

## TITLE 4

### MUNICIPAL PERSONNEL

#### CHAPTER

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#### CHAPTER 1

### SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

#### SECTION

- 4-101. Policy and purpose as to coverage.
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- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports to be made.
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**4-101. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of this city to provide for the employees and officials thereof of the city, 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 city shall take such action as may be required by applicable state and federal laws or regulations. (1970 Code, § 1-601)

**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. (1970 Code, § 1-602)

**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. (1970 Code, § 1-603)

**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. (1970 Code, § 1-604)

**4-105. Records and reports to be made.** The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1970 Code, § 1-605)

**4-106. Personnel excluded 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 city. There is further excluded from this chapter any authority to make any agreement with respect to any position, or any employee or official, compensation for which is on a fee basis or any position, or any employee or official not authorized to be covered by applicable state or federal laws or regulations. (1970 Code, § 1-606)

**CHAPTER 2****PERSONNEL REGULATIONS****SECTION**

4-201. Policies and procedures.

4-202.-4-233. Deleted.

**4-201. Policies and procedures.** Personnel policies and procedures are adopted by Ord. #12-53 as if fully set out herein.<sup>1</sup> (1970 Code, § 1-701, as replaced by Ord. #12-53, Dec. 2018 *Ch3\_6-18-19*)

**4-202.--4-233. Deleted.** (1970 Code, as deleted by Ord. #12-53, Dec. 2018 *Ch3\_6-18-19*)

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<sup>1</sup>Personnel policies and procedures for the City of Rockwood, and any amendments thereto, may be found in the recorder's office.

## CHAPTER 3

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM<sup>1</sup>

#### SECTION

- 4-301. Title.
- 4-302. Purpose.
- 4-303. Coverage.
- 4-304. Standards authorized.
- 4-305. Variances from standards authorized.
- 4-306. Administration.
- 4-307. Funding the program.

**4-301. Title.** This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY. (1970 Code, § 1-1001, as replaced by Ord. #1066, Aug. 2003, Ord. #07-1098B, Feb. 2007, and Ord. #12-69, Aug. 2020 *Ch4\_06-20-22*)

**4-302. Purpose.** The CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY in electing to update the established program plan will maintain an effective and comprehensive occupational safety and health program plan for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
  - (a) Top management commitment and employee involvement.
  - (b) Continually analyze the worksite to identify all hazards and potential hazards.
  - (c) Develop and maintain methods for preventing or controlling the existing or potential hazards.
  - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain, and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Record, keep, preserve, and make available to the commissioner of labor and workforce development, or persons within the department of labor and workforce development to whom such responsibilities have been delegated,

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<sup>1</sup>The Occupational Safety and Health Program for the City of Rockwood, including all Appendices, is included in this municipal code as Appendix A.

adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

(4) Consult with the commissioner of labor and workforce development with regard to the adequacy of the form and content of records.

(5) Consult with the commissioner of labor and workforce development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.

(6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards and provide for education and notification of all employees of the existence of this program plan. (1970 Code, § 1-1002, as replaced by Ord. #1066, Aug. 2003, Ord. #07-1098B, Feb. 2007, and Ord. #12-69, Aug. 2020 *Ch4\_06-20-22*)

**4-303. Coverage.** The provisions of the occupational safety and health program plan for the employees of the CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (1970 Code, § 1-1003, as replaced by Ord. #1066, Aug. 2003 and Ord. #07-1098B, Feb. 2007, as replaced by Ord. #12-69, Aug. 2020 *Ch4\_06-20-22*)

**4-304. Standards authorized.** The occupational safety and health standards adopted by the CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (1970 Code, § 1-1004, as replaced by Ord. #1066, Aug. 2003, Ord. #07-1098B, Feb. 2007, and Ord. #12-69, Aug. 2020 *Ch4\_06-20-22*)

**4-305. Variances from standards authorized.** Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized

by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (1970 Code, § 1-1005, as replaced by Ord. #1066, Aug. 2003, Ord. #07-1098B, Feb. 2007, and Ord. #12-69, Aug. 2020 *Ch4\_06-20-22*)

