

**TITLE 4****MUNICIPAL PERSONNEL****CHAPTER**

1. SOCIAL SECURITY--CITY PERSONNEL.
2. PERSONNEL RULES AND REGULATIONS.
3. TRAVEL REIMBURSEMENT REGULATIONS.

**CHAPTER 1****SOCIAL SECURITY--CITY PERSONNEL****SECTION**

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports to be made.

**4-101. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1977 Code, § 1-701)

**4-102. Necessary agreements to be executed.** The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1977 Code, § 1-702)

**4-103. Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1977 Code, § 1-703)

**4-104. Appropriations for employer's contributions.** There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's

contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1977 Code, § 1-704)

**4-105. Records and reports to be made.** The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1977 Code, § 1-705)

## CHAPTER 2

### PERSONNEL RULES AND REGULATIONS

#### SECTION

- 4-201. Purpose.
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- 4-214. State and federal personnel mandates.
- 4-215. Miscellaneous personnel policies.
- 4-216. Resignation.
- 4-217. Disciplinary action and dismissal.
- 4-218. Personnel policy changes.

**4-201. Purpose.** The purpose of this chapter is to establish a system of personnel administration in the City of Copperhill, Tennessee. (1977 Code, § 1-901, as replaced by Ord. #2002-3, Oct. 2002)

**4-202. At-will employer.** The City of Copperhill, Tennessee is an at-will employer. Nothing in this resolution may be construed as creating a property right or contract right to any job for any employee. (1977 Code, § 1-902, as replaced by Ord. #2002-3, Oct. 2002)

**4-203. Coverage.** The following personnel are not covered by these personnel rules and regulations, unless otherwise provided:

- (1) All elected officials.
- (2) Members of appointed boards and commissions.
- (3) Consultants, advisors, and legal counsel rendering temporary professional service.
- (4) The city attorney.
- (5) Independent contractors and/or contract employees.
- (6) Volunteer personnel.
- (7) The city judge.

All other employees of the municipal government are covered by these personnel rules and regulations. (1977 Code, § 1-903, as replaced by Ord. #2002-3, Oct. 2002)

**4-204. Classes of employees.** (1) Full-time. Full-time employees are individuals employed by the municipal government who normally work 40 hours per week.

(2) Part-time. Part-time employees are individuals who may not work on a daily basis or work on a daily basis fewer than 8 hours a day and may work fewer than 40 hours per week or who are temporary and/or seasonal employees. (1977 Code, § 1-904, modified, as replaced by Ord. #2002-3, Oct. 2002)

**4-205. Hiring procedures.** (1) Policy statement. The primary objective of this hiring policy is to insure compliance with the law and to obtain qualified personnel to serve the citizens of the municipality. The municipality shall make reasonable accommodations in all hiring procedures for all persons with disabilities.

(2) Application. All persons seeking appointment for employment with the municipality must complete a standard application form provided by the municipal government. Applications for employment shall be accepted in the mayor's office during regular office hours only. Applications will remain on active status for six (6) months after accepted or until the job for which the application is submitted is filled, whichever period of time is less.

(3) Interviews. All appointments will be preceded by an interview with the mayor.

(4) Pre-appointment exams. For certain positions, the employee may be required to undergo a validated physical agility examination related to the essential functions of the job, validated written and/or oral tests related to the essential functions of the job, drug testing, and, upon a conditional offer of employment, a medical examination to determine the employee's ability to perform the essential functions of the job. Reasonable accommodations shall be made in the physical agility exam for applicants with disabilities making a request for accommodations.

(5) Appointments, etc. All appointments shall be made in accordance with Article III, § 3.01 of the city's charter.

