

CITY OF EAST RIDGE

**HUMAN RESOURCES  
REGULATIONS**

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## SECTION I – HUMAN RESOURCES POLICIES

### A. INTRODUCTION TO HUMAN RESOURCES REGULATIONS

The City of East Ridge Human Resources Policies and Procedures, hereinafter referred to as “Human Resources Regulations,” adopted by resolution, is applicable to all employees of the City of East Ridge 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.**

**This handbook also voids any previous Ordinance or Resolutions pertaining to Personnel /Human Resources Management.**

These Human Resources 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 Human Resources office. Any employee, who desires to review the regulations 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 East Ridge;
2. Provide fair and equal opportunity to all qualified individuals based on 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 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 East Ridge 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 Human Resources Director 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;
  - d. Conduct area wage and salary surveys periodically to provide competitive wage and salary scales; and
  - e. Oversee the processing of the payroll department to ensure accuracy and efficiency.
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. Develop a handbook to inform employees of their responsibilities, rights, and privileges; and
  - d. 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. Ensure that all Employment Law Regulations are followed for employees of the City of East Ridge including but not limited to:
    - a. FMLA, HIPAA, ADA, FLSA, ERISA, etc.
  6. 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 regulations will apply to all employees unless otherwise classified under exempted service. 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.

Offices and positions of the city that are classified as exempted service are:

1. All elected officials and persons appointed to fill vacancies in elective offices
2. Members of appointed boards and commissions
3. Consultants, advisers, and legal counsel rendering temporary professional service
4. The City Attorney
5. Independent contractors

Some policies apply to all employees and officers of the city, for example, policies such as, but not limited to, harassment and discrimination, and policies required by state or federal law.

## **E. ADMINISTRATION**

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

The Council 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 Regulations and amendments thereto, and adoption of an annual fiscal budget.

The City Manager is the Chief Administrative Officer for the City of East Ridge. The City Manager is hired and serves at the pleasure of the Council. He or she is responsible to the Council for the proper operations of all City functions. The City Manager is responsible for hiring all personnel. He or she may have a designated representative to interview job applicants and make recommendations for hiring new employees and for promoting current employees.

The City Manager oversees the administration of discipline and discharge of employees in accordance with these approved Human Resources regulations.

Department heads and supervisors are responsible for the administration and enforcement of the Human Resources Regulations for employees in their respective program areas. The Human Resources Department's responsibility and functions regarding the administration of the Human Resources Regulations shall include, but not be limited to, the development and presentation of human resources regulations and recommended amendments consistent with proper employment practices to the City Manager. The Human Resources Department shall also provide technical assistance to department heads and supervisors on the interpretation and application of the Human Resources Manual.

Amendments to the rules and regulations shall be made in accordance with the procedures herein. 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 regulations, policies and procedures may be recommended for adoption by the City Manager.

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

## **G. 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.

# **SECTION II – 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 Human Resources Department will be responsible for maintaining accurate job descriptions in the Positions Classification Plan in conjunction with department heads and incumbent employees. The Human Resources Department will maintain a copy of all City job descriptions.

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

## **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 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 to the Human Resources Director and/or City Manager. The Human Resources Director and/or City Manager will investigate the actual or suggested duties and recommend the appropriate class allocation or the establishment of a new class. The Council will then approve or change such recommendations if there is a budgetary impact.

## **H. 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 Manager prior to inclusion in the Position Classification Plan for the City.

The City Manager 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 III – 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 may 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 Council.

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 City Manager during the budget approval process such changes in salary ranges as appear to be in order. If changes are necessary for budgetary reasons the appropriate amount will be submitted to council for approval.

## **B. 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 Council 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 compensation plan.

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 in accordance with these Human Resources regulations.

## **C. SALARY LIMITS**

Employee may not be paid at a 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:

## **D. 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 worked. Regular part time and seasonal employees may not be eligible for benefits.

## **E. HOURLY RATES**

Employees paid on an hourly rate basis are paid at minimum for all hours worked.

## **F. 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.

## **G. OVERTIME PAY**

When it becomes necessary for an employee to work overtime hours or return to duty from off-duty hours due to an emergency, regular full time employees, regular part time employees, and temporary/seasonal 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. Generally, overtime work must be authorized by the department head, or acting department head. An employee must have physically performed work beyond the overtime threshold to be eligible for overtime.

Hours worked is calculated within a defined work period. The work period for non-fire and non-law enforcement employees of the City of East Ridge is 7 days beginning Sunday morning at 12:01am ending Saturday night at midnight. Employees engaged in fire protection and law enforcement are covered under section 7(k) of the FLSA. Law enforcement's work period begins Monday morning at 6:00am and goes for 2 weeks to the following Monday morning at 5:59am. Those employees in fire protection are paid based on a 28-day work period following the FLSA guidelines.

## **H. CALL-BACK PAY**

A call-back 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-back. If any call-back requires work to be performed past the 2-hour window, time will be paid for actual hours worked. Only hours worked in-excess-of the overtime threshold for the position will be paid at the overtime rate of pay.

Call-back pay is compensated at an employee's base rate. No overtime rate will be paid until the overtime threshold for that particular position's work period has been exceeded by hours physically worked.

## **I. 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 Tennessee Law Enforcement Training Academy will have a change in status from uncertified to certified.

**Promotion** - A promotion is an assignment of an employee from one position to another, which has a higher maximum rate of pay, rank and responsibility. Vacancies in positions above the lowest rank in any category shall be filled as far as practical by the promotion of employees. If the City Manager determines there are no qualified employees eligible for promotion, then the position will be filled from a list of eligible applicants as determined by the recruitment process. 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. When an employee in one classification is promoted to a position in another classification and the employee's current rate of pay is less than the minimum rate, for the new position, the employee's salary shall be raised to that minimum rate. When the employee's salary falls above the new minimum rate, the employee will move to the new skill level at a rate to be determined by the Human Resources Director and City Manager

**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 Human Resources Director 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.

**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 in regard to benefits.

**Reclassification** - The salary of an employee whose position is reclassified and allocated to another class in the same or higher level shall be determined by the rules for transfer and promotion. The salary of an employee whose position is reclassified and allocated to another class at a lower level shall be determined by the rules for demotion.

**Acting Supervisor** – In the event that a supervisor is out of work 30 days or more, the acting supervisor may receive a 5% increase to their current pay or an increase to the affected supervisor's pay whichever is less. The increase may be retroactive to the beginning of the 30-day period.

## **J. PAYCHECKS**

All employees of the City will be paid on a bi-weekly basis. Employees will receive their pay via direct deposit. If questions arise about your work time, salary, or paycheck, bring it to the attention of your supervisor who will then contact the HR Dept. within the pay period in question or immediately thereafter.

Final Pay may 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.

## **K. TRAVEL REIMBURSEMENT**

Employees of the City may at times be asked to, or authorized to, travel on City Business. It is the intent of the City to provide a reasonable and systematic means by which the cost of travel may be estimated for budget preparation and controlled for purpose of economy. For any travel expenses to receive reimbursement the appropriate request forms must be completed in advance of travel and must be pre-authorized by the City Manager. Often a travel advance may be given before the travel takes place in lieu of reimbursement after the fact. All approved travel per diem will be reimbursed in accordance with the Federal Travel Regulations Guide. For specific details see the Finance Director and/or the Travel Reimbursement policy of the City Finance Department.

## **L. 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. Human Resources Department shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.
3. **Others** – With the exception of Mandatory deductions such as the pension plan, then 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 service premiums)
  - b. Life insurance
  - c. Dental insurance
  - d. Vision insurance
  - e. Deferred compensation payments
  - f. Supplemental insurance approved by the City
  - g. Child support or other garnishments
  - h. Cost of uniforms, safety footwear, and other applicable equipment during employment.
4. **Separations** – Upon separation failure to return items such as uniforms, footwear and other applicable equipment will result in a deduction from the employees’ final paycheck.

## SECTION IV – EMPLOYMENT

### A. EQUAL EMPLOYMENT OPPORTUNITY

It is the obligation and policy of the City of East Ridge 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, communication with an elected public official for job-related purposes, 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 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, educational assistance, 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 East Ridge is committed to the fair and equal employment of individuals with disabilities under the Americans with Disabilities Act (ADA). It is the City of East Ridge’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 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 Human Resources department 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 should indicate a need for an accommodation from his/her supervisor, who shall immediately notify the Human Resources Director, thereby engaging in an informal process to clarify what the employee needs and to identify possible accommodations.

The Human Resources Director 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 Human Resources Director 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 Human Resources Director 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 Human Resources department 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 or discriminatory treatment of employees because 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 Human Resources department to begin the recruitment process. The Human Resources Director will prepare and

publicize job announcements to bring notice of vacancies to as many qualified persons as possible.

**In-House Posting** - Notice of vacant regular positions will be distributed to all departments for posting on employee bulletin boards or for circulation among employees within that department, as applicable. All efforts will be made to ensure all qualified employees absent from work will be notified of these postings.

**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, 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 Human Resources Department

### **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;
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. The Human Resources Director has the discretion to have applications remain

active once a position has been filled. Applications will be retained according to the time frame as required by the records retention schedule.

## **F. RECRUITMENT BY EXAMINATION**

All appointments in the City 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.

## **G. TYPES OF EXAMINATIONS**

The examinations held to establish eligibility and fitness for any job 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. **Verbal 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. A verbal 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 on all applicants offered employment. Positive results on the drug test can result in an applicant being denied employment.

## **H. 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. Inspection of examination results will be permitted only during regular business hours at the Human Resources Department.

## **I. 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 municipality or county. All applicants **for positions including new hires as well as promotional advancements which require the potential for call-back to respond to emergency situations** shall be required to live within twenty-five (25) road miles of the East Ridge city limits. If such employees live outside of this area, they must relocate within the area within six (6) months or request an exemption from the department head with approval of the City Manager. Present employees who were employed by the City of East Ridge prior to January 1, 2022 and were in violation of this section as of January 1, 2022, are exempted from this eligibility rule.

## **J. 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 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/Fit-for-Duty**

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 of 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 five (5) City business days from the date of his/her notification of such determination, indicate in writing to the Human Resources department 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.

## **K. 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. Other age requirements may apply for positions that operate vehicles and equipment at the discretion of the City Manager.

