

**Millersville Board of Commissioners  
Work Session Agenda**

**Tuesday, January 3, 2023 at 5:30 P.M.  
at Millersville City Hall**

1. Call to Order.
2. City Department Updates:
  - a. Building Department
  - b. Planning Department
  - c. Parks Department
  - d. Fire Department
  - e. Police Department
  - f. Public Works Department
3. **Ordinance 22-788**, to amend the City of Millersville Personnel Policy and Procedures Manual
4. **Resolution 22-R-21** to award the roof repairs to older portion of city administration buildings and authorize the City Manager to sign.
5. Discussion on street paving contract standards
6. Citizen Comments
7. City Attorney Comments.
8. City Manager Comments.
9. Commissioner Comments
10. Adjournment.



**CITY OF MILLERSVILLE**  
1246 LOUISVILLE HIGHWAY  
MILLERSVILLE, TENNESSEE 37072  
Telephone 615-859-0880

# Monthly Report

**TO:** Millersville City Commission

**FROM:** Charlie Pieri - City Planner

**RE:** November Planning Department Update

November 22nd, 2022

Commission Members;

Here is an update of activities for the planning department.

## December 22nd, 2022 Planning Commission

- Recess

## Future Planning Department Projects Coming in January, 2023

- Amending the Current Zoning Ordinance
- Hosting the Sumner County Planners Quarterly Meeting 01/10/2023
- Comprehensive plan update
- 7187 Bethel Road (*Planning Commission*)
  - Rezone from SR1 to SR2 (*pending submittal by deadline 01/03/2022*)
- 1265/1267 Rader Road (*Board of Zoning Appeals*)
  - Road-width variance.

## Millersville Parks & Recreation

### Monthly Status Report

December 2022

#### Facility Use

##### Paid Facility Use & Revenues (Current Month)

ROOM	WEEKDAY RENTALS	WEEKEND RENTALS	DEPOSITS RECEIVED	RENT RECEIVED
FULL FACILITY	0	2	\$200.00	\$625.00
RECEPTION HALL	0	3	\$900.00	\$1,580.00
105	0	1	\$50.00	\$80.00
106	0	8	\$395.00	\$712.50
107	0	0	\$0.00	\$0.00
PAVILIONS	0	1	\$0.00	\$0.00
<b>TOTAL RENTALS – ALL FACILITIES</b>	<b>0</b>	<b>16</b>	<b>\$1,545.00</b>	<b>\$2, 997.50.00</b>

##### Unpaid Facility Use (Current Month)

ROOM	WEEKDAY RENTALS	WEEKEND RENTALS
FULL FACILITY	0	0
RECEPTION HALL	0	0
105	0	0
106	0	0
107	0	0
<b>TOTAL RENTALS – ALL ROOMS</b>	<b>0</b>	<b>0</b>

**\*\*unpaid facility users include Sit & Stitch Fit Club, our own events, various city meetings, etc.**

##### Future Bookings (Booked or Received \$ During Current Month)

ROOM	Rentals	DEPOSITS RECEIVED	RENT RECEIVED
FULL FACILITY	2	\$400.00	\$1,200.00
RECEPTION HALL	7	\$1,550.00	\$1230.00
105	0	\$00.00	\$00.00
106	5	\$270.00	\$35.00
107	0	\$00.00	\$00.00
PAVILIONS	1	\$15.00	\$10.00
<b>TOTAL RENTALS – ALL ROOMS</b>	<b>14</b>	<b>\$2,235.00</b>	<b>\$2,195.00</b>

- **We are currently owed \$13, 005 .00 upcoming contracts that have not yet paid in full.**
- **During the month of MAY, we turned down 18 events as the facility was previously booked for another event.**

- **Programs/classes**
  - **Self- defense class**
    - **35 attended**
  - **Sit & Stitch**
    - Program ongoing
    - Free program (also no cost to the City)
    - There are now 12-20 people in the group; an average of 8-15 attend per session

## **Maintenance**

- **Playground Inspections**
  - Complete mulch
- **Amphitheater**
  - No current issues
- **Pavilions**
  - No issues
- **Trail**
  - No issues
- **Reception Hall**
  - Needs to be painted
  - Floors will need to be stripped and re-waxed soon
- **Kitchen**
  - Currently no issues
- **Restrooms**
  - Interior Ladies' – no issues at this time
  - Interior Men's Restroom - no issues at this time
  - Exterior Restroom – no issues at this time
  - HVAC – filters are routinely changed
  - Meeting Rooms
    - 105 – no issues
    - 106 – looking to replace some blinds due to wear and tear
    - 107 – no issues

## **Administrative**

- Average showing for the Community Center to date is 20

## Day of Week Call Volume Summary

1:00 PM 12/29/2022

Data Source: Data Warehouse

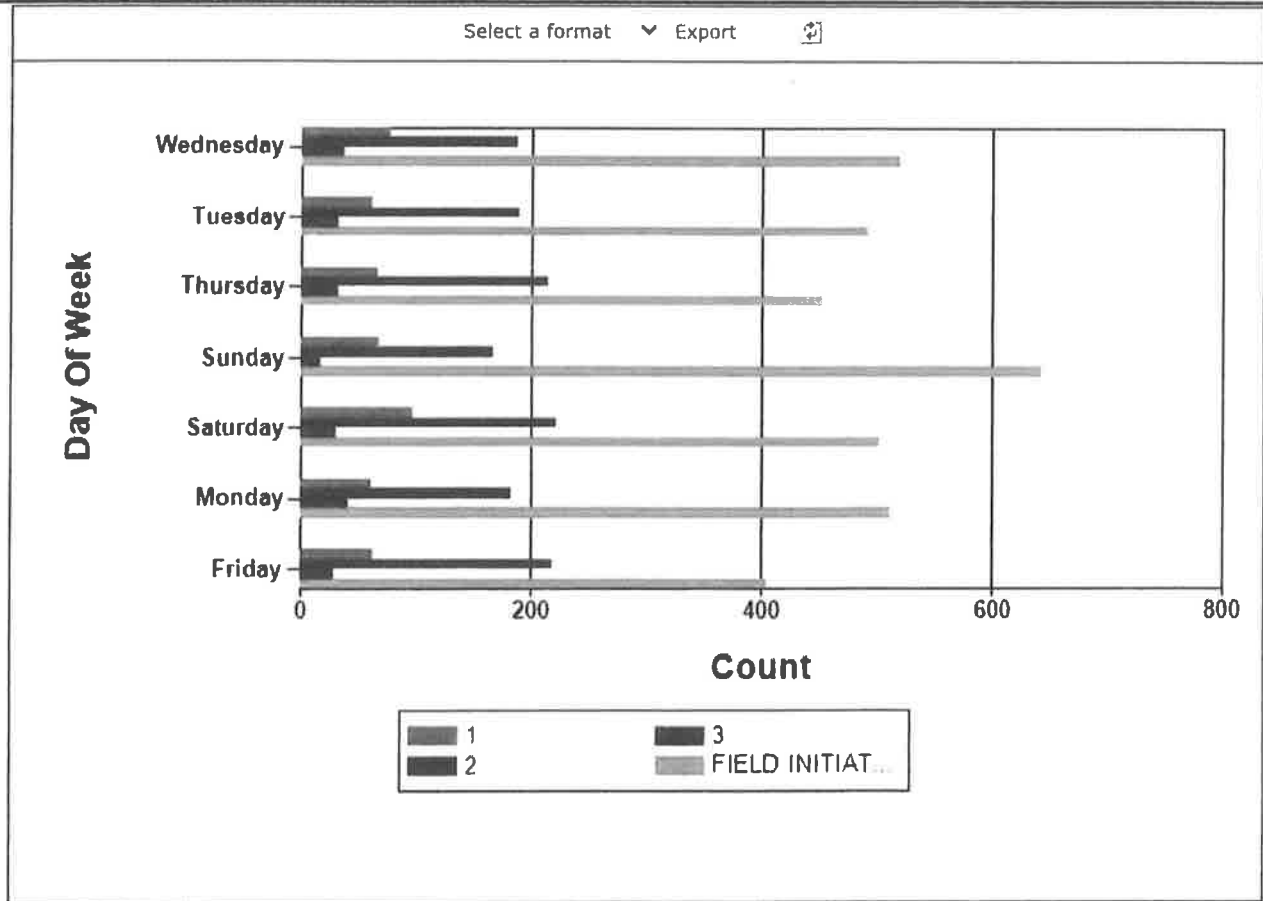
Agency: Law

Division: MILLERSVILLE PD

Day Range: Date From 7/1/2022 To 12/31/2022

Day of Week: Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday

Exclusion: None



1	1
2	2
3	3
4	FIELD INITIATED
99	SCHOOL LOCKDOWN

68	168	16	643	0	895
62	183	42	512	0	799
61	189	33	491	0	774
77	187	37	520	0	821
66	214	32	453	0	765
64	219	29	405	0	717
97	221	31	503	0	852
495	1381	220	3527	0	5623

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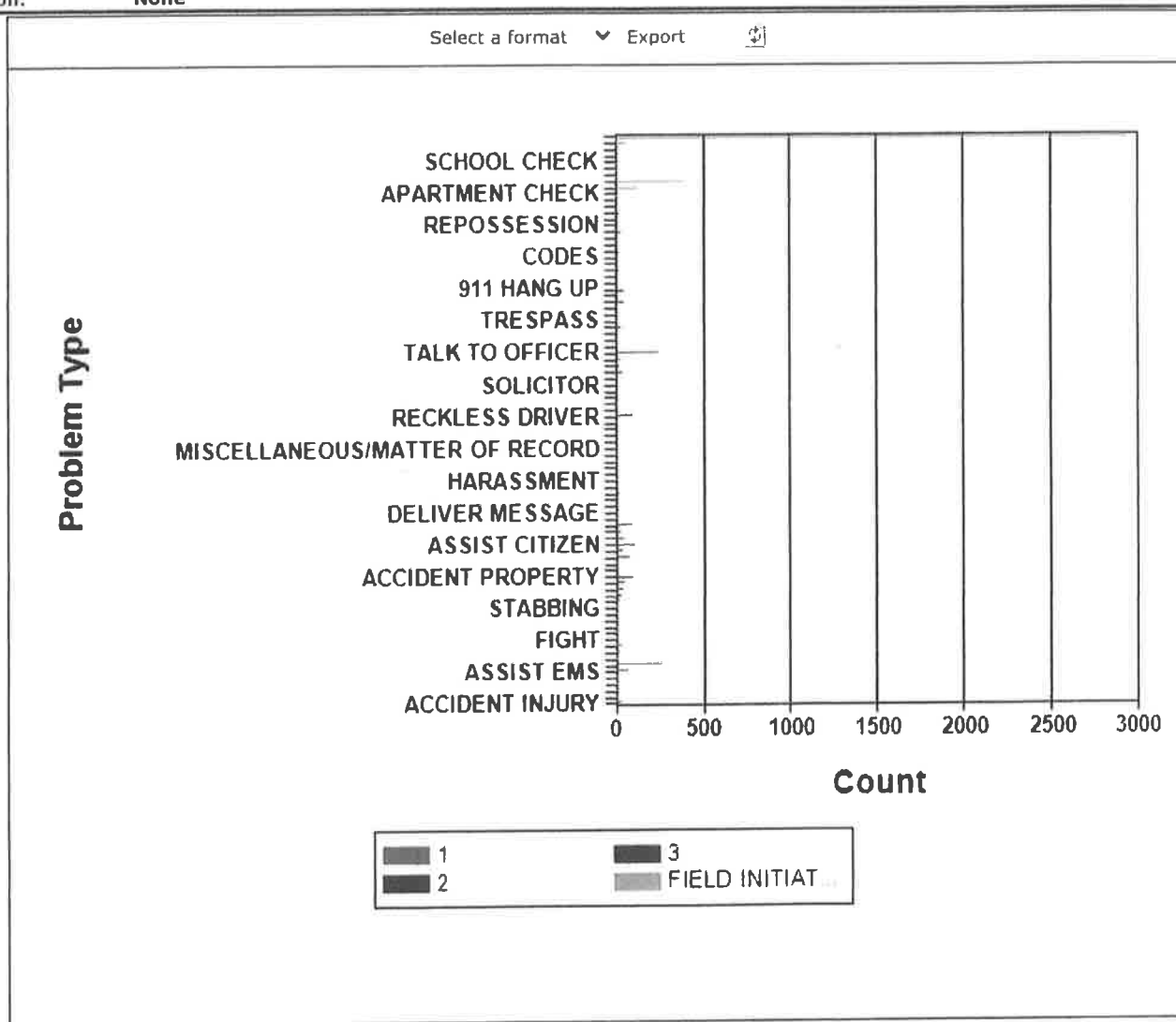
Close

## Problem Type Summary

1:00 PM 12/29/2022

Data Source: Data Warehouse

Agency: Law  
 Division: MILLERSVILLE PD  
 Day Range: Date From 7/1/2022 To 12/31/2022  
 Exclusion: None



1	1
2	2
3	3
4	FIELD INITIATED
99	SCHOOL LOCKDOWN

0	0	51	0	0	51
0	46	0	0	0	46
0	0	13	0	0	13
0	53	0	0	0	53
0	0	9	0	0	9
0	0	0	0	0	0
37	0	0	0	0	37
1	0	0	0	0	1

ACCOUNTS RECEIVABLE	0	100	0	0	0	100
ADVERTISING	0	16	0	0	0	16
AMORTIZATION	16	0	0	0	0	16
ASSETS	0	0	0	0	0	0
BANKS	0	1	0	0	0	1
BILLING	0	0	0	0	0	0
BILLING	0	77	0	0	0	77
BILLING	9	0	0	0	0	9
BILLING	0	0	0	0	0	0
BILLING	0	39	0	0	0	39
BILLING	0	0	0	2	0	2
BILLING	0	0	0	0	0	0
BILLING	0	0	0	0	0	0
BILLING	5	0	0	0	0	5
BILLING	0	110	0	0	0	110
BILLING	69	0	0	0	0	69
BILLING	263	0	0	0	0	263
BILLING	0	54	0	0	0	54
BILLING	0	28	0	0	0	28
BILLING	0	0	0	0	0	0
BILLING	0	0	0	0	0	0
BILLING	0	0	25	0	0	25
BILLING	0	0	0	0	0	0
BILLING	5	0	0	0	0	5
BILLING	0	0	0	127	0	127
BILLING	0	0	0	0	0	0
BILLING	0	0	0	0	0	0
BILLING	0	99	0	0	0	99
BILLING	0	0	10	0	0	10
BILLING	0	0	0	0	0	0
BILLING	0	0	7	0	0	7
BILLING	0	8	0	0	0	8
BILLING	0	0	0	0	0	0
BILLING	0	2	0	0	0	2
BILLING	0	0	0	0	0	0
BILLING	24	0	0	0	0	24
BILLING	29	0	0	0	0	29
BILLING	0	0	0	0	0	0
BILLING	0	12	0	0	0	12
BILLING	0	5	0	0	0	5
BILLING	0	0	0	0	0	0
BILLING	0	0	0	0	0	0
BILLING	0	0	0	0	0	0
BILLING	0	0	0	388	0	388
BILLING	0	0	0	0	0	0
BILLING	2	0	0	0	0	2
BILLING	0	0	0	0	0	0
BILLING	0	0	22	0	0	22
BILLING	0	22	0	0	0	22
BILLING	0	0	0	0	0	0
BILLING	0	3	0	0	0	3
BILLING	0	0	0	0	0	0
BILLING	0	0	0	0	0	0
BILLING	0	3	0	0	0	3
BILLING	0	0	0	0	0	0
BILLING	0	0	0	2	0	2
BILLING	0	1	0	0	0	1
BILLING	0	0	0	0	0	0
BILLING	0	6	0	0	0	6
BILLING	0	14	0	0	0	14
BILLING	0	0	0	0	0	0
BILLING	0	0	0	0	0	0
BILLING	0	0	0	1	0	1
BILLING	0	0	0	0	0	0
BILLING	0	0	1	0	0	1