(6) Promotions. Vacancies in positions above the entrance level shall be filled by promotions whenever in the judgment of the mayor it is in the best interest of the municipality to do so. Promotions shall be on a competitive basis and appropriate consideration shall be given to the applicants' performance, qualifications, and seniority. (as replaced by Ord. #2002-3, Oct. 2002)

**4-206. Holidays.** (1) Except and in addition to such other holidays as may be from time-to-time declared by the board of mayor and aldermen, the

following days shall be official holidays for both the full and part-time employees of the City of Copperhill:

<u>Holiday Name</u>	<u>Holiday Date</u>
New Year's Day	January 1st of each year
Memorial Day	Last Monday in May of each year
Independence Day	July 4 <sup>th</sup> of each year
Labor Day	First Monday in September of each year
Thanksgiving Day	Fourth Thursday in November of each year
Christmas	December 25 <sup>th</sup> of each year

(2) Generally, when a holiday falls on a Saturday, or on a Sunday, the following Monday shall be observed as the holiday. However, the mayor shall have the discretion to designate the date of the holiday.

(3) All full-time employees of the city shall be compensated for any holiday granted in this chapter or otherwise designated by the board of mayor and aldermen by receiving eight (8) hours off with pay on the date of the holiday. However, in the interest of continuing essential municipal services, any city employee may be required to work on any holiday. Working on any holiday is a condition of employment for all city employees. Employees who are required to work on any holiday shall be paid eight (8) hours holiday pay plus time and one-half their regular pay for each hour they work on that holiday. Employees who are already scheduled to be off from work on the holiday shall also receive eight (8) hours of holiday pay.

(4) No employee shall be authorized to work on a holiday without the prior command or approval of the head of the department for whom the employee works. However, the board of mayor and aldermen may from time to time prescribe such other rules, regulations and limitations on overtime work as it desires.

(5) Any employee who is absent without leave on any working day immediately preceding or immediately following any holiday shall not be entitled to be paid for such holiday. (1977 Code, § 1-906, as replaced by Ord. #2002-3, Oct. 2002)

**4-207. Personal leave.** (1) All full-time and part-time employees who have been employed for a period of one year or longer shall be credited in accordance with the following table:

## Full-time

<b>Years of Service</b>	<b>Personal Days</b>	<b>Hours</b>
1	5 days	40 Hours
2-4	10 days	80 Hours
5 or more	15 days	120 Hours

## Part-time

<b>Years of Service</b>	<b>Personal Days</b>	<b>Hours</b>
1	3 days	24 Hours
2-4	7 days	56 Hours
5 or more	10 days	80 Hours

For personal leave purposes the term “working day” as it applies herein shall be computed on an eight (8) hour basis.

(2) Personal leave compensation shall be computed at the employee’s regular straight time pay rate in effect as of the date that the personal leave time is earned.

(3) The date of service to be used in determining personal leave time accrual rate is the beginning date of the employee’s current period of continuous service or the date on which the employee was initially employed or appointed, whichever is more recent.

(4) An employee shall not be eligible to take personal leave until he or she has had one (1) year continuous employment.

(5) Personal leave may not be taken before it is earned.

(6) Temporary or casual employees are not eligible for accrual of personal leave.

(7) For personal leave purposes, any reinstated employee shall be considered as a new employee regardless of the reason for separation.

(8) Earned personal leave may be taken in whole or in part throughout the year at which times as may be approved by the head of the department for which such employee works. No less than one (1) day may be taken at any one time.

(9) Personal leave not taken during the year in which it is earned shall be lost by the employee.

(10) Any official holiday falling within a period of personal leave shall be charged as holiday leave rather than personal leave. (1977 Code, § 1-907, as replaced by Ord. #2002-3, Oct. 2002)

**4-208. Absence without leave.** An absence without leave is an absence from duty which was not authorized or approved and for which either a request for leave was not made by the employee, or when made such request was denied. Under such circumstances any employee may be subject to such disciplinary action, including termination from employment with the city, as the city council deems necessary or appropriate. (as added by Ord. #2002-3, Oct. 2002)

**4-209. Absence without pay.** An absence without pay is an absence which may or may not have been known and which has resulted from suspension, abandonment of position, or leave without pay granted by the city. The heads of all departments shall be responsible for maintaining accurate records of any employee who is absent from duty for any reason and shall promptly report the same to the mayor. (as added by Ord. #2002-3, Oct. 2002)