## **L. 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 eligible for 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 to employment.
2. **Regular Part Time Employee** – A regular part time employee is an employee whose hours cannot exceed an average of 29 hours/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 Employee-** A volunteer is an individual who works for the City for no compensation. (The City may provide uniforms and worker's compensation benefits)
5. **Police Reserves-** Reserve officers are volunteers appointed by the Police Chief. Reserve officers receive no compensation and no other benefits. (The City may provide uniforms and worker's compensation benefits.)
6. **Volunteer Firefighters-** Volunteer firefighters are appointed by the Fire Chief and receive no compensation and no other benefits. (The City may provide uniforms and worker's compensation benefits.)

An employee may not concurrently work as a volunteer or an independent contractor (1099) for any department of the City of East Ridge without prior authorization and written consent from the HR Manager or the Finance Director.

## **M. NEW HIRES, PROMOTIONS, DEMOTIONS, TRANSFERS AND REHIRS**

Pursuant to the city charter, the City Manager has the authority to hire, promote, transfer, demote, suspend, and remove employees of the City. All vacancies in the City service will be filled by new hires, re-employments, promotions, transfer, or demotion.

Whenever a vacancy exists, a request must be submitted to the Human Resource department.

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 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 heads 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 a (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 for a period not to exceed (6) months. The appointment must be approved by the City Manager.
2. **Promotions** – A promotion is assigning an employee from one position to another that has a higher 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.

Nothing in this section shall impair or limit the City's ability to transfer employees from one position to another position if the city determines that it is in the best interest of the City to affect such a transfer.

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 authorized leave granted in accordance with the rules on leave, will occupy the position to which the employee is currently assigned
- f. Because the employee does not possess the necessary qualifications to render satisfactory service for 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.

The above list is not all inclusive and the City Manager may demote an employee for other unspecified reasons.

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.

## **N. 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.

## **O. AT WILL EMPLOYMENT**

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.

## **P. 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/Human Resources manual (if available);
3. Immigration Control and Reform Act Form (I-9)
4. A copy of educational certification, professional license, or certificate required per the job description
5. Emergency telephone numbers
6. A copy of driver's license or some type of government issued identification

New employees are required to attend a new employee orientation. At this orientation, employees will be provided with relevant documentation which may include:

1. Copy of policy handbook and other city pamphlets
2. Benefit handout
3. Telephone numbers and locations of key personnel and operations

## **Q. OUTSIDE EMPLOYMENT**

See Section XI – Code of Ethics.

## **R. WORK PERIOD**

Pursuant to the FLSA, a work period is a regular recurring period of 168 hours consisting of seven consecutive 24-hour periods. Generally, seven days per week constitute a work period for regular employment. The work period for the City of East Ridge (non-law enforcement personnel, non-fire protection personnel) is Sunday morning at 12:00am for 7 days forward until 11:59pm Saturday night. Public safety employee schedules may entail more or fewer days in the work period. The work period for Law Enforcement Officers at the City of East Ridge is from Monday morning at 6:00am ending 2 weeks later at 5:59am Monday morning. The work period for Fire Protection personnel at City of East Ridge is a 28-day period measured forward from 8:00am until 28 days later at 7:59am. The work period serves as the window of measurement to determine when the City is required to pay the overtime rate for hours that exceed the maximum in the work period.

## **S. 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 considered 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 a particular department.

## **T. 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 workday 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 workday in which the employee will be absent. Failure to notify one's supervisor of absences may result in disciplinary action. Employees found excessively tardy and/or absent may be subject to disciplinary action.

## **U. LUNCH PERIOD**

A lunch period of up to sixty minutes may be provided to employees except in cases of emergency or operational need. If the employee is not relieved from duty during the lunch period, the employee will receive pay for working during the lunch period. The duration of the lunch period for specific employees, work sites or crews shall be determined by the department head with the approval of the City Manager and in accordance with all provisions under the Fair Labor Standards Act. Additional breaks may be necessary and are the discretion of the Department Head in conjunction with the Human Resources Director.

## **V. TIME-RECORDS**

All non-exempt employees (except fire dept personnel) shall record actual hours worked through use of the City's digital time system. Department heads and supervisors shall review all time-records for accuracy and consistency with expectations of attendance.

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

1. Employees are responsible for entering their starting time, meal-break time, and quitting time each workday;
2. Employees, given permission by their supervisor to leave their job assignment for any purpose besides city business during work hours, must clock out when leaving and clock in upon returning to work.

3. Failure to properly record hours worked may result in disciplinary action;
4. Only department heads & HR staff shall alter another employee's time-record when an error has been made.
5. Intentionally falsifying the information entered on a time record is a serious offense and will result in disciplinary action.

## **W. NEPOTISM**

No member of immediate family can directly supervise members of his/her immediate family. This does not preclude employment of immediate family members under other lines of supervision within the department.

In no event shall a supervisor show any favoritism to any immediate family member. Any supervisor that shows favoritism toward an immediate family member may be disciplined up to and including termination. Within the City of East Ridge no employees who are relatives shall be placed within the same direct line of supervision whereby one (1) relative is responsible for supervising the job performance or work activities of another relative; provided, that to the extent possible, the provisions of this chapter shall not be construed to prohibit two (2) or more such relatives from working within the same state governmental entity. 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.

*Present employees* who were employed by the City of East Ridge prior to January 23, 2003 and were in violation of this section as of January 23, 2003 are exempt from this nepotism rule as it pertains to the violation that existed as of January 23, 2003. These requirements apply also to those positions listed as exempt

## **X. USE OF POSITION OR AUTHORITY**

See Section XI – Code of Ethics

## **Y. 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.

## **Z. PERFORMANCE REVIEWS**

Performance reviews will be conducted by the employee's immediate supervisor on an annual basis. In addition to your formal review, your Department Head may also provide you feedback regarding your performance on a regular and on-going basis throughout the year. The purpose of the performance review is to evaluate your job performance during the prior year, assess your job-related strengths and weaknesses, and discuss growth and educational opportunities.

## SECTION V – LEAVE POLICIES

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

Leave is a benefit to employees which 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 (equivalent to 8 hours) for all regular full-time employees. Those employees who are required to work to maintain operations will receive 8-hours of holiday pay in addition to regular compensation for time worked.

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

Paid Holiday Schedule	
<b>New Year's Day</b>	January 1
<b>Martin Luther King Day</b>	Third Monday in January
<b>Good Friday</b>	Friday preceding Easter Sunday
<b>Memorial Day</b>	Last Monday in May
<b>Independence Day</b>	July 4
<b>Labor Day</b>	First Monday in September
<b>Thanksgiving Day</b>	Fourth Thursday in November
<b>Day after Thanksgiving</b>	Friday after Thanksgiving
<b>Christmas Eve</b>	December 24
<b>Christmas Day</b>	December 25
<b>Employee's Birthday</b>	Must be taken within the month of the employee's birthday or it is forfeited

#### Weekend Holidays

When a holiday falls on Saturday or Sunday, the proceeding Friday or the following Monday, will be observed as a holiday for City employees. The determination as to which day holidays are "observed" on in this type of scenario falls to the City Manager and will be made well in advance of the holiday and posted on the City's official calendar. In order to receive holiday-pay an employee must be a full-time employee and must not have been absent without prior approved leave either on the workday immediately before or after the holiday. If an employee is on prior-approved leave, they will receive pay for the holiday in lieu of vacation time, sick time, or paid leave.

#### Regular Holiday Pay

All regular, full-time employees shall be entitled to eight (8) hours pay at their regular straight time hourly rate for each full holiday. Holiday pay is not used in the calculation of hours worked for the purpose of calculating overtime.

Any employee who is required/scheduled to work on a holiday for reasons of operating efficiency shall be paid for the holiday and for the hours worked.

**B. PAID LEAVE**

**This section on paid leave applies only to employees hired before July 1, 2012 who opted to stay under the paid leave plan. Employees hired prior to 7/2012 were given a 1-time opportunity to opt out and change to the Vacation and Sick Plan as detailed below.**

Paid leave allows employees time off to use for vacation, personal business, and illness or injury. Paid leave shall be accrued each pay period in accordance with the following schedule:

Years of service	Hours earned per year	Days earned per year
Up to 11 years complete	182	22.75
Up to 15 years complete	208	26
Up to 20 years complete	234	29.25
Over 20 years complete	260	32.5

The above schedule and credits are for uninterrupted service computed from the most recent date of continuous employment. Paid leave may be accumulated to a maximum of three hundred twenty (320) hours. Employees shall be compensated on an annual basis, at their anniversary of employment for all hours accumulated above three hundred twenty (320). Paid leave cannot be donated to another employee.

Any full-time employee that works a permanently assigned pay period schedule of more than eighty (80) hours shall accrue paid leave at the same percentage increase as scheduled hours worked above eighty (80). Example: A one hundred six (106) hour average pay period would earn thirty-three percent (33) more than the normal schedule.

**C. VACATION LEAVE**

**Employees hired after July 1, 2012 shall accrue vacation leave and earn sick time.**

1. All regular full-time employees hired on or after July 1, 2012, are eligible to accrue vacation leave. Employees will accrue vacation leave each pay period in accordance with the schedule below.

In order to account for accrued vacation leave, the City's payroll system will credit each employee, hired on or after July 1, 2012, with a proportion of the yearly hours of earned vacation leave on each payroll check commencing upon the respective employee's anniversary according to the table below. Additionally, the below schedule and credits are for uninterrupted service.

<b>Years of service</b>	<b>Hours of vacation leave earned per year</b>	<b>Days of vacation leave earned per year</b>
< 12 months	80	10
12 months/1 year to 3 years	96	12
After 36 months/3 years to 7 years	120	15
7 years to 11 years	144	18
11 years to 15 years	176	22
15 years to 20 years	200	25
Over 20 years	224	28

2. Vacation leave may be accumulated to a maximum of three hundred twenty (320) hours. Any full-time employee that works a regularly assigned pay period schedule of more than eighty (80) hours shall accrue vacation leave at the same percentage increase as scheduled hours worked above eighty (80). Employees hired on or after July 1, 2012 are not entitled to sell any accumulated vacation leave in excess of 320 hours back to the City. Employees who accumulate vacation leave in excess of the 320-hour cap will have such excess hours automatically rolled into their employee sick leave balance yearly on the deadline of March 31 of each respective year at the discretion of the City Manager.
3. Any employee hired before July 1, 2012 had a one-time voluntary opportunity to convert to the post July 1, 2012 leave plan and forfeit all rights to the previous plan. This opportunity expired on August 31, 2020, after which no employee can change leave plans. Once an employee changes leave plans, such employee cannot convert back to the other plan.
4. Vacation time will not accrue if an employee is on leave without pay or suspension without pay for an entire month.
5. Vacation time cannot be donated to another employee.