Account Suspended	0	0	0	0	0	0
Account Suspended - 1	0	7	0	0	0	7
Account Suspended - 2	0	0	0	0	0	0
Account Suspended - 3	0	0	0	0	0	0
Account Suspended - 4	0	0	0	0	0	17
Account Suspended - 5	0	17	0	0	0	3
Account Suspended - 6	0	3	0	0	0	3
Account Suspended - 7	3	0	0	0	0	14
Account Suspended - 8	0	14	0	0	0	6
Account Suspended - 9	0	6	0	0	0	6
Account Suspended - 10	6	0	0	0	0	0
Account Suspended - 11	0	0	0	0	0	8
Account Suspended - 12	0	8	0	0	0	0
Account Suspended - 13	0	0	0	0	0	0
Account Suspended - 14	0	0	0	0	0	0
Account Suspended - 15	0	0	0	0	0	0
Account Suspended - 16	0	0	1	0	0	1
Account Suspended - 17	0	0	0	0	0	0
Account Suspended - 18	0	0	0	0	0	0
Account Suspended - 19	0	0	0	0	0	0
Account Suspended - 20	0	0	0	0	0	0
Account Suspended - 21	0	0	0	0	0	0
Account Suspended - 22	0	0	0	0	0	0
Account Suspended - 23	0	0	35	0	0	35
Account Suspended - 24	0	102	0	0	0	102
Account Suspended - 25	0	0	0	0	0	0
Account Suspended - 26	0	0	9	0	0	9
Account Suspended - 27	0	0	0	0	0	0
Account Suspended - 28	0	0	0	0	0	0
Account Suspended - 29	0	0	0	0	0	1
Account Suspended - 30	0	1	0	0	0	5
Account Suspended - 31	0	0	5	0	0	2
Account Suspended - 32	0	0	0	2	0	1
Account Suspended - 33	0	1	0	0	0	5
Account Suspended - 34	0	5	0	0	0	1
Account Suspended - 35	1	0	0	0	0	1
Account Suspended - 36	1	0	0	0	0	0
Account Suspended - 37	0	0	0	0	0	9
Account Suspended - 38	0	9	0	0	0	2
Account Suspended - 39	0	2	0	0	0	7
Account Suspended - 40	0	0	0	7	0	3
Account Suspended - 41	0	0	0	3	0	1
Account Suspended - 42	1	0	0	0	0	0
Account Suspended - 43	0	0	0	0	0	6
Account Suspended - 44	0	6	0	0	0	57
Account Suspended - 45	0	0	0	57	0	25
Account Suspended - 46	0	0	25	0	0	22
Account Suspended - 47	22	0	0	0	0	45
Account Suspended - 48	0	45	0	0	0	26
Account Suspended - 49	0	26	0	0	0	35
Account Suspended - 50	0	35	0	0	0	252
Account Suspended - 51	0	252	0	0	0	1
Account Suspended - 52	0	0	1	0	0	0
Account Suspended - 53	0	0	0	0	0	5
Account Suspended - 54	0	5	0	0	0	5
Account Suspended - 55	0	5	0	0	0	6
Account Suspended - 56	0	6	0	0	0	32
Account Suspended - 57	0	32	0	0	0	2938
Account Suspended - 58	0	0	0	2938	0	0
Account Suspended - 59	0	0	0	0	0	3
Account Suspended - 60	0	3	0	0	0	0
Account Suspended - 61	0	0	0	0	0	0
Account Suspended - 62	0	0	0	0	0	8
Account Suspended - 63	0	8	0	0	0	6
Account Suspended - 64	0	0	6	0	0	3
Account Suspended - 65	0	3	0	0	0	49
Account Suspended - 66	0	49	0	0	0	0
Account Suspended - 67	0	0	0	0	0	0
Account Suspended - 68	0	0	0	0	0	0
Account Suspended - 69	0	0	0	0	0	1



12/29/22, 1:00 PM

Inform Browser : 21.102.75.2 - Problem Type Summary

0	0	0	0	0	0
0	0	0	0	0	0
0	0	0	0	0	0
1	31	0	0	0	32
<b>495</b>	<b>1381</b>	<b>220</b>	<b>3527</b>	<b>0</b>	<b>5623</b>

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## Time of Day Call Volume Summary

1:01 PM 12/29/2022

Data Source: Data Warehouse

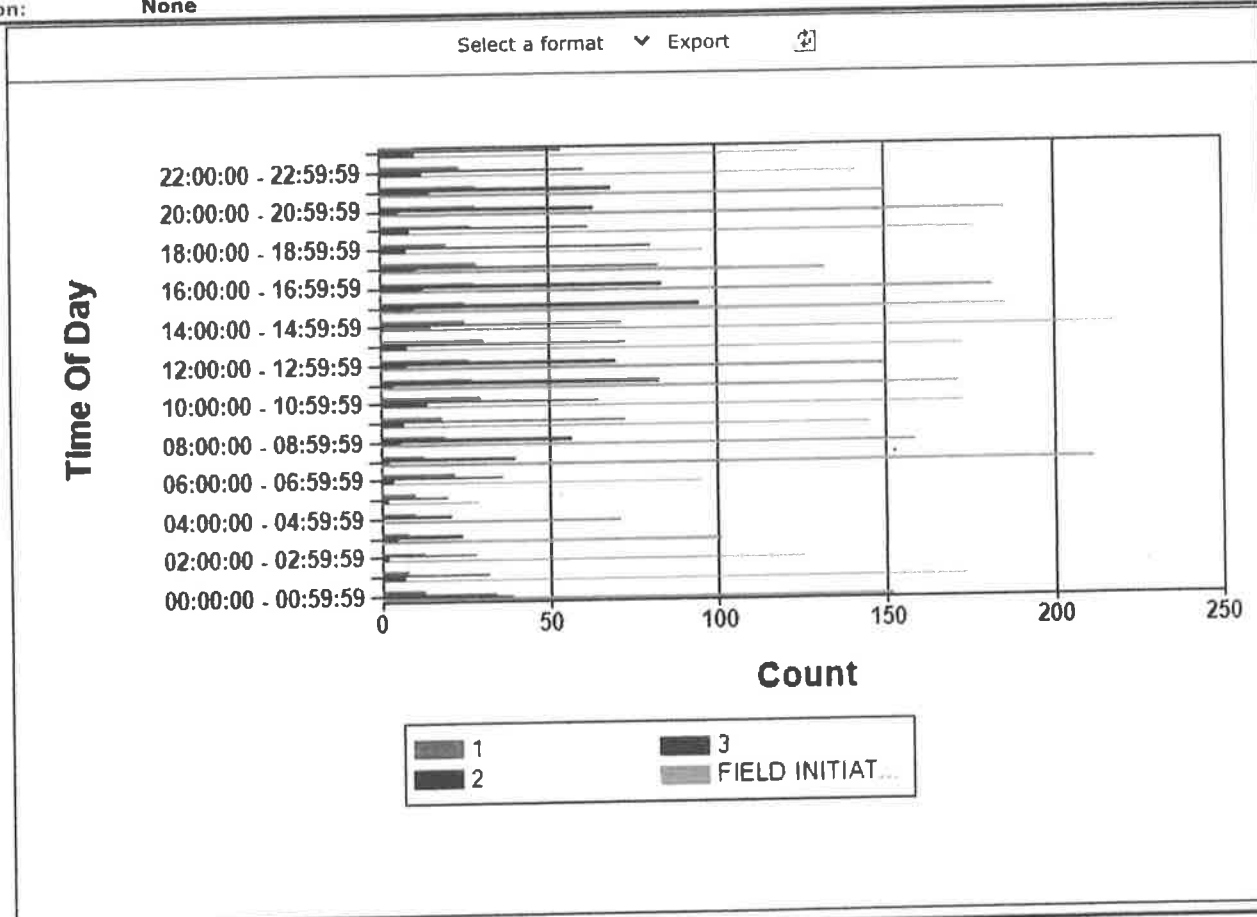
Agency: Law

Division: MILLERSVILLE PD

Day Range: Date From 7/1/2022 To 12/31/2022

Time of Day: 00:00:00 - 00:59:59, 01:00:00 - 01:59:59, 02:00:00 - 02:59:59, 03:00:00 - 03:59:59, 04:00:00 - 04:59:59, 05:00:00 - 05:59:59, 06:00:00 - 06:59:59, 07:00:00 - 07:59:59, 08:00:00 - 08:59:59, 09:00:00 - 09:59:59, 10:00:00 - 10:59:59, 11:00:00 - 11:59:59, 12:00:00 - 12:59:59, 13:00:00 - 13:59:59, 14:00:00 - 14:59:59, 15:00:00 - 15:59:59, 16:00:00 - 16:59:59, 17:00:00 - 17:59:59, 18:00:00 - 18:59:59, 19:00:00 - 19:59:59, 20:00:00 - 20:59:59, 21:00:00 - 21:59:59, 22:00:00 - 22:59:59, 23:00:00 - 23:59:59

Exclusion: None



1	1
2	2
3	3
4	FIELD INITIATED
99	SCHOOL LOCKDOWN

Time Of Day	1	2	3	4	5
00:00:00 - 00:59:59	13	34	39	152	0
01:00:00 - 01:59:59	8	32	7	174	0
02:00:00 - 02:59:59	13	28	2	126	0
03:00:00 - 03:59:59	8	24	5	101	0
04:00:00 - 04:59:59	10	21	0	71	0
05:00:00 - 05:59:59	10	20	2	29	0
06:00:00 - 06:59:59	22	36	4	95	0
07:00:00 - 07:59:59	13	40	3	212	0
08:00:00 - 08:59:59	19	57	6	159	0
09:00:00 - 09:59:59	18	73	7	145	0
10:00:00 - 10:59:59					
11:00:00 - 11:59:59					
12:00:00 - 12:59:59					
13:00:00 - 13:59:59					
14:00:00 - 14:59:59					
15:00:00 - 15:59:59					
16:00:00 - 16:59:59					
17:00:00 - 17:59:59					
18:00:00 - 18:59:59					
19:00:00 - 19:59:59					
20:00:00 - 20:59:59					
21:00:00 - 21:59:59					
22:00:00 - 22:59:59					
23:00:00 - 23:59:59					

30	65	14	173	0	<b>282</b>
27	83	4	172	0	<b>286</b>
26	70	8	150	0	<b>254</b>
31	73	8	173	0	<b>285</b>
25	72	15	218	0	<b>330</b>
25	95	10	186	0	<b>316</b>
28	84	13	182	0	<b>307</b>
29	83	11	132	0	<b>255</b>
20	81	8	96	0	<b>205</b>
27	62	9	177	0	<b>275</b>
29	64	6	186	0	<b>285</b>
29	69	15	151	0	<b>264</b>
24	61	13	142	0	<b>240</b>
11	54	11	125	0	<b>201</b>
<b>495</b>	<b>1381</b>	<b>220</b>	<b>3527</b>	<b>0</b>	<b>5623</b>

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# Millersville Police Department - NIBRS Agency Crime Overview - YTD as of Dec 29, 2022

Population Estimate		N/A	Offenses (*)				Arrests (**)	
Offense Overview			Group A Offenses		Reported	Cleared	Adult	Juvenile
			Crimes Against Persons					
Offense Total	202		Murder		0	0	0	0
Number Cleared	132		Negligent Manslaughter		0	0	0	0
Percent Cleared	65.35 %		Negligent Vehicular Manslaughter		0	0	0	0
Group A Crimes per 100,000 population	N/A		Kidnapping/Abduction		0	0	0	0
			Forcible Rape		2	0	0	0
			Forcible Sodomy		0	0	0	0
			Sexual Assault W/Object		0	0	0	0
			Forcible Fondling		1	0	0	0
			Incest		0	0	0	0
			Statutory Rape		1	0	0	0
			Aggravated Assault		11	11	8	0
			Simple Assault		44	28	21	2
			Intimidation		0	0	0	0
			Stalking		1	0	0	0
			Commercial Sex Acts		0	0	0	0
			Involuntary Servitude		0	0	0	0
			Crimes Against Property					
			Arson		1	0	0	0
			Bribery		0	0	0	0
			Burglary		1	0	0	0
			Counterfeiting/Forgery		1	1	0	0
			Destruction/Damage/Vandalism		17	2	1	0
			Embezzlement		0	0	0	0
			Extortion/Blackmail		1	0	0	0
			Fraud - False Pretenses		1	1	1	0
			Fraud - Credit Card/ATM		2	0	0	0
			Fraud - Impersonation		3	2	2	0
			Fraud - Welfare		0	0	0	0
			Fraud - Wire		1	0	0	0
			Fraud - Identity Theft		0	0	0	0
			Fraud - Computer Hacking/Invasion		0	0	0	0
			Robbery		0	0	0	0
			Theft - Pocket-picking		0	0	0	0
			Theft - Purse Snatching		1	1	1	0
			Theft - Shoplifting		1	0	0	0
			Theft From Building		2	0	0	0
			Theft From Coin Machine		0	0	0	0
			Theft From Motor Vehicle		7	0	0	0
			Theft of Motor Vehicle Parts		4	0	0	0
			Theft - All Other Larceny		9	0	0	0
			Motor Vehicle Theft		3	1	1	0
			Stolen Property Offenses		1	1	1	0
			Crimes Against Society					
			Animal Cruelty		0	0	0	0
			Drug/Narcotic Violations		62	60	58	2
			Drug/Narcotic Equipment Violations		18	18	2	0
			Gambling - Betting/Wagering		0	0	0	0
			Gambling - Operating/Promoting		0	0	0	0
			Gambling - Equipment Violations		0	0	0	0
			Gambling - Sports Tampering		0	0	0	0
			Pornography/Obscene Material		0	0	0	0
			Prostitution		0	0	0	0
			Prostitution Assisting/Promoting		0	0	0	0
			Purchasing Prostitution		0	0	0	0
			Weapon Law Violations		6	6	2	0
			<b>Total Group A Offenses</b>		<b>202</b>	<b>132</b>	<b>98</b>	<b>4</b>
			Crimes Against Persons					
			Murder		0	0	0	0
			Negligent Manslaughter		0	0	0	0
			Negligent Vehicular Manslaughter		0	0	0	0
			Kidnapping/Abduction		0	0	0	0
			Forcible Rape		2	0	0	0
			Forcible Sodomy		0	0	0	0
			Sexual Assault W/Object		0	0	0	0
			Forcible Fondling		1	0	0	0
			Incest		0	0	0	0
			Statutory Rape		1	0	0	0
			Aggravated Assault		11	11	8	0
			Simple Assault		44	28	21	2
			Intimidation		0	0	0	0
			Stalking		1	0	0	0
			Commercial Sex Acts		0	0	0	0
			Involuntary Servitude		0	0	0	0
			Crimes Against Property					
			Arson		1	0	0	0
			Bribery		0	0	0	0
			Burglary		1	0	0	0
			Counterfeiting/Forgery		1	1	0	0
			Destruction/Damage/Vandalism		17	2	1	0
			Embezzlement		0	0	0	0
			Extortion/Blackmail		1	0	0	0
			Fraud - False Pretenses		1	1	1	0
			Fraud - Credit Card/ATM		2	0	0	0
			Fraud - Impersonation		3	2	2	0
			Fraud - Welfare		0	0	0	0
			Fraud - Wire		1	0	0	0
			Fraud - Identity Theft		0	0	0	0
			Fraud - Computer Hacking/Invasion		0	0	0	0
			Robbery		0	0	0	0
			Theft - Pocket-picking		0	0	0	0
			Theft - Purse Snatching		1	1	1	0
			Theft - Shoplifting		1	0	0	0
			Theft From Building		2	0	0	0
			Theft From Coin Machine		0	0	0	0
			Theft From Motor Vehicle		7	0	0	0
			Theft of Motor Vehicle Parts		4	0	0	0
			Theft - All Other Larceny		9	0	0	0
			Motor Vehicle Theft		3	1	1	0
			Stolen Property Offenses		1	1	1	0
			Crimes Against Society					
			Animal Cruelty		0	0	0	0
			Drug/Narcotic Violations		62	60	58	2
			Drug/Narcotic Equipment Violations		18	18	2	0
			Gambling - Betting/Wagering		0	0	0	0
			Gambling - Operating/Promoting		0	0	0	0
			Gambling - Equipment Violations		0	0	0	0
			Gambling - Sports Tampering		0	0	0	0
			Pornography/Obscene Material		0	0	0	0
			Prostitution		0	0	0	0
			Prostitution Assisting/Promoting		0	0	0	0
			Purchasing Prostitution		0	0	0	0
			Weapon Law Violations		6	6	2	0
			<b>Total Group A Offenses</b>		<b>202</b>	<b>132</b>	<b>98</b>	<b>4</b>

## Crime in Tennessee 2022

(\*) Offenses are counted using the FBI Units of Count for Crime

(\*\*) The 'Arrests' column shows arrests made for incidents during the selected period, regardless of arrest date. Arrest counts for the same period may change over time.

**CITY OF MILLERSVILLE, TENNESSEE**

**ORDINANCE 22-788**

**AN ORDINANCE TO ADOPT ORDINANCE 22-788, PERSONNEL POLICY AND PROCEDURES MANUAL; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** The Board of Commissioners of the City of Millersville accept and approved policies and procedures from time to time to ensure that departments have the policy and procedures needed to conduct daily operations; and

**WHEREAS,** the purpose of this policy is to establish the minimum requirements to up hold public health, safety and welfare some inconsistencies and sections have been identified as in need of amendment.

**THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the City of Millersville, Tennessee that:

**Section 1.** The City of Millersville Personnel Policy and Procedures Manual shall be adopted with Exhibits hereto attached and made part of the Ordinance:

**Section 2.** This Ordinance shall be effective upon final passage, the public welfare requiring it.

Passed First Reading: December 20, 2022

Public Hearing: \_\_\_\_\_

Passed Second Reading: \_\_\_\_\_

**BOARD OF COMMISSIONERS**

By: \_\_\_\_\_

Tommy Long, Mayor

Attest:

By: \_\_\_\_\_

Holly L. Murphy, City Recorder

Approved as to Form and Legality:

By: \_\_\_\_\_

Jack Freedle, City Attorney

Attachment B

Page 17, Section IV – Compensation, Section J On-Call, Last paragraph;

**Restrictions and Rules.**

An employee asked to cover On Call will be eligible for the take-home vehicle program and must live within a Radius of 25 Miles of the Millersville City Hall unless on-call privileges have been granted. With the approval and justification from the Department Head and Approval by the City Manager, this distance may be extended.

The Millersville Board of Commissioners Adopted Resolution 22-R-12 for On Call Administrative Policy be amended (and reviewed annually). ~~Refer to Exhibit A – Administrative Policy and Exhibit B – for Compensation of On-Call.~~

Attachment C

Page 28, Section V – Employment, Section T Time Records, delete number 3 and renumber;

1. Employees are responsible for recording/ entering their starting time, quitting time and total hours worked for each work day.
3. ~~Employees shall not remove a time record from the designated employee area or leave the premises with said time records.~~
4. Employees given permission by their supervisor to leave their job assignment for any purpose besides city business during work hours must sign out when leaving and sign in upon returning to work.
5. An employee failing to properly sign/validate his/her time record must have it immediately approved, initialed, or verified by a supervisor or department head to ensure payment for hours worked. Failure to properly record hours worked may result in not being paid for those hours in question on the time record. Continued non-compliance may result in disciplinary action.
6. No non-supervisory employee shall mark on, or alter, another employee's time record. Employees that alter another employees' time record shall be subject to disciplinary action.

## Attachment D

Page 30, Section VI – Leave, Section B Annual Vacation Leave, first paragraph;

Vacation leave will be granted to regular employees, but may not be taken until the employee has completed ~~one year~~ 90 days of service. Vacation leave is to be taken following the period of time in which it is earned. For vacation purposes, time is earned beginning with the date of regular employment to the anniversary date each year.



## Attachment E

Page 31, Section VI – Leave, Section B Annual Vacation Leave, last paragraph;

Employees who resign their employment shall provide the City with a two-week notice of intent to leave.

~~Unless otherwise approved by the city manager, failure to work all of the two-week notice will result in forfeiture of an equivalent time of unused vacation pay.~~ Employees may not use any paid time off during their final two weeks without approval by the City Manager.

## Attachment F

### Page 32, Section VI – Leave, Section C Sick Leave, Accrual of Sick Leave;

Sick leave will begin to accrue at the rate of eight (8) hours per calendar month beginning the ~~first of the month following 30 calendar days~~ date of employment. Sick leave can accrue to a maximum of 1,440 hours in the sick leave bank. Sick leave may not be taken until it is earned. Sick leave shall not accrue for the month if an employee is on unpaid leave for greater than half of the month.

Attachment G

Page 40, Section VIII – Employee Benefits, Section A Insurance Benefits, Eligibility;

Regular, full time, employees are eligible for health benefits upon the first of the month following completion of thirty (30) calendar days of service their hire date.

## Attachment H

Page 40, Section VIII – Employee Benefits, Section C Life Insurance, first paragraph;

The city shall provide regular full-time employees group life coverage, and an opportunity to participate in a supplemental life insurance plan. Coverage shall be effective first of the month following their hire date ~~completion of thirty (30) calendar days of employment with the city.~~

## Attachment I

Page 49, Section XII – Miscellaneous Benefits, Section A Use of City Vehicles and Equipment, first paragraph;

All city vehicles and equipment are for official use only as outlined in the Vehicle Take Home Policy. No other person other than a city employee may operate a city vehicle or piece of machinery. ~~Passengers may be carried only as part of official business.~~ Drivers and/or operators must have a valid driver's license and other certifications as required for a particular vehicle or piece of equipment and be approved by the department head or the City Manager. For further detail, see the City of Millersville Vehicle Take Home Policy - Resolution 21-R-29.

# **City of Millersville**



## **Personnel Policy and Procedures Manual**

As Adopted by

**Ordinance 21-766**

October 19, 2021

The City of Millersville,  
1246 Louisville Hwy, Millersville, TN 37072  
(615) 859-0880 [www.cityofmillersville.com](http://www.cityofmillersville.com)

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# CITY OF MILLERSVILLE

## SECTION I – HUMAN RESOURCES POLICIES

### A. INTRODUCTION TO HUMAN RESOURCE POLICY AND PROCEDURES

The City of Millersville Human Resources Policy and Procedures, hereinafter referred to as "Human Resources Policy," amended by the City of Millersville Ordinance 2422-766788, is applicable to all employees of the City of Millersville whose activities and functions are subject to the control and direction of the City Manager. These policies and procedures and all other city manuals do not bestow any additional rights to employees regarding employment or employment benefits in addition to those granted by the city charter. These policies and procedures are not part of a contract and no employee has any contractual right to the matters set forth herein. This will serve as notice to all employees that the employment relationship may be terminated by either the city or the employee at any time for any reason. All employees are "at will" and the city is an "at will" employer under Tennessee law. Employees have no property rights to employment. **The City reserves the right to change any and all such policies, practices, and procedures in whole or in part at any time, with or without notice to employees.**

These Human Resources Policies shall be made available to all employees. Regular employees will receive a hard copy of the Policies upon employment. As an option, the employee may be provided digital access to this document. In either case, an acknowledgement of receipt shall be obtained from the employee. A copy may also be available in the City Recorder's office. Any employee, who desires to review the Policies during work hours, may also review the departmental copy.

### B. PURPOSE AND OBJECTIVES

The main purpose of these policies is to establish a high degree of understanding, cooperation, efficiency, and unity among city employees fostered by a systematic application of good procedures in human resources administration. Another purpose is to provide uniform policies for all employees with all the benefits such a program ensures, without regard to race, color, religion, gender or gender identity, age, national origin, disability, military status, communication with elected public officials, free speech, refusing to participate in or remain silent about illegal activities exercising a statutory constitutional right or any right under clear public policy, political affiliation, genetic information or any other basis protected by law..

The city complies with Title VI of the Civil Rights Act of 1964. Title VI requires that no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The fundamental objectives of these human resources administration policies are to:

1. promote and increase efficiency and economy among employees of the City of Millersville;
2. provide fair and equal opportunity to all qualified individuals on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection;
3. develop a process of recruitment, placement, and advancement that will make employment with the city attractive as a career and encourage each employee to render the best service; establish and maintain a uniform plan of evaluation and compensation; and
4. establish and promote high morale among the employees by providing good working relationships, a uniform human resources policy, opportunity for advancement, and consideration for employee needs and desires.

## **C. HUMAN RESOURCES POLICY STATEMENT**

It is the policy of the City of Millersville to apply and foster a sound program of human resources management. The policies of the city are established to address the following:

### **1. Employment and Placement**

- a. Fill all positions without undue delay in accordance with job qualifications and requirements without discrimination to race, color, religion, gender or gender identity, age, national origin, disability, military status, communication with an elected public officials, free speech, refusing to participate in or remain silent about illegal activities exercising a statutory constitutional right or any right under clear public policy, political affiliation, genetic information or any other basis protected by law; and
- b. Establish programs for the promotion, transfer, demotion, dismissal, reassignment and/or retention of personnel.

### **2. Position Classification and Pay Administration**

- a. Establish and maintain job descriptions for every position with the descriptions maintained on file with the ~~Personnel Clerk~~Assistant City Recorder and department head;
- b. Review position descriptions periodically and systematically with the employee to ensure currency and accuracy;
- c. Establish appropriate position standards and to group positions in classes with similar standards; and
- d. Conduct area wage and salary surveys periodically to provide competitive wage and salary scales.

### **3. Employee Relations and Services**

- a. Establish rules and standards governing employee conduct both on and off the job;
- b. Administer a uniform leave program;
- c. Provide employee grievance procedures;
- d. Develop a handbook to inform employees of their responsibilities, rights, and privileges; and
- e. Provide and maintain a safe and healthy work environment.

### **4. Employee Development and Training**

- a. Establish training standards and requirements for all positions; and
- b. Motivate and stimulate employees to achieve their highest potential usefulness.

### **5. Records**

- a. Establish and maintain comprehensive and uniform human resources records; and
- b. Maintain confidentiality and privacy of employees to the extent allowed by law.

## **D. COVERAGE**

The Human Resources Policies will apply to all employees unless otherwise classified under exempted service. Temporary, seasonal, and regular part time employees are subject to all Policies but may not have access to insurance benefits, leave accrual, holiday pay, or retirement benefits.

All offices and positions of the city that are classified as exempted 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. volunteer personnel appointed without compensation;
7. independent contractors; and
8. the city judges.

Some policies apply to all employees and officers of the municipalities, for example policies such as, but not limited to, harassment and discrimination.

## **E. ADMINISTRATION**

These rules will be administered by the City Manager under the direction of the Board of Commissioners and in conformity with the established Human Resources system.

The Board of Commissioners is responsible for the appointment of the City Manager, establishment of overall policy guidelines for the operation of city government including adoption of the Human Resources Policies and amendments thereto, and development and adoption of an annual fiscal budget.

The City Manager is the Chief Administrative Officer for the City of Millersville. The City Manager is hired and serves at the pleasure of the Board of Commissioners. He or she is responsible to the Board of Commissioners for the proper operations of all city functions. The responsibilities of the City Manager include interviewing job applicants, and hiring new employees; and the discipline and discharge of employees in accordance with these approved personnel policies. Board approval shall be required to employ and discharge department heads or directors. The City Manager is responsible for enforcement and application of all laws, provisions of the City Charter and Municipal Code, and acts of the Board of Commissioners including but not limited to the Human Resources Policies and pay classification plan. The City Manager is also responsible for implementation of additional rules, policies, and procedures, which may be necessary for the proper operation of the city or its various departments, provided that such rules and procedures are consistent with the Human Resources Policies adopted by the Board of Commissioners. Department heads and supervisors are responsible for the administration and enforcement of the Human Resources Policies for employees in their respective program areas.

The Assistant City Recorder's responsibility and functions regarding the administration of the Human Resources Policies shall include, but not be limited to, the development and presentation of human resources Policies and recommended amendments consistent with proper employment practices to the City Manager for consideration and presentation to the Board of Commissioners. The Assistant City Recorder shall also provide technical assistance to department heads and supervisors on the interpretation and application of the Human Resources Policies.

Amendments to the rules and Policies shall be made in accordance with the procedures herein, and within the City Charter. Nothing in the Human Resources rules and Policies document shall be deemed

to give employees any more property rights in their jobs than may already be given by the city charter. The city reserves the right to alter or change any or all of these rules without prior notice to employees.

## **F. AMENDMENTS TO HUMAN RESOURCES POLICIES**

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

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

## **G. SEVERABILITY**

If any chapter or section of these Policies is found to conflict with Federal, State or city laws and Policies, or court decision, that chapter or section will continue in effect only to the extent permitted by such law, regulation, or court decision. If any chapter or section of these Policies is, or becomes, invalid or unenforceable, such invalidity or unenforceable nature will not affect or impair any other chapter or section of these Policies.

## **SECTION II – DEFINITIONS**

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

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

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

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

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

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

**Anniversary Date** – The most recent date of appointment to, or employment in, a regular full-time position used to determine length of service.

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

**Applicant** – An individual who has completed and submitted an application for employment with the city; any person who has on file an application for employment, or any person who is otherwise being considered for employment or transfer to a safety-sensitive position.

**Application** – A form used to apply for positions with the city.

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

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

**Break-in-service** – A separation from the service of the city, whether by resignation, layoff, dismissal, disability, retirement. Authorized leaves and authorized leaves of absence without pay are not considered as constituting a "break-in-service".

**Certification** – Documented endorsement as meeting the required minimum standards for a position.

**Chief Executive Officer (CEO)** – Executive officer charged with day-to-day operational management of the city.

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

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

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

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

**Classified Service** – The classified service includes all positions in the city service except those listed under exempted service.

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

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

**Compensation (Pay) Plan** – The official schedule of pay approved by the Board of Commissioners, assigning one or more pay rates to each class title.

**Compensatory Leave/Compensatory Time** – Time off from work in lieu of monetary payment for overtime worked at the rate of 1.5 times the hours of overtime worked for non-exempt employees.

**Computer Resources** - Refers to the city's computers, electronic equipment, and its entire computer network.

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

**Counseling/Coaching** - These are opportunities to address employee performance, contributions, goals and or plans in a one-on-one situation. Employees who are experiencing performance related challenges may be provided sessions in a non-disciplinary mode to alter or change their behavior. If,

however, the behavior does not improve, these counseling/coaching opportunities can be a pre-cursor to more formal disciplinary actions. Employees who are at or above expected performance levels may be given feedback to encourage greater contributions, additional possibilities, and new or more focused initiatives.

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

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

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

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

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

**Disciplinary Action** – An action which may be taken by the employee's supervisor, department head, or City Manager for any legal reason.

**Dismissal** – A type of disciplinary action resulting in the separation from employment from the city

**EAP** – The acronym for Employee Assistance Program – an employee benefit program which may be included as part of the city's health or life insurance plan(s) and is intended to help employees deal with personal issues that might adversely impact their work performance, health, and well-being. EAPs generally include short-term counseling and referral services for employees and their household members.

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

**Eligible Employee (FMLA)** – FMLA eligible employees are those who have been employed for at least 12 months, who have provided at least 1,250 hours of service during the 12 months before Family and Medical Leave is requested, and who work at a work site where at least 50 employees are on the payroll (either at that site or within a 75-mile radius).

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

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

**Employee Development** – The training opportunities and programs provided to employees enabling them to meet the skills and knowledge requirements needed to carry out their responsibilities.

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

**Essential Personnel** - The individuals holding positions determined by the city as necessary for public safety and public works continuity during inclement weather.

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

**Exempt Employee** - Employees that are compensated on the "whole job" basis and are exempt from overtime in accordance with Title 29, Part 541, of the Code of Federal Policies (Fair Labor Standards Act - FLSA).

**Family and Medical Leave (FML)** - An excused and protected absence, with or without pay, for a period of time not to exceed the prescribed time periods under the Family Medical Leave Act (FMLA) for family and/or medical leave, or for military caregiver/qualified exigency leave. This leave may be used concurrently with paid leave/compensatory time, or as unpaid leave.

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

**Insubordination** - Disobedience to authority and lawful orders.

**Introductory Period** - Period of time between initial hire of an employee until eligibility for benefits.

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

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

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

**Leave With Pay** - Approved absence by the supervisor and/or department head for which compensation is received.

**Leave Without Pay** - Approved absence by the department head and City Manager for which no compensation is provided.

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

**Military Leave** - Leave granted employees who enter the U.S. armed forces or who are members of the reserves who are required to attend annual training periods.

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

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

**On-Call** - Being available at a designated place for a designated period of time. Compensation for being on-call shall be determined in accordance with the FLSA Policies as set out in 29 CFR, Part 553.221.

**Overtime** - Time worked by an employee in excess of regular working hours or work period. Generally, overtime is paid for all hours worked over 40 during the workweek. Public safety employees may be required to work schedules greater than 40 hours before overtime pay is required as provided for under FLSA.



**Overtime Pay** – Compensation paid to an employee for overtime work performed in accordance with the FLSA. The Fair Labor Standards Act (FLSA) requires that overtime pay be provided at the rate of 1 ½ the time regular rate of pay for those individuals that are not exempted by law from overtime Policies.

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

**Pay Range** – An established range of pay rates having a percentage relationship to one another assigned to a class of positions as the compensation for that class.

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

**Pension** - The monthly compensation received due to retirement from a municipal position based on service, age or disability.

**Personal Relationships** – A relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature.

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

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

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

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

**Qualifying Event** – an incident that impacts employee eligibility for certain benefits.

**Reclassification** – The process of reviewing the duties and responsibilities of an existing position(s) in order to revise the job description to which the position(s) is assigned, or moving a job description from one pay grade to another pay grade.

**Regular full-time employee** – An individual who works the equivalent of 30-40 hours or more per week on average on an ongoing basis.

