

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. PERSONNEL REGULATIONS.
2. WORK, VACATION AND SICK LEAVE, AND HOLIDAY REGULATIONS.
3. TRAVEL REIMBURSEMENT REGULATIONS.
4. SOCIAL SECURITY.

CHAPTER 1

PERSONNEL REGULATIONS¹

SECTION

- 4-101. [Deleted.]
- 4-102. [Deleted.]
- 4-103. Political activity.
- 4-104. [Deleted.]
- 4-105. [Deleted.]
- 4-106. Grievances.
- 4-107. Safety.
- 4-108. Training.
- 4-109. Other information.
- 4-110. Attitude.

4-101. [Deleted.] (1993 Code, § 4-101, as deleted by Ord. #081006-1, Sept. 2006)

4-102. [Deleted.] (1993 Code, § 4-102, as deleted by Ord. #081006-1, Sept. 2006)

4-103. Political activity. Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the city is not required to pay the employee's salary for work not performed for the city. Provided, however, municipal employees shall not

¹Municipal code references

Acceptance of gratuities: § 1-405.

Outside employment: § 1-409.

Use of municipal time, facilities, etc.: § 1-407.

Use of position: § 1-408.

be qualified to run for elected office in the board of commissioners. The restriction against running for office in the board of commissioners shall not apply to elective officials. (Ord. #02-01-3, Jan. 2002)

4-104. [Deleted.] (1993 Code, § 4-104, as deleted by Ord. #081006-1, Sept. 2006)

4-105. [Deleted.] (1993 Code, § 4-105, as deleted by Ord. #081006-1, Sept. 2006)

4-106. Grievances. If an employee has a grievance or complaint, it should be discussed with a member of the board of commissioners or the city manager. If a satisfactory agreement cannot be reached, the grievance may be brought before the board of commissioners. (Ord. #02-01-2, Jan. 2002)

4-107. Safety. All employees must be alert for safety hazards. All job related injuries, no matter how small, should be reported to the city manager. (Ord. #02-01-2, Jan. 2002)

4-108. Training. The city wants all employees to be well-trained; every effort will be made to train employees for specific jobs through orientation, safety programs and job improvement training. Requirements that are unique to the position will be disclosed and agreed upon with the individuals prior to employment. (Ord. #02-01-2, Jan. 2002)

4-109. Other information. Uniforms will be purchased or rented by the city when special clothing or equipment is required. All purchased articles remain the property of the city. A city employee will not be allowed to engage in any other employment or activity while on duty. Two weeks notice of intended resignation is required. Employees are expected to be on the job at starting time. City manager should be contacted concerning lateness or absenteeism. (Ord. #02-01-2, Jan. 2002)

4-110. Attitude. As an employee of the City of Rockford, courtesy is expected toward every citizen. Attitude on the job represents the city, whether it is on the telephone, in the city or in the city hall. Personal conduct in employee's private lives as well as at work must be to the credit of the city. (Ord. #02-01-2, Jan. 2002)

CHAPTER 2

WORK, VACATION AND SICK LEAVE AND HOLIDAY REGULATIONS

SECTION

- 4-201. Applicability of chapter.
- 4-202. Probationary period.
- 4-203. Work week.
- 4-204. Overtime.
- 4-205. Insurance/workers compensation.
- 4-206. Retirement plan.
- 4-207. Pay periods.
- 4-208. Position and salary.
- 4-209. Salary increases.
- 4-210. Work attendance.
- 4-211. Holidays.
- 4-212. Vacation leave.
- 4-213. Sick leave.
- 4-214. Absence without leave.
- 4-215. Absence without pay.
- 4-216. Leave without pay.
- 4-217. Other leave of absence.
- 4-218. Equal opportunity.
- 4-219. Sexual harassment policy.

