
CITY OF RED BOILING SPRINGS EMPLOYEE HANDBOOK



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1.0 INTRODUCTION TO PERSONNEL REGULATIONS

The City of Red Boiling Springs, TN Personnel Policies and Procedures, hereinafter referred to as "Personnel Regulations," adopted by resolution, is applicable to all employees of the city whose activities and functions are subject to the control and direction of the mayor. These policies and procedures and all other city manuals do not bestow any additional rights to employees regarding employment or employment benefits. These policies and procedures are not part of a contract and no employee has any contractual right to the matters set forth herein. **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 Personnel Regulations shall be made available to all employees. Regular employees will receive a hard copy of the regulations 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 regulations during work hours, may also review the master copy.

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.

2.0 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 Personnel 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, genetic information, communication with an elected public official, free speech, refusing to participate in or remain silent about illegal activities, exercising a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law.

The 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 Personnel administration policies are to:

1. promote and increase efficiency and economy among employees of the city;
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;
4. establish and maintain a uniform plan of evaluation and compensation; and
5. establish and promote high morale among the employees by providing good working relationships, a uniform Personnel policy, opportunity for advancement, and consideration for employee needs and desires.

3.0 ADMINISTRATION

These rules will be administered by the mayor and in conformity with the resolution establishing a Personnel system.

The governing body is responsible for the appointment of all employees (upon recommendation by the mayor), establishment of overall policy guidelines for the operation of city government including adoption of the Personnel Regulations and amendments thereto, and development and adoption of an annual fiscal budget.

4.0 SEVERABILITY

If any chapter or section of these regulations is found to be in conflict with Federal, State or city laws and regulations, 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 regulations is or becomes invalid

or unenforceable, such invalidity or unenforceable nature will not affect or impair any other chapter or section of these regulations.

5.0 EQUAL EMPLOYMENT OPPORTUNITY

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

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, educational assistance, layoffs, termination and retirement.

6.0 AMERICANS WITH DISABILITIES ACT (ADA)

Purpose

The purpose of this policy is to provide a policy in compliance with 42 U.S.C. 12101 et. seq.: The Americans with Disabilities Act (ADA) as amended. The **city** is committed to the fair and equal employment of individuals with disabilities under the ADA. It is the **city'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 **city**. 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, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment and all employees.

Eligibility

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

Disability

“Disability” refers to a physical or mental impairment that substantially limits one or more major life activities. A “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 a 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 and does not place undue hardship on the **city**.

Essential Job Functions

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

Requesting a Reasonable Accommodation

An applicant or employee with a disability is responsible for requesting an accommodation from the mayor or his or her supervisor, and engaging in an informal process to clarify what the applicant or employee needs and to identify possible accommodations. The city will inform the applicant or employee of his/her rights under the ADA and document the interactive process discussions. An applicant or employee may be required to provide documentation from an appropriate professional, such as a doctor or a rehabilitation counsellor, concerning the applicant's disability and functional limitations. If an applicant or employee disagrees with the result of the medical examination, the applicant or employee may request a second examination performed and paid for by the applicant or employee. In the event of a disagreement in the two previous medical opinions, a third opinion may be obtained with both parties sharing the cost of the examination.

The applicant or employee should describe the problem created by a workplace barrier so that an appropriate accommodation may be considered. Typically, the mayor will work with the applicant or employee to identify possible reasonable accommodations and to assess the effectiveness of each in allowing the applicant or employee to complete the hiring process or 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. 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 mayor 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 organization'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 mayor 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 mayor and will be based on factual, objective evidence. A written copy of the determination will be given to the applicant or 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.

Complaint Procedure

It is the policy of the city to prohibit any harassment of, or discriminatory treatment of, applicants or employees on the basis of a disability for requesting a reasonable accommodation. If an individual 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 mayor.

The city's policy prohibits retaliation against an applicant or 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 applicant or employee for exercising his or her rights or for making a request for reasonable accommodation under this policy will be subject to disciplinary action up to and including discharge.

7.0 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.

8.0 COVERAGE

The Personnel Regulations will apply to all employees unless otherwise specified. Temporary, seasonal and regular part time employees are subject to all regulations but may not have access to insurance benefits, leave accrual, holiday pay, or retirement benefits.

All offices and positions of the city classified as exempt from coverage by these policies are:

1. all elected officials;
2. the city administrator (if one is appointed);
3. members of appointed boards and commissions;
4. consultants, advisers, and legal counsel rendering temporary professional service;
5. the city attorney;
6. independent contractors;
7. volunteer personnel appointed without compensation; and
8. the city judge.