**Military**

Service in the Tennessee National Guard, militia, or military reserves may be charged as 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.

**D. SICK LEAVE**

1. Sick Leave- Only employees hired on or after July 1, 2012 and employees that elected to convert to the City's vacation leave plan are eligible to earn sick leave;
2. Sick leave shall accrue at the rate of eight (8) hours per month for any full-time employee that works a regularly scheduled shift of 40 hours per week. Any full-time employee that works a regularly assigned pay period schedule of more than eighty (80) hours shall earn sick leave at the same percentage increase as scheduled hours worked above eighty (80). There shall be no cap on the amount of sick leave earned. At the time of retirement, any sick leave balance will only be counted as service time for purposes of calculating retirement benefits under the Tennessee Consolidated Retirement System ("TCRS"), or whatever retirement benefits plan is in operation at that time as utilized by the City;
3. Sick leave shall not be considered a right which an employee may use at the employee's discretion, but rather, is 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. Sick leave has no cash value for the employee;
4. Sick leave may not be taken until it is earned. 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;
5. Sick leave cannot be donated to another employee;
6. 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;
7. Employees who terminate from employment with the City will not be paid for any accrued, unused sick leave;
8. Sick leave will not accrue if an employee is on leave without pay or suspension without pay.

### **Health Care Statement**

Absences requiring three (3) or more days of sick leave may require a healthcare statement. A healthcare statement should specify that the employee was ill and unable to work on the specific dates of absence being requested as sick leave. The department head should request aid from the HR Department when abuse of sick leave is suspected. The Human Resources Director shall 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 prior to having it requested of them.

### **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 workday 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.

## **E. USAGE OF PAID LEAVE, VACATION LEAVE, AND SICK LEAVE**

All requests for scheduling paid leave or vacation leave for other than illness must be submitted for approval to the immediate supervisor at least twenty-four (24) hours in advance. Approval of a request for leave must be given by the supervisor and shall take into consideration the requirements of maintaining adequate service in the department.

1. Approval of unscheduled paid leave or sick leave shall be granted for the following reasons, provided the employee shall have sufficient leave accumulated:

a. Illness of a member of the employee's household that requires the employee's personal attention;

i. Eligible employee household members are (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. Proof of these relationships may be required.

b. To keep a health care provider's appointment.

2. Claims under false pretenses for unscheduled leave shall be cause for disciplinary action up to and including dismissal. In-order-to be granted approval for unscheduled leave an employee must meet the following conditions:



- a. Notify the immediate supervisor prior to the beginning of the scheduled workday and the assigned work time;
  - b. Present, as required by the supervisor, a medical certificate signed by a licensed physician certifying that the employee has been incapacitated for work for the period of absence, the nature of the employee's illness or injury, and that the employee is again able to return to work and perform his or her duties; or, other sufficient information to permit reasonable inquiry about such services. Such statement is normally required if the absence is of three (3) consecutive days or longer but may be required at the discretion of the supervisor, with the approval of the City Manager, for less than three (3) consecutive days.
3. Vacation Leave, Sick leave and/or Paid leave if available shall be used for any missed work time regardless of other sources of income such as short-term disability, and workers compensation.
4. Exempt employees must use applicable leave time when absent from work. Exempt employees' earnings are based on quality and quantity of work, not based on hours worked, so often an exempt employee will need to work in-excess-of 40 hours during a work period and will not receive additional compensation for that time.

## **F. LEAVE WITHOUT PAY**

After employees have exhausted their accrued paid leave, sick leave, and vacation leave, leave without pay may be granted at the discretion of the Human Resources Director and/or City Manager. 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 after all other forms of leave have been exhausted. 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 City Manager.

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

### **Purpose**

The purpose of this policy is to provide a family and medical leave policy in compliance with Public Law 103-3, titled Family and Medical Leave Act (FMLA) of 1993. The policy also provides the changes to FMLA that come as part of the National Defense Authorization Acts as amended.

### **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. Such employees are eligible for a maximum of 12-26 weeks leave under the act, depending

upon eligibility circumstances. Special rules apply for husbands and wives employed by the same employer, for exempted key employees (top 10 percent of all wage earners, and who are paid on a salary basis), and for local educational agencies. Individuals who are *not* covered include elected officials, political appointees, volunteers, independent contractors, and legal advisors.

### **FMLA Circumstances**

Employees may be eligible for Family and Medical Leave for one or more of the following reasons:

1. For the birth and care of the newborn child of the employee
2. For placement with the employee of a son or daughter for adoption or foster care
3. To care for an immediate family member with a serious health condition as defined by the FMLA
4. Medical leave when the employee is unable to work because of a serious health condition
5. To care for an immediate family member as defined under the FMLA who is injured while on active duty if that injury renders the service member unfit for military duty
6. To handle a “qualifying exigency” relating from an employee’s spouse or child being called to active duty.

### **Paid / Unpaid Leave**

Leave under the Family Medical Leave Act (FMLA) may be paid or unpaid. If the employee has available paid leave/sick leave/vacation leave, that leave will run concurrently with FMLA. If the employee does not have paid leave/sick/vacation leave available, or he/she exhausts paid leave/sick leave/vacation leave, while out on FMLA, the remainder of the approved FMLA will be unpaid. Employees on unpaid leave will not accrue paid leave.

Employees requesting FMLA must generally use their accumulated, sick leave, or vacation leave. The combination of paid leave, and unpaid leave may not exceed the total allowable leave under the FMLA.

### **Guidelines**

An eligible employee may take up to 12 weeks of FMLA time in a 12-month period for the birth of a child or the placement of an adopted or foster care child. Leave may also be taken to care for one’s self, a child, spouse, or parent who has a serious health condition. The right to take leave applies equally to male and female employees who are eligible. Eligible employees may take up to 12 weeks of FMLA to deal with family issues resulting from a spouse, son, daughter, or parent being called to active duty (including being notified of an impending call to active duty).

Eligible family members of military personnel defined as the spouse, son, daughter, parent or next of kin of a covered service member may take a maximum of 26 weeks leave under FMLA to care for a wounded member of the armed forces. This includes family members of the National Guard or Reserves who are undergoing medical treatment, recuperation, therapy, or other medical treatment for a “serious injury or illness”.

The “parent”, as defined the Family and Medical Leave Act, need not be the employee’s biological parent, provided that the individual “stood in loco parentis” (acted as a parent), to the

employee when the employee was a child. Benefits under FMLA are not extended to parent's "in-law".

FMLA defines the term "spouse" to mean a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a same-sex marriage or common law marriage. "Spouse" also includes a husband or wife in a marriage that was validly entered into outside of the United States if it could have been entered into in at least one state. No employer would be required to grant an eligible employee FMLA to care for an unmarried domestic partner.

"Son or daughter" is defined in part as one who is under age eighteen (18) or as an adult who is incapable of self-care because of a mental or physical disability. Medical leave may be taken for a biological child, as well as foster children, adopted children, stepchildren, or legal wards such as a niece, nephew, or grandchild whom the employee is raising.

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment.
2. A period of incapacity of more than three consecutive calendar days that also involves treatment two or more times by a health care provider or treatment which results in a regimen of continuing treatment under the supervision of the health care provider.
3. Any period of incapacity due to pregnancy or for prenatal care.
4. A chronic condition that requires periodic treatments, continues over an extended period of time, and may cause episodic rather than a continuous period of incapacity.
5. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, requiring continuing supervision of a health care provider.
6. Multiple treatments either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatments, such as cancer, severe arthritis or kidney disease.

Serious Injury or Illness for an Injured Service member is defined as a covered service member's injury or illness incurred in the line of duty on active duty in the Armed Forces that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating. This could include medical treatment, recuperation, therapy, outpatient care and other treatments for a serious injury or illness.

During periods of unpaid FMLA, an employee may not accrue any additional seniority or similar employment benefits during the leave period in months in which they work fewer than 15 days; or any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken leave

### **Spouse / Same Employer**

If spouses are employed by the same employer and eligible to take leave for the birth or adoption of a child, or care for a parent, their aggregate leave under FMLA is limited to 12 weeks. If the father takes four weeks leave to care for a child, the mother would be entitled to eight weeks leave, for a total of 12 weeks. If, however, the spouses experience their own serious health condition, both employees are entitled to the full 12 weeks.

### **Right to Return to Work**

On return from FMLA, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his/her position has been restructured to accommodate the employee's absence.

If the employee is unable to perform the essential functions of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the FMLA. The City, however, may be required by the Americans with Disabilities Act (ADA) to offer the employee an accommodation (i.e. additional leave, light duty, job restructuring, etc.).

### **Notice and Scheduling**

An eligible employee should provide the city at least 30 days advance notice of the need for leave for birth, adoption, or planned medical treatment when it is foreseeable. This 30-day advance notice is not required in cases of medical emergency or other unforeseen medical events.

Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this 30-day notice.

It is the City's responsibility to designate leave in writing as FMLA leave and to notify the employee. Employees may not retroactively claim that leave was for FMLA. Failure to provide notice of the need for FML may result in the leave not being designated as FMLA.

The City will, if necessary, provide the notice of employee FMLA rights in alternate formats.

### **Certification**

The City reserves the right to verify an employee's request for FMLA. If an employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the City may require that the request be supported by certification from the health care provider of either the eligible employee or the family member, as appropriate. Failure to submit proper certification may result in a delay of FML approval. If the City has a reason to question the original certification, the City may, at the City's expense, require a second opinion from a different health care provider chosen by the City. The health care provider may not be employed by the City on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding.

Payment for the second opinion shall be borne by the employee. Payment for the third shall be divided between the employee and the City. This certification must contain the date on which the serious health condition began; it's probable duration, and appropriate medical facts within the knowledge of the health care provider regarding the condition. The certification must also state the employee's need to care for the family member. Medical certifications will be treated as confidential and privileged information under HIPAA and the State's Public Records laws as appropriate.

An employee may be required to report periodically to the City the status and the intention of the employee to return to work. Before return is granted, employees who have taken unpaid leave

under this policy may be required to furnish the City with a medical certification from the employee's health care provider that the employee is able to resume work.