4-201. Applicability of chapter. This chapter shall apply to all full-time municipal officers and employees, except those operating under the jurisdiction of a school, utility or other separate board or commission. (Ord. #02-01-04, Jan. 2002)

4-202. Probationary period. A new employee has probationary status for a period of 6 months, after which job performance is reviewed and evaluated. Depending upon evaluation outcome the employee may be extended in probationary status for up to 6 more months or entered into permanent status. Once entered into permanent status, the employee will be entitled to all benefits of regular city employment. Extension or completion of probationary status would require supervisor recommendation and city manager approval. (Ord. #02-01-04, Jan. 2002)

4-203. Work week. The normal work day shall be 8 hours, and the normal work week shall be 40 hours, being the normal time worked at straight time rates. Nothing herein is a guarantee of work or any number of hours of work, or a limitation on scheduling the work. (Ord. #02-01-04, Jan. 2002)

4-204. Overtime. There will be no overtime pay authorized, supervisors should use flexible scheduling to balance the total number of hours worked. (Ord. #02-01-04, Jan. 2002)

4-205. Insurance/workers compensation. The city has a program of group insurance (includes medical, dental and life (hereafter medical)). Medical for full time employees begins upon effective date of employment and life begins upon completion of probation period. The city will only pay to cover the employee but the employees will have an option to add family/dependant coverage at employee expense. Insurance providers may change but full details about current policy will be available when employment begins. All city employees are covered by the Tennessee Workers Compensation Act which is fully paid for by the city. Workers Compensation Insurance will pay medical and hospital bills resulting from an on-the-job injury, and will pay weekly income if employee is unable to work. (Ord. #02-01-04, Jan. 2002, modified)

4-206. Retirement plan. The city will contribute a specific percentage of employee's salary to an individual retirement account for each employee beginning upon completion of probationary status. Employees may contribute to their own retirement account. Details will be furnished when employee is eligible to participate. (Ord. #02-01-04, Jan. 2002)

4-207. Pay periods. The city recorder may establish pay periods from time to time to ensure that employees are paid on a regular basis. (Ord. #02-01-04, Jan. 2002, as amended by Ord. #02-01-1, Jan. 2002)

4-208. Position and salary. The number of positions and the salary for each will be presented to the board of commissioner for approval as part of the annual budget. Work load and job requirements will be reviewed to insure the proper number of positions and the salary of each is commensurate. (Ord. #02-01-04, Jan. 2002)

4-209. Salary increases. There are two ways that salary increases are earned in a career with the city--merit increases and promotions. There are in addition, cost of living increases which may be given when the economy is rapidly changing and when the city budget will allow such increases. (Ord. #02-01-04, Jan. 2002)

4-210. Work attendance. All full-time employees of the city shall be in attendance at their regular work and at their regular place of work as may be designated by the department head under whose supervision such employees shall work. The head of every city department shall keep a daily attendance record of the employees working under such supervisor and shall report the same to the city manager. (Ord. #02-01-04, Jan. 2002)

4-211. Holidays. (1) Except and in addition to such other holidays as may be from time-to-time declared by the board of commissioners, the following days shall be official holidays for employees of the City of Rockford.

<u>Holiday Name</u>	<u>Holiday Date</u>
New Year's Day	January 1 st of each year
Martin Luther King Day	Third Monday in January
Presidents Day	Third Monday in February
Good Friday	Friday before Easter of each year
Memorial Day	Last Monday in May of each year
Independence Day	July 4 th of each year
Labor Day	First Monday in September of each year
Veteran's Day	Second Friday in November
Thanksgiving Day	Fourth Thursday in November of each year
Friday after Thanksgiving	Fourth Friday in November of each year
Christmas Eve	December 24 th of each year
Christmas Day	December 25 th of each year

(2) When a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday, and when a holiday falls on a Sunday, the following Monday shall be observed as 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 commissioners 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 given equal time off. Holiday pay may be granted upon recommendation of the supervisor, approval of the city manager and the board of commissioners. If holiday pay is approved, it will be paid on December 15th.

(4) 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. (Ord. #02-01-04, Jan. 2002, as amended by Ord. #022505, April 2005)

4-212. Vacation leave. (1) Vacation leave may be taken upon completion of probationary period but will not exceed one week of vacation during the first year of employment. Two weeks may be taken during the

second year thru the ninth year of employment. During the tenth year of employment and each year thereafter three weeks of vacation may be taken. Vacation time will be a use or lose benefit and may not be accumulated into the next year.