**Regular part time employee** – An individual who works fewer than 30-40 hours per week on average on an ongoing basis.

**Reprimand** – A type of oral or written disciplinary action denoting a violation of Human Resources or departmental Policies that becomes a part of the employee's Human Resources record.

**Resignation** - Separation from the employment with the city at the request of the employee.

**Seasonal Employee** – An employee who works on a part-time or full-time basis for fewer than six (6) months per calendar year.

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

**Sick Leave** – An absence approved by the appointing authority or supervisor due to a non-occupational illness or injury of an employee, or to care for a dependent. This leave will run concurrently with FMLA when a qualifying event is applicable.

**Standard Operating Procedures (SOP)** - Administrative policies and procedures established by the department head and approved by the City Manager; specific to the operation of the individual department; shall be consistent with, but not synonymous with, these rules and Policies.

**Supervisory Employee** - An individual having authority to oversee employees, assign work duties, and recommend disciplinary actions.

**Suspension** - An enforced leave of absence for disciplinary purposes, or pending an investigation of charges made against an employee.

**Temporary Employee** - An employee holding a position other than regular full time which is of a temporary, seasonal, casual or emergency nature or for such limited time as is specified by the City Manager. Time spent as a temporary employee will not be counted in the years of service computation.

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

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

## SECTION III – CLASSIFICATION PLAN

### A. PURPOSE

The city will maintain a Position Classification Plan that provides a listing of employment positions in the city. The classification plan provides a complete inventory of all positions in the city's service and job descriptions and specifications for each employment class. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the city service.

The Assistant City Recorder will be responsible for maintaining accurate job descriptions in the Positions Classification Plan in conjunction with department heads and incumbent employees. The Assistant City Recorder will maintain a copy of all city job descriptions.

Employees and his/her/their supervisor will maintain open communications and dialogue to ensure that job descriptions are periodically reviewed and updated as appropriate. Any employee, who desires to review the Position Classification Plan, may review the master copy.

### B. COMPOSITION OF THE CLASSIFICATION PLAN

The classification plan may consist of:

1. a grouping of classes of positions that are approximately equal in difficulty and responsibility that call for the same general qualifications and that can be equitably compensated within the same range of pay under similar working conditions;
2. class titles descriptive of the work of the class;
3. written specifications for each class of positions; and

4. physical standards for performance of the duties of the position.

## **C. USE OF JOB TITLES**

Job titles are to be used in all personnel, accounting, budget appropriation, and financial records of the city. No person will be appointed or employed in a city service position under a title not included in the classification plan and not approved by the city.

## **D. USE OF JOB DESCRIPTIONS**

Job descriptions are a mechanism of communicating goals, objectives, values and expectations. The job descriptions will contain a general description of the position, essential functions, and additional duties of the job. The elements listed are not entirely inclusive or descriptive of all duties.

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

## **E. USE OF THE CLASSIFICATION PLAN**

The classification plan may be used:

1. as a guide in recruiting and examining candidates for employment;
2. in determining lines of promotion and developing employee training programs;
3. in determining salaries to be paid for various types of work;
4. in determining personal service items in departmental budgets; and/or
5. in providing uniform job terminology understandable by all city officers and employees and by the general public.

## **F. ADMINISTRATION OF THE CLASSIFICATION PLAN**

The City Manager is charged with maintaining the classification plan of the city so that it will reflect the duties performed by each employee in the service of the city and the class to which each position is allocated. It is the duty of the City Manager to examine the nature of the position classes, make such changes in the classification plan as are deemed necessary by changes in the duties and responsibilities of existing positions, and periodically review the entire classification plan and recommend appropriate changes in allocations or in the classification plan itself.

## **G. ALLOCATION OF POSITIONS**

Whenever a new position is established or duties of an old position change, department heads will submit in writing a comprehensive job description listing in detail the duties of such a position. The City Manager will investigate the actual or suggested duties and recommend to the Board of Commissioners the appropriate class allocation or the establishment of a new class. The Board of Commissioners will then approve or change such recommendations.

## **H. REQUEST FOR RECLASSIFICATION**

Any employee who considers ~~his/her~~their position improperly classified shall submit his/her request for reclassification in writing to the City Manager who will review the request. If the City Manager finds that there is merit in the request, ~~he/she~~they will transmit ~~his/her~~their recommendation to the Board of

Commissioners. If the City Manager finds the request is not justified, he/she will advise the employee of his/her the decision and also the employee's right to appeal the decision under the grievance procedures.

## **I. NEW OR RECLASSIFIED EMPLOYMENT POSITIONS**

When a new position is established, or duties of an existing position substantially change, the department head is to submit, in writing, to the City Manager, a comprehensive job description that describes in detail the duties of the position. City Manager will review the actual and recommended duties provided by the department head and provide an assessment to the department head on whether the duties are sufficiently changed to warrant a change in pay classification. The job description for the new position or the revised description of an old position will be approved by the city prior to inclusion in the Position Classification Plan for the city. The city shall have the authority to create or reclassify any position if such position has been approved in the budget or will be submitted as a budget amendment.

To the maximum extent possible, requests for the creation of a new position or reclassification of an existing position should be submitted during the annual budget process. If a department head considers a position to be improperly compensated, a request for a pay reclassification and/or wage adjustment should be submitted as soon as practical.

## **SECTION IV – COMPENSATION**

### **A. PURPOSE**

It shall be the policy of the city to strictly adhere to the provisions of the Fair Labor Standards Act as applied to Tennessee municipalities. The city will establish and maintain a Compensation Plan that assigns pay ranges to each employment position identified in the Position Classification Plan for the city. Salaries of individual employees will be set within those ranges as approved by the city, within budgeted fiscal resources. Exceptions must be specifically approved by the city. These exceptions should be approved during the budget approval process by the Board of Commissioners.

The compensation plan is intended to provide fair compensation for all classes of positions in the classification plan. The compensation plan is to be used in consideration of pay ranges for other classes, 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 city, and other factors. To this end, the city may develop, with the assistance from staff, comparative studies of factors affecting the level of salary ranges and recommend to the Board of Commissioners during the budget approval process such changes in salary ranges as appear to be in order. These changes will be made by adjusting the Compensation Plan's salary schedule the appropriate amount as approved by the Board of Commissioners.

### **B. COMPOSITION OF THE PLAN**

The compensation plan for the city may consist of minimum and maximum pay rates with intermediate steps or salary ranges for each existing pay grade (position classification).

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

The City Manager may make comparative studies of appropriate factors affecting the level of salary ranges and will recommend to the Board of Commissioners changes in the salary ranges as appear to be in order. Adjustments will be made by increasing or decreasing the salary ranges as provided in the basic salary schedule. The pay rate for each employee may be adjusted an appropriate number of steps

or grades in conformity with adjusting the salary range for that class as approved by the Board of Commissioners.

A department head may submit a pay reclassification or wage adjustment request to the City Manager during the budget approval process if he/she considers a position in the department to be improperly compensated. If the duties of a position have substantially changed or a new position is established, a new job description is required and the process outlined in this document must be followed. The city may authorize pay reclassifications or wage adjustments submitted by department heads outside of the time period stated.

A written recommendation will be forwarded to the city for consideration. The decision of the city shall be final and is not a grievable matter in accordance with these Human Resources Policies.

#### **D. SALARY LIMITS**

Employee may not be paid at a wage or salary rate less than the minimum, nor more than the maximum pay range prescribed for the class in which the employee is working as set forth in the Compensation Plan, with the following exception:

**Trainee Status:** New employees may be hired into a position upon the approval of the City Manager below the specified range for that particular employment position when the employee does not meet the minimum specified requirements for the position at the hire date, but could meet those requirements with specific training and or certificates within a reasonable and defined period of time.

#### **E. PAY FOR REGULAR PART TIME WORK**

When an employment decision is for a regular part time position, the individual will be paid the equivalent hourly rate for the time actually worked. Regular part time and seasonal employees may not be eligible for benefits.

#### **F. HOURLY RATES**

Employees paid on an hourly rate basis are paid at minimum for all hours actually worked. The Board of Commissioners may set by resolution all salaries and wages paid by the city. Due consideration may 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.

#### **G. MINIMUM WAGES**

In accordance with the FLSA, no employee, whether regular full time, regular part time, or on an introductory period, will be paid less than the federal minimum wage unless they are expressly exempt from the minimum wage requirement.

#### **H. 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, employees will be paid according to the provisions of the FLSA. Overtime work will be compensated according to the FLSA provisions at a rate of 1 ½ times the employee's regular rate for hours worked in excess of the overtime threshold. An employee must have physically performed work beyond the overtime threshold in order to be eligible for overtime. Generally, overtime work must be authorized by the department head, or acting department head.

Hours worked during a legal paid, city observed, holiday, will be paid at the overtime rate (1 ½ times the regular rate of pay) regardless of the number of hours worked for the work week/work period.

## **I. CALL-BACK PAY**

An employee who is called back to work on an emergency basis will be compensated at their regular rate of pay for a minimum of two (2) hours. If additional calls occur within the 2-hour pay window, they will be treated as inclusive of the initial call-out. If any call-out requires work to be performed past the 2-hour window, time will be paid for actual hours worked. Only hours worked more than the overtime threshold for the position will be paid at the overtime rate of pay.

## **J. ON-CALL**

On-call service may be necessary for the proper maintenance and functioning of city services. It is the duty and responsibility of each designated on-call employee to be available by electronic communication at all times. On-call employees must be able to respond to an emergency call within 30 minutes after receiving notice. The Department Head or lead person will be responsible for determining which employees are designated for on-call.

An employee on-call who fails to report to an emergency call within 30 minutes will be subject to disciplinary action. An employee called in by the on-call person who fails to respond may be subject to disciplinary action.

### **On-Call Employees:**

An employee who is officially placed on call will be required to respond by phone to the caller or resident that is calling in a problem during after-hours, within 30 minutes of the notification. Then the On Call personnel will make all arrangements and effort to be at the residence within two hours, in the city provided vehicle with the appropriate tools. On-call employees must respond to after-hour calls in their city-provided vehicle.

### **Restrictions and Rules.**

An employee asked to cover On Call will be eligible for the take-home vehicle program and must live within a Radius of 25 Miles of the Millersville City Hall unless on-call privileges have been granted. With the approval and justification from the Department Head and Approval by the City Manager, this distance may be extended.

The Millersville Board of Commissioners Adopted Resolution 2122-R-30-12 for On Call Administrative Policy be amended (and reviewed annually). ~~Refer to Exhibit A- Administrative Policy and Exhibit B- for Compensation of On-Call.~~

## **K. COMPENSATORY TIME**

Compensatory time (comp time) is time off in lieu of monetary overtime compensation at a rate of not less than one and one-half hours of compensatory time for each hour of overtime worked for employees classified under the FLSA as non-exempt. FLSA non-exempt employees may accrue up to forty-eight (48) hours of compensatory time. Compensatory (comp) time may be approved instead of overtime pay for additional hours worked. The city reserves the right to pay cash overtime in lieu of compensatory time at any time.

## **L. PAY RATES FOR CHANGES IN STATUS**

The following pay policies shall be effective in relation to promotions, demotions, transfers and reclassifications. This list is not all inclusive. Other possibilities may exist that have not been provided. This provision will also apply to uncertified police officer candidates who, upon completion of the Law Enforcement Training Academy, will have a change in status from uncertified to certified.

1. **Promotion** - When an employee is promoted to a position in a higher pay grade, the rate of pay will be increased to an appropriate amount over his/her current pay rate unless the employee is promoted under a "trainee status."
2. **Demotion** - In case of demotion, the employee's rate of pay may be reduced to a lower rate comparable to other employees performing similar job duties as recommended by the department head and approved by the City Manager. Demotions may result in a loss of pay due to re-assignment in order to be in compliance with the appropriate pay classification. Demotions shall result in a reduction in pay when a result of a disciplinary action.
3. **Transfer** - When an employee in a position of one class is transferred to the position of another class of the same or equal pay grade level, he/she shall continue to be paid at the same base pay rate. The transfer shall have no effect on his/her anniversary date regarding benefits.

## **M. PAYCHECKS**

All employees of the city will be paid on a bi-weekly basis. Employees will receive their pay via direct deposit, or manual check. If you have questions about your work time, salary, or paycheck, call it to the attention of the Assistant City Recorder within the pay period in question or immediately thereafter. Employees will be required to enroll in direct deposits before the second payroll period after start date.

**Final Pay** – Final pay may not be issued to the employee at the time of dismissal or resignation. The city is required by law to issue final pay by the next regular payday, or no later than 21 days following the date of dismissal or resignation. The final check will not be by direct deposit but will be paid with a manual check. In unusual circumstances, a department head may make arrangement for earlier payment. In the event that the separating employee fails to return city property, the cost of the property may be deducted from final pay, as long as it is done on a prorated/depreciated basis and does not reduce the final pay to below minimum wage.

## **N. PAYROLL DEDUCTIONS**

By law, the city is required to deduct, where applicable, federal withholding taxes, Social Security taxes, and garnishments from an employee's pay. The following deductions will be made:

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 city 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 Policies.
3. **Others** – Other city authorized deductions will be made from an employee's pay with either the employee's signed consent or pursuant to a valid court order.

- a. health/hospitalization insurance (medical premiums),
- b. life insurance,
- c. dental insurance,
- d. vision insurance,
- e. deferred compensation payments,
- f. pension plan,
- g. supplemental insurance approved by the City,
- h. child support or other garnishments\*,
- i. cost of uniforms, safety footwear, and other applicable equipment during employment or upon failure to return such upon separation as allowed by state law and the FLSA.

\*An employee who is garnished for more than one indebtedness within a 12-month period may be subject to disciplinary action in accordance with the Consumer Credit Protection Act (15 USC, Ch. 41); except for assignment(s) of wages for spousal or child support (T.C.A. 36-5-501 (c)(2)(i)).

## SECTION V – EMPLOYMENT

### A. EQUAL EMPLOYMENT OPPORTUNITY

It is the obligation and policy of the City of Millersville to provide equal opportunity employment to all employees and applicants for employment. No person will be discriminated against in employment because of race, creed, color, religion, gender or gender identity, age, national origin, disability, genetic information, military status, communication with an elected public official for job-related purposes, exercise of free speech, refusing to participate in or remain silent about illegal activities, exercising a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law. The city will provide reasonable accommodation to qualified individuals with a disability unless the accommodation would pose an "undue hardship" on the city, or presents an unsafe work environment for themselves or others.

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

### B. AMERICANS WITH DISABILITIES ACT (ADA/ADAAA)

#### Purpose

The purpose of this policy is to provide a policy in compliance with 42 U.S.C. 12101 et. seq. This policy also provides changes to the ADA as amended by the Americans with Disabilities Act Amendment Act of 2008.

The City of Millersville is committed to the fair and equal employment of individuals with disabilities under the Americans with Disabilities Act (ADA). It is The City of Millersville's policy to provide reasonable accommodation to individuals with disabilities who are qualified for the job in question unless the accommodation would impose an undue hardship on the organization, or present an unsafe work environment for the employee or others. The city prohibits any harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested a reasonable accommodation.

In accordance with the ADA as amended, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the



equal benefits and privileges of employment. This policy applies to all applicants for employment and all employees.

### **Eligibility**

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

### **Disability**

"Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. A "qualified person with a disability" means an individual with a disability who has the requisite skills, experience, and education for the job in question and who can perform the essential functions of the job with or without reasonable accommodation.

### **Reasonable Accommodation**

The city will seek to provide reasonable accommodation for a known disability or at the request of an individual with a disability. A "reasonable accommodation" is any change or adjustment to the job application process, work environment, or work processes that would make it possible for the individual with a disability to perform the essential functions of the job.

**There are three types of reasonable accommodation that may be considered:**

- Changes to the job application process so that a qualified applicant with a disability will receive equal consideration for the job opportunity;
- Modifications to the work environment so that the qualified individual with a disability can perform the essential functions of the job; or
- Adjustments that will allow a qualified individual with a disability to enjoy the same benefits and privileges of employment as other similarly situated employees without disabilities.

### **Essential Job Functions**

For each position, the job description typically will identify essential job functions. The City Manager, or designee, generally will review job descriptions on a periodic basis to evaluate job functions designated as essential. An employee's questions about a job's requirements should be directed to the employee's supervisor.

### **Requesting a Reasonable Accommodation**

An employee with a disability is responsible for requesting an accommodation from his/her supervisor, who shall immediately notify the City Manager, thereby engaging in an informal process to clarify what the employee needs and to identify possible accommodations.

The City of Millersville will provide notice of the employee's rights under the ADA and document the interactive process discussions. If requested, the employee is responsible for providing medical documentation regarding the disability.

The employee should describe the problem created by a workplace barrier so that an appropriate accommodation may be considered. Typically, the City Manager will work with the employee to identify possible reasonable accommodations and to assess the effectiveness of each in allowing the employee to perform the essential functions of the job.