**4-306. Administration.** For the purposes of this chapter, Fire Chief Matthew Crabtree and Building Inspector Harold Ishman are designated as Co-Safety Director(s) of Occupational Safety and Health for the City of Rockwood, Rockwood Water, Sewer & Natural Gas and Rockwood Electric Utility. Bonnie Fugate and John Skidmore Co-Safety Director(s) for Rockwood Water, Sewer & Natural Gas and Marty Hill, Safety Director for Rockwood Electric) to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The Safety Director(s) shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by Tennessee Code Annotated, Title 50. (1970 Code, § 1-1006, as replaced by Ord. #1066, Aug. 2003, Ord. #07-1098B, Feb. 2007, and Ord. #12-69, Ord. #12-69, Aug. 2020 *Ch4\_06-20-22*)

**4-307. Funding the program.** Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the CITY OF ROCKWOOD, ROCKWOOD WATER, SEWER & NATURAL GAS AND ROCKWOOD ELECTRIC UTILITY. (1970 Code, § 1-1007, as replaced by Ord. #1066, Aug. 2003, Ord. #07-1098B, Feb. 2007, and Ord. #12-69, Aug. 2020 *Ch4\_06-20-22*)

## CHAPTER 4

### NEPOTISM

#### SECTION

- 4-401. Applicability of chapter.
- 4-402. Standard operating policy.
- 4-403. Close relative defined.

**4-401. Applicability of chapter.** This chapter shall apply to all full-time and part-time municipal employees and officers operating under the jurisdiction of city council, whether jurisdiction is direct or indirect, including all agencies, commissions, departments and boards from and after its adoption. All municipal employees or officers as described herein employed at the time of adoption of this chapter shall be exempt from the provisions of this chapter. (1970 Code, § 1-1301)

**4-402. Standard operating policy.** It shall be the standard operating policy of the City of Rockwood and all its departments, agencies, commissions and boards that in no event shall applicants be approved for employment in, or shall individuals already in the employ of any such department, agency, commission or board be allowed to transfer to or remain in, positions in which "close relatives" would have either direct or indirect supervisory relationships. In no event shall applicants be approved for employment in a department, agency, commission or board in which "close relatives" are already employed, nor shall "close relatives" already in the employ of any department, agency, commission or board be allowed to transfer to a department, agency, commission or board in which "close relatives" are already employed. (1970 Code, § 1-1302)

**4-403. Close relative defined.** The term "close relative," for purposes of this chapter, shall be construed to mean: husband, wife, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, mother-in-law, son-in-law, daughter-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, and step-child. (1970 Code, § 1-1303)

## CHAPTER 5

### CIVIL SERVICE BOARD<sup>1</sup>

#### SECTION

- 4-501. Civil service board created.
- 4-502. Persons subject to civil service.
- 4-503. Appointments and promotions.
- 4-504. Functions and duties of the board; officers of the board and meetings of the board.
- 4-505. Induction of incumbents into civil service.
- 4-506. Qualification of applicants.
- 4-507. Tenure of office; grounds for demotion, suspension or discharge.
- 4-508. Removal of members from civil service.
- 4-509. Duty of city officers and employees to assist board.
- 4-510. Certification of names for vacancies; eligible lists; probationary employment.
- 4-511. Leave of absence without pay.
- 4-512. False marking, grading, etc., of examinations, etc., prohibited.
- 4-513. Political activities; religious and political discrimination prohibited.
- 4-514. Board may obtain assistance.
- 4-515. Compliance with chapter.
- 4-516. City to furnish board with accommodations and equipment; employment or clerical, administrative, etc., assistance.
- 4-517. Appropriations by city council; appointment of original board.
- 4-518. Organization of the original board.
- 4-519. Penalty for violation.
- 4-520. Vote to be taken.

**4-501. Civil service board created.** There is hereby created a system of civil service for the City of Rockwood. A civil service board, hereafter referred to as "the board" to consist of five members is hereby created to administer the said system of civil service. Two members of the board shall be elected by the governing body of the City of Rockwood; two members shall be elected by the employees of the classified service, in a joint election, and the persons receiving a majority of the votes of the employees of the classified service shall become the

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<sup>1</sup>Municipal code reference

The provisions of this chapter are identical to those contained in Priv. Acts 1997, ch. 32, which is included in this code beginning on page C-20, immediately following the city charter. Amendments to these provisions cannot be accomplished by ordinance. They must be made by private act properly passed by the Tennessee General Assembly.



two members of the board. The persons selected by the governing body of the City of Rockwood and the persons selected by a majority vote of the classified service shall then select one person within ten days after their appointment and selection and the person agreed upon by these four so appointed and selected shall constitute the fifth member of the board. Provided, that if the four members appointed and selected shall fail to agree within ten days after their appointment, then and in that event the governing body of the City of Rockwood shall appoint four citizens to meet and confer with four of the citizens appointed by the employees of the classified service. This joint committee of eight shall meet, within ten days, and appoint one person who shall constitute the fifth member of the board.