Some policies apply to all employees and officers of the city including those in the list above, such as policies related to discrimination and/or harassment, and policies required by state or federal law.

9.0 COMPENSATION

It shall be the policy of the city to strictly adhere to the provisions of the Fair Labor Standards Act (FLSA) as applied to Tennessee municipalities. Salaries of individual employees will be set within ranges as

approved by the city, within budgeted fiscal resources. Exceptions must be specifically approved by the city. These exceptions will be approved during the budget approval process by the governing body.

The compensation plan is intended to provide fair compensation for all classes of positions in the classification plan. The city may develop, with the assistance from staff, comparative studies of factors affecting the level of salary ranges and recommend to the governing board 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 governing body.

10.0 OVERTIME PAY

When it becomes necessary for an employee to work overtime hours they will be paid time and one half their regular rate of pay for hours actually worked. Overtime should be authorized by prior approval of the department head or mayor.

Non-exempt employees working eight (8) hour shifts who are required to work additional hours shall be paid at the rate of one and one-half (1 ½) times the regular rate of pay when the employee has already worked forty (40) hours in the work week, or if fewer than forty (40) hours are worked in the workweek, after eight (8) in a workday upon supervisor authorization.

Public safety employees who are working twelve (12) hours shifts who are required to work additional hours will be paid on a 14 day work period basis, in which they will be paid at the rate of one and one-half (1 ½) times the regular rate of pay when the employee has already worked eighty (80) hours in that 14 day work period, or if fewer than eighty (80) hours are worked in that work period, after twelve (12) hours in a work day.

Additional hours worked during a legal paid holiday, will not be paid at the overtime rate unless the number of hours worked exceeds the overtime thresholds designated above.

11.0 CALL-BACK PAY

An employee who is called back to work on an emergency basis will be compensated at one and one-half (1 ½) times their regular rate of pay for hours worked when called back. This only applies when an employee is asked to return to work after completion of the work day. If an employee is required to work longer than their regularly scheduled shift they will be paid their regular rate of pay for hours worked until they have met their designated overtime threshold.

12.0 ON-CALL PAY

The Utility and Public Works Departments will have at minimum one (1), and maximum two (2), employee(s) on call each week to respond to emergent work. On call time will be served in one (1) week increments, and will require availability of on-call personnel for each twenty-four (24) hour period in that week. Employees who serve as on-call will have added to their pay eight (8) hours at their regular rate of pay for the week in which on-call service was required. Employees will receive pay for actual hours worked when called into work to perform emergent work.

13.0 PAYCHECKS

All employees of the city will be paid on a weekly basis, with the exception of police officers, who are paid on a bi-weekly basis. Employees will receive their pay via paper paycheck. If you have questions about

your work time, salary, or paycheck, call it to the attention of the mayor or city clerk within the pay period in question or immediately thereafter.

Final Pay – Final pay will be issued to the employee no later than 21 days following the date of dismissal or resignation. In unusual circumstances, a department head may make arrangement for earlier payment.

If the employee is absent on payday and wishes to have another individual obtain his/her paycheck, the employee must have designated, in writing, the individual(s) to whom the paycheck can be released. The designee must present photo identification at the time of release.

Lost Paychecks – Employees are responsible for their paychecks after they have been issued. Checks lost or otherwise missing should be reported immediately to the payroll department so that a stop-payment order may be initiated. The city clerk will determine if and when a new check should be issued to replace a lost or missing check.

14.0 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 regulations.

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 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. charity contributions approved by the city, and

- j. 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)).

15.0 JOB ANNOUNCEMENTS

Department heads who need to fill a job opening should contact the mayor in order to begin the recruitment process. The city recorder will prepare and publicize job announcements in order to bring notice of vacancies to as many qualified persons as possible.

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 mayor and the department head will determine what forms of media to extend the advertisement. 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.

16.0 APPLICATIONS

Applications are only accepted when vacancies exist and will only be considered for the specific position applied to. Applications will not remain active once a position has been filled. Applications will be retained according to the time frame as required by the records retention schedule.

17.0 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.

18.0 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 mayor. The mayor 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;
 - 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 drug testing will be conducted for all positions. Positive results on the drug test can result in an applicant being denied employment.

19.0 NOTIFICATION AND INSPECTION OF EXAMINATION RESULTS

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

20.0 MEDICAL EXAMINATIONS, GENERAL PHYSICALS AND FIT-FOR-DUTY EVALUATIONS

Pre-employment, post offer

Following a conditional offer of employment, every prospective employee, when required, may be examined by a licensed medical physician 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.