Based on this interactive process, a reasonable accommodation will be selected that is appropriate for both the city and the individual employee. While an individual's preference will be considered, the city is free to choose between equally effective accommodations with consideration toward expense and impact on the rest of the organization.

A request for reasonable accommodation may be denied if it would create an undue hardship for the city. The City Manager will provide notification in writing of denial based on undue hardship. Factors to be considered when determining whether an undue hardship exists include the cost of the accommodation, the city's overall financial resources, the financial resources of the particular facility at which the

accommodation is to be made, the number of employees at the facility, the total number of employees of the organization, and the type of operation.

### **Safety**

All employees are expected to comply with all safety procedures. The city will not place qualified individuals with disabilities in positions in which they will pose a direct threat to the health or safety of others or themselves. A "direct threat" means a significant risk to the health or safety of one's self or others that cannot be eliminated by reasonable accommodation. The determination that an individual with a disability poses a direct threat typically will be made by the City Manager and will be based on factual, objective evidence. A written copy of the determination will be given to the employee so that he or she may submit additional information and/or challenge the determination that he or she poses a direct threat.

### **Confidentiality**

All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

### **Complaints**

It is the policy of the city to prohibit any harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he or she has been subject to such treatment or has witnessed such treatment, the situation may be reported to any supervisory employee of the city, including the City Manager.

The city's policy prohibits retaliation against an employee for exercising his or her rights under the ADA or applicable state fair employment laws. Any employee found to have engaged in retaliation against an employee for exercising his or her rights or for making a request for reasonable accommodation under this policy will be subject to disciplinary action up to and including discharge. If an employee feels he or she has been retaliated against, the situation may be reported to any supervisory employee of the city, including the City Manager.

## **C. JOB ANNOUNCEMENTS**

Department heads who need to fill a job opening should contact the City Manager in order to begin the recruitment process. The City Manager, or ~~HR Department~~ Assistant City Recorder or designee, will prepare and publicize job announcements in order to bring notice of vacancies to as many qualified persons as possible.

**In-House Posting** - Notice of vacant regular positions may be distributed to all departments for posting on employee bulletin boards or for circulation among employees within that department, as applicable.

**Public Advertisement** - Applicants shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that qualified applicants are obtained for city service. The City Manager, or designee, and the department head will determine what forms of media to extend the advertisement. The advertisement may also be included on the city website. The type of advertisement used will be based on, but not be limited to position, skill requirement, and the level of response from other means of recruitment.

## **D. APPLICATIONS**

The city will make every effort to attract qualified applicants for every position. The appointing authority, or designee, will prepare and publish a public notice of vacancies in various media, tailored to attract potential candidates. The city may also provide notice of vacancies in alternate media, including taped messages, radio announcements, or other methods as applicable to ensure effective communication to someone with disabilities.

All employment applications are received at city hall by the Assistant City Recorder and given consideration.

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

1. declines an appointment when offered;
2. cannot be located ~~by the postal authorities~~ — it will be deemed impossible to so locate an applicant when a communication mailed to the last known address is returned unclaimed;
3. cannot be located via appropriate alternative means of communication;
4. is currently using illegal drugs or narcotics as determined by a post-offer, pre-employment drug test;
5. is found to have been convicted of a felony or misdemeanor dependent upon the nature and gravity of the offense, the time passed since the offense, and the nature of the job sought, if job-related;
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. does not possess the minimum qualifications for the position.

Applications are only accepted when vacancies exist and will only be considered for the specific position applied for. Applications will be retained according to the time frame as required by the records retention schedule.

## **E. RECRUITMENT BY EXAMINATION**

All appointments in the city 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.

## **F. TYPES OF EXAMINATIONS**

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

1. **Written Test** — This validated test, when required, will include a written demonstration designed to show the applicant's familiarity with the knowledge involved in the class of positions to which he/she is seeking employment.
2. **Oral Test** — This test, when required, will include a personal interview where the ability to deal with others, to interact with 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 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; or
  - b. pose a direct threat to themselves or others.
4. **Physical Agility Test** – When required, this consists of job-related tests of bodily conditioning, muscular strength, agility, and physical fitness of job applicants for a specific position. This test may be given weight in the examination process or may be used to exclude from further consideration applicants who do not meet the minimum required physical job-related standards.
  5. **Psychological Test** – When required, this will include any test to determine mental alertness, psychological state/stability, 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, post offer, drug testing will be conducted on all applicants offered employment. Positive results on the drug test can result in an applicant being denied employment.

## **G. NOTIFICATION AND INSPECTION OF EXAMINATION RESULTS**

Each person who takes an examination will be notified by ~~first-class mail or other appropriate means~~ the Assistant City Recorder of his/her standing on the eligibility list (if one is maintained) or of his/her passing or failing. Inspection of examination results will be permitted only during regular business hours at of the City Recorder.

## **H. 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 city or county. In cases where residents and non-residents are equally qualified for positions presently vacant, the residents may receive first consideration in filling such vacancies.

## **I. MEDICAL EXAMINATIONS, GENERAL PHYSICALS AND FIT-FOR-DUTY EVALUATIONS**

### **Pre-employment, post offer**

Following a conditional offer of employment, any prospective employee, based on job/position requirements, may be examined by a licensed medical provider designated by the city. 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 city. Following a conditional offer of employment, any prospective employee will be given a pre-employment drug screening by a licensed physician or drug testing provider designated by the city.

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 city withdrawn only if they:

1. cannot perform the essential functions due to a disability that cannot reasonably be accommodated; or
2. pose a direct threat to themselves and/or others.

## **Post-hire**

All employees of the city 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 position. 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.

The purpose of these examinations is to determine if the employee meets the necessary physical fitness standards ~~off~~for the position for which he/she was selected for. The cost of these medical examinations will be paid for by the city.

A medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an accommodation for a disability or has a questionable ability to perform current job duties or the duties of the job for which the employee is being considered.

When a city 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 ten (10) city business 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 city 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, or they may be separated from the city service only after it has been determined that they:

1. cannot perform the essential functions due to a disability that cannot reasonably be accommodated; or
2. pose a direct threat to themselves and/or others.

## **J. MINIMUM AGE**

The FLSA requires that employees of state and cities 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. The City of Millersville Fire Department age minimum is 18 and Police Departments minimum age is 21.

## **K. TYPES OF EMPLOYEES**

Employees of the city are generally classified as one of the following:

1. **Regular Full Time Employee** – A regular full-time employee is an employee who typically is scheduled to work forty (40) hours per week, is subject to all conditions of employment, and receives all benefits offered by the city unless specifically excluded by the city charter, code, or ordinance. Regular full-time employees serve an introductory period for purposes of benefit eligibility, depending on the benefit. All employees are "at will" and the city is an "at will" employer under Tennessee law. Employees have no property rights in employment.

2. **Regular Part Time Employee** – A regular part time employee is an employee whose hours cannot exceed an average of 32 hours per week. Regular part time employees may not be eligible for city benefits.
3. **Temporary/Seasonal Employee** – a temporary or seasonal employee may not work more than six (6) months per year.
4. **Volunteer Firefighters** – Volunteer firefighters are appointed by the fire chief when necessary. Volunteer firefighters are compensated a de minimis fee per fire-call and per training activity with no other benefits except coverage under the Volunteer Firefighters Insurance Coverage Policy.
5. **Police Reserve** – Upon approval of a police reserve program by the Board of Commissioners, reserve officers are volunteers appointed by the Police Chief and City Manager.

## L. **NEW HIRES, PROMOTIONS, DEMOTIONS, TRANSFERS AND REHIRES**

Pursuant to the city charter, the City Manager has the authority to hire, promote and transfer; and demote, suspend, and remove employees of the city; or may authorize the head of a department or office responsible to him/her to take such actions. All vacancies in the city service will be filled by new hires, re-employments, promotions, appointment, conditional hires, transfer, or demotion.

1. **New Hires** – The initial employment to a position with the city falls into three categories. They are:
  - a. **Original Hires** – when a non-employee passes all of the tests of employability and is offered conditional employment.
  - b. **Provisional Appointment** – when the city 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 (6) months in any (12) month period.
  - c. **Student Internship** – Students majoring in a field of value to the city from a qualified, cooperating educational institution may be employed on an “internship” basis. 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 maximum pay rate, rank, and responsibility. Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation. A promotion may require a competitive examination and application process.
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 city;
  - 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.
4. **Demotions** – A demotion is a voluntary or involuntary assignment of an employee from one position to another that has a lower maximum pay rate, rank, and/or responsibility that could result in a reduction of pay. All employees are "at will" and the city is an "at will" employer under Tennessee law. Employees have no property rights to employment. 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 to a higher grade, 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 certain types of leave (i.e., Military 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.
5. **Rehires** - Former regular full-time employees of the city, who are offered re-employment with department head recommendation and City Manager approval, shall not be entitled to prior service credit based on his/her previous city employment.

## **M. CITIZENSHIP AND IMMIGRATION STATUS VERIFICATION**

The city will not discriminate on the basis of a person's national origin or citizenship status with regard to recruitment, hiring, or discharge. However, the city 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.

## **N. INTRODUCTORY EMPLOYMENT PERIOD**

This will serve as notice to all employees that the employment relationship may be terminated by either the city or the employee at any time for any reason. All employees are "at will" and the city is an "at will" employer under Tennessee law. Employees have no property rights to employment.

The Introductory Employment Period for all regular appointments will be defined by the benefits plans in effect at the time of hire, and will serve only as a period after which the newly hired employee is benefits eligible.

## **O. FIRST DAY OF EMPLOYMENT / ORIENTATION**

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;
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 city vehicle) or some type of government issued identification;
7. Insurance and benefit enrollment forms; and
8. a list of dependents for benefits enrollment;
9. On Call Procedures form;
10. Take Home Vehicle form if applicable.

## **P. OUTSIDE EMPLOYMENT**

With the approval of one's department head "moonlighting" is permissible, provided that there is no conflict of interest or impairment of work performance for the city. Before outside employment begins, employees must present a written request describing the work to be performed and the outside work must be approved by the City Manager

Employees missing work because of sickness or injury that can be attributed to outside employment will not receive pay or other leave benefits for time lost from their city job unless mandated under applicable Federal or State laws. Approval of outside employment may be withdrawn for any of the above reasons. Police officers that provide security related duties for businesses or associations must perform work under proprietary security licenses, and may not wear city uniforms, insignia, or other city equipment when performing such duty.

## **Q. WORKDAY / WORKWEEK**

Pursuant to the FLSA, a workweek is a regular recurring period of 168 hours consisting of seven consecutive 24-hour periods. Generally, seven days per week constitute a workweek for regular employment. Public safety employee schedules may entail more or fewer days in the workweek.

## **R. HOURS OF WORK**

The City Manager, in conjunction with department heads, shall establish hours of work for each position and the hours during which offices shall be open for business. Public service needs will be taken into account in determining regular working hours. The City Manager shall have the discretion based upon staffing levels to establish a flex schedule, depending on the needs of the particular department.

## **S. ATTENDANCE**

Punctual and regular attendance is necessary for the city to operate efficiently. The city provides a variety of forms of leave to cover absence from work. Employees are expected to report for duty, and be ready to begin work by the start of the regular work day or their regular shift, unless on approved leave.

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. When this is not possible due to sudden illness or emergency, the employee is to notify his/her supervisor as soon as possible, and in all cases, prior to the start of the work day in which



the employee will be absent. Failure to notify one's supervisor of absences may result in disciplinary action. Employees found excessively tardy will be subject to disciplinary action.

## **T. TIME RECORDS**

All employees shall record actual hours worked on a time record. Department heads and supervisors shall review and sign all-time records.

The following rules shall apply to the use of time records:

1. Employees are responsible for recording/ entering their starting time, quitting time and total hours worked for each work day.
3. ~~Employees shall not remove a time record from the designated employee area or leave the premises with said time records.~~
24. Employees given permission by their supervisor to leave their job assignment for any purpose besides city business during work hours must sign out when leaving and sign in upon returning to work.
35. An employee failing to properly sign/validate his/her time record must have it immediately approved, initialed, or verified by a supervisor or department head to ensure payment for hours worked. Failure to properly record hours worked may result in not being paid for those hours in question on the time record. Continued non-compliance may result in disciplinary action.
64. No non-supervisory employee shall mark on, or alter, another employee's time record. Employees that alter another employees' time record shall be subject to disciplinary action.

## **U. NEPOTISM**

No member of immediate family (parent, sibling, spouse, child, or step-relationship of the prior listed) can supervise members of his/her immediate family. This does not preclude employment of immediate family members under other lines of supervision. If the city cannot reasonably transfer one of the family members to another department, and the family members can't decide which one will leave voluntarily, the employee in the more junior position will be subject to discharge.

Volunteers: A family member of an employee or elected official may participate as a volunteer fire fighter and volunteer police reserve if not under immediate supervision of a family member.

## **V. PERSONAL RELATIONSHIPS**

If a personal, romantic, or intimate relationship is established between two or more employees post-hire, it is the responsibility and obligation of the employees involved to disclose the existence of the

relationship to the City Manager. When a conflict or potential conflict arises due to the relationship affecting employment, the city reserves the right to make any and all employment decisions in the best interest of the city.

# **SECTION VI – LEAVE POLICIES**

Temporary, seasonal, volunteer, and regular part time employees are not eligible for the following leave and benefits.

Leave is a benefit to employees. It is not a privilege and can be altered and/or removed at any time by the city. The city's benefits and leave policies have been designed with the health and well-being of its

employees in mind. While leave adds to the benefit and compensation package of employees, it also adds intangible quality of life benefits which helps attract and retain a desirable workforce.

## **A. PAID HOLIDAYS**

The following days are considered paid holidays for all regular 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>Paid Holiday Schedule</b>	
<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>Juneteenth</b>	June 19th
<b>Independence Day</b>	July 4
<b>Labor Day</b>	First Monday in September
<b>Veteran's Day</b>	November 11
<b>Thanksgiving Day</b>	Fourth Thursday in November
<b>Day after Thanksgiving</b>	Friday after Thanksgiving
<b>Christmas Eve</b>	December 24 <sup>th</sup> or Day before Christmas
<b>Christmas Day</b>	December 25th

In addition to the holidays listed above, employees will be granted up to two (2) paid personal days off work per calendar year. Personal days off are classified as holidays to provide employees an opportunity to observe special occasions and holidays that may be unique to each individual. Except for new employees, paid personal days may be taken any time during the year with prior approval of the employee's supervisor. New employees hired on or before March 31st shall receive two (2) paid personal days off work during that calendar year. New employees hired between April 1st and August 1<sup>st</sup> (first) shall receive one (1) paid personal day off work during that calendar year. Paid personal days may not be scheduled during the first sixty days of employment or taken in partial day increments. Paid personal days may not be carried beyond the end of a calendar year and unused personal days shall not be paid upon termination and may not be used as part of the two-week notice of resignation.

### **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.

### **Regular Holiday Pay**

Employee must work their last regularly scheduled shift before a holiday (or approved, City-observed holiday as applicable) and their first regularly scheduled shift after a holiday to receive Holiday Pay. If a nationally observed holiday falls on a weekend, work performed on that weekend will be compensated at holiday rate. Pre-approved vacation or per-approved sick leave does not constitute forfeiture of holiday pay. Employees scheduled to work on the holiday, but who do not report to work (other than pre-approved or excused absence) as scheduled shall forfeit holiday pay.

All regular, full-time employees shall be entitled to eight (8) hours **holiday bonus** pay at their regular straight time hourly rate for each full holiday observed by the city. A holiday is defined as beginning 12:00 AM and ending at 11:59 PM on the day of the holiday, for those working during the holiday. Holiday

bonus pay is not granted as hours worked, and is not used in the calculation of hours worked for the purpose of calculating overtime.

To receive compensation for a holiday, employees eligible for holiday benefits must work on their last regular shift scheduled before a holiday and their first regularly scheduled shift after a holiday, unless on authorized and approved paid city leave (not including worker compensation leave). It will be the department head's responsibility to report to payroll the names, hours, and dates of employees who work holidays.

Any employee who is required/scheduled to work on a city observed holiday for reasons of operating efficiency shall be paid holiday bonus pay and paid for the hours worked. Actual hours worked on a holiday will be paid at 1 ½ time the employee's regular rate of pay. Actual hours worked on a holiday will count toward hours worked for purposes of calculating overtime.

#### **Recognized Holidays During Vacation Leave**

Recognized holidays falling within a vacation period are not to be counted as vacation days. Instead of being charged for vacation, the employee will be paid for the holiday.