The five members thus appointed to the board shall serve as board members for a term as appointed, or until their successors are appointed and qualified. One four year term shall be selected by the governing body of the City of Rockwood. One four year term shall be elected by the employees of the classified service. One three year term shall be selected by the governing body of the City of Rockwood. One three year term shall be elected by the employees of the classified service. These four members shall then select one member for a two year term. However, if the four members fail to agree, then the same procedure for selecting the fifth member as set out in paragraph 1, shall be used for selection of the fifth member. On or before the expiration of the term of each board member, his successor shall be selected in the same manner as the prior selection of the said board member whose term thus expires, to the end that the successor to the member appointed by the town governing body shall likewise be appointed to said body, the successors to the member elected by the classified service shall likewise be elected by said classified service, and the successors to the member appointed by the two other board members shall likewise be appointed by the two other board members.

The members of this board shall receive for their services the sum of fifty dollars per month, to be paid out of the general fund of the City of Rockwood. No person shall be appointed a member of such board who is not a citizen of the United States, a resident of the City of Rockwood, Tennessee, for at least one year immediately preceding such appointment, and elector of Roane County. No city employee, elected officials of the City of Rockwood, or convicted felon, may be a member of the board.

Any member of the board may be removed from office by the governing body of the City of Rockwood for incompetency, dereliction of duty, malfeasance in office or upon conviction of any crime involving moral turpitude. Provided, however, that no member of the board shall be removed until charges shall have been preferred in writing, due notice and full public hearing had before governing body of the City of Rockwood; provided, further, that such removal shall be for a period of ten days, during which time any member so removed shall have the right of appeal to the chancery court of Roane County, Tennessee, which court shall thereupon proceed to hear and determine such appeal;

provided, however, that such hearing shall be confined to the determination of whether the order of removal made by the governing body of the City of Rockwood was or was not made in good faith for proper cause, and no appeal to such court shall be taken except upon such grounds, and the decision of such court shall be final.

The members of the board shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by the chapter. Three members of this board shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the board under and by virtue of the provisions of the chapter. Provided, however, that due notice of all meetings shall be given so that all five board members may have an opportunity to be present. Provided, further, that the board shall transact no business and make no decisions until and except while all five board members shall have taken office and remain qualified to act. (Ord. #1008, March 1997)

**4-502. Persons subject to civil service.** The provisions of this chapter shall apply to all employee personnel working on a paid full time basis. Specifically, exempt employees shall be:

- (1) Department heads,
- (2) City recorder,
- (3) All elected officials and persons appointed to fill vacancies in elective offices,
- (4) The chief administrative officer--the mayor,
- (5) All members of appointive boards, commissions, or committees,
- (6) City attorney and assistant city attorneys,
- (7) Consultants, advisors and counsel rendering temporary professional service,
- (8) Independent contractors,
- (9) Emergency employees who are hired to meet the immediate requirements of an emergency condition such as extraordinary fire, flood, or earthquake which threatens life or property,
- (10) Seasonal employees who are employed by the city,
- (11) Persons rendering part-time service paid by the hour or day,
- (12) Volunteer personnel, such as volunteer firemen, and all other personnel appointed to serve without compensation, and

All persons as shown as covered shall be known as the classified service. All other city employees shall be known as the unclassified service. (Ord. #1008, March 1997)

**4-503. Appointments and promotions.** All future appointments to and promotions in said departments, except as otherwise provided in this chapter shall be made on the basis of seniority, fitness and efficiency, which shall be determined by the following method:

Subject to the other standards set forth in this chapter, the department heads shall meet with the board as soon after the enactment of this chapter as may be possible and shall give assistance to the board in drawing up minimum standards of mental ability, physical conditions, experience, education, personality, and specified training for each job classification in their respective departments. Such standards, when set, shall remain in effect until altered by action of the board. After the enunciation of said standards, a roster shall be kept by the board of all full time personnel in the classified service indicating what job classifications within their respective departments such personnel are eligible to fill. A roster shall also be kept on all applicants to become members of the classified service with appropriate indication of what job classifications such applicants are eligible to fill.