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 mayor to undergo an initial and/or periodic examination to determine their physical and mental fitness to continue to perform the work of their positions. These examinations shall be at no expense to the employee. Determination of physical or mental fitness will be made by a physician designated by the city.

Following a conditional offer of employment, every prospective regular full time employee will be given a pre-employment physical examination and a drug screening by a licensed physician designated by the city. The purpose of these examinations is to determine if the employee meets the necessary physical fitness standards of the position for which he/she was selected for. Regular part time, seasonal or temporary employees may be subject to medical examination as determined by the department head with concurrence from the mayor. 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 (5) business days from the date of his/her notification of such determination, indicate in writing to the mayor 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.

21.0 MINIMUM AGE

The FLSA requires that employees of state and city employers 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.

22.0 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 is typically 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. All employees are “at will” and the city is an “at will” employer under Tennessee law. Employees have no property rights to employment.
2. **Regular part time Employee** – A regular part time employee is an employee who works part time hours on a consistent basis and is regularly scheduled fewer than forty (40) hours per week unless approved by the mayor on a sporadic basis.
3. **Temporary Employee** – A temporary employee is an employee who may work part or full time hours, but works on a temporary and sporadic basis for no more than three (3) months in a twelve (12) month period.
4. **Seasonal Employee** – A seasonal employee is an employee who may work part or full time hours, but works on a seasonal basis for no more than nine (9) months in a twelve (12) month period.
5. **Volunteer Employee** – A volunteer is an individual who works for the city for no compensation.
6. **Volunteer Firefighter** – A volunteer firefighter is an individual who works on a per-call basis, and is paid a deminimis amount per call.

23.0 NEW HIRES, PROMOTIONS, AND DEMOTIONS

Pursuant to the city charter, the governing body has the authority to appoint and discharge all employee of the city, and the mayor has the authority to promote, demote, transfer, and suspend officers and employees of the city. All vacancies in the city service will be filled by new hires, re-employments, promotions, appointment, conditional hires, transfer, or demotion.

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 competition.

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 will typically result in a reduction of pay.

24.0 ATTENDANCE

Employees are required to report to work on time and as scheduled. When an employee misses work, is late or must leave early, he or she shall, to the extent possible, discuss the matter with his or her supervisor, prior to the absence. The City recognizes that some absences are legitimate and do not

support the issuance of corrective action. An employee who fails to report to work for two (2) consecutive working days without contacting a supervisor will be separated from employment with the city, except in situations where there are extenuating circumstances.

25.0 BULLETIN BOARDS

The city provides bulletin boards to convey information about city, state, and federal laws and other business related issues. Other City or work related information may be posted on bulletin boards i.e., career opportunity bulletins, employee training schedules, internal City memorandums, etc. Prior to any employee posting any information or materials on a City bulletin board, the information or material must be approved by the mayor

26.0 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.

27.0 SAFE USAGE OF CELL PHONES

Employees who operate a city vehicle and/or equipment are not to use a hand held 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 mayor 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.

28.0 COMPUTER, EMAIL AND INTERNET

The City shall provide certain employees with a computer, connection to the internet and to electronic mail (email) to facilitate their official work. Effective use by these employees should facilitate communications, access to and the sharing of information and increase productivity. The employees shall act in a responsible, professional and prudent manner when using computer, email and internet. Such

use shall not bring discredit to the City nor be used for personal gain, monetary or otherwise. Improper use shall include, but is not limited to: violation of copyright or licensing laws; not safeguarding City information; unnecessary or excessive downloading of software, pictures, wallpapers, calendars, etc. for personal use or pleasure; visiting sexually explicit web sites; viewing sexually explicit materials; excessive activity unrelated to job responsibilities; performing political campaign, religious, fund raising or public relations activities; conduct which is in violation of the law; engaging in any activity for personal gain or benefit; playing games; opening emails from unknown senders; and connecting a personally owned computer peripheral or software to the City's computing or network system.

Note: Most information stored on City computers, including an employee's email correspondence, is a public record which is subject to public inspection under the Tennessee Public Records Law.

29.0 CONFLICT RESOLUTION/GRIEVANCE PROCESS

The City is committed to providing employees an effective and responsive conflict resolution/grievance process.

This is an informal process whereby an employee discusses his/her employment concern with his/her supervisor(s), other management staff or the City mayor in order to reach a mutual understanding or solution. The process is available to all employees and can be instituted by an employee by verbal request to his/her supervisor. It is the expectation that supervisors and employees make every effort to resolve employment concerns promptly as they arise.

The process should be used:

1. When an employee believes that a violation, misinterpretation or misapplication of the City's policies, rules, regulations, ordinances or administrative order has occurred; or
2. When an employee believes that a work-related issue, condition or concern is inequitable, unfair, unreasonable or unsafe as set forth in the established practices, policies, rules, regulations, ordinances or administrative orders of the City.