<u>Years of Service</u>	<u>Annual Vacation Leave Time</u>
6 months to 1 year	5 working days
1 year to 5 years	10 working days
5 years to 10 years	15 working days
10 years and over	20 working days

For vacation leave purposes the term "working day" as it applies herein shall be computed on an eight (8) hours basis.

(2) The date of service to be used in determining vacation 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.

(3) For vacation purposes, any reinstated employee shall be considered as a new employee regardless of the reason for separation, unless otherwise approved by the board of commissioners.

(4) Any official holiday falling within a period of vacation leave shall be charged as holiday leave rather than vacation leave. (Ord. #02-01-04, Jan. 2002, as amended by Ord. #022505, April 2005)

4-213. Sick leave. (1) All full-time employees of the city shall be allowed to accumulate sick leave with pay at the rate of one (1) working day for each full calendar month of service completed up to an unused maximum of thirty (30) working days. Sick leave shall be considered a benefit and privilege and not a right for the employee to use at his or her discretion. Employees shall, therefore, utilize their accumulated sick leave allowance for absences due to personal illness or physical incapacity, personal illness or physical incapacity within the immediate family of the employee (as defined in paragraph (3) below), enforced quarantine of the employee in accordance with community health regulations, disability resulting from pregnancy, childbirth or related medical conditions, or so as to keep an appointment with a licensed medical doctor, dentist or other recognized health care practitioner.

(2) The board of commissioners may, in its discretion, prescribe regulations requiring that a health care practitioner's certificate or other satisfactory evidence be filed with the city supporting the absence before it may be properly chargeable as sick leave.

(3) For sick leave purposes the term "working day" as it applies in this section shall be computed on an eight (8) hour basis. The term "immediate family" shall be defined as spouse, children, parents, brothers and sisters, and grandparents, both of the employee and spouse of the employee.

(4) Sick leave compensation shall be figured at the employee's straight time pay rate in effect at the date it is used by the employee.

(5) The date of service to be used in determining sick 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.

(6) Sick leave shall begin to accrue on the first day of the month next following the first full calendar month of employment.

(7) Temporary, casual or part-time employees are not eligible for accrual of sick leave.

(8) For sick leave purposes any reinstated employee shall be considered as a new employee regardless of the reason for his or her separation.

(9) Any employee who abuses these sick leave provisions or who deliberately makes or causes to be made any false or misleading statement or claim concerning the same, shall be subject to the loss of any such benefits, dismissal from his or her employment with the city or other disciplinary action.

(10) Any employee of the city who is injured when engaging in his employment for the city may be carried on sick leave for any accumulated sick leave that he or she has to his or her credit, but in no case shall any employee be allowed to receive sick leave pay while drawing any workers compensation or other disability payments resulting from any benefit provided by the city. (Ord. #02-01-04, Jan. 2002)

4-214. 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 manager deems necessary or appropriate. (Ord. #02-01-04, Jan. 2002)

4-215. 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 city manager. (Ord. #02-01-04, Jan. 2002)

4-216. Leave without pay. A regular or part-time employee who is in good standing may be granted a leave without pay for a period not to exceed ninety (90) calendar days in any one calendar year upon the approval of the board of commissioners. (Ord. #02-01-04, Jan. 2002)

4-217. Other leave of absence. Leave with pay may also be granted in the case of jury duty, funeral leave and other emergencies as approved by the board of commissioners. (Ord. #02-01-04, Jan. 2002)

4-218. Equal opportunity. Equal opportunity will be applied in recruitment, hiring, compensation, fringe benefits, staff development and training, promotion, and any other condition of employment, regardless of race, color, religion, gender, handicap, age, or national origin or any other nonperformance factor. (as added by Ord. #022405, April 2005)

4-219. Sexual harassment policy. (1) The sexual harassment of any employee of the City of Rockford by any other employee or non-employee is demeaning to both the victim of the harassment and to the city and is absolutely prohibited. The city will not tolerate the sexual harassment of any of its employees, and will take immediate, positive steps to stop it when it occurs.