After the enunciation of said standards, no vacancy shall be filled except by a person on the roster of persons having the requisite qualifications to fill such vacancy.

If any vacancy shall occur within any branch of the classified service, the vacancy shall be offered first to that member of the said branch qualified on the roster who shall have the greatest seniority and so on in descending order. No person shall be reinstated in, or transferred, suspended or discharged from any place, position or employment in the classified service contrary to the provisions of this chapter. (Ord. #1008, March 1997)

**4-504. Functions and duties of the board; officers of the board; and meetings of the board.** The board shall organize by forthwith electing one of its members as chairman and shall hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of its duties.

The board shall appoint a secretary who shall keep its records, preserve all reports made to it, superintend and keep a record of all examinations and perform such other duties as the board may prescribe.

It shall be the duty of the board:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held and appointments, promotions, transfers, demotions, reinstatements, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration; such rules and regulations shall include the methods used in determining the standard for each job classification in the classified service. These rules and regulations may be changed from time to time by the board and shall be printed or reproduced for free public distribution.

(2) The rules and regulations shall include provisions so that seniority may not be lost by any person holding a position in the classified service if such person leaves the classified service to enter the military service of the United States, provided that such person returns to the classified service within six

months following his honorable discharge from such service. In such cases the period of military service shall be included in the period of seniority of such person.

(3) The board shall make investigations and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder, inspect all institutions and employment affected by this chapter, and ascertain whether the ordinance and all such rules and regulations are being obeyed. Such investigations shall be made by the board on its own motion and must also be made on petition of any citizen duly verified stating that irregularities or abuses exist, or setting forth in writing the necessity for such investigation. In the course of such investigation, the board shall have the power to administer oaths, subpoena and require the attendance of witnesses, and require the production of books, papers, documents and accounts appertaining to the investigation. The failure upon the part of any person to comply with such subpoena or demand shall be a violation of this chapter and punishable as such. The board shall have the authority to refer any complaint, before or after investigation, to the department head for solution.

(4) All hearings and investigations before the board shall be governed by this chapter and by the rules of practice and procedure to be adopted by the board. The board, or its designated hearing officer, shall not be bound by technical rules of evidence. No formality in any procedure or hearing shall invalidate any order, decision, rule or regulation made or approved by the board; provided, however, that no decision shall be binding unless concurred in by at least three of the board members.

(5) To hear and determine appeals or complaints relative to the allocation of positions, the determination of job changes, the furnishings of rosters and the position of members of the classified service, and of applicants on such rosters, and such other matters relating to the administration of this chapter as may be referred to the board.

(6) To prepare a standard schedule of pay and of hours based generally upon presently applicable salary rates and hours worked for each class of positions in the classified service. Such pay plan shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of position. In increasing or decreasing items in budgets, the governing body of the City of Rockwood shall not increase or decrease any individual salary item, but shall act solely with respect to classes of positions as established in the classification and pay plan. In no event shall the said governing body reduce the salary of a class below the minimum or raise it above the maximum salary established by the pay plan except by amendment of the same. Provided, that nothing in this chapter shall limit the hours to be worked in event of riot, dangerous fire or other bona fide emergency.

(7) To see that the job classification, the standard for filling said classifications and the roster of eligible appointees for each classification are

kept continuously up to date, and posted in the respective departments of the classified service. Said rosters shall show name, rank and number in their proper order by reason of seniority established by continuous service in the respective departments. Terms of leaves of absence granted by the board hereby created upon recommendation of the head of each department shall not forfeit the rights of the member granted leave under this chapter nor be charged against such member in his order of seniority.

(8) To make provisions that men laid off because of curtailment of expenditures, reduction in force, and for like causes, shall be the last person, or persons, including probationers, that have been appointed to the respective department of the classified service. Rules and regulations shall provide that persons so laid off shall be reinstated before any new appointments to said department shall be made.

(9) To keep the appointing authority notified of the person highest on each eligible list for appointment to each vacancy that may occur.

(10) To keep such records as may be necessary for the proper administration of this chapter. (Ord. #1008, March 1997)

**4-505. Induction of incumbents into civil service.** All persons holding positions in the classified service, upon the effective date of this chapter, who shall have served in such position for a period of at least ninety days previous thereto, are hereby inducted into civil service in the office, position or employment which such persons respectively held at the time of the enactment of this chapter, subject, however, to removal, demotion, or suspension upon the same terms as any other person inducted permanently into civil service following the effective date of this chapter. (Ord. #1008, March 1997)

**4-506. Qualification of applicants.** (1) Citizenship. An applicant for a civil service position of any kind under the classified service must be a citizen of the United States, who can read and write the English language.