30.0 NEPOTISM PROHIBITED.

No member of the immediate family of the council may be hired by and begin employment with the city during their term of office and no member of the immediate family of the city administrator may be hired by and begin employment with the city during his or her employment with the city. The immediate family is defined as the employee's spouse, children, father, mother, brother, sister or the spouse or children of the above. No member of the same family can supervise members of his/her family. This does not preclude employment of 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.

31.0 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. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident in and of itself may justify severe initial disciplinary action.

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 any employee at any time and for any reason, with or without cause, or for no reason at all, as allowed by law. There may be occasions the city takes disciplinary actions short of termination against an employee.

The types of disciplinary action options are:

- oral reprimand,
- written reprimand,
- reduction in pay,
- suspension,
- demotion, and
- dismissal

32.0 DRESS, UNIFORM AND APPEARANCE

Although the city has no formal dress code, employees are asked to wear clothing suitable to the type of work done and to the environment in which the employee works. Clothing should be neat, clean and should not constitute a safety hazard. Interpretation of this rule will be left to the mayor.

Shorts, sneakers, T-shirts, sweat suits, and other items of casual clothing that, in the opinion of the mayor are inappropriate for a work environment or disruptive to other employees will not be permitted. An employee who does not meet the standards of this policy will be required to take corrective actions, which may include leaving the premises to correct the issue and return to work. Any work time missed because of failure to comply with this policy will not be compensated, and repeated violations of this policy may be cause for disciplinary action.

33.0 DRUG AND ALCOHOL TESTING POLICY

All employees in safety-sensitive positions (such as gas employees, equipment / vehicle operators that require a Commercial Driver's License, etc.) are subject to alcohol and drug testing in accordance with the Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143, Title V) and the Natural Gas Pipeline Safety Act (49 CFR Part 199). Other employees may be subject to drug testing in accordance with the drug testing policy of the municipality. The municipality's procedures for drug testing can be found in the City Recorder's office.

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 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.

34.0 EMPLOYEE PRIVACY

Most employment records maintained by the City are open for public inspection under state law. The City will protect information in those records which is confidential under law. The City may inspect City owned property, including lockers, desks, storage containers and vehicles, at any time. Such inspections may be made for safety purposes, or to prevent illegal or prohibited items or substances or for any other reason.

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36.0 EMPLOYEE REFERENCES

All requests for references on former employees by new prospective employers are to be referred to the City mayor for response. No employee has the authority to respond to any request for references, as it could lead to liability for the City if incorrect and improper information is provided.

37.0 FRATERNIZATION

The City intends for this policy to prevent favoritism, avoid misunderstandings, protect the company from sexual-harassment claims and avoid the loss of morale that may occur from fraternization. The policy is not intended to prevent employees from forming close personal relationships with colleagues.

Any relationship that interferes with the City's culture of teamwork, the harmonious work environment or the productivity of employees, will be addressed by applying the progressive discipline policy up to and including employment termination. Adverse workplace behavior or behavior that affects the workplace that arises because of personal relationships will not be tolerated.

38.0 GIFT ACCEPTANCE

No employee shall accept any gift gratuity, service or favor offered that would lead toward favoritism, tend to influence the employee in the discharge of his or her duties, or give the appearance of favoritism or

impropriety to a disinterested third party of ordinary sensibilities unless allowed under the city Code of Ethics § 4-505 of the Municipal Code.

39.0 BEREAVEMENT LEAVE

Three (3) consecutive days of paid leave will be granted to an employee to attend any funeral or memorial service in the event of the death of an immediate family member. Immediate family is defined as an employee's spouse, child, parent, parent-in-law, brother, sister, brother-in-law, sister-in-law, grandparent and grandchild. One (1) day is allowed for the death of any other relative. After using bereavement leave, an employee may use, with approval, vacation leave or leave without pay; in this order.

40.0 HOLIDAY LEAVE

The following holidays shall be observed:

New Year's Day	January 1st
Dr. Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Thanksgiving Companion Day	Friday after Thanksgiving
Christmas Day	December 25th
Christmas Companion Day	December 24th or 26th
Floating Holiday	As determined

*Safety Day

** A regular, full time city employee who completes a calendar year (January 1 through December 31) without experiencing a recordable injury or chargeable accident will receive one (1) day off with pay in the subsequent year. This day cannot roll over from year to year.*

The City mayor shall determine the date on which the Christmas companion day is observed by the closing of City Offices. The floating holiday may be observed on any scheduled workday agreeable to the

employee and supervisor in consideration of employee preference and City operational requirements and must be taken within each calendar year or be forfeited. To be eligible to receive the floating holiday, a regular full time employee must have completed six (6) months of employment.