Failure to provide certification in a timely manner may result in delay or denial of FMLA.

### **Intermittent Leave**

FMLA Leave may be taken intermittently when medically necessary as certified by the health care provider. Intermittent leave is defined as short term & irregularly timed. Intermittent leave for routine care of a new child can be taken only with the City's approval. The schedule must be mutually agreed upon by the employee and the City.

Employees on intermittent or reduced leave schedules may be temporarily transferred by the City to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule.

Intermittent or reduced leave may be spread over a period of time longer than 12 weeks, but it will not exceed the equivalent of 12 workweeks total leave in a 12-month period.

### **Restoration**

Employees who are granted leave under the FMLA policy will be reinstated to an equivalent or the same position held prior to the commencement of their leave. Certain highly compensated key employees, who are salaried and among the 10 percent highest paid workers, may be denied restoration.

Restoration may be denied to key employees if:

1. The City shows that such denial is necessary to prevent substantial and grievous economic injury to the City's operations
2. The City notifies the employee that it intends to deny restoration on such basis at the time the City determines that such injury would occur; and
3. In any case in that the leave has commenced, the employee elects not to return to work within a reasonable period of time after receiving such notice

Employees voluntarily accepting a light duty assignment in lieu of continuing FML maintain their right to restoration to the original or an equivalent job until the twelve (12) weeks of FML has passed.

### **Failure to Return to Work**

According to the FMLA "if an employee is unable to or does not return to work at the end of twelve (12) weeks of FML, all entitlement and rights under the FMLA cease at that time; the employee is no longer entitled to any further restoration rights under the FMLA, and the employer is no longer required to maintain group health benefits pursuant to the FMLA."

### **Notification of Discharge**

An employee may be discharged from employment at the end of the twelve (12) week entitlement period if the employee has not returned to work, has not supplied written notification of their intent to return to work or is unable to perform his/her job duties. The City, however, may be required by

the Americans with Disabilities Act (ADA) to offer the employee an accommodation (i.e. additional leave, light duty, job restructuring, etc.) prior to discharge.

### **The 12-Month FMLA Period**

The 12-month period during which an employee is entitled to 12 workweeks of FML is measured as follows. An employee is entitled to applicable weeks of leave during the 12-month period after the leave begins. The next FMLA period will begin the first time the employee requests FMLA after the completion of the previous 12-month period.

### **Denial of FMLA Leave**

If an employee fails to give timely, advance notice when the need for FMLA leave is foreseeable, the City may deny the taking of FMLA leave until 30 days after the date the employee provides notice to the City of the need for FMLA leave.

If an employee fails to provide, in a timely manner, a requested medical certification to substantiate the need for FMLA leave due to a serious health condition, the City may delay continuation of FMLA leave until an employee submits the certificate. If the employee never produces the certification, the leave may not be protected under the FMLA.

If an employee fails to provide a requested fitness-for-duty certification to return to work, the City may delay restoration until the employee submits the certification.

### **Employee Benefits While on FMLA**

If premiums, paid by the employee, are current, the City will maintain health insurance benefits during periods of unpaid leave without interruption. Any payment for premiums or other payroll deductible insurance policies must be paid by the employee. The City is obligated to reinstate employment benefits upon an employee's return to work.

The City will allow an employee to go 1 pay period in arrears on health insurance premiums. The City has the right to recover from the employee all health insurance premiums paid by the employer during the unpaid leave period if the employee fails to return to work after leave. In the event that an employee is unable to pay his/her portion of premiums during the time of unpaid FML, the City may deduct any unpaid premiums from the employee's pay upon return to work, subject to FLSA restriction.

FML under this policy does not constitute a qualifying event that entitles an employee to Consolidated Omnibus Budget Reconstruction Act (COBRA) benefit; however, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not be returning to work. At that point, the employee ceases to be entitled to leave under this policy and may be offered COBRA.

### **Workers' Compensation While on FMLA**

Workers' Compensation injury/illness meets the criteria for a serious health condition, therefore the workers' compensation absence and the FMLA leave entitlement will run concurrently.

## **H. 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 employee returns to work.

## **I. 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) or whichever comes first in any single (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 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 (48 hours for those on a 12 or 24 hour shift) 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.

## **J. ADMINISTRATIVE LEAVE**

Upon recommendation of the employee's department head and review by the Human Resource Manager 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.

## **K. 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.

## **L. 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 paycheck (if applicable) to the City and will receive his/her regular wages 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 paid leave/vacation 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.



## **M. SEVERE 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 be safely 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.

The employer will deduct the missed workday (or portion thereof) from accumulated paid/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.

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.

## **N. VOTING LEAVE**

The City may, when necessary, 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.

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.

## **O. BEREAVEMENT POLICY**

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 as defined below. An employee who is absent during his/her regular schedule due to the death of an immediate family member shall receive bereavement payment for reasonable and customary time absent, such compensation not to

exceed twenty-four (24) hours of work-time. Such absence shall occur during a reasonable timeframe surrounding whatever service is arranged for the deceased.

Immediate family (for purposes of this policy) shall be deemed to include: spouse, parent (including in-law), children (including step), children taken in the home to raise under a properly executed court order, and siblings.

Funeral leave up to 8 hours may be used for those relatives of the employee including aunts, uncles, grandparents, and grandchildren. And funeral leave up to 4 hours may be used for all other relatives. Bereavement pay and funeral leave pay shall not be combined for the death of any one individual and documentation of such death may be requested by the department supervisor or Human Resources.

The City understands that a death in the family can be a difficult time and realizing no one policy can be applicable to all circumstances the HR Manager or City Manager shall reserve the right to make discretionary adjustments as necessary based on individual circumstances. Vacation leave time or paid leave may be used to supplement bereavement and funeral leave.

## **P. TENNESSEE MATERNITY/PARENTAL LEAVE ACT**

Under Tennessee State Law, maternity/paternity leave is granted to employees for a maximum of four (4) months. The first twelve (12) weeks of leave may fall under the Family Medical Leave Act (FMLA) and the remaining four (4) weeks will fall under maternity/paternity leave. Eligible employees must be employed regular full time for at least twelve (12) months to receive maternity/paternity leave under the TN Maternity/Paternity Leave Act.

Employees may be required to use accrued leave (paid/vacation, sick) during maternity/paternity leave. Accrued leave and maternity/paternity leave will run concurrently. Leave may also be with or without pay at the discretion of the City. Such leave shall not affect the employees' right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which the employees were eligible at the date of their leave, and any other benefits or rights of their employment incident to the employees' employment position; provided, that the City need not provide for the cost of any benefits, plans or programs during the period of such leave unless such City so provides for all employees on leaves of absence.

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

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

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

not forfeit their rights and benefits under this section solely because of their failure to give three (3) month's advance notice.

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

An employee who plans to return to work will use her accrued vacation/paid leave following the expiration of her sick leave. Following the expiration of all leave, leave without pay may be granted. In cases where medical problems continue after pregnancy, or in other special situations, additional paid leave or leave without pay may be used upon the presentation of a doctor's statement outlining the reasons for the additional leave time with the recommendation of the employee's department head, and the approval of the City Manager/ Human Resources Director.

If an employee's job position is so unique that the City cannot, after reasonable efforts, fill that position temporarily, then the City shall not be liable under this section for failure to reinstate the employee at the end of such leave period. Whenever the City shall determine that the employee will not be reinstated at the end of such leave because the employee's position cannot be filled temporarily or because the employee has used such leave to pursue employment opportunities or to work for another employer, the City shall so notify the employee.

These four months may include the 12-weeks allowable under FMLA.

## SECTION VI – SAFETY

### A. WORKPLACE SAFETY

The City has established and maintains an Occupational Safety and Health Program for its employees by following appropriate safety and health standards. It is the responsibility of the City to provide employees a place of employment which is free from recognized hazards including but not limited to environmental hazards, faulty equipment, infectious disease, exposure risks - that may cause death or serious physical harm.

It is incumbent upon City employees to comply with safety and health standards and all rules and regulations which are applicable to the employee's work site and personal safety. Any employee who willingly or repeatedly violates or causes to be violated a standard, rule, regulation, department SOP, or order shall be subject to disciplinary action up to and including termination.

It is incumbent upon management personnel to notify the appropriate Department Head if employees working under their authority are adversely affected by safety standards or hazardous working conditions. It is then incumbent upon the Department Head to immediately notify the City Manager or his/her designee.

No employee shall be discharged or discriminated against because such employee has filed a complaint or institute or caused to be instituted any proceedings or inspections relating to the City's occupational safety and health program.

Workplace safety is everyone's responsibility. The City Manager shall designate a Safety Coordinator. The City Safety Coordinator is responsible for coordination and reporting to OSHA

and TOSHA and other regulatory safety agencies. As part of the occupational safety and health program the City, its management, and employees are responsible as follows:

### **Safety Coordinator Responsibilities**

1. Enter without delay and at any reasonable time any establishment, construction site, plant or other area, workplace, or environment where work is performed by an employee of the City; and
2. Conduct periodic inspections of all departments, facilities, and activities. Follow a set monthly schedule as recorded in the Safety Coordinator's office. Use checklist to ensure a thorough inspection. Establish procedures to ensure corrective action is planned and taken. Hazards and conditions that are not abated within 30 days of identification shall be followed up by the Safety Committee, Safety Officer & HR Manager until corrected
3. Assess the need for PPE and ensure that proper equipment is ordered and utilized. This includes safety shoes for specific departments as determined by the Safety Committee and approved by the City Manager.
4. Perform safety training orientation for all new hires within 7 days of onboarding.

### **Employee Responsibility**

1. Employees will follow prescribed safety rules and regulations provided for their benefit. Each employee is responsible to use all safety equipment and devices provided by the City in performing required job duties.
2. 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.
3. 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.
4. 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.
5. Failure to properly report an unsafe condition or piece of equipment may result in disciplinary action.
6. Failure to properly respond to the need for correcting an unsafe workplace condition or unsafe piece of equipment may result in disciplinary action.
7. Should an unsafe work site or equipment condition cause a disruption in completing the task, the supervisor will 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 Policies.