(2) Character and fitness. Every applicant for a position in the classified service must, in addition to such minimum standards as are stated by the board, also be of ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the board may deem advisable. (Ord. #1008, March 1997)

**4-507. Tenure of office; grounds for demotion, suspension or discharge.** The tenure of everyone holding office, place, position, or employment under the provisions of this chapter shall be for and only during good behavior. Any such person may be removed or discharged, suspended without pay, demoted or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons, but for no other reasons:

(1) Dishonesty, intemperance, immoral conduct, insubordination, or any other act of omission or commission tending to injure the public service; or

any other willful failure on the part of the employee to conduct himself properly; or any willful violation of the provisions of this chapter or the rules and regulations to be adopted hereunder.

(2) Conviction of a felony, or a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon ability to perform public service or one for which a jail sentence is or may be imposed.

(3) Any other act or failure to act which, in the judgment of the board, is sufficient to show the offender to be an unsuitable and unfit person to be employed in the classified service. (Ord. #1008, March 1997)

**4-508. Removal of members from civil service.** No person in the classified civil service who shall have been permanently appointed or inducted into civil service under the provisions of this chapter shall be removed, suspended or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation shall be served upon the accused, and a duplicate filed with the board. The department head may suspend an employee of the department pending the confirmation of the suspension by the regular appointing power under this chapter which must be within ten days. Any person so removed, suspended or discharged may within twenty days from the time of his removal, suspension or discharge file with the board a written demand for an investigation, whereupon the board shall conduct such investigation. The investigation shall be confined to the determination of whether such removal, suspension or discharge was or was not made for political reasons and was or was not made in good faith for cause. After such investigation, the board may affirm the removal, or if it shall find that the removal or suspension was made for political reasons, or was not made in good faith for cause, shall order the immediate reinstatement or re-employment of such person in the office, place, position or employment from which such person was removed, suspended or discharged, which reinstatement shall, if the board so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension or discharge. The board, in its discretion, in lieu of affirming or reversing the removal, suspension or discharge, may modify the order by direction a suspension without pay for a given period and subsequent restoration of duty, grade or pay; and the findings of the board shall be certified in writing to the appointing power and shall be forthwith enforced by such authority.

All investigations made by the board pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel and presenting his defense. At any such hearing the testimony of all witnesses shall be taken in writing and a record made of all proceedings. From any order adverse to the accused, the latter may appeal to the chancery court of Roane County,

Tennessee. Such appeal shall be taken by serving the board, within ten days after the entry of such order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the board affecting or relating to such order be filed by the board in such court. The board shall within twenty days after the filing of such notice, make, certify and file such transcript with such court. The chancery court shall thereupon proceed to hear and determine such appeal; provided, however, that such hearing shall be confined to the determination of whether the order of removal, discharge or suspension made by the board was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground, or grounds, and the decision of the court shall be final. (Ord. #1008, March, 1997)

**4-509. Duty of city officers and employees to assist board.** It shall be the duty of all officers and employees of the City of Rockwood to aid in all proper ways in carrying out the provisions of this chapter, and such rules and regulations as may, from time to time be prescribed by the board thereunder and to afford the board, its members and employees, all reasonable facilities and assistance in the inspection of all books, papers, documents, and accounts applying or in any way appertaining to any and all offices, places, positions, papers, documents and accounts relevant to the duties of the board, and to attend and testify whenever required so to do by the board or any member thereof. (Ord. #1008, March 1997)

**4-510. Certification of names for vacancies; eligible lists; probationary employment.** Whenever a position in the classified service becomes vacant, the governing body of the City of Rockwood, or the board in charge of the separate departments, shall make requisition upon the board for the name and address of a person eligible for appointment thereof. The board shall certify the name of the person highest on the eligible list willing to accept employment, except in cases where the person who would be certified is not at the time of certification employed in the classified service, in which cases the board shall certify the two names highest on the appropriate list, and the governing body, or board, shall appoint one of the persons so certified.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the governing body, or board, shall forthwith appoint the person, or, in the proper case, from among the persons so certified, to said position.