A full-time employee may observe other religious holidays and charge such time away from work in the following order: floating holiday, vacation or leave without pay.

Holiday benefits are forfeited in the case of: (1) An unauthorized leave of absence without pay for a work day immediately prior to, or following, the holiday; or (2) an unauthorized absence when scheduled to work on a holiday.

41.0 JURY OR COURT LEAVE

An employee who receives a summons for jury duty, or who receives a subpoena to testify in a matter which arose as a direct result of employment with the City, should immediately inform his/ or her supervisor. The employee will be granted leave for as long as the employee's attendance is required by the court. The employee will be compensated at regular City pay and may retain any other pay received for such court service.

42.0 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.

43.0 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.

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

Active State Duty: Army/Air National Guard and TN State Guard, Civil Air Patrol

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

Pursuant to T.C.A. § 42-7-102, members of the United States air force auxiliary civil air patrol who participate in a training program for the civil air patrol, or in emergency and disaster services, as defined in T.C.A. § 58-2-101, are entitled to a leave of absence with pay for a period of not more than fifteen (15) days during a calendar year for such purposes if the leave of absence is at the request of the employee's wing commander or the wing commander's designated representative. Employees granted leave are entitled to their regular salary during the time that they are away from their regular duties. All the rights and benefits of the employee continue as if a leave of absence had not been granted.

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

44.0 LEAVE OF ABSENCE WITHOUT PAY

After employees have exhausted their accrued sick leave, vacation leave, leave without pay may be granted at the discretion of the mayor 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.

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, upon presentation of certification by a healthcare provider they shall be given preference for employment in a position for which they are qualified, with the approval of the mayor.

If the employee exhausts all of his/her annual and sick leave and still needs time off for personal health reasons, he/she may apply for a leave of absence without pay for up to three (3) months if he/she is a regular full time employee. The request for leave must be given to the mayor at least thirty (30) days prior to the start of the requested leave unless the leave is an emergency.

The mayor may or may not approve the request for a leave of absence without pay. The decision is at his/her discretion, unless the leave qualifies under the Americans with Disabilities Act, or Military

Leave. Some of the matters considered in approving the request are the employee's length of service, employment record and the reason for the absence.

While an employee might originally request a leave of absence without pay for a period of three (3) months, it is possible that extensions may be granted. However the total leave and extensions for any one cause cannot exceed one (1) year.

Leave without pay may be granted only when the employee has used all his/her accrued available vacation leave, and/or sick leave as applicable. Leave without pay may also be used as a disciplinary measure. Employees will not be eligible for accrual of sick and vacation leave while he/she is on an approved unpaid leave of absence.

Employees must notify the mayor of the anticipated date of return to work prior to that date. When an employee returns from an approved leave of absence without pay, he/she may be placed in his/her previous or a similar position, if available. If the same or similar position is not available, the employee may receive preference for employment in any available position for which he/she is qualified.

If the employee fails to return to work at the conclusion of the leave of absence without pay, the employee may be subject to disciplinary action. If the employee is unable to return to work, he/she is responsible for requesting an extension, in advance, from the mayor.

Maintenance of Benefits during Leave of Absence Without Pay

The city is not required to maintain employee benefit coverage while the employee is on leave of absence without pay that is not protected under applicable Military Leave. In cases where the leave of absence without pay would trigger a qualifying event (such as a termination of coverage) due to a reduction in work hours, COBRA will be offered.

45.0 VACATION LEAVE

Full-time employees shall accrue vacation leave based on the following schedule beginning with initial date of employment. However, an employee may not use accrued vacation leave until completion of six (6) months of employment.

<u>Completed Service</u>	<u>Hours per month accrued</u>
0 through 5 years	3.34 hours/mo
6 through 10 years	6.67 hours/mo
11 through 15 years	10.00 hours/mo
15+ years	13.33 hours/mo

No more than 160 hours may be maintained in a vacation leave bank at any time.

The use of vacation leave must be approved prior to use. Vacation may be used in maximum increments of ten (10) days unless authorized by the Mayor.

Any unused, accrued vacation leave will be paid out upon voluntary separation from employment with appropriate notice.