### **B. ANNUAL VACATION LEAVE**

Vacation leave will be granted to regular employees, but may not be taken until the employee has completed one year/90 days of service. Vacation leave is to be taken following the period of time in which it is earned. For vacation purposes, time is earned beginning with the date of regular employment to the anniversary date each year.

For all individuals employed by the City of Millersville on 11/17/98 annual vacation time will be calculated according to the following schedule:

<b>Completed Months of Service</b>	<b>Weeks of Vacation Earned Per Year</b>
12-24 (1 -2 years)	1
25-60 (2 to 5 years)	2
61-120 (5-10 year)	3
120+ (10 years +)	4

For all individuals beginning or renewing employment with the City of Millersville after 11/17/98 annual vacation time will be calculated according to the following schedule:

<b>Completed Months of Service</b>	<b><del>Weeks</del> <u>Hours</u> of Vacation Earned Per Year</b>
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12-24 (1-2 years)	<u>140 hours</u>
25-96 (2 to 8 years)	<u>280 hours</u>
97-180 (8 to 15 years)	<u>3120 hours</u>
180+ (15 years plus)	<u>4160 hours</u>

For leave purposes, the service an individual has to his/her credit includes all time spent as a full-time employee of the municipality. (i.e., without a break in service other than as hereinafter provided). Vacations will be scheduled in advance for the mutual convenience of the employee and the city government so proper adjustments can be made in the work schedules. Department heads preparing vacation schedules will give choice of dates based on seniority of the personnel in their departments, and no employee may begin his/her annual leave until his/her request has been approved by the department head. Department Heads will provide a vacation schedule for a six-month period for their employees to the City Manager twice a year, in July and January

For vacation purposes, one week is defined as five work days. Annual vacation leave cannot be taken in less than one-day increments without approval of the city manager and department head. No employee may take more than five consecutive vacation days without the approval of the city manager and department head.

An employee who is voluntarily separated from city employment shall be paid for his/her unused vacation leave on a regular pay-period basis. The termination date shall coincide with the last date of pay. In no event will an employee who has not completed at least one year of satisfactory service receive vacation pay upon termination. Legal holidays falling within a vacation period are not to be counted as vacation days. Employees may not borrow against future annual vacation or transfer earned leave to another employee.

#### **Carry Forward Vacation Days:**

1. Up to four weeks or 160 hours of vacation may be carried forward from the preceding year.
2. If an employee, for a good and justifiable reason, does not have ample opportunity to take all of his/her vacation during a year, the City Manager may authorize the employee to carry forward five additional days or 40 hours of vacation.
3. Or, upon request of the employee, the City Manager may authorize payment in lieu of time off for the excess vacation time. In either situation, a memorandum will be placed in the employee's personnel file indicating the City Manager's approval of this additional carryover or payment. Under no circumstances will an employee be allowed to carry over more than twenty-five days or 200 hours of vacation.

Employees who resign their employment shall provide the City with a two-week notice of intent to leave. ~~Unless otherwise approved by the city manager, failure to work all of the two-week notice will result in forfeiture of an equivalent time of unused vacation pay.~~ Employees may not use any paid time off during their final two weeks without approval by the City Manager.

#### **Approval**

Vacation leave will be granted to eligible employees and approved by the department head. You must give your supervisor as much advance notice as possible. All requests for vacation leave must be submitted for approval to the department head at least twenty-four (24) hours in advance and approval of a request for leave must be given. The department head will take into consideration the requirements of

maintaining adequate service. Leave will be granted on a first come - first serve basis if possible, and in all cases will be approved/denied based on operational needs of the city.

All eligible employees who voluntarily terminate with appropriate notice from employment with the city will be paid for any accrued, unused 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.

## **C. SICK LEAVE**

Sick leave shall not be considered a right which an employee may use at his/her discretion, but rather as a privilege. Sick leave is intended as an insurance policy against the threat to an employee's income posed by a serious illness or accident. 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.

Each employee should attempt to build as much sick time as possible as a buffer against unexpected emergencies. Employees are encouraged to take sick leave when they are ill, but at the same time are cautioned against abuse of the sick leave privilege. New hires will be eligible to use Sick Leave after completion of 90 days of employment.

### **Accrual of Sick Leave**

Sick leave will begin to accrue at the rate of eight (8) hours per calendar month beginning the first of the month following 30 calendar days of employment. Sick leave can accrue to a maximum of 1,440 hours in the sick leave bank. Sick leave may not be taken until it is earned. Sick leave shall not accrue for the month if an employee is on unpaid leave for greater than half of the month.

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

1. Employee is incapacitated by illness or non-job-related injury
2. He/she is seeking medical, dental, optical, psychological or other diagnosis and treatment.
3. Necessary care for a member of the employee's immediate family when approved by their department head.
4. Death of a member of the employee's immediate family in addition to bereavement leave. Sick leave can be utilized for this purpose in the situation that additional time is needed but is limited to two (2) days except upon the approval of the department head and City Manager.
5. Any other reason that is allowable under state or federal law.

### **Immediate family members** (definition for purposes of sick leave policy only):

Spouse, parent or stepparent, children, stepchildren, legally adopted children, children taken in the home to raise under a properly executed court order and those blood relatives of the employee that are verifiably living in the home and dependent upon the employee for care, sister, brother, grandparents,

current mother-in-law, current father-in-law, current son-in-law, current daughter-in-law, step grandparents, grandparents-in-law, and grandchildren. Proof of these relationships may be required.

### **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.

### **Health Care Statement**

Supervisors have the right to request a healthcare provider's statement at any time. Whenever possible, an employee should provide a healthcare statement or other evidence of illness in writing. A healthcare statement shall specify that the employee was ill and unable to work on the specific dates of absence being requested as sick leave.

A healthcare statement must be presented to support any sick leave requests for extended illness. The use of a large number of sick leave hours, does not, in itself, indicate abuse of sick leave, nor does it constitute a poor sick leave record. Absences requiring three (3) or more days of sick leave will require a healthcare statement.

### **Sick Leave Abuse Prevention**

Employees who abuse sick leave or deliberately make, or cause to make, false or misleading statements or claims regarding the necessity for sick leave shall be subject to disciplinary action up to and including termination. Patterns of absence may indicate possible abuse of sick leave. Patterns could include but are not limited to, frequent use, frequent sick leave in conjunction with days off, holidays or vacation leaves, using sick leave as soon as it is earned or taking sick leave when other accrued leave is denied.

To prevent abuse of the sick leave privilege, department heads are required to satisfy themselves to the extent possible that the employee is genuinely ill before approving sick leave. An employee who is absent because of illness shall notify his/her supervisor or other appropriate person as soon as possible but at least prior to the start of the work day in which the employee will be absent. Department heads may set more stringent reporting requirements if necessitated by the nature of the job. Failure to call in as required may result in the absence being charged to leave without pay, in addition to any disciplinary action that may be indicated. An advance written request for sick leave is required whenever possible. 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 vacation leave may not change their designation to sick leave without proper healthcare provider documentation. Sick leave will not accrue if an employee is on leave without pay or suspension without pay for an entire month.

If sick leave abuse is determined, management should take the appropriate steps to counsel employees to improve their compliance with the policy. All supervisors confirming an absence as sick leave, knowing the cause not to be justified, or failing to report the absence, shall be subject to the same disciplinary action as the employee.

Employees may not borrow against future sick leave or transfer earned sick leave to another employee. An employee, upon exhausting all accrued sick leave, may use accrued vacation leave, or take leave without pay under qualifying circumstances.

### **Workers' Compensation**

Employees on Workers' Compensation Leave will not continue to accrue sick leave during the period of absence, if for greater than one-half of the entire month.

### **Termination of Employment**

Employees who terminate from employment with the city will not be paid for any accrued, unused sick leave.

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

### **Leave of Absence**

Employees on paid leave will continue to accrue sick leave. Sick leave will not accrue if an employee is on leave without pay or suspension without pay for an entire month.

## **D. LEAVE WITHOUT PAY**

After employees have exhausted their accrued sick leave and vacation leave, leave without pay may be granted at the discretion of the City Manager up to 90 days. It may be granted as a reasonable accommodation to qualified individuals with a disability, serious employee health condition or injuries or the serious health conditions of a member of the employee's immediate family; or for other lawful purposes.

Employees may also be placed on leave without pay if unable to perform his/her job or another job with or without a reasonable accommodation. Should employees later be able to return to work within 90 days, upon presentation of certification by a healthcare provider they may be given preference for employment in a position for which they are qualified, with the approval of the City Manager.

Benefits will remain in effect during this period of Leave Without Pay for the Employee only.

## **E. FAMILY AND MEDICAL LEAVE ACT**

### **Eligibility**

The Family and Medical leave policy is applicable to employees who have worked at least 12 months for the city and who have worked at least 1,250 hours during the preceding 12-month period, and work for an employer with 50 or more employees within a 75-mile radius of the work site. Until the city employs 50 or more employees in 20 or more workweeks in a current or prior calendar year, no employees will be deemed eligible for FMLA.

## **F. MATERNITY LEAVE**

A female employee, who has been employed full-time for at least one year with the City of Millersville and who gives at least three months advance notice of her anticipated date of departure, length of maternity leave and intentions to return to full-employment, may be granted maternity leave for a period not to exceed four months for the purpose of pregnancy, childbirth and the nursing of an infant. Sick leave may be granted for maternity purposes; otherwise, the employee will be granted a leave of absence without pay.

An employee desiring maternity leave shall notify her department head. Return to duty must be accompanied by a release statement from the employee's attending physician.

## **G. MILITARY LEAVE**

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

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

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

## **H. MILITARY RESERVISTS LEAVE**

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

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

Qualified employees who seek paid leave under this policy must provide the official order calling for their service or training to their supervisor. Employees will receive full compensation for a period of twenty (20) days (or 160 hours) of military leave each calendar year, excluding holidays and scheduled off days. Such leave will not be charged to any form of accrued paid leave. An employee requesting military leave shall provide the city the dates for training and travel time in advance. After the twenty (20) working days (or 160 hours) of full compensation, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, may use up to five (5) days of sick leave in lieu of vacation leave for the purposes of not having to take leave without pay.

Pursuant to T.C.A. § 42-7-102, members of the United States air force auxiliary civil air patrol who participate in a training program for the civil air patrol, or in emergency and disaster services, as defined in T.C.A. § 58-2-101, are entitled to a leave of absence with pay for a period of not more than fifteen (15)



days during a calendar year for such purposes if the leave of absence is at the request of the employee's wing commander or the wing commander's designated representative. Employees granted leave are entitled to their regular salary during the time that they are away from their regular duties. All the rights and benefits of the employee continue as if a leave of absence had not been granted.

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

## **I. ADMINISTRATIVE LEAVE**

Upon recommendation of the employee's department head and review by the human resource department and approval of the City Manager, employees may be placed on administrative leave at full, partial, or no pay for a variety of purposes, when it is determined that it is in the best interest of the city.

Absences under Administrative Leave may also be authorized when an employee is under investigation or otherwise required to be absent from duty, but not covered by vacation or sick leave. An employee may also be placed on administrative leave as a disciplinary measure.

## **J. JURY DUTY LEAVE**

When an employee receives a summons to report for jury duty, he/she is required to provide a copy of the summons to his/her immediate supervisor within one (1) business day of receiving the summons. Upon presentation of the summons, he/she will be excused from employment for the day or days required while serving as a juror in any court of the United States or the state of Tennessee; provided, that such employee's responsibility for jury duty exceeds three (3) hours during the day for which excuse is sought.

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 city will pay the employee such employee's usual compensation and may deduct an amount equal to the fee or compensation the employee received for such employee's jury service.

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.

## **K. COURT LEAVE**

Employees are authorized official leave to attend court on city related business as a result of a subpoena. If at any time during the judicial process the employee is released from such duty, the employee shall immediately report for work to his/her supervisor if said time is within the employee's normal duty hours. Upon return to duty, the employee shall furnish evidence of having rendered the service required for the court service. The employee may be required to sign over his/her court pay check (if applicable) to the city, and will receive his/her regular salaries for the period of court leave. Court leave is not charged to any form of accrued paid leave.

An employee who is issued a subpoena on a non-city related business matter must use vacation, or unpaid leave, for any time during which he/she would be scheduled to work. An employee will not be

paid his/her regular wages unless testimony is dependent on his/her observations or actions while acting in their capacity as an employee of the city.

## **L. INCLEMENT WEATHER LEAVE**

It is the city's intent to remain open through all-weather situations unless it is determined that the essential functions of the city cannot safely be administered. This decision will be made by the City Manager and will be communicated via appropriate media outlets.

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; and
2. The employee reports to work immediately if a change in weather conditions allows safe transportation to the work site.

If the above conditions are not met, 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.

In situations where advanced notice of closure is known the City Manager will communicate such closure via appropriate media outlets. If individual city government operations are closed due to inclement weather, all non-essential personnel who would have been scheduled to work will be provided administrative leave with pay.

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.

Essential personnel who are required to work during city closures will be paid equivalent to hours paid in administrative leave for non-essential personnel as an inclement weather bonus equal to time and a half. Additional pay for inclement weather bonus will not be counted as hours worked for purposes of calculating overtime.

## **M. VOTING LEAVE**

It is the policy of the city 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 regular full-time employee appointed by a county election commission to work regular 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.

## **N. BEREAVEMENT LEAVE**

It is the policy of the city to provide all regular full-time employees time off without loss of pay due to the death of an immediate family member. An employee who is absent during his/her regularly scheduled work week 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 three (3) regularly scheduled work days. Immediate family shall be deemed to include (spouse, sibling, child (stepchild), parent (stepparent), grandparent, grandchild, and any individual in which the employee stands in loco parentis).

At the discretion of the City Manager or designee, vacation leave time may be used in the event of the death of an extended family member.

## **O. DEATH OF AN EMPLOYEE**

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

# **SECTION VII – SAFETY**

## **A. WORKPLACE SAFETY**

Workplace safety is everyone's responsibility. The City Manager serves as the safety official and is designated as the city Safety Director for coordination and purposes of reporting to OSHA and TOSHA and other regulatory safety agencies. As part of the safety management plan, the city, its management and employees are responsible as follows:

### **Employee Responsibility**

- a. Employees will follow prescribed safety rules and Policies provided for their benefit. Each employee is responsible to use all safety equipment and devices provided by the city in performing required job duties.
- b. Employees will identify safety problems, and carry out each work assignment or task in a safe and responsible manner. If an accident occurs, the employee is required to immediately complete an employee's report of accident/injury, and report the incident immediately to his/her supervisor.
- c. The employee is responsible to cease work immediately and cause the stoppage of work of other employees if the operation of unsafe equipment or working environment exists.
- d. The appropriate corrective measures will be undertaken by the supervisor to remove the unsafe work condition or cause the repair of unsafe equipment. Under no circumstances should an employee be directed to continue to work in an unsafe work site or operate unsafe equipment until the unsafe condition has been properly addressed.
- e. Failure to properly report an unsafe condition or piece of equipment may result in disciplinary action.

- f. Failure to properly respond to the need for correcting an unsafe workplace condition or unsafe piece of equipment may result in disciplinary action.
- g. Should an unsafe work site or equipment condition cause a disruption in completing the task, the supervisor will immediately reassign the employee to other duties until such time as he/she may continue the required work to complete the assigned task.

Each department may develop specific safety rules pertinent to their respective department. Safety rules shall be submitted to the City Manager or designee for review and approval prior to implementation. Approved departmental safety rules have the same force and effect as these Human Resources Policies.

## **B. WORKERS' COMPENSATION**

An employee of the city who suffers injury or illness because of a work-related accident or condition shall receive compensation during the period of illness or injury by the State Compensation Insurance Fund in accordance with the Tennessee Worker's Compensation Act. Worker's compensation pays an employee 66.67% of their weekly salary once the employee has been disabled for more than seven (7) days. Compensation will be made as of the eighth day of disability due to an occupational injury. If the employee is disabled for fourteen (14) days or more, worker's compensation will pay the employee retroactively from the first full day of absence from work up to the return date to work. Employees receiving worker's compensation payments may not supplement their pay with accrued paid leave. Employees may use accrued paid leave for the first seven (7) days while off work under worker compensation.

Employees shall report any injury or illness incurred in, or arising out of, the course of their employment, however minor, to the supervisor. Failure to make such a report may disqualify the employee from receiving Workers Compensation benefits.

## **C. MAXIMUM MEDICAL IMPROVEMENT**

Upon reaching Maximum Medical Improvement under applicable Tennessee Workers' Compensation laws, the employee's medical condition shall be assessed as to the permanent medical restrictions and their ability to perform the essential duties of their normal work assignment. If the injured employee cannot return to his/her regular position, the City Recorder in conjunction with the City Manager shall seek reasonable accommodation as indicated in the ADA policy. Reasonable accommodation will be provided to qualified, disabled individuals unless the accommodation would pose an "undue hardship" on the city.