(2) Sexual harassment is a violation of title VII of the Civil Rights Act of 1964 and in some cases it has been found to be a violation of the victim's U.S. constitutional rights.

(3) Sexual harassment is unwelcome conduct in the form of physical touching; propositioning; making either explicit or implied job threats or promises in return for submission to sexual favors; making of inappropriate sexual-oriented comments on appearance, including dress or physical features; telling of embarrassing sex-oriented stories; displaying sexually explicit or pornographic material, no matter how it is displayed; or sexual assaults on the job by supervisors, fellow employees, or non-employees, when any of the foregoing unwelcome conduct affects decisions, makes the job environment hostile, distracting or unreasonably interferes with work performance.

(4) This sexual harassment policy applies to all officers and employees of the City of Rockford, including, but not limited to, full- and part-time employees, elected officials, permanent and temporary employees and employees working under contract for the city.

(5) Any employee who believes that he or she is being subjected to sexual harassment should immediately contact one (1) of the persons below with whom the employee feels most comfortable:

- (a) Immediate supervisor;
- (b) Department head;
- (c) City manager;
- (d) City commissioner;
- (e) Mayor.

The city will handle the matter with as much confidentiality as possible, and there will be no retaliation against any employee who makes a claim of sexual harassment or who is a witness to the harassment.

(6) The city will conduct an immediate investigation in an attempt to determine all the facts concerning any alleged harassment. If it is determined that sexual harassment has occurred, corrective disciplinary action will be taken, including a reprimand, demotion, discharge or other appropriate action.

(7) If it is determined that no harassment has occurred, or that there is insufficient evidence of harassment, this will be communicated to the employee who made the complaint, along with the reasons for this determination.

(8) If it is found that a false and malicious claim has been filed, the employee who filed such a claim may thereupon be subject to disciplinary action.
(as added by Ord. #022605, April 2005)

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 city manager of the city or his or her designee shall be responsible for the enforcement of these regulations. (Ord. #02-01-5, Jan. 2002)

4-302. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" 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 city manager. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(3) Authorized travelers can request advance billing directly to the city for registration fees, air fares, meals, lodging, conferences, and similar expenses.

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

(5) 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 city manager may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

(6) 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.

(7) 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.

(8) Mileage, meals and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (Ord. #02-01-5, Jan. 2002)

4-303. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal reimbursement rate for travel. 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. (Ord. #02-01-5, Jan. 2002, modified)

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. (Ord. #02-01-5, Jan. 2002)

CHAPTER 4

SOCIAL SECURITY

SECTION

- 4-401. Policy and purpose as to coverage.
- 4-402. Necessary agreements to be executed.
- 4-403. Withholdings from salaries or wages.
- 4-404. Appropriations for employer's contributions.
- 4-405. Records and reports.
- 4-406. Exemption from coverage.

4-401. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Rockford, Tennessee, to extend, as of the date hereinafter set forth, to the employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734 - 81st Congress. In pursuance of said policy and for that purpose, the said city shall take such action as may be required by applicable federal or state laws or regulations. (Ord. #1-306, Feb. 1975)

4-402. Necessary agreements to be executed. The mayor of the City of Rockford, Tennessee, is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the director of old age and survivors insurance agency, State of Tennessee, as agent or agency, to secure coverage of employees and officials as provided in § 4-401, hereof. (Ord. #1-306, Feb. 1975)

4-403. Withholdings from salaries or wages. Withholdings from salaries or wages of employees and officials for the purpose provided in § 4-401, hereof, are hereby authorized to be made in the amounts and at such times as may be required by applicable federal or state laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (Ord. #1-306, Feb. 1975)

4-404. 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; which shall be paid over to the state or federal agency designated by said laws or regulations. (Ord. #1-306, Feb. 1975)

4-405. Records and reports. The said city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (Ord. #1-306, Feb. 1975)

4-406. Exemption from coverage. There is hereby excluded from this chapter any authority to make any agreement with respect to any position, or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the said city or any employee, official, or position not authorized to be covered under applicable state or federal laws or regulations. (Ord. #1-306, Feb. 1975)