46.0 SICK LEAVE

All full-time employees shall be given one day (8 hours) of sick leave with pay for each month of work for the City. Police officers working twelve (12) hour shifts shall be given one day (12 hours) of sick leave for each month of work for the City. Sick leave will have no cap on accumulation, but shall not be paid out upon separation from employment. Upon retirement under TCRS, unused sick leave will be utilized for length of service benefit calculation. Employees may not borrow against future sick leave but shall be allowed the transfer of earned sick leave to another employee when an employee's special need arises. Such transfer must be approved, in each case, by the City Council. An employee, upon exhausting all earned sick leave may use earned annual leave or take leave without pay.

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. To prevent abuse of the sick leave privilege, the Mayor may require a physician statement for any absence for which sick leave is requested. An employee who is absent because of illness shall notify his/her supervisor as soon as possible but at least prior to the start of the work day in which the employee will be absent.

47.0 MEAL PERIODS AND REST BREAKS

To the extent practical, unpaid meal periods will be uniform for employees in similar job positions and shall not be less than thirty (30) minutes in duration. Rest breaks are permitted up to twenty minutes and may be taken all at once or at different times. Rest breaks may not be used to alter arrival or departure time or used in conjunction with the meal period.

48.0 OUTSIDE EMPLOYMENT

The City mayor may authorize outside employment. A full-time or part-time employee must receive approval from the City mayor prior to engaging in outside employment. Any potential conflict of interest or appearance of impropriety will be considered in the approval process. Forms to request outside employment are available from your supervisor.

49.0 OVERTIME COMPENSATION

Exempt employees, as defined by applicable state and federal laws, are not eligible for overtime compensation.

Non-exempt employees are eligible to receive overtime compensation in accordance with applicable law. Employees will be paid overtime for all actual hours worked over forty (40) hours in a work week [sworn police personnel are paid overtime after eighty (80) hours in a fourteen (14) day work period].

50.0 PERFORMANCE EVALUATION

A performance evaluation system has been established based on standards for quality and quantity of work done, the manner in which the service is rendered, faithfulness to duty and other relevant criteria. Performance evaluations are given on to the employee prior to completion of sixty (60) days of employment and subsequently each year in conjunction with their anniversary date of employment. At this

time is when the employee will be given, if approved by City mayor and City council by majority vote, their yearly pay raise.

51.0 PERSONNEL FILES

The City will retain official employment records and shall determine what records are placed in personnel files. Employee personnel files are the property of the City and do not belong to the employee. However, upon request, the City will provide employees with copies of performance evaluations and other performance-related documents that the employee has previously received. Personnel files are public records, because the City is a public employer, which are open for public inspection under the Tennessee Public Records Law. Certain types of personal information contained in the personnel files are confidential and the City will take all steps reasonably necessary to preserve that confidentially.

52.0 PERSONNEL INFORMATION

It is your responsibility to provide current information regarding your address, telephone number, insurance beneficiaries, change in dependent, marital status, direct deposit, etc. Changes in exemptions for tax purposes will only be made upon the receipt of a completed W-4 form. To obtain forms and provide updated personnel information, contact your supervisor.

53.0 POLITICAL ACTIVITY

An employee shall not participate in political activities while on duty; or use City property, equipment or resources on behalf of, or while participating in, political activities. Notwithstanding the foregoing, an employee shall: have the same right to be candidate for, and to hold, any federal, state or local political office except for any elected office of the City of Red Boiling Springs and have the right to participate in political activities by supporting or opposing political parties, political candidates and petition to governmental entities.

54.0 RESPONSIBILITIES OF THE JOB

It is the responsibility of each employee to fully comply with all City policies, work rules, directives and procedures; to perform work in a productive and efficient manner; to follow all safety rules and utilize safe working methods; and to maintain positive working relationship with the public, peers, subordinates and superiors. Employee behavior that is not consistent with these performance expectations and the best interest of the City will be subject to disciplinary action up to and including dismissal.

55.0 SAFETY

The City believes in maintaining safe and healthy working conditions for our employees. To achieve our goal of providing a safe workplace, each employee must be safety conscious. All employees are responsible for their personal safety as well as the safety of others. The City has established policies and procedures that provide for a safe and healthy workplace. The City expects each employee to follow these policies and procedures, to act safely and to report unsafe conditions. All accidents, personal or vehicular, shall be reported to his or her supervisor in a timely manner.

56.0 WORKERS' COMPENSATION

Injuries occurring on the job are to be reported to your supervisor immediately and no longer than twenty-four (24) hours following an incident. Employees shall seek medical treatment from only authorized medical providers. If unsure about which medical provider to receive treatment from, contact the City Mayor. After seeking treatment, employees must provide details of the incident to their supervisor so the proper forms may be completed.

57.0 SEPARATION FROM EMPLOYMENT

A separation from employment shall be classified as one of the following:

Termination: An employee may be terminated at any time from employment by the city council with or without cause by majority vote.