**4-210. Leave without pay.** A full or part-time employee who is in good standing may be granted a leave without pay for a period not to exceed one year for temporary sickness, disability, or for other good and sufficient reasons. Such leave shall require the prior approval of the board of mayor and aldermen. The mayor may grant an emergency leave until the next council meeting. (as added by Ord. #2002-3, Oct. 2002)

**4-211. Call-ins.** On call-ins the employee will be paid from the time of leaving home to the time returning home immediately after completion of call-in at a rate of one and one-half (1 ½) times regular pay. (as added by Ord. #2002-3, Oct. 2002)

**4-212. Weekends.** An employee working a 40 hour week (8 hour shifts) who is scheduled to work on weekends will be paid for a minimum of two (2) hours each day at the regular rate of pay or overtime rate of pay depending on the employee's total time worked for the week. Employees must work according to a schedule alternating between employees. Any employee wishing to switch his/her weekend with another employee must receive prior permission from the mayor. Employees must remain on duty inside the city working the complete two (2) hours. (as added by Ord. #2002-3, Oct. 2002)

**4-213. Grievance procedures.** The purpose of this section is to prescribe uniform disposition procedures of grievances presented by individual employees. A grievance is a written question, disagreement, or misunderstanding concerning administrative orders involving only the

employee's work area, reasonable accommodations under Americans with Disabilities Act, physical facilities, unsafe equipment, or unsafe material used. The grievance must be submitted within five (5) working days of the incident causing the grievance.

Employees must remember that there is no grievance until the department head or other appropriate person has been made aware of the dissatisfaction by written notice. Once this is done, the following steps are to be taken:

- Step 1** Discuss the problem with the immediate supervisor. If satisfaction is not obtained, the grievance is advanced to the second step.
- Step 2.** Discuss the problem with the appropriate department head. If the grievance is not resolved, it is advanced to the third step along with all documentation.
- Step 3.** Discuss the problem with the mayor. The mayor's decision is the last and final step in the process. The decision of the mayor is final and binding to all parties involved. (as added by Ord. #2002-3, Oct. 2002)

**4-214. State and federal personnel mandates.** (1) Discrimination prohibited. The municipality is an equal opportunity employer. Except as otherwise permitted by law, the municipality will not discharge or fail or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, gender, or national origin, or because the individual is forty (40) or more years of age. The municipality will not discriminate against a qualified individual with a disability because of the disability in regard to job application procedures, hiring or discharge, employee compensation, job training, or other terms, conditions, and privileges of employment. (Title VII of Civil Rights Act of 1964 - 42 U.S.C. §§2000e - 2000e-15; Equal Pay Act 1963 - 29 U.S.C. §206(d); Age Discrimination in Employment Act - 29 U.S.C. §§621 et seq.; Americans With Disabilities Act - 42 U.S.C. §§506 et seq.)

(2) Sexual harassment prohibited. Sexual harassment by any employee or elected or appointed official of the municipality will not be tolerated. Sexual harassment is unwanted sexual conduct, or conduct based upon sex, by an employee's supervisor(s) or fellow employees or others at the work place that creates a hostile work environment, makes decisions contingent on sexual favors, or adversely affects an employee's job performance. Examples of conduct that may constitute sexual harassment are: sexual advances,



requests for sexual favors, propositions, physical touching, sexually provocative language, sexual jokes, and display of sexually-oriented pictures or photographs.

Any employee who believes that he or she has been subjected to sexual harassment should immediately report this to his/her supervisor or to the mayor. Within the limits of the Tennessee Open Records Law, the municipality will handle the matter with as much confidentiality as possible. There will be no retaliation against an employee who makes a claim of sexual harassment or who is a witness to the harassment.

The municipality will conduct an immediate investigation in an attempt to determine all the facts concerning the alleged harassment. If the municipality determines that sexual harassment has occurred, corrective action will be taken. The municipality will attempt to make the corrective action reflect the severity of the conduct. If it is determined that no harassment has occurred, this will be communicated to the employee who made the complaint, along with the reasons for the determination.

(3) Occupational safety and health. The municipality shall provide job safety and health protection for all employees in accordance with the Occupation Safety and Health Administration (OSHA) Legislation (29 U.S.C. §§656 et seq.) and the Tennessee OSHA Law (T.C.A. 50-3-101 et seq.).