### **Safety Committee**

The Safety Coordinator shall establish a monthly recurring safety meeting for creating and promoting a proactive safety culture in the workplace. The monthly meeting assists in awareness training and aids department representatives with:

1. Identifying departmental hazards, safety training, safety corrective action processes, safe work practices, recommending education and training, inspecting department's workplace, monitoring of job specific safety communication, and maintaining/encouraging a proactive safety culture; and
2. Review workplace safety data trends/analysis on audits, injuries and inspection finds;
3. Provide information and updates as it pertains to Drug Testing, policies, and procedures;
4. Review all accidents and employee injury incidents.
  - a. What were the contributing factors of the incident?
  - b. Could this incident have been avoidable/preventable by the employee? Yes, No, or Maybe?
  - c. What could or should have been done different? if anything?
  - d. Were any photos or video provided for this incident?
  - e. After reviewing the information that was provided, what are the recommended changes suggested by the Safety Committee.

### **OSHA General Duty Clause**

Section 5(a)(1) of the Occupational Safety and Health Act requires that each employer furnish to each of its employees a workplace that is free from recognized hazards that are causing or likely to cause serious physical harm or fatality.

The Safety Coordinator in cooperation with the HR Manager will post appropriate TOSHA and employment posters at each departments' specified location for reference.

### **Infectious Disease**

All blood and some other body fluids can transmit infectious diseases or blood-borne pathogens. Universal precautions stress that all persons should be assumed to be infectious for blood-borne pathogens including HIV and HBV. Universal precautions apply to blood, tissues, and other potentially infectious materials. Universal precautions also apply to semen, vaginal secretions, and cerebrospinal, synovia, pleural, peritoneal, pericardial, and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine, and vomit unless these substances contain visible blood.

Any employee who encounters a potential exposure should practice universal precautions when dealing with blood or body fluids including:

1. Keep all open cuts and abrasions covered with adhesive bandages that repel liquids;
2. If hands become contaminated wash immediately and thoroughly using soap and water or if unavailable a waterless antiseptic hand cleaner.
3. All employees shall use all available PPE including gloves, masks and shields;
4. Dispose of potentially hazardous or contaminated equipment and PPE responsibly.

### **Notifications**

1. The Safety Coordinator shall contact the Commissioner of Labor of the State of Tennessee by telephone in the event of the death of an employee involved in a work-related

accident. This notification will be done as soon after the fatality as possible but not to exceed forty-eight (48) hours.

2. The Safety Coordinator will prepare and request a variance from the Tennessee Department of Labor in the event an operation within the City does not meet the standards set by the Occupational Safety and Health Act and immediate action to alleviate the discrepancy is not possible.

3. The Safety Coordinator will establish and maintain a system for collecting and reporting safety and health data required under the Tennessee Occupational Safety and Health Act. Additionally, the Coordinator will make an annual report to the Commissioner of Labor for the State of Tennessee showing the accomplishments and progress of the City of East Ridge in its Occupational Safety and Health Program.

### **Documentation**

When an accident, incident, or injury occurs the employee must notify their direct supervisor immediately. In a case where the supervisor is unavailable, the employee must contact the next closest supervisor up the chain of command. The supervisor will:

1. Complete a first report of incident
2. Submit the first report of incident to the Safety Officer and HR Manager the same day via email.

### **Post-Accident Drug Screen**

See Section VIII Drug and Alcohol Testing in this document.

## **B. WORKERS' COMPENSATION**

An employee of the City who suffers injury or illness as a result of a work-related accident or condition may receive compensation during the period of illness or injury by the State Compensation Insurance Fund in accordance with the Tennessee Worker's Compensation Act. The accidental injury or occupational illness must be medically caused or aggravated by actions taken during employment.

Worker's compensation pays an employee 66% of their weekly salary once the employee has been disabled for more than seven (7) days. Compensation will be calculated beginning 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 may use accrued paid leave (or sick leave depending on applicable plan) 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. TEMPORARY MODIFIED DUTY**

The City is committed to providing work, when possible, for employees who have been restricted by a physician due to a work-related injury or illness. Such work will be provided subject to availability. Employees on temporary modified duty must furnish a written update of their medical condition to the Human Resources department from the treating physician after each visit in order to remain in the reassigned job.

**Assignment**

Work will be assigned due to the nature of the injury or illness and the limitations set forth by the treating physician. Every effort will be made to place employees in positions within their own departments, but if necessary, employees may be placed wherever an appropriate position is available. While on temporary modified duty, employees will continue to receive their regular rate of pay.

**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 Human Resources Department in conjunction with the City Manager shall attempt to find employment within the employee's department or within another department. 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 (except those exempt by law). 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 VII – 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**

Employees are eligible for benefits when employees work a minimum of (30) hours per week on average throughout the annual measurement period. These benefits may include the following: medical, dental, vision, long-term disability, life insurance, and other supplemental policies.

If employees' hours drop below (30) hours per week on average throughout the measurement period, employees may lose subsequent eligibility for health insurance, and employees and all covered dependents will be offered COBRA.

Employees are responsible to list only dependents that are eligible for coverage as defined by the plan rules. (If a covered dependent becomes ineligible based on the plan rules, it is the employee's responsibility to notify Human Resources immediately.) Employees must notify Human Resources of any changes in status within (30) days of the status change.

### **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. Benefits do not become effective until the first of the month following completion of the 60-day waiting period.

### **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.

### **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 Regulations.

## **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% administration fee. That is, 102% 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 administrator about any change in status. Failure to do so may terminate rights to elect continued coverage. Those eligible for continuation coverage have 60 days from the date they would normally lose coverage to elect to continue under the plan.

### **Premium Payments**

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

## **C. LIFE INSURANCE**

The City shall provide regular full-time employees an opportunity to participate in the City group life insurance plan. Coverage shall be effective the first of the month following completion of (60) days of continuous 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 the 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 contact the local office of the Tennessee Department of Employment Security to determine eligibility for benefits under the Act.

## **E. RETIREMENT**

**Tennessee Consolidated Retirement System (TCRS)** – All full-time employees are automatically enrolled for participation with TCRS. Employees who wish to retire from the City should communicate their intentions to their Department Head and Human Resources in writing giving at least ninety-day (90) notice.

## **F. HOLIDAY BONUS**

The City Manager shall review all funds of the City to determine a holiday bonus for all employees. Subject to availability of funds, the City Manager shall establish an amount for a holiday bonus for each full-time employee, as well as, each part-time employee and currently active public safety volunteers. Upon approval, holiday bonuses will be issued through payroll in the first pay period of December.

**G. LONGEVITY PAY**

All full-time employees who have served continuously ten (10) or more years shall receive, upon their departure from employment with the City of East Ridge, AND voluntary retirement through TCRS, longevity pay according to the following schedule:

Total Continuous Service	Awarded Value
Beginning the 10th year into the 14th year	2 days' pay
Beginning the 15th year into the 19th year	4 days' pay
Beginning the 20th year into the 24th year	6 days' pay
Beginning the 25th year and thereafter	10 days' pay

**H. 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-served 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 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 will be covered by the City. For Travel Expense details see Section III - Compensation, K. – Travel Reimbursement.

## I. UNIFORMS

Employees must sign a written agreement in advance of receiving uniforms/PPE. agreeing to return all uniforms/PPE purchased by the employer in good condition.

## J. EMPLOYEE EDUCATIONAL ASSISTANCE PROGRAM

1. Purpose. The employee educational assistance program is established to share the tuition expenses of employees who want to improve his/her knowledge, abilities, and potential for advancement with the City of East Ridge through continuing education.
2. Eligibility. Regular full-time employees, who have completed at **least one year of continuous** service and wish to continue their education under this program, should discuss this matter with their department head to obtain approval prior to enrollment for course of study; also, pre-approval of application **MUST** be authorized by the Finance Director and City Manager before submitting an application for assistance to the Human Resources Department.
3. Policy. The following provisions are established to govern the administration of the City's employee educational assistance program.
  - a. Applications for assistance may only be made for attendance at an institution accredited by one of the Regional Accrediting Organizations recognized by the Council for Higher Education ([www.chea.org](http://www.chea.org)). Employees may be required to furnish information as to the accreditation of an institution;
  - b. Eligible employees seeking assistance and meeting all the requirements for participation may receive full reimbursement of tuition for courses directly related to their job. The department head shall recommend to the City Manager whose decision shall be final as to whether the course of study is related;
  - c. Applications for assistance will not be considered if the employee is receiving funds for the same course work from any other source or if the course work is available through in-service training conducted by City or other approved agency. The following are additional directives for this item;
    - (i) In the case of partial funding from a source other than the City, the City may, upon approval of the City Manager, reimburse the remaining tuition expense up to the limits established herein;
    - (ii) Should an employee knowingly accept assistance from the City while at the same time receiving assistance from another source and not notify the City of such, he or she will be ineligible for any further assistance from the City and any funds paid to the employee receiving assistance from the other source shall reimburse the City for assistance received.

- d. This program is offered to assist employees who are pursuing additional training/education on their own time. The City realizes however that certain courses are offered only during working hours and may consider request for such attendance on a case by case basis. Employment responsibilities shall come first and approval to attend during work hours will be an exception as opposed to a practice. Any employee granted an exception will have to arrange with his supervisor to work an equivalent amount during each work measurement period. Homework, assignments, projects, and all classwork should be completed during employees' personal time;
- e. An employee who leaves city service during the course shall not be entitled to reimbursement;
- f. The City will not approve a request for assistance from an employee who is the subject of disciplinary action within six months of the time of the request;
- g. Reimbursement of courses is subject to the successful completion of the course(s) by the employee with a grade of satisfactory or no less than a "C" (2.0 on a 4.0 scale);
- h. Request for assistance shall not be considered for more than two (2) courses per quarter or semester (dependent on the specific term that school operates within), without prior approval for an exception from the City Manager;
- i. The education being sought must be related to the employees' job or potential job with the City.
- j. Approval of requests may vary based on the financial situation at the time of the request and is at the discretion of the City Manager;
- k. Employees who receive reimbursement under this policy shall be required to remain in the employment of the City for at least three (3) full years from the date of course completion or any of the just mentioned participation periods are met. Employees who voluntarily leave the City before the three full years have been met must reimburse the City for the tuition/registration costs paid to them. Each applicant for this policy will be required to sign a letter of agreement to these terms before proceeding;.