The governing body, or board, of the city, as to department heads, and the chiefs of the respective departments with the approval of the governing body, or board, as to all other personnel shall, notwithstanding any other provisions of this chapter, upon proper certification by the board of the eligibility of an applicant for any position in the classified service, be empowered to appoint such person to said position for a period of six months, during which time such

applicant shall be on probation and subject to removal for just cause shown and any time during said six months period; or if the governing body, or board, of the City of Rockwood shall in its discretion deem such person on probation unfit and unsatisfactory for such position, then and in that event such person on probation may be dismissed or transferred to another classification on probation, without prejudice to such applicant. Whatever action may be taken by such governing body, or board, with respect to such applicant or probationer shall not be reviewable by the board. In the event of dismissal of such applicant or probationer for reasons satisfactory to the governing body, or board, the City of Rockwood then and in that event the board shall certify the name of the next person, or in the proper case persons, on the eligible list as the same shall appear from the records of the board. (Ord. #1008, March 1997)

**4-511. Leave of absence without pay.** Leave of absence, without pay, may be granted by the board upon the recommendation of the department head, and the board shall give notice of such leave of absence to the governing body, or board. All temporary employment caused by leaves of absence shall be made from the eligible list of classified civil service of the department concerned. (Ord. #1008, March 1997)

**4-512. False marking, grading, etc., of examinations, etc., prohibited.** No board member or any other person shall, by himself/herself, or in cooperation with one or more persons, defeat or deceive any person in respect of his/her right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter or aid in so doing, or make any false representation concerning the same or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or persuade any other person, or permit or aid in any manner any person to personate any other person, in connection with any examination or registration or application or request to be examined or registered. (Ord. #1008, March 1997)

**4-513. Political activities; religious and political discrimination prohibited.** (1) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to the employment in the classified service because of his political or religious opinions, but all employees must take an oath to support the Constitution of the United States.

(2) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.



(3) No person shall use or promise to use, directly or indirectly, any political or official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service or an increase in pay or other advantages in employment in any such position either for the purpose of influencing the vote of political action of any person, or for any consideration, or otherwise.

(4) It shall be the duty of the board to supervise the execution of the foregoing civil service provisions of this chapter, and the rules made thereunder, and it shall be the duty of all persons under the provisions of this chapter to comply with such rules and to aid in their endorsement. (Ord. #1008, March 1997)

**4-514. Board may obtain assistance.** The board shall be authorized to employ such clerical or administrative help as is necessary in carrying out the duties assigned to it, and shall also be authorized to retain legal counsel and engage actuarial experts to the extent necessary in carrying out the functions assigned to the board. (Ord. #1008, March 1997)

**4-515. Compliance with chapter.** The failure on the part of the board, or any member thereof or on the part of the governing body, or board, of the City of Rockwood, or any member thereof, to comply with the terms of this chapter shall be considered a violation of this chapter and shall be punishable as such. (Ord. #1008, March 1997)

**4-516. City to furnish board with accommodations and equipment; employment or clerical, administrative, etc., assistance.** The governing body of the City of Rockwood shall provide the board with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the board and shall either provide directly or provide the funds for the payment of such necessary clerical, administrative, actuarial and legal assistance as may be employed by the board under the provision of § 4-514 of this chapter; and the failure on the part of the governing body to do so shall be considered a violation of the chapter and shall be punishable as such. (Ord. #1008, March 1997)

**4-517. Appropriations by city council; appointment of original board.** The governing body of the City of Rockwood shall have authority to appropriate from the general funds of said city a sum sufficient to carry out the purposes of this chapter, and shall make such appropriation. Within thirty days after the effective date of this chapter, it shall be the duty of the governing body of the City of Rockwood, subject to the provisions of this chapter, to appoint and create the board, as provided in § 4-501 hereof, and the failure upon the part of

the governing body, or any member of it to do so, shall be deemed a violation of this chapter and shall be punishable as such. (Ord. #1008, March 1997)

**4-518. Organization of the original board.** It shall be the duty of the board appointed subject to the provisions of this chapter to organize immediately and to see that the provisions thereof are carried into effect, and to make suitable rules and regulations to effect said purposes; and the failure upon the part of said board, or any individual member thereof so to do, shall be deemed a violation of this chapter and shall be punishable as such. (Ord. #1008, March 1997)

**4-519. Penalty for violation.** Any person who shall willfully violate any of the provisions of this chapter shall be deemed guilty of a civil offense, and upon conviction thereof, shall be punishable by a penalty under the general penalty clause of this code. (Ord. #1008, March 1997)

**4-520. Vote to be taken.** All departments of the City of Rockwood whether governed by the governing body, or separate board, shall cause a vote to be taken by the employees of each department after the first reading of the ordinance comprising this chapter, and each department receiving a majority vote in the affirmative shall adopt the ordinance comprising this chapter as its own and be recorded in the minutes of the governing body, or the board. Departments not receiving a majority of affirmative votes shall continue to operate under the rules or ordinance as previously established by the governing body or board.

