee and must be supported by medical evidence acceptable to the governing body. The medical evidence must show that the disability prevents the employee from performing the essential functions of the job. The local government may require an examination at its own expense to be performed by a licensed physician of its choice.

#### E. RETIREMENT

Whenever an employee meets the conditions set forth in the retirement system's regulations, he/she may elect to retire and receive all benefits earned under the appropriate schedule.

#### F. DEATH

Separation shall be effective as of the date of the death of an employee. All compensation due in accordance with these rules shall be paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse.

#### G. EXIT INTERVIEWS

All separating employees will have scheduled an exit interview with the City Manager. The main purpose of this interview is to ascertain whether the reason for an employee's separation is founded on a misunderstanding that might be corrected by either the local government or the employee. Any information that may improve future working conditions in the local government is always welcome.

#### H. DISCIPLINARY ACTION

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 discharge at-will employees for cause or for no reason, except that no employee will be discharged for reasons that are prohibited by state and federal 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.

#### I. DISMISSAL

The department head, with the approval of the City Manager, may dismiss an employee for just cause that is for the good of the local government service. Reasons for dismissal may include, BUT ARE NOT LIMITED TO:

1. misconduct;
2. negligence;
3. incompetency or inefficiency in performing duties;

4. conviction of a criminal offense or of a malfeasance involving moral turpitude;
5. violating any lawful and reasonable regulation, order, or direction made or given by a superior, or insubordination that constitutes a serious breach of discipline;
6. being intoxicated, drinking any intoxicating beverages, or being under the influence of a drug or narcotic while on duty;
7. theft, destruction, carelessness, or negligence of local government property;
8. disgraceful personal conduct or language toward the public, fellow officers, or employees;
9. unauthorized absences or abuse of leave privileges;
10. incapacity to perform the essential functions of a job because of a permanent or chronic physical or mental defect that cannot be reasonably accommodated;
11. accepting any valuable consideration that was given with the expectation of influencing the employee in performing his/her duties;
12. falsifying records or using official position for personal advantage;
13. loss of an employee's driver's license and driving privileges by due process of law when the employee's position makes operating a motor vehicle necessary in performing his/her duties; or
14. violating any of the provisions of the local government charter, personnel ordinance, or these rules.
15. insubordination behavior towards a supervisor

## GRIEVANCE PROCEDURES

The local government does not provide a formal grievance process. Employees with concerns about their treatment should talk with their supervisor or the City Manager. However, local government employees have no rights to continued employment with the local government. Employees may be dismissed for cause, for no cause, for any cause as long as the dismissal does not violate federal and state law.

## APPENDICES

### APPENDIX A

#### **EMPLOYEE ACKNOWLEDGEMENT FORM Town of Kingston Springs, Tennessee EMPLOYEE ACKNOWLEDGMENT**

As an applicant or an employee, I have carefully read the Town of Kingston Springs's drug and alcohol testing policy. I have received a copy of the Town'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 may be 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.

\_\_\_\_\_  
Name of Applicant or Employee

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Department

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
(Signature of Applicant or Employee)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Signature of Witness)

\_\_\_\_\_  
Date