## **D. SAFE USAGE OF CELL PHONES**

Employees who operate a city vehicle and/or equipment are not to use a handheld cell phone, either personal or business, while driving. Cell phones shall not be used while re-fueling city vehicles or equipment. In the event cell phone use is necessary, employees are required to take appropriate safety measures including, but not limited to, using hands free accessories, using speakerphone or pulling over to a safe location to respond to the call. The City Manager or designee has the authority to restrict or prohibit use of cell phones at any time on the job when use may present a safety hazard to the employee, co-worker and/or to the general public and private property. Employees in violation of this policy shall be subject to disciplinary actions.

# **SECTION VIII – EMPLOYEE BENEFITS**

## **A. INSURANCE BENEFITS**

### **Health Benefits**

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

### **Eligibility**

Regular, full time, employees are eligible for health benefits upon the first of the month following completion of thirty (30) calendar days of service their hire date.

### **Benefit Effective Dates**

The health benefits plan document will determine the effective date of coverage.

### **Health Coverage**

Eligible employees must enroll for coverage within (60) days of employment or a qualifying event. Temporary employees, seasonal employees, and interns are not eligible for medical coverage.

### **Annual Open Enrollment / Transfer Period**

Each plan year employees will have the opportunity during annual open enrollment to make changes to their benefit plans. Health plans, benefit designs, eligibility rules, and premiums are subject to change each plan year based on the previous year's claims experience.

### **Vision, Wellness and Flexible Benefits Coverage**

Additional coverage such as vision, wellness and flexible benefits may be available. Please contact the Assistant City Recorder to enroll in the above referenced benefits.

### **Contribution**

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

### **Qualifying Events**

Employees are responsible to notify the city 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 employees' regularly scheduled work hours, or a dependent change in status (i.e., school status). Some qualifying events will allow employees to make changes to benefits including adding or dropping dependents or terminating / adding coverage. Employees should notify the city within (30) days of experiencing a qualifying event.

### **Health Insurance Portability and Accountability Act (HIPAA)**

The city will provide appropriate administrative, technical, and physical safeguards to protect the privacy of protected health information (PHI) by safeguarding information from intentional or unintentional use or disclosure.

The city shall not disclose PHI unless it has a valid, signed authorization. The city will take appropriate disciplinary action against any members of the workforce who fail to comply with the privacy policies and procedures.

The city shall refrain from intimidating, threatening, coercing, discriminating or retaliatory acts against employees who exercise their rights under the Act.

Appropriate employees shall receive training on the policies and procedures with respect to protected health information (PHI) as necessary and appropriate for the employees to perform their jobs.

### **Genetic Information and Nondiscrimination Act (GINA)**

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

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

## **B. COBRA – CONTINUATION COVERAGE**

Under the federally mandated Consolidated Omnibus Budget Reconciliation Act (COBRA), the city 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 city for the same coverage.

Some examples of qualifying 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 city 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 other than for gross misconduct, 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 other than for gross misconduct, 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 Manager 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**

The city shall provide regular full-time employees group life coverage, and an opportunity to participate in a supplemental life insurance plan. Coverage shall be effective first of the month following their hire date~~completion of thirty (30) calendar days of employment with the city.~~

The current rate of coverage for employees shall be reviewed and determined on a periodic basis. The city contribution rate shall be set by the governing body, and reviewed upon receipt of any notice of rate change provided by the insurance carrier or agent.

### **D. UNEMPLOYMENT COMPENSATION INSURANCE**

The state of Tennessee offers unemployment benefits through the Employment Security Division. The city is a participating employer in the program.

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

If an employee becomes unemployed, the individual should visit the local office of the Tennessee Department of Employment Security to determine eligibility for benefits under the Act.

### **E. TRAINING**

Employees are encouraged to take advantage of education and training benefits offered to employees of the city to improve their job skills and qualify for promotions. These benefits are limited to training and education that are relevant to the employee's current position or determined by management to provide the employee with expanded skills and abilities to contribute to the goals and objectives of the city.

These benefits will be available to all employees on a first-come, first-serve basis, subject to availability of budgeted funds provided annually by the city during the budget process, and upon the prior approval of the City Manager or designee.

#### **Training Requests**

Requests for education and training may be initiated by either the employee or department head. The department head is responsible ~~to work for~~working with his/her employees to identify training opportunities that would be of value to the department and the city, and to notify employees of the

opportunity to gain additional training. Individual employees shall also share the responsibility for training by notifying the supervisor and/or department head of training opportunities that would be of value to the employee and the department.

The City Manager will authorize or require employee attendance and participation at conferences, seminars, workshops, or other functions of a similar nature that are intended to improve or upgrade the employee's job skills.

Requests to attend training sessions, when possible, should be made at least (10) days prior to the deadline for registration. The City Manager, based on the department head's recommendation, will determine who will attend training sessions based upon verification of available fiscal resources.

When a request for training is approved, the employee's cost for registration, tuition and publications, transportation, lodging, and other reasonable expenses (as appropriate) will be covered by the city.

## **F. UNIFORMS**

Employees must sign a written agreement in advance of receiving uniforms agreeing to reimburse the city for the prorated/depreciated cost of uniforms not returned upon separation from employment.

Upon separation, the employee is required to return all uniforms purchased by the employer in good condition. Lost or damaged uniforms may result in a deduction from the employee's final paycheck, as long as pay is not reduced to below minimum wage.

## **SECTION IX – DRUG AND ALCOHOL TESTING POLICY**

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the city has adopted this drug and alcohol testing policy. This policy complies with the Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. The types of tests required are: pre-employment, transfer into safety sensitive position, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up. Other employees determined to be classified as safety sensitive may be required to participate in the random drug and alcohol screening program.

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

1. being on duty or performing work in or on city/town property while under the influence of drugs and/or alcohol;
2. engaging in the manufacture, sale, distribution, use or unauthorized possession of drugs at any time and of alcohol while on duty or while in or on city property;
3. refusing or failing a drug and/or alcohol test administered under this policy;
4. providing an adulterated, altered, or substituted specimen for testing;



5. use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and
6. use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures

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

#### **Voluntary disclosure of drug and/or alcohol use**

In the event that an employee of the city is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the City Manager or City Recorder in private.

Such voluntary desire for help with a substance abuse problem may be honored by the city, as long as the accommodation for treatment does not place an undue hardship on the city. If substance abuse treatment is approved, the employee will be removed from service pending completion of the treatment. Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

Approved employees of the city are entitled to up to thirty (30) consecutive calendar days for initial substance abuse treatment as follows:

1. The employee must use any paid leave available.
2. In the event accumulated vacation and sick leave is insufficient to provide the medically prescribed and needed treatment up to a maximum of thirty (30) consecutive calendar days, the employee will be provided unpaid leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum 30-day treatment period.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional (SAP) monitoring the employee's treatment. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The City Manager and City Recorder of the city will consider each case individually and set forth final conditions of reinstatement to duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in disciplinary action up to, and including, dismissal.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the city. Voluntary disclosure provisions do not apply to applicants. Employees testing positive during drug and/or alcohol testing under this policy are subject to disciplinary action.

#### **Exceptions**

This policy does not apply to lawful 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 lawful possession, use, or provision of alcohol and/or drugs.

### Employee confidentiality/protection

The information received by the city through the drug-free workplace program will be maintained as confidential to the extent authorized by law.

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

### **A. WORKPLACE VIOLENCE**

The city is committed to preventing workplace violence and to maintaining a safe work environment. It is the policy of the city 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 city's activities. Employees and customers are to be treated with courtesy and respect at all times.

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

The city will not tolerate bullying, or 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 slurs; offensive flirtations or propositions; verbal intimidation; exaggerated criticism or name-calling; spreading untrue or malicious gossip about others.
  - b. Physical Harassment – Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.
  - c. Visual Harassment – Displaying derogatory or offensive posters, cartoons, publications or drawings.
  - d. Bullying – Workplace bullying refers to unwanted aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. The imbalance of power involves the use of physical strength, access to embarrassing information, or popularity to control or harm others. This behavior may be performed by individuals (or a group) directed towards an individual (or a group of individuals).
2. All employees are required to follow all applicable laws while in the performance of their duties.

Under no circumstances are the following items permitted on city property, including city-owned parking areas, except when issued or sanctioned by the city for use in the performance of the employee's job:

- a. dangerous chemicals;
  - b. explosives or blasting caps;
  - c. 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 city, including the City Manager. The city will promptly investigate reports of workplace violence including suspicious individuals or activities. The City Manager 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 Manager may request that the Police Chief provide assistance to the City Manager or assume responsibility for the investigation. **Employees are obligated to report instances of harassment.** Employees are also obligated to cooperate in every investigation of harassment. The obligation includes, but is not limited to coming forward with evidence, both favorable and unfavorable, for a person accused of such conduct; fully and truthfully make written reports or verbally answer questions when required to do so by an investigator. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action.
  4. Copies of the investigative report with recommendations for appropriate action will be turned over to the City Manager as appropriate for further action.
  5. Anyone determined to be responsible for threats of, or actual violence, or other conduct that is in violation of this policy will be subject to prompt disciplinary action up to and including termination.
  6. Employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisors or the City Manager before the situation escalates into potential violence. The city is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns. Employees have the right to file a police report at their own discretion.
  7. Employees are prohibited from interfering or attempting to interfere with any departmental investigation.
  8. False allegations will be dealt with on a case-by-case basis, and depending on the outcome, may include disciplinary action up to and including termination of employment.

## **B. SEXUAL HARASSMENT**

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

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

Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women. An employee who feels he/she is subjected to sexual harassment should immediately contact an administrative person with whom the employee feels the most comfortable. The City Manager is designated 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 appointed by the City Council.

### **Making harassment complaints**

An employee who feels he/she is subjected to 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 immediate supervisor,
2. a department head,
3. the city recorder,
4. the City Manager,
5. the mayor,
6. a member of the Board of Commissioners and/or
7. the city attorney.

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

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

Disciplinary action may be taken against an employee who fails to report instances of harassment, or who fails or refuses to cooperate in the investigation of a complaint of harassment, or who files a complaint of harassment in bad faith. Employees are prohibited from interfering or attempting to interfere with any departmental investigation. False allegations will be dealt with on a case-by-case basis, and depending on the outcome, may include disciplinary action.

## **C. EMPLOYEE ASSISTANCE PROGRAM**

### **Types of Assistance Available**

The city 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, either constantly or intermittently.

To support our employees, the city:

1. Encourages employees to seek help if they are concerned that they or their family members may have personal issues.
2. Encourages employees to utilize the services of qualified professionals to assess issues and identify appropriate sources of help.
3. Ensures the availability of a current list of qualified professionals through the EAP.

It is the policy of the city to handle such issues within the following framework:

#### **Voluntary EAP Participation**

- a. The city recognizes that almost any human issue can be successfully treated, provided it is identified in its early stages and appropriate referral is made, whether the issue is one of physical, mental or emotional illness, finances, marital or family distress, alcoholism, drug abuse, legal issue or other concerns.
- b. When an employee's job performance or attendance is unsatisfactory and the employee is unable or unwilling to correct the situation, either alone or with normal supervisory assistance, a cause outside of the realm of job responsibilities may be the basis of the issue.
- c. The purpose of this policy is to assure employees that, if personal issues are a contributing factor to unsatisfactory job performance, the employee will receive careful consideration and an offer of assistance to help resolve these problems in an effective and confidential manner.

#### **Management Referral**

If deemed appropriate, the City Manager may require an employee to participate in mandatory referral to the EAP to attempt to resolve undesired workplace behavior. As work-related problems occur, the city will not diagnose employee personal issues to try to find causes. If it appears that the employee cannot, or will not, improve his/her performance or attendance, the employee may be referred to the EAP.

The initial assessment with the EAP may be scheduled during regular work time, provided that the time away from the employee's department is approved by the City Manager. If approved, the employee will be paid for this time away from the department at the regular rate of pay, but only for the initial assessment. Counseling time extending past the employee's regular scheduled work shift will not be compensated. The employee may use sick leave for subsequent visits.

## **SECTION XI – POLITICAL ACTIVITIES/PROTECTED SPEECH**

### **A. POLITICAL ACTIVITY**

The city encourages all employees to participate in the political process by registering and voting in each election. However, it is necessary to implement some policies to avoid conflict of interest between political activity and public employment in a city position.

City 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 city will not compensate employees for time when the employee is not performing work for the city. Any time off from work used by the employee for participation in political activities shall be limited to earned days off, vacation days, or by any other arrangements worked out between the employee and the city.

Law enforcement officers may engage in political activity, support or be in opposition to any candidate, party or measure in any election when not on duty or acting in such officer's official capacity. When off duty, no officer shall be prohibited from engaging in political activity or denied the right to refrain from engaging in such activity

City 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. The city will not compensate employees for time when the employee is not performing work for the city. 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 city.

In all other elections for public office, 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 city will not compensate employees for time when the employee is not performing work for the city. 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 city.

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

## **B. COMMUNICATING WITH ELECTED PUBLIC OFFICIALS**

An employee of the city has a right to communicate with elected public officials for any job-related purpose under the Public Employee Political Freedom Act ("PEPFA") T.C.A. § 8-50-601-604. No provision of this policy shall be construed to prohibit the city from correcting or reprimanding an employee for making untrue allegations concerning any job-related matter to an elected public official.

## **C. CANDIDACY FOR OR ELECTION TO OTHER PUBLIC OFFICES**

An employee of the city may become a candidate for non-city political offices, provided that candidacy and/or election of, does not create a conflict of interest with his/her city position and subject to meeting obligations of his/her job as an employee.

# **SECTION XII – MISCELLANEOUS BENEFITS**

## **A. USE OF CITY VEHICLES AND EQUIPMENT**

All city vehicles and equipment are for official use only as outlined in the Vehicle Take Home Policy. No other person other than a city employee may operate a city vehicle or piece of machinery. ~~Passengers may be carried only as part of official business.~~ Drivers and/or operators must have a valid driver's license and other certifications as required for a particular vehicle or piece of equipment and be approved by the department head or the City Manager. For further detail, see the City of Millersville Vehicle Take Home Policy - Resolution 21-R-29.

## **B. DRIVER LICENSES**

Any employee who is required as an employment condition to operate a city vehicle must possess and maintain an appropriate valid driver's license. Any employee who drives a city vehicle must immediately

inform his/her supervisor if his/her license becomes denied, expired, restricted, suspended, or revoked. Periodic review of employees' driving records may be conducted by the Assistant City Recorder.

### **C. SOLICITATION – OPTIONAL POLICY**

The city 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.

### **D. PERSONAL COMMUNICATIONS**

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

### **E. CITY-OWNED ELECTRONIC COMMUNICATION DEVICES**

The city may provide and assign city-owned cell phones or electronic communication devices to employees when it will enhance employee productivity and provide a higher level of service. Business cell phones or electronic communication devices are typically provided to positions that require immediate and on-going communication due to management responsibilities, field operations and emergency response purposes. Business cell phones or electronic communication devices shall be used for appropriate business purposes in the most cost-effective manner possible. Since they are provided to conduct city business, the employee should limit personal usage to calls that are essential. The use of business cell phones for essential personal business calls must be kept to a minimum and shall not interfere with the conduct of city business. Department heads may review at any time records to monitor appropriate use. The cost of any long-distance personal telephone calls, even of an emergency nature, shall be paid by the employee and not the city.

If an individual is abusing the privilege of using a city cell phone or electronic device, disciplinary action may be taken, along with discontinuation of the use. Employees must be aware that any electronic communication devices owned by the city is open to audit for monetary and/or content review. The records of any communications sent or received from a city-owned electronic device is subject to inspection by any member of the public pursuant to the TN Public Records Act.

### **F. 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.

### **G. PERSONAL CONDUCT**

Employees are representatives of the city, and as such, are expected and encouraged to conduct themselves at all times in a manner so as not to bring discredit upon the city.

### **H. DRESS CODE**

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

## **I. NON-SMOKER PROTECTION ACT**

The city 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 are transported in the vehicles. Violators of this policy will be subject to disciplinary action.

## **J. HUMAN RESOURCES RECORDS**

Human Resources records for each employee are kept on file and maintained in a secure manner by the Assistant City Recorder. The Human Resources File for each employee may contain, but not be limited to the

following information: 1) Human Resources action forms noting position and wage information; 2) performance evaluation forms and other documentation related to an employee's job performance; 3) employment documentation including application and resume, employee data sheet, and income tax deduction forms; 4) outside employment forms; 5) official commendations, training and education records including certificates and diplomas; 6) complete documentation pertaining to all disciplinary matters and corrective actions; 7) information relative to grievance proceedings, and complaints of discrimination and harassment filed by the employee; and, 8) all applicable benefits records. 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 including change of address, telephone number, marital status, draft status, beneficiaries, number of dependents, or completed education/training maintained in the Human Resources file by notifying the City Recorder. The city shall not be held liable when incorrect withholding, wrong beneficiaries, or loss of employee benefits result from the failure of any employee to keep Human Resources records current.