(4) Overtime compensation. The Fair Labor Standards Act (FLSA) shall govern the overtime compensation of municipal employees (29 C.F.R. §§ 553.1 et seq.).

(5) Military leave / veterans' re-employment. All employees who are members of reserve components of the armed forces, including the National Guard, are entitled to leave while engaged in "duty or training in the service of this state, or of the United States, under competent orders," and they must be given such leave with pay not exceeding 15 working days in any one calendar year (T.C.A. 8-33-109). Also, any employee of the municipality who leaves his / her job, voluntarily or involuntarily, to enter active duty in the armed forces may return to the job in accordance with Veterans' Re-employment Rights (38 U.S.C. §202-2016) and the Tennessee Military Leave Act (T.C.A. 8-33-101 et seq.).

(6) Family and medical leave. If the municipality has 50 or more employees on the payroll, an eligible employee (one who has been employed at least 12 months and worked at least 1250 hours in the preceding 12 months) will be provided 12 calendar weeks of unpaid leave for medical conditions of the employee or his / her family members in accordance with the Family and Medical Leave Act (P.L. 103-3).

(7) Commercial driver's license. All employees that drive

(a) A vehicle with a gross weight of more than 26,000 pounds;

(b) A trailer with a gross weight of more than 10,000 pounds;

(c) A vehicle designed to transport more than 15 passengers,

including the driver; and

(d) Any size vehicle hauling hazardous waste requiring placards are required to have a Tennessee Commercial Driver's License in accordance with Tennessee Code Annotated, § 55-50-101 et seq. Fire truck, police vehicle, and emergency medical vehicle operators are exempt from the CDL requirements.

(8) Employee drug testing. All employees in safety-sensitive positions (such as gas employees, equipment / vehicle operators that require a commercial driver's license, etc.) are subject to alcohol and drug testing in accordance with the Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143, Title V) and the Natural Gas Pipeline Safety Act (49 CFR Part 199). Other employees may be subject to drug testing in accordance with the drug testing policy of the municipality. The municipality's procedures for drug testing can be found in municipal code § 4-301 et. seq.

(9) Residence requirements. No person "currently employed" by the municipality can be dismissed or penalized "solely on the basis of non-residence" (T.C.A. 8-50-107).

(10) Employee right to contact elected officials. No employee shall be disciplined or discriminated against for communicating with an elected official. However an employee may be reprimanded for making untrue allegations concerning any job-related matter (T.C.A. 8-50-601--604).

(11) Civil leave. Civil leave with pay shall be granted to employees for the following reasons:

(a) Jury duty (T.C.A. 22-4-108)

(b) To answer a subpoena to testify for the municipality.

(12) Voting. When elections are held in the state, leave for the purpose of voting, if requested, shall be in accordance with Tennessee Code Annotated, § 2-1-106.

(13) Political activity. Employees have the same rights as other citizens to be a candidate for state or local political office (except for membership on the municipal governing body) and to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. No employee may campaign on municipal time or in municipal uniform nor use municipal equipment or supplies in any campaign or election (T.C.A. 7-51-1501).

(14) Travel policy. All employees, including elected and appointed officials, are required to comply with the municipality's travel policy, municipal code § 4-301 et. seq., as required by Tennessee Code Annotated, § 6-54-901. (as added by Ord. #2002-3, Oct. 2002)

**4-215. Miscellaneous personnel policies.** (1) Outside employment. No full-time employee of the city may accept any outside employment without written authorization from the mayor. The mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his/her city

employment, or is likely to cast discredit upon or create embarrassment for the city.

(2) Business dealings. Except for the receipt of such compensation as may be lawfully provided for the performance of his duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the city.

(3) Use of municipal time, vehicles, facilities, etc. No employee may use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to oneself or any other person, group, or organization other than the municipality. Decisions about aid to charitable, civic or other organizations will be made exclusively by the governing body.

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

(5) Use of position. No city officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the city, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others.