4. Procedure.

The following procedure should be followed in requesting educational assistance:

- a. An employee obtains a tuition reimbursement application form from the Human Resources office, completes the form in duplicate and forwards the application to his/her department head.
- b. The department head, after making his/her recommendation, sends the application (in duplicate) to the City Manager's office.
- c. The City Manager approves or disapproves the application. One copy is returned to the employee, the other is retained by the Human Resources department.
- d. Within ten (10) days of completion of the course and or after final grade(s) has been received, the employee submits his/her copy of the approval application to the City Manager's office along with his grade and tuition/registration receipts.
- e. The City Manager after verification of grades and receipts will forward the same to the finance department for payment.

## **K. EMPLOYEE ASSISTANCE PROGRAM (EAP)**

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 effects 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 may still exist. To support our employees, the City offers a voluntary participation as well as a management referral to the EAP. For information on how to access the EAP contact your supervisor or the Human Resources Department.

## **L. SERVICE (MILESTONE) AWARDS**

The service awards program recognizes employees when they reach five years of service and then in increments of five years until retirement. The purpose of the service awards program is to express appreciation for longstanding employees and their dedication to the City. This program celebrates length of service milestones according to the following criteria:

1. Service awards begin at 5 years of service and are celebrated at 5-year increments through 40 years
2. Service is calculated from an employee's current hire date
3. Adjustments will be made for previous service at the City of East Ridge
4. Awards include a certificate, pin or plaque, and money
5. Awards are distributed in the month following the completion of the milestone timeframe.

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

The City of East Ridge is committed to providing a safe work environment and to fostering the health and well-being of its employees. That commitment is jeopardized when any of our employees illegally use drugs at home or at work, comes to work under their influence, possesses, distributes, or sells drugs in the workplace, or abuses alcohol on the job.

As part of our commitment to safeguard the wellbeing of our employees and to provide a safe environment for everyone, the City of East Ridge has established a drug-free workplace policy. The City is participating in the Tennessee Bureau of Workers' Compensation's Drug Free Workplace Program, and has established the following substance abuse policy: (1) It is a violation of City policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job, (2) It is a violation of City policy for any employee to report to work, be at work or to engage in work under the influence of or while possessing in his or her body, blood or urine, illegal drugs in any detectable amount. (3) It is a violation of City policy for any employee to report to work, be at work or to engage in work under the influence of or impaired by alcohol. (4) It is a violation of the City policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner, amount, or for a purpose other than as prescribed.

Nothing in this policy precludes the appropriate use of legally prescribed medications. While this City understands that employees and applicants under a physician's care may be required to use prescription drugs, the illegal use of prescribed medications will be dealt with in the same manner as the abuse of illegal substances. An employee or job applicant may confidentially report the use of prescription or nonprescription medications to a medical review officer, both before and after a drug/alcohol test, by contacting the medical review officer directly. Violations of this policy are subject to disciplinary action up to and including termination.

Everyone shares responsibility for maintaining a safe work environment and co-workers should encourage anyone who has a drug problem to seek help. The ultimate goal of this policy is to balance our respect for individual privacy with our need to keep a safe, productive, drug-free work environment. We strongly encourage those who use illegal drugs or abuse alcohol to seek help in overcoming their problem.

As a participating employer in the Tennessee Drug Free Workplace Program, this City is required to test for the following drugs: • Marijuana metabolites • Cocaine metabolites • Amphetamines • Opiate metabolites • Phencyclidine (PCP) Important note: these drugs come in many different forms and have various "street names."

An employee whose normal faculties are impaired due to alcoholic beverages, or whose blood alcohol level tests .08% by weight for non-safety sensitive positions, or .04% for safety sensitive positions, while on duty/City business shall be considered a violation of this policy.

It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances:

1. Pre-Employment/Job Applicant Testing - All job applicants who have been offered employment at the City of East Ridge must undergo testing for substance abuse as a condition of employment. Any applicant with a confirmed positive test result will be denied employment. Notices will also be placed on vacancy announcements for positions which require drug or alcohol testing. Applicants will be required to submit to a urinalysis test at a laboratory chosen by this City. If the physician, official, or lab personnel have reasonable suspicion to believe that the job-applicant has tampered with the specimen, the applicant will not be considered for the position. This City will not discriminate against applicants for employment because of a history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly, that this City will not tolerate.

2. Reasonable suspicion testing - "Reasonable suspicion" is based on a belief that an employee is using or has used drugs or alcohol in violation of this City's policy and is based on specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following: (A) Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse, with 2<sup>nd</sup> person corroboration; (B) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance; (C) A report of substance abuse provided by a reliable and credible source; (D) Evidence that an individual has tampered with any substance abuse test during his or her employment with this City; (E) Information that an employee has caused or contributed to an accident while at work; (F) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment; or (G)

Involvement in an accident which results in an injury to another individual or in property damage exceeding Five Thousand Dollars (\$5,000.00), or such minimum amount as set by U.S.DOT Guidelines, if less.

3. Routine fitness-for-duty drug or alcohol testing - Employees must submit to a drug or alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination where the examinations are required by; law, regulation, is part of this City's established policy, or one that is scheduled routinely for all members of an employment classification group.

4. Follow-up to a positive test for at least once per year for a two (2)-year period following a positive drug or alcohol test, employees must submit to a follow-up drug test, alcohol test, or both, as appropriate. In cases in which an employee voluntarily entered treatment not based on an employer-administered drug or alcohol test, the follow-up test is not required.

5. Post-accident - All employees must submit to a test after a work-related accident which results in an injury or property damage, at the time the injury or property damage is reported. Emergency medical care shall not be withheld or delayed for collection of drug and/or alcohol test specimens.

Refusal to submit to a drug or alcohol test or failure to submit to a required substance abuse test shall be considered misconduct and shall be subject to discipline up to and including termination and the potential forfeiture of workers' compensation benefits.

Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer within five (5) working days after receiving notification of the test result from the medical review officer. If an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the City.

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained as required by the rules adopted by the Drug Free Workplace Program of the Tennessee Bureau of Workers' Compensation.

We offer an Employee Assistance Program(EAP) benefit for employees and their dependents. The EAP provides confidential assessment, referral and short-term counseling for employees and their dependents who need or request it. Confidentiality is assured. NO information regarding the nature of the personal problem will be made available to supervisors, nor will it be included in your permanent personnel file. It is the responsibility of an employee to seek assistance from an EAP before alcohol and drug problems lead to disciplinary actions. Once a violation of this policy occurs, subsequently seeking treatment through an EAP on a voluntary basis will not lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action. The City of East Ridge's EAP will provide appropriate assessment, evaluation, and counseling, and/or referral for treatment of drug and/or alcohol abuse. Employees may be granted leave with a conditional return to work, contingent upon successful completion of the agreed-upon treatment regimen, which may include follow-up testing. If an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by your medical insurance; but the costs of such outside services are your responsibility. Participation in the EAP will not affect your career advancement or employment, nor will it protect any employee from disciplinary action if substandard job performance continues. The EAP is a process used in conjunction with discipline, not as a substitute for discipline. The EAP can be accessed by an



employee through self-referral or through referral by a supervisor. Employees are encouraged to use EAP as needed. EAP information is located on [www.eastridgetn.gov](http://www.eastridgetn.gov).

Additionally, your personal medical provider can give an appropriate assessment, evaluation, and counseling and/or referral for treatment of drug and alcohol abuse. Employees may be granted leave with a conditional return to work, depending on successful completion of the agreed-upon treatment regimen, which may include follow-up testing. The cost of seeking assistance will be the responsibility of the employee and is subject to provisions of the City's health insurance plan, if any. Please consult the insurance provider for specifics concerning this issue.

## SECTION IX – WORKPLACE VIOLENCE AND HARASSMENT

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 always to be treated with courtesy and respect.

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. 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 Human Resources Department 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 Human Resources Department. 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 during the investigation by providing testimony, statements, and evidence, as required. Failure to cooperate may result in disciplinary action.
3. Copies of the investigative report with recommendations for appropriate action will be turned over to the City Manager as appropriate for further action.
4. 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.
5. Employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisors first, then the Human Resources Director and/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.
6. Employees are prohibited from interfering or attempting to interfere with any departmental investigation.
7. 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.

### **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 Human Resource Director is designated as the investigator of sexual harassment complaints against employees.

### **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 verbally or in writing to:

1. The employee's immediate supervisor,
2. A department head,
3. The Human Resources Director
4. The City Manager

In the case of harassment by an elected official the complaint should be taken to 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:

1. His/her name, department, and position title,
2. The name of the person or people 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.

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.

## SECTION X – 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.

The Federal Hatch Act (5 U.S.C. §§ 7321-7326) restricts the political activity of individuals principally employed by local agencies who work in connection with programs financed in whole or in part by federal loans or grants. The Hatch Act applies to any City employee “whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency...” 5 U.S.C.A. § 1501(4)

Permitted and Prohibited Activities of the Hatch Act:

1. May be a candidate for public office in a nonpartisan election
2. May campaign for and hold elective office in political clubs and organizations
3. May actively campaign for candidates for public office in partisan and nonpartisan elections
4. May contribute money to political organizations or attend political fundraising functions
5. May participate in any activity not specifically prohibited by law or regulation
6. May not be a candidate for public office in a partisan election if the employee's salary is paid for completely by federal loans or grants
7. May not use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office
8. May not directly or indirectly coerce contributions from subordinates in support of a political party or candidate

An election is partisan if any of the candidates in the election are running as a representative of a political party whose presidential candidate received votes in the preceding election at which Presidential electors were selected.

An employee's conduct is also subject to the laws of the state and the regulations of the employing agency. Prohibitions of the Hatch Act are not affected by state or local laws.

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.

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 XI – CODE OF ETHICS**

## **A. APPLICABILITY**

This chapter is the code of ethics for personnel of the City of East Ridge. It applies to all regular full time and regular part time, elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words “municipal” and “municipality” include these separate entities.

## **B. DEFINITION OF PERSONAL INTEREST**

(1) For purposes of Sections 3 and 4, “personal interest” means: (a) any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or (b) any financial, ownership, or employment interest of the official’s or employee’s spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

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

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

## **C. DISCLOSURE OF PERSONAL INTEREST BY OFFICIAL WITH A VOTE**

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

#### **D. DISCLOSURE OF PERSONAL INTEREST IN NON-VOTING MATTERS**

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

#### **E. ACCEPTANCE OF GRATUITIES, ETC.**

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

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

#### **F. USE OF INFORMATION**

(1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

#### **G. USE OF MUNICIPAL TIME, FACILITIES, ETC.**

(1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

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

#### **H. USE OF POSITION OR AUTHORITY**

(1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for him or others that is not authorized by this charter, general law, or ordinance or policy of the municipality.