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

1. The City Recorder shall maintain a complete (master) file of each employee's records, which will contain necessary information, as determined by applicable provisions within these Policies. The master file shall be the central file containing all employee information.
2. Each department head may maintain a file on each employee in his/her charge. The file shall be limited to performance evaluations, attendance records, official memos, letters, and information related to an employee's salary history. All information contained in this file must also be present in the master file.
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 maintain separate files on their subordinates. The file shall be limited to performance evaluations, attendance records, official memos, and letters. All information contained in this file must also be present in the master file.
5. Employee information may be collected from employees whenever possible, but the city may use outside sources for other information were allowed by law.
6. Worker's Compensation documents will be maintained in a separate file in the custody of the City Recorder.
7. Medical information obtained from city provided medical examinations are the property of the city, and will be maintained in a secured file system separate from an employee's official Human Resources record. Medical information may include, but not be limited to the following: benefit documentation such as health insurance forms, fitness for duty examinations, drug testing results,



medical information related to leaves of absence, inoculation records, etc. These documents will be maintained in a secured file system that is not open for public inspection. These procedures are in accordance with applicable laws.

### **Employees' Access to Human Resources Records and Management Files**

Employees may have access to and review their own Human Resources files during normal business hours. If the employee disagrees with any information found therein, the employee may submit a written disagreement to the City Manager, which will be attached to the specific document in the file(s). Contents of employee files may not be removed. An employee desiring to access the Human Resources file of another employee must follow the procedures for public records requests.

### **Employees' Access Procedures**

Employees may contact the Assistant 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 to be provided with a copy of any of the file's contents subject to the city's policy on copy charges.

### **Disclosure of Applicant and Employee Records and Information**

The content of applicant and employee Human Resources files is open to public inspection under the Tennessee Public Records law; however, some personal information has been deemed confidential under state and federal law. Only the City Manager is authorized to disclose information about applicants and employees to outside inquirers. 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 applicants and employees;
2. legally issued summonses or judicial orders, including subpoenas and search warrants; and
3. others as legally allowed by state and federal law.

Requests for copies of detailed applicant and employment information shall be made in writing and should be directed to the City Manager who will then forward to the appropriate departments. Requests for public inspection of applicant and employee records shall be directed to the City Manager who will then inform the appropriate departments.

Police Department applicant and employment records may be exempt from public access pursuant to state law. All requests for applicant and employment records shall be reviewed by the Chief of Police on a case-by-case basis. When a request is for a professional, business, or official purpose, and includes a request for personal information as defined by T.C.A. § 10-7-504(g), the Chief of Police (or custodian of files) must notify the officer prior to disclosure. The officer must be given a reasonable opportunity to be heard to oppose the release of the information. If the Chief of Police decides not to disclose personal information, the requestor must be notified within two (2) business days from the request and the files shall be released with personal information redacted.

Confidential information will be redacted out of any Human Resources files that are requested for inspection, as per Tennessee Law. Adequate time will be allotted to allow for redaction of such information as allowed by law. All requests will be completed promptly, and in a responsive and timely manner.

## **K. COMPUTER USE AND MONITORING**

Computers, the internet, e-mail, as with other technologies, should be used to maximize the city's efforts in serving its citizens. It is every employee's duty to use the city's computer resources and communication devices responsibly, professionally, ethically and lawfully. These policies are not intended to, and do not, grant employees any contractual rights.

### **Computer Use Policy Overview**

The computer resources are the property of the city and should be used for legitimate business purposes. While personal use of city computer resources is not forbidden, it is discouraged. Personal use shall be minimal and shall not interfere with the performance of the employees, or other employees', job duties and responsibilities. Employees are permitted access to the computer resources to assist them in performing their jobs. Confidential information should not be provided using e-mail or shared with individuals who are not employed by the city without authorization.

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 city in connection with the conduct of its business and are the sole property of the city.

### **Waiver of Privacy Rights**

Employees expressly waive any right of privacy in anything they create, store, send or receive using the computer resources. Employees consent to allowing the city to access and review all materials employees 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, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information or any other basis protected by law, or is fraudulent, harassing, 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**

The city purchases and licenses the use of various computer software programs. Without prior authorization and proper licensing, employees 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 city computer resources; (d) download any software from the internet or other online service to any city 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, employees must comply with all software licenses and copyrights and all state, federal and international laws governing intellectual property and online activities.

### **Communication of Confidential Information**

Unless expressly authorized by the city, sending, transmitting or otherwise disseminating confidential information is strictly prohibited.

### **Monitoring Usage**

The city may monitor any and all aspects of the use of computer resources. The circumstances under which monitoring of computer resources will occur includes: monitoring sites visited by employees on the internet, monitoring chat groups and news-groups, reviewing material downloaded or uploaded by employees to the internet, and reviewing e-mail sent and received by others. Employee violations of any of the provisions outlined in this policy may subject employee to disciplinary action.

### **Public Records**

All correspondence sent and/or received by employees related to city business is public record under the Tennessee Public Records Act and may be subject to public inspection under the law.

## **L. SOCIAL MEDIA USE AND INTERNET POSTING**

### **SECTION 1: IN GENERAL**

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

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

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

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

### **SECTION 2: CITY OWNED OR CREATED SOCIAL MEDIA**

The city may choose to establish and maintain an online presence. The provisions of Section 2 apply to city employees posting content in an official capacity on city-owned or created social media platform or on any other platform.

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

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

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

A social media site shall also contain a clear and conspicuous statement that the purpose of the site is to serve as a mechanism for communication between the City and its citizens/customers and that all postings are subject to review and deletion by the City.

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

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

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

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

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

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

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

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

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

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

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

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

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

## **SECTION XIII – SEPARATIONS AND DISCIPLINARY ACTIONS**

### **A. TYPES OF SEPARATIONS**

All separations of employees from positions with the city 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 city property in the employee's custody must be transferred to 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.

## **B. RESIGNATION**

In the event an employee decides to leave the city's employ, a two (2) week notice shall be given to his/her supervisor so that arrangements for a replacement can be made or unused vacation will be forfeited. In such a case, employees will be expected to return any/or all city equipment assigned. An unauthorized absence from work for a period of three (3) consecutive working days may be considered by the department head as a resignation.

If a former employee returns to city 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/REDUCTION IN FORCE**

To establish an effective and equitable process in the event that a reduction-in-force is necessary. A reduction-in-force may be determined by the City Manager.

This Regulation applies to all regular full time, regular part time and temporary employees. "Provisional" or "Grant Appointment" employees, hired for a specific period covering the duration of an assigned project, are not subject to the provisions of this Policy. State-funded positions, which the city supplements, may be subject to a reduction or elimination of the city supplement. A loss of the city supplement may not ultimately result in a position reduction.

In the event that a reduction-in-force becomes necessary, consideration shall be given to organizational needs, the quality of each employee's service, and seniority in determining retention.

For the purpose of this Regulation, it is understood that upon determination that a reduction-in-force becomes necessary, a RIF plan may be implemented based on the circumstances.

Discharge, demotion or layoff because of lack of work, reduction-in-force, or job elimination is non-grievable under the City's Grievance Policy and Procedure.

The City retains the right, at any time, to abolish positions and terminate the employment of employees because of economic necessity, reorganization to improve efficiency, and other operational reasons.

## **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. The medical evidence must show that the disability prevents the employee from performing the essential functions of the job. The city may require an examination at its own expense to be performed by a licensed physician of its choice. If there is a disagreement the employee may request a second examination performed and paid for by the employee. In the event of a disagreement in the two opinions, a third opinion may be obtained with both parties sharing the cost of the examination.

## **E. RETIREMENT**

## **TENNESSEE CONSOLIDATED RETIREMENT SYSTEM (TCRS) POLICY**

Retirement is defined as voluntary withdrawal from City employment by an employee eligible to receive retirement benefits under Social Security, or the Tennessee Consolidated Retirement System.

Retirement benefits are based upon the Policies of the retirement system in which the employee is enrolled and any other applicable provisions that may be in effect at the time of that employee's retirement.

All regular employees with the City are eligible to receive employer contributions in the City's retirement plan. Contributions will begin with the first pay period of continuous employment with the city. Membership in this plan is mandatory for eligible employees. Temporary and part time employees are not eligible for membership in any City sponsored retirement plan.

### **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. DISCIPLINARY ACTION**

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

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

Examples of disciplinary action are:

1. oral reprimand,
2. written reprimand,
3. suspension,
4. demotion, and
5. dismissal

### **H. ORAL REPRIMAND**

When an employee's performance, attitude, work habits, or personal conduct fall below a desirable level, the supervisor may inform the employee promptly and specifically of such lapses and shall give him/her counsel and assistance. A reasonable period of time for improvement may be allowed before initiating further disciplinary actions. Any documents created relating to the oral reprimand shall be placed in the employee's human resources file.

### **I. WRITTEN REPRIMAND**

In situations where an oral warning has not resulted in the expected improvement or when more severe initial action is warranted, a written reprimand may be delivered to the employee, and a copy will be

placed in the employee's Human Resources folder. The supervisor administering the reprimand may advise the employee that the action is a written reprimand and emphasize the seriousness of the problem; cite previous corrective actions and/or informal discussions relating to the offense; identify the problem and/or explain the offense; inform the employee of the consequences of continued undesirable behavior; detail corrective actions and identify dates by which the correction actions shall be taken.

At the conclusion of reviewing with the employee, a signed copy of the written reprimand will be given to the employee and a copy placed in the employee's Human Resources folder. It is recommended that the affected employee sign the written reprimand to indicate that he/she has seen the document and to acknowledge receipt of the employee's copy. Should the employee refuse to sign the written reprimand, the supervisor should obtain a witness to sign and date the form and so indicate the employee's refusal to sign. An employee who disagrees with the written reprimand may place a written statement of his/her objection in the Human Resources file.

## **J. SUSPENSION**

An employee may be suspended with or without pay by the City Manager, or designated department head upon approval by the City Manager.

## **K. DISCIPLINARY DEMOTION**

The City Manager may choose to demote an employee as a means of enacting disciplinary measures. A demotion is an assignment of an employee from one position to another that has a lower maximum pay rate, rank, and/or responsibility that could result in a reduction of pay.

## **L. TEMPORARY REASSIGNMENT**

Disciplinary removal of the employee from his/her specific job duties and may be reassigned temporarily pending the outcome of an investigation upon approval of the City Manager.

## **M. DISMISSAL**

The City Manager may dismiss an employee for cause, for no cause, or for no reason at all, as long as the termination is not for unlawful cause – employees are 'at-will' employees and have no property rights to employment.

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 city 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 city charter, Human Resources ordinance, or these rules

## **N. GRIEVANCE PROCEDURES**

A grievance is defined as an expression of dissatisfaction; disagreement or dispute arising between a current employee and his/her supervisor and/or employer with some aspect of his/her employment, application or interpretation of regulations and policies, or some management decision affecting him/her. A grievance may be something real, alleged, or a misunderstanding concerning only administrative orders involving the employee's health, safety, physical facilities, equipment or materials used. Such misunderstandings, points of view, and opinions will be considered a complaint, except in cases where they relate to personnel actions arising out of pay, suspension, and dismissal.

It is the City's desire to address grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be occasional situations that will be resolved only after a formal appeal and review.

Employee(s) who have a grievance should first discuss it with their immediate supervisor, a higher-level supervisor, and/or the Department Head within five business days following the incident or immediately upon returning to work from a separation. Every employee may present a grievance under the provisions of the grievance procedure free from fear of retaliation of any kind concerning employment.

### **STEPS OF THE GRIEVANCE PROCEDURE ARE AS FOLLOWS:**

**Step 1.** The employee files an oral or written grievance with the immediate supervisor within five business days of the incident or immediately upon returning to work after a separation. A formal Grievance/Disciplinary Appeal Form is located in the appendix of this manual. An employee should give the supervisor copies of any witness statements or other supporting documents. It is the responsibility of the immediate supervisor to promptly consider the grievance and take action. The supervisor shall inform the employee of his/her decision in writing within three business days. The supervisor shall provide a copy of his/her decision to the Department Head. Any supervisor in the chain of command shall attach a copy of his/her recommendation regarding the unresolved grievance if it proceeds to a higher level. No supervisor may hold a grievance longer than three business days without forwarding it to the next supervisory level.

**Step 2.** If the issue cannot be resolved between the employee and his/her supervisor, the employee may proceed to the second step. Before proceeding, an employee must reduce the request to writing and request that the Department Head review the written grievance and supervisor's response. If an employee wishes a meeting with the Department Head, one will be arranged. If a meeting is held the employee may bring a representative with them to the meeting. Upon hearing the grievance, the Department Head must provide a written response to the employee and the immediate supervisor within three business days of the meeting.

**Step 3.** If the issue still cannot be resolved by the Department Head, the employee may request in writing a meeting with the City Manager. An employee may bring a representative with them to the meeting. The City Manager shall have ten business days to schedule the meeting after which, the City Manager shall provide a written response to the employee with copies to the Department Head and immediate supervisor. Every attempt will be made to



resolve the employee's grievance. The City Manager's decision shall be final and binding on all parties involved.

## ACKNOWLEDGEMENT OF RECEIPT

This is to acknowledge that I have received a copy of the City of Millersville Human Resource Policy and Procedures, and understand that it outlines certain the city policies, procedures and benefits as may exist at the time of publication. I understand that it is my responsibility to familiarize myself with all information within the Personnel Policies.

I understand that the Personnel Policies do NOT constitute a contract of employment; rather it is merely a statement of policies and procedures. I understand that the contents of the Personnel Policies do not confer any rights on or promises to me or guarantee my employment for any period. I understand that the city can alter, eliminate, or otherwise change any policy, information, or benefit described in the Personnel Regulation by action of the governing body. I understand that it is my responsibility to review the manual periodically to observe any recent changes.

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

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

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

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

Printed Name

Date

---

Signature



**CITY OF MILLERSVILLE, TENNESSEE**

**RESOLUTION 22-R-21**

**A RESOLUTION TO AWARD THE ROOF REPAIR CONTRACT FOR  
OLDER SECTION OF CITY ADMINISTRATION BUILDING AND  
AUTHORIZE THE CITY MANAGER TO SIGN THE CONTRACT.**

**WHEREAS**, the City of Millersville (The City) maintains all city owned sewers; and

**WHEREAS**, the City recognizes the need for the consistent and orderly maintenance of its buildings; and

**WHEREAS**, the City has advertised and accepted bids for repairs to the older section of the buildings roofs closing those bids on December 16, 2022; and

**WHEREAS**, the City reviewed the bid and selected the best and most appropriate bid to benefit the City.

**NOW THEREFORE, BE IT RESOLVED** by the Millersville Board of Commissioners that the bid from Ensley Roofing and Exteriors as shown in '*Exhibit A*' attached hereto was selected as the best and most appropriate bid, therefore made part of this Resolution. The Millersville Board of Commissioners awards the bid to Ensley Roofing and Exteriors and authorizes the City Manager to execute a contract for the amount outlined in '*Exhibit A*'.

**RESOLVED**, this 17<sup>th</sup> day of January 2023.

BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Tommy Long, Mayor

Attest:

By: \_\_\_\_\_  
Holly L. Murphy, City Recorder



## Ensley Roofing and Exteriors

Brandon Head  
1246 Louisville Hwy  
Goodlettsville, TN 37072

(615) 887-3745  
firechief@cityofmillersville.com

ESTIMATE  
ESTIMATE DATE  
TOTAL

#336  
Dec 15, 2022

CONTACT US  
209 Putter Point Dr  
Gallatin, TN 37066

(615) 265-9040  
jacob@ensleyexteriors.com

### ESTIMATE

#### Services

amount

Roofing - Screw Down Metal Roof Replacement: Old City Hall Building

\$28,800.00

- Remove and replace screw down metal roof
- Install High Temp Ice and Water barrier
- Haul off all debris and thoroughly clean property
- \*Price includes all labor and material
- Color: TBD

Roofing - Metal Roof Repair: Fire Base

\$800.00

Labor and material to repair the following:

- Reseal roof penetrations on the fire base building in problem areas

Roofing - Metal Roof Repair: Police Building

\$400.00

Labor and material to repair the following:

- Reseal roof penetrations on the police building in problem areas

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Subtotal \$30,000.00

Total **\$30,000.00**

Thank you for your business!

City Hall Roof Bids 12/16/22

Ensley Roofing and Exteriors	\$ 30,000.00
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