(6) Dress code. All employees must report to work clean and well groomed (shoes, uniform or clothing, fingernails, facial hair and body hair). Beards and mustaches will be permitted provided they are groomed. Any employee who refuses to abide by the dress code will be sent home by the mayor until such grooming regulations are complied with. (as added by Ord. #2002-3, Oct. 2002)

**4-216. Resignation.** An employee may resign by submitting in writing the reason and the effective date, to the mayor as far in advance as possible, but a minimum of two (2) weeks notice is required. An unauthorized absence from work for a period of two (2) consecutive days may be considered by the board of mayor and aldermen as a resignation. (as added by Ord. #2002-3, Oct. 2002)

**4-217. Disciplinary action and dismissal.** (1) At-will. Employees may be dismissed for cause, for no cause, or for any cause as long as it does not violate federal and/or state law or the municipal charter.

(2) Disciplinary action. This subsection addressing procedures to be followed for disciplinary action only applies to those individuals currently employed by the City of Copperhill. All employees hired after the date this ordinance is passed are at will employees and may be dismissed without cause, and without following the procedures stated hereafter.

Whenever an employee's performance, attitude, work habits or personal conduct fall below a desirable level, the mayor shall inform the employee promptly and specifically of the lapse and shall give counsel and assistance as needed. If in a reasonable time the problem cannot be resolved, then the following steps will be taken; the employee will receive one verbal warning. If this step fails to correct the problem, then the employee will receive a written warning. If this second step does not correct the problem, the third step will be dismissal. The employee will be allowed renewal of this procedure within each calendar year. Reason for dismissal, demotion, or lay-off may include, but shall not be limited to; misconduct, negligence, incompetence, insubordination, unauthorized absence, falsification of records, violation of any provision of the charter, ordinances, or these rules, or any other justifiable reason.

Any police officer shall be furnished an advance written notice containing the nature of the proposed action, the reason, therein and the right to appeal the charges in writing to the governing body. This notice shall be furnished at least one calendar week prior to the proposed effective date of the action. During this period, the employee may be retained on duty status, placed on leave, or suspended without pay at the discretion of the Mayor. If the employee fails to respond to the advance notice, the proposed action shall be effective on the date specified with no need for further action. If the officer requests a hearing, the board of mayor and aldermen shall carefully consider all evidence presented before making a decision. The decision of the governing body shall be final.

(3) Name-clearing hearing. A name-clearing hearing will be given to any terminated, demoted, or suspended employee that requests one. This hearing will not be conducted to provide an employee any property rights. The purpose of the hearing is solely to let the employee clear his / her name. (as added by Ord. #2002-3, Oct. 2002)

**4-218. Personnel policy changes.** Nothing in this chapter may be construed as creating a property right or contract right to the job for any employee. The provisions of these personnel rules and regulations may be unilaterally changed by ordinance of the board of mayor and aldermen body from time to time as the need arises. (as added by Ord. #2002-3, Oct. 2002)

## CHAPTER 3

### TRAVEL REIMBURSEMENT REGULATIONS

#### SECTION

- 4-301. Enforcement.
- 4-302. Travel policy.
- 4-303. Travel reimbursement rate schedules.
- 4-304. Administrative procedures.

**4-301. Enforcement.** The mayor or his or her designee shall be responsible for the enforcement of these regulations. (as added by Ord. #2002-2, Sept. 2002)

**4-302. Travel policy.** (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the mayor. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences, and similar expenses.

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the mayor to initiate action to recover any undocumented travel advances.

(4) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(5) The travel expense reimbursement form will be used to document all expense claims.

(6) To qualify for reimbursement, travel expenses must be:

(a) Directly related to the conduct of the city business for which travel was authorized, and

(b) Actual, reasonable, and necessary under the circumstances.

The mayor may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

(7) Claims of \$5 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

(8) Any person attempting to defraud the city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (as added by Ord. #2002-2, Sept. 2002)

**4-303. Travel reimbursement rate schedules.** Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The city's travel reimbursement rates will automatically change when the state rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs. (as added by Ord. #2002-2, Sept. 2002)

**4-304. Administrative procedures.** The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee, in June 1993. A copy of the administrative procedures is on file in the office of the city recorder. (as added by Ord. #2002-2, Sept. 2002)