## **I. OUTSIDE EMPLOYMENT**

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

With the approval of one's department head "moonlighting" is permissible, provided 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.

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.

## **J. ETHICS COMPLAINTS**

(1) The City Attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the City Attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2)(a) Except as otherwise provided in this subsection, the City Attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics. (b) The City Attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter. (c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine if the complaint has merit, and if so determined shall fully investigate the matter and take such action consistent with Ordinance Number 818 of the City Code of East Ridge and other applicable law.

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

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

## **K. VIOLATIONS**

An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or instrumentality who violates any provision of this chapter is subject to

punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

## SECTION XII – MISCELLANEOUS POLICIES

### A. USE OF CITY VEHICLES AND EQUIPMENT

1. Purpose: The purpose of this regulation is to establish rules for the utilization of both city-owned vehicles and equipment that are provided for use by employees in the performance of their official duties.
2. Responsibility: The City Manager shall establish rules to be included in the Standard Operating Procedures Manual for the public safety departments. The following rules apply to all employees (except when specifically exempted by law) who drive or are authorized to drive and/or operate or use a piece of equipment, tool, or any other piece of City-owned property. Each director is responsible for insuring that employees of his/her department, who at any time drive, use, or operate a City-owned vehicle, tool, or piece of equipment, are familiar with the requirements/regulations of this policy.
3. Regulations:
  - a. City-owned vehicles, tools, and equipment shall be operated only by persons who have received prior authorization from the City Manager or his designee. Designees of the City Manager vested with this authority shall have such designation in writing;
  - b. City vehicles, tools, and equipment shall be used only for official City business and shall not be used or borrowed for personal business or pleasure. They shall not be driven or used outside City limits, except in the performance of City business, unless authorized by the City Manager or his designee;
  - c. Except for those employees assigned full-time vehicles, City vehicles may be taken overnight only under the authorization of the City Manager;
  - d. Employees who are assigned City vehicles may use such vehicles for travel to and from work but shall not use the vehicle for any personal reason except for those trips which are normally associated with travel to and from work and during meal breaks.
  - e. Take-home vehicles will not be assigned to employees living outside the City whose one-way commute is greater than twenty-five (25) miles from the city limits of the City of East Ridge;
  - f. On-call employees may from time to time be allowed to take a vehicle home. On such occurrences the rules that apply to those assigned vehicles shall be followed by those temporarily assigned vehicles;
  - g. No driver or operator of a City vehicle or piece of equipment shall carry passengers **except** another City employee, elected City officials, approved volunteer personnel, clients, prisoners/suspects, approved ride-along participants, or persons engaged in or advising on matters relating to City business. In the case where spouses who are accompanying a City employee to a meeting/event in which the employee is representing the City - prior approval of the City Manager is required.
  - h. Any City employees who are assigned a City vehicle and then use the vehicle for travel to and from work shall have a fringe benefit charge added to their



payroll check in accordance with applicable IRS tax laws which specifically exempts police and fire vehicles;

- i. The primary driver or operator of each City vehicle or piece of equipment is responsible for immediately reporting any vehicle or equipment problems to his or her supervisor. However, this does not relieve any other driver or operator of the vehicle from the same responsibilities. The supervisor shall be responsible for immediately reporting any vehicle or equipment problems to the department head;
  - j. Any damage to a City vehicle or piece of equipment shall be immediately reported to the supervisor responsible for that vehicle or piece of equipment. If damage also occurs to vehicles or property not owned by the City, the accident shall also be reported to the appropriate police department. Whenever an accident occurs to a police department vehicle or whenever injury or death has occurred, the TN Highway Patrol shall be notified and the THP will handle the investigation. If the THP is not available, the Hamilton County Sherriff's Office or the Catoosa County Sherriff's office (whichever is appropriate) shall investigate. All accidents shall be reported as soon as possible by the supervisor to the safety officer;
  - k. Regulations and procedures regarding the routine maintenance and care of City vehicles and equipment shall be issued by the department head with City Manager approval. Any regulations which the City Manager may issue or which he has already issued shall be considered a part of the formal regulations concerning the operation of city vehicles and equipment;
  - l. All drivers and operators of City vehicles and equipment shall have appropriate (as required by the employee's job description) driver's/operator's licenses issued by the State of Tennessee or the state in which the employee resides and shall obey all traffic laws, rules, and regulations of the State of Tennessee and the City of East Ridge;
  - m. Traffic citations, fines, or other actions taken by any police jurisdiction against any employee while driving or operating a city-owned vehicle or piece of equipment shall be the responsibility of the employee and may be cause for disciplinary action;
  - n. No employee shall operate a City vehicle or piece of equipment while under the influence of alcohol, any illegal drug, or any prescribed drug, which may impair his or her ability to operate the vehicle or piece of equipment. Alcoholic beverages and illegal drugs are not allowed in any city-owned vehicle or piece of equipment except in the case of law enforcement activities;
  - o. Any department may further regulate the use of its vehicles, tools, and equipment so long as it is not in conflict with this general policy;
  - p. Smoking in City-owned vehicles is strictly prohibited;
  - q. Use of a cell phone while operating a City-owned vehicle is strictly prohibited unless using a hands-free device (unless exempted by law).
  - r. No employee under the age of 18 shall be permitted to drive a City vehicle (except a firefighter driving a support vehicle under the permission of the Fire Chief).
4. Disciplinary action: Any employee caught misusing and/or abusing city-owned vehicles or equipment, carrying any unauthorized persons, using a city vehicle, tool, or piece of equipment for other than authorized purposes, or violating these regulations in any other way shall be subject to disciplinary action up to and including dismissal. These

requirements apply also to those positions listed as part-time, seasonal, temporary, and volunteer.

## **B. DRIVERS 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 Human Resources Department.

## **C. SOLICITATION**

Unauthorized solicitation of employees on the premises is strictly prohibited. This prohibition applies both to employees and outsiders. Solicitation of gifts (for such occasions as resignations, retirements, weddings, and births) may be authorized by the City Manager. Contributions may be solicited on City property only with the permission of the City Manager. Miscellaneous solicitation of contributions within a single department may be made with the permission of the department head.

It should be emphasized that no pressure is to be placed on any employee to make any contributions.

## **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 that which is essential.

The use of business cell phones for essential personal business must be kept to a minimum and shall not interfere with the conduct of City business. Department heads may review at any time records to monitor appropriate use. The cost of any, applications, enhancements, 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 are 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 by obeying all laws of the City, State, and Country.

## **H. FIGHTING, DISRUPTIVE BEHAVIOR, DAMAGING CITY PROPERTY**

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

## **I. GAMBLING**

Gambling is prohibited on City property and will result in discipline. This includes all competitions where money is wagered, such as cards, dice, lotteries, or sports gambling (football and basketball tournaments, animal fights, dog, or horse races, etc.).

## **J. LOCKERS**

Locker rooms and lockers are provided as needed so employees may change their clothing before and after work, if desired. Employees are expected to furnish their own lock and/or key so they may have control over access to the locker; however, employees may assume no expectation of privacy as the lockers are the property of the City. The City will assume no liability for loss or damage to the contents of lockers. Employees may be requested to open their lockers for periodic housekeeping, inspections, or other occasions when it is appropriate and/or necessary, as there is no expectation of privacy. Those who use the locker room are expected to assist in keeping them clean and orderly. Any suspicious activity around lockers, as well as break-ins and thefts, should be reported to a supervisor.

## **K. BULLETIN BOARDS**

The City maintains bulletin boards on which important information connected with an employee's work is posted from time to time. Cooperation is needed in protecting the posted material. All

material to be placed on the bulletin boards must be approved by the appropriate supervisor before being posted.

## **L. 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.

## **M. HUMAN RESOURCES RECORDS**

The City will collect, retain, use, disclose, and maintain the confidentiality of employee information as required by law.

Personnel, payroll, medical and confidential files for each employee are kept on file and maintained in a secure manner by the Human Resources Department. 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. 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 complaints of discrimination and harassment filed by the employee; and,
8. All applicable benefit records. All medical records shall be kept in a separate 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 Human Resources Department. 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.

### **Collection, Retention, and Use of Personal Information**

The City will strictly follow the requirements of applicable laws regarding information collection concerning 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.

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

1. The Human Resources Department shall maintain a complete (master) file of each employee's records;
2. Each department head may maintain a file on each employee in his/her charge. The file shall be limited to performance documentation, 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 personnel file and the departmental file, although both may include information about an employee's salary history;
4. Employee information may be collected from employees whenever possible, but the City may use outside sources for other information where allowed by law.
5. Worker's Compensation documents will be maintained in a separate file in the custody of the Human Resources Department.
6. 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 personnel or payroll file. 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.

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

Employees may have access to and review their own Personnel files during normal business hours. If the employee disagrees with any information found therein, the employee may submit a written disagreement to the Human Resources Department, 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.

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

The content of applicant and employee personnel 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 or designee 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 Human Resources Department who will then forward to the appropriate departments. Requests for public inspection of applicant and employee records shall be directed to the Human Resources Department 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.

All public records requested shall be promptly provided as per the city's open records policy.

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.

In all such matters, the employee shall be notified within seventy-two (72) hours of the records inspection and/or provision of copies. Police officers shall be informed that an inspection has taken place or copies have been provided; the name, address, and phone number of the person(s) making the request; person(s) for whom the request was made; and the date of inspection and/or the provision of copies. Exceptions for non-police employees may be made to release limited general information, such as the following: (a) employment dates; (b) position held; and (c) location of job site.

## **N. COMPUTER USE AND MONITORING**

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 employee's job 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.

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

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

Use of the computer resources is a privilege that may be restricted or revoked at any time. All information contained in the computer resources and all documents generated there from are for the exclusive use of the 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.

### **Use of Encryption Software**

Employees may not install or use encryption software on any City computers without first obtaining written permission from the City Manager.

### **Monitoring Usage**

The City monitors 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.

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

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 the following: Facebook, blogs, RSS, YouTube, Twitter, Snapchat, Instagram, 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.

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

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.

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

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 Recorder and will be fulfilled by any employee whose assistance is necessitated. Every social media site shall contain a clear and conspicuous statement referencing the aforementioned state laws. All official postings on a social media site shall be preserved, to the extent possible and allowable in each platform, in accordance with any applicable retention policy.

### **Administration of City's social media sites.**

1. The Information & Technology staff will review, test, and technically approve social media tools and implementation for use by City staff.



2. The staff will maintain a list of all City social media sites, including login and password information. Employees will inform the City Manager of any new social media sites.
3. The City must be able to immediately edit or remove content from social media sites.

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 could be construed as placing a customer, employee, or other individual in a negative or false light.

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

Commercial use of the 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.

### **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.

Employees are **strictly** prohibited from posting or displaying comments about the City and/or its employees, constituents, suppliers, and/or business partners that are vulgar, obscene, threatening, intimidating, harassing or that are in violation of the City's workplace policies, practices, and/or work rules.

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/her content is a personal expression and not that of the agency.

## **P. RECORDING AND CAMERA DEVICES**

Use of electronic recorders by City employees are prohibited, except when the use of an audio recorder is part of the employee's job responsibilities as strictly defined within his/her job description. Electronic recordings are allowed during official City meetings and other various board meetings. Audio recordings may also be utilized during disciplinary hearings for documentation purposes at the discretion of the City Manager.

## **Q. DRESS CODE**

Personal appearance and manner of dress is an important part of your job responsibilities. Employees are expected to dress and groom in a manner which reflects good taste and which is appropriate for the type of work performed. Since all employees deal with co-workers and the public on a daily basis, personal hygiene is a requirement. Employees should ensure their personal hygiene will not be offensive to others around them. This includes but is not limited to scented body products, perfume/cologne, oral hygiene, and body odor. Specific dress codes vary based on the position held and whether the job requires the use of a uniform.

### **1. Uniforms:**

In departments where uniforms are required to be worn, all employees are expected to wear the uniform according to departmental policy. All uniforms are expected to be kept in neat and good condition. Depending on the department an employee is assigned to, the City may either furnish a uniform or pay the employee a uniform allowance.

### **2. Administrative Employees**

Employees who do not regularly meet with the public should follow basic requirements of safety and comfort but should still be as neat and business-like as working conditions permit. Administrative employees who deal with the public are expected to dress in a manner that is professional and that projects a positive image for the City.

Employees are required to adhere to the following guidelines:

Clothing should be worn and fit in such a manner that it does not expose the abdomen, chest, or buttocks areas.

Clothing should be free of sexually related references, foul language, or messages that suggest or promote the use of illegal drugs or alcohol.

Body piercing jewelry will only be worn on the ear. No other areas of the body should be visible with body piercing jewelry. In keeping with a professional image, visible tattoos shall not be obscene as determined by the Department Head or City Manager.

Employees may not wear halter tops, beachwear, sports jerseys, shorts, work-out attire, or distracting, offensive or revealing clothes on any day of the work week.

The Department Head or designee may choose to authorize a particular day or day of the week during which casual clothing may be worn. On designated casual days, employees may wear sports jerseys or blue jeans.

An employee who does not meet the standards of this policy will be subject to corrective actions, which may include leaving the work location to correct the dress code violation. 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.

## **R. WEAPONS POLICY**

In an effort to ensure the City of East Ridge maintains a workplace safe and free of violence for all employees, the City prohibits the possession or use of dangerous weapons on City property except for commissioned police officers and those in positions exempted by state law. Dangerous weapons” include firearms, explosives, knives, and other weapons that might be considered dangerous or that could cause harm.

Possession or use of an illegal weapon as defined by T.C.A. §39-17-1302 while on City owned, leased, or controlled property, or while operating City owned, leased, or controlled vehicles is prohibited. Under Tennessee law, however, employees who have valid handgun carry permits are allowed to bring a firearm and ammunition onto the City’s parking lot provided that the firearm and ammunition are kept in the employee’s vehicle in accordance with T.C.A. §39-17-1313. The firearm and ammunition, however, may not be removed from the vehicle while it is on City property. Removal of the firearm and ammunition from the vehicle may result in discipline, up to and including immediate discharge. The City will not discharge or take any adverse employment action against an employee solely for transporting or storing a firearm or firearm ammunition in an employer parking area in a manner consistent with T.C.A. §39-17-1313(a).

City property is defined as all City-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways and parking lots under the City’s ownership or control. This policy applies to all City-owned or leased vehicles and all vehicles that come onto City property.

Employees are responsible for making sure that any item possessed by the employee is not prohibited by this policy.

## **S. NON-RETALIATION**

It is the City’s policy and practice to maintain the highest ethical standards, and to create a workplace free of inappropriate or unlawful behavior, in which people are encouraged to share their concerns with the City without fear of retaliation. Consequently, at the City of East Ridge, no adverse action will be taken against any employee, former employee, agent or third party for complaining about, reporting, participating or assisting in the investigation of a suspected violation of the City’s Code of Conduct, City policy, or applicable law, unless the allegation made or information provided is found to be intentionally false or not made or provided in good faith. To the maximum extent possible, the City will maintain the confidentiality of all complaints. All allegations of retaliation will be investigated, and if appropriate, disciplinary action will be taken, up to and including termination.

## **T. PUMP ACT**

### Break Time to Pump Breast Milk

For one year after the child's birth, City of East Ridge employees may take reasonable break time "each time such employee has need to express the milk". The City will not deny a covered employee a needed break to pump. The frequency and duration of breaks needed to express milk may vary depending on factors related to the nursing employee and the child. Factors such as the location of the space and the steps reasonably necessary to express breast milk, such as pump setup, may also affect the duration of time an employee will need to express milk and will be considered by the City.

### Private Space to Pump Breast Milk

The City of East Ridge will provide covered employees with "a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk." Under the FLSA, a bathroom, even if private, is not a permissible location for the employer to provide for pumping breast milk.

The location provided will be functional as a space for expressing breast milk. If the space is not dedicated to the nursing employee's use, it will be made available when needed by the employee. A space temporarily created or converted into a space for expressing breast milk or made available when needed by the nursing employee is sufficient provided that the space is shielded from view and free from any intrusion from co-workers and the public.

## **U. TN PREGNANT WORKERS FAIRNESS ACT**

As required by the federal Pregnant Workers Fairness Act (PWFA), the City of East Ridge will provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause undue hardship to the City's operations.

An employee or applicant may request an accommodation due to pregnancy, childbirth or a related medical condition by submitting the request in writing to the Human Resources Director. The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.

Upon receipt of a request for accommodation, the HR Director will contact the employee or applicant to discuss the request and determine if an accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship.

While the reasonableness of each accommodation request will be individually assessed, possible accommodations include allowing the individual to:

- Sit while working.
- Drink water during the workday.
- Receive closer-in parking.
- Have flexible hours.
- Receive appropriately sized uniforms and safety apparel.
- Receive additional break time to use the bathroom, eat and rest.
- Take time off to recover from childbirth.

- Be excused from strenuous activities and/or activities that involve exposure to compounds deemed unsafe during pregnancy.

An employee may request paid or unpaid leave as a reasonable accommodation under this policy; however, the City will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work.

The City prohibits any retaliation, harassment, or adverse action due to an individual's request for an accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

## **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, or dismissal/discharge. 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 for failure to return City property may be withheld from the employee's final compensation. Deductions from pay 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 should be given to his/her supervisor so that arrangements for a replacement can be made. In such a case, employees will be expected to return any/or all City equipment assigned. An unauthorized absence from work for a period of three (3) consecutive working days may be considered by the City Manager 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 policy applies to all employees. If a reduction-in-force becomes necessary, consideration shall be given to organizational needs, the quality of each employee's service, and then length of service in determining retention.

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

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**

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 regulations 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 full-time 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 and is contributory for the employee. Part-time and temporary status employees are not eligible for membership in any City sponsored retirement plan.

For details on retirement policies in effect, please contact the Human Resources Department for a copy of the TCRS Retirement Guide and applicable documentation.

## **F. DEATH**

Separation shall be effective as of the date of the death of an employee. Upon the death of a regular full-time employee, his/her beneficiary (as specified with TCRS) will receive his/her next due payroll check and pay for accrued and unused vacation leave time.

## **G. DISMISSAL/DISCHARGE**

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.

## **H. DISCIPLINARY ACTION**

All City employees are employees not under an employment-agreement are 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.

In some instances, a specific incident in and of itself may justify severe initial disciplinary action; however, the action to be taken may depend on the seriousness of the incident and patterns of past performance and conduct.

Example types of disciplinary action are, in no particular order:

1. Verbal reprimand,
2. Written reprimand,
3. Suspension,
4. Demotion, and
5. Dismissal

## **I. DISMISSAL**

The City Manager may dismiss an employee from City service. In some circumstances the City Manager may authorize a department head to carryout a dismissal. 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, vendors, or co-workers;
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 regulations, or these rules.

## **J. GRIEVANCE PROCEDURES**

The City does not provide a formal grievance process. Both supervisors and employees are expected to make every effort to resolve problems as they arise. Employees who have further disagreements may discuss it with their immediate supervisor, a higher-level supervisor, and/or

the Human Resources Director or City Manager. City employees have no rights to continued employment with the City. Employees may be dismissed for cause, for no cause, for any cause as long as the dismissal does not violate federal and state law.



## ACKNOWLEDGEMENT OF RECEIPT

### Acknowledgement of Receipt

City of East Ridge Human Resources Regulations, Revision 1/11/2024

This is to acknowledge that I have received a copy of the City of East Ridge (“the City”) Human Resources Regulations, and understand that it outlines certain City policies, procedures and benefits as may exist at the time of publication. I understand that it is my responsibility to familiarize myself with all information within the Human Resources Regulations.

By signing below, I understand that the Human Resources Regulations do NOT constitute a contract or agreement of any kind; rather it is merely a statement of policies and procedures. I understand that the contents of the Human Resources 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 Human Resources Regulations and it is my responsibility to review the manual periodically to observe any recent changes. I acknowledge that any updates to this policy will be communicated via City Council agenda and updates will be placed in supervisor manuals.

***By signing below, I understand that my employment with the City is employment at will and can be terminated by me or 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 verbal 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 Human Resources Regulations.***

By signing below, I understand that nothing in the Human Resources 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.

By signing below, I understand that the Human Resources Regulations replaces (supersedes) any and all prior City policies and any and all prior City Human Resources 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 Human Resources Regulations are the property of the City and is to be returned to the City when employment with the City ceases.

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date