The council shall request the mayor notify the boards that a vote be taken by employees to adopt or not adopt the ordinance comprising this chapter. This vote will be taken after the adoption of the first reading. Any governing body, or board, will continue to function organizationally as they are doing at the present time. (Ord. #1008, March 1997)

## CHAPTER 6

### HARASSMENT POLICY

#### SECTION

- 4-601. Sexual harassment and other forms of harassment.
- 4-602. Making harassment complaints.
- 4-603. Reporting and investigating of harassment complaints.
- 4-604. Response of department head.
- 4-605. Obligation of employee.
- 4-606. Workplace violence and harassment.
- 4-607. Objects used as weapons.
- 4-608. Reporting harassment.
- 4-609. Copies of reports will be turned over to governing body.

**4-601. Sexual harassment and other forms of harassment.** The definition of sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men and conduct by women toward women. Also prohibited under this policy is harassing conduct directed toward employees on the basis of race, sex, age, national origin, color, disability, religion, or in retaliation for involvement of any protected activity. Consequently, this policy applies to officers and employees of the City of Rockwood, including but not limited to, full and part-time employees, elected officials, permanent and temporary employees, employees covered or exempt from the Human Resources Manual or other regulations of the municipal government and employees working under contract for the municipality.

1. Definition Sexual harassment or unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, propositioning, making either explicit or implied job threats or promises in return for submission to sexual favors; making inappropriate sex-oriented stories; displaying sexually explicit or pornographic material, no matter how it is displayed; or sexual assault on the job by supervisors, fellow employees or, on occasion, non-employees when any of the foregoing unwelcome conduct affects employment decisions, makes the job environment hostile, distracting or unreasonably interferes with work performance practice and is absolutely prohibited by the municipal government.

2. Harassment based upon race, sex, national origin, color, disability, age, religion, or in harassment might include words, gestures, behaviors, or actions which diminish employees, makes the job environment hostile, affects employment decisions, and/or interferes with work performance. It is the intent of this policy to treat all complaints seriously and to utilize the same complaint processing procedure. (as added by Ord. #06-1087, Nov. 2005)

**4-602. Making harassment complaints.** The municipality may be held liable for the actions of all employees with regard to harassment and, therefore, will not tolerate the harassment of its employees. The city will take immediate, positive steps to stop it when it occurs. By law, the city is responsible for acts of harassment in the work place where the city (or its agents or supervisory employees) knows or reasonably should have known of the conduct, unless it can be shown that the city took immediate and appropriate corrective action. The municipality may also be responsible for the acts of non-employees, with respect to the harassment of employees in the work place, where the municipal government (or its agents or supervisory employees) knows or reasonably should have known of the conduct and failed to take immediate corrective action. Prevention is the best tool for the elimination of harassment. Therefore, the following rules shall be strictly enforced. An employee who feels that he/she is being subjected to harassment should immediately contact one of the persons below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

1. The employee's immediate supervisor;
2. The employee's department head;
3. City recorder or city attorney;
4. The mayor.

Employees have the right to circumvent the employee chain of command in selecting which person to whom to make a complaint of harassment. Regardless of which of the above persons the employee makes a complaint of harassment, the employee should be prepared to provide the following information:

1. Official's or employee's name, department and position title;
2. The name of the person(s) committing the harassment, including their title(s), if known;
3. The specific nature of the harassment, how long it has gone on and 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;
5. Whether the employee has previously reported the harassment and, if so, when and to whom. (as added by Ord. #06-1087, Nov. 2005)

**4-603. Reporting and investigating of harassment complaints.** The recorder is the person designated by the municipal government to be the investigator of complaints of harassment against employees. In the event the harassment complaint is against the human resources director, the investigator shall be a municipal employee appointed by the city administrator. When an allegation of harassment is made by an employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the department head. (Note: If the

complaint is lodged against the department head, the city administrator will be the responsible official for reviewing these actions.) The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made and any other person contacted by the investigator in connection with the investigation. The notes shall be made at