Resignation: An employee may resign by specifying the effective date to his or her supervisor as far in advance as possible but preferably not less than two (2) weeks. A resignation with an earlier effective date may be accepted if deemed to be in the best interest of the City.

Retirement: An employee may retire if he or she satisfies the requirements of the Tennessee Consolidated Retirement System.

Disability: An employee may be separated from employment for disability when he or she is unable to perform the essential functions of the job because of a physical or mental impairment.

Layoff or Force Reduction: An employee may be laid off due to lack of work, job consolidation, and elimination or restructuring of a position or budgetary reasons. In such an event, a full-time employee will receive one (1) week of severance pay for each year of service up to a maximum of twelve (12) week's pay; provided that the period of separation exceeds thirty (30) days. Severance pay is in addition to payment for any accumulated vacation leave.

Dismissal: An employee may be dismissed from employment with or without cause by the city council by majority vote. The reason for such dismissal may include, but is not limited to:

1. Violation of city rules, regulations, lawful orders and/or violation of the City's code of ethics;
2. Theft or destruction of City property;
3. Incompetence, inefficiency or negligence in the performance of duties or supervisory responsibilities;
4. Insubordination;
5. Lying and dishonesty;
6. Conduct unbecoming a public employee;
7. Failing a drug test;
8. Advocacy of or participation in group tactics which disrupt normal work performance including, but not limited to, walk-outs, slow-downs, and other such activities not authorized by law;
9. Conviction of a crime if job related and consistent with business necessity;
10. Unauthorized absences or abuse of leave privileges;
11. Falsification of records; or
12. Use of official position for personal advantage.

58.0 WORKPLACE VIOLENCE AND HARASSMENT

General Harassment and 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, genetic information, communication with an elected public official, free speech, refusing to participate in or remain silent about illegal activities, exercising a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law. This policy applies to all City employees, elected officials, appointed officials, regular part time/ temporary employees, and contractors. The governing body may discipline an elected official in whatever manner it deems appropriate, consistent with its authority under state law, the municipal charter, ordinances, resolutions or other rules governing discipline of elected officials.

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. 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. Investigation of complaints of workplace violence, harassment, and/or bullying will begin upon receipt of report.
4. Copies of the investigative report with recommendations for appropriate action will be turned over to the city council 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, and/or the mayor 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.

The City will not tolerate harassment of its employees. The City will take immediate steps to stop such harassment when it occurs.

This policy applies to all officers and employees of the City including, but not limited to: full and regular part time employees, elected officials, seasonal and temporary employees, employees covered or exempt from the Personnel Rules and Regulations, and employees working under contract for the City.

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 work 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.

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. Any number of individuals may be chosen. The object is to give several options to a harassment victim. Complaints may be made orally or in writing to:

1. The employee's immediate supervisor,

2. A department head,
3. The Mayor,
4. the City attorney, and/or
5. a member of the governing body.

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:

1. his/her name, department, and position title;
2. the name of the person or people allegedly committing the harassment, including their title(s), if known;
3. the specific nature of the harassment, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
4. witnesses to the harassment; and
5. whether the employee has previously reported the harassment and, if so, when and to whom.

Employee Obligation

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 making written reports or verbally answering 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 up to and including termination of employment.

Reporting and investigating harassment complaints

The Mayor, or designee as appropriate, is the office the City designates as the investigator of harassment complaints against employees. In the event the harassment complaint is against the mayor, the investigator shall be the city attorney, or independent outside counsel appointed by the city council or provided through the City employment practices liability insurer.

Actions on complaints of harassment

If the investigator determines that the report is not complete in some respect, they may question the person complaining of harassment, the person against whom the complaint has been made, witnesses to the conduct in question, or any other person(s) who may have knowledge about the harassment.

Based upon the report and his/her own investigation, the investigator, within a reasonable time, will determine whether the conduct in question constitutes harassment.

In making that determination, the investigator may look at the record as a whole and at the totality of circumstances, including the nature of the conduct, the context in which the alleged actions occurred, and

the behavior of the person complaining. The decision of whether harassment actually took place will be determined on a case-by-case basis.

The disciplinary action may include oral counseling, written reprimand, suspension, demotion, mandatory referral to the EAP program, or termination depending upon the severity of the matter and circumstances surrounding the incident(s).

A written record of disciplinary actions, including oral reprimands, shall be maintained in the employee's Personnel file.

In all events, an employee found guilty of violation of this policy shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the investigation. All other City employees are also warned not to retaliate in any way to the above mentioned parties. Any such retaliation or harassment will be dealt with immediately and may include disciplinary action, up to and including termination of employment.

If the employee complaining of harassment is not satisfied with the manner in which the City addressed the complaint, the employee shall be given an opportunity to present a request for review of the outcomes.

59.0 SMOKING/TOBACCO POLICY

In accordance with State law, the City shall maintain a smoke/tobacco free workplace. These provisions include:

1. Smoking/tobacco is prohibited in "enclosed areas" to which the public is invited (public places).
2. Smoking/tobacco is prohibited in "enclosed areas" that employees normally frequent during the course of their employment (places of employment).
3. Smoking/tobacco is prohibited with non-smokers in City owned vehicles.

60.0 SOCIAL MEDIA USE AND INTERNET POSTING

SECTION 1: POLICY STATEMENT

This policy applies to every employee currently employed by the city in any capacity who posts any material whether written, audio, video or otherwise on any website, mobile device application, blog or any other medium accessible via the Internet. Use of the city's social media to support or oppose individual political candidates, political parties, or any ballot measure is strictly prohibited.

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, an employee may be granting to the city an 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 maintains an online presence. The provisions of this section apply to city employees posting content in an official capacity on a city owned or created social media platform or on any other platform. Unless authorized, an employee may not characterize him or herself as representing the city directly or indirectly.

All city social media sites and platforms representing the city in an official capacity must be created pursuant to this policy and be approved by the mayor. 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.

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

A social media site or platform shall also contain a clear and conspicuous statement that the purpose of the site or platform 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, to the extent permitted by law. city social media sites and platforms shall include a disclaimer notifying the public that their images may be captured and included on the sites and platforms.

The following content is not allowed and will be immediately removed and may subject the poster to banishment from all city social media sites and platforms:

- a. Profane language or content;
- b. Obscene images;
- c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information, communication with an elected public official, free speech, refusing to participate in or remain silent about illegal activities, exercising a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law, creed, or status with regard to public assistance;
- d. Sexual content or links to sexual content;
- e. Solicitations of commerce;
- f. Illegal conduct or encouragement of such;
- g. Content that incites violence or harassment;
- h. Links to third party sites and platforms; or
- i. Content that violates a legal ownership interest of any other party.

SECTION 3: NON-CITY SOCIAL MEDIA

This section applies to city employees posting content to non-city created social media sites and 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 done pursuant to a written policy of the city.

The simultaneous use of a city email address, job title, official city name, or logo in conjunction with a posting may 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 may also be deemed evidence to represent the city in an official capacity.

Any postings on non-city social media sites and platforms made in an official capacity may be subject to the Tennessee Public Records Act. A city employee posting on a non-city social media site or platform 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 city.

61.0 SOLICITATION AND DISTRIBUTION PROHIBITED

The City does not permit employees to distribute information or solicit other employees for any reason during working time or in working areas. This includes school, church, sports and other types of fundraisers. The only exception to this policy include City sponsored and approved activities, i.e., United Way. Non-employees are not permitted to distribute any literature or solicit to employees while employees are engaged in performing work for the city.

62.0 TIMEKEEPING

Accurately recording time is the responsibility of each employee. Federal and state law requires the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job. Employees who do not comply with City timekeeping practices will be subject to discipline. Employees who complete time sheets for other employees or who allow other employees to complete their time sheets will also be subject to discipline.

63.0 TRANSITIONAL DUTY ASSIGNMENT

The City seeks to provide transitional duty assignment, when available, to employees that have been injured on the job. Transitional duty assignment may benefit both the City and the employee. The refusal of an employee of transitional duty assignment offers may negatively impact their eligibility for worker compensation benefits.

64.0 TRAINING- CONTINUING EDUCATION

Employees are encouraged to take advantage of education and training benefits offered to employees of the city to improve their job skills. 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-served basis, subject to availability of budgeted funds provided annually by the city during the budget process, and upon the prior approval of the mayor.

ACKNOWLEDGEMENT OF RECEIPT

Acknowledgement of Receipt

City of Red Boiling Springs, TN Personnel Regulations, Revision of July 12, 2018.

This is to acknowledge that I have received concerning the city Personnel Regulations, 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 Regulations.

I understand that the Personnel Regulations 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 Regulations do not confer any rights on or promises to me or guarantee my employment for any period of time. I understand that the city can alter, eliminate, or otherwise change any policy, information, or benefit described in the Personnel Regulation 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 Regulations or any summary brochure or employee handbook should be deemed to be a promise by the city to provide any benefit. Rather, the city reserves the right to alter or eliminate any benefit, without notice, at any time.

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

I understand 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 Regulations.

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.

Employee Name

Employee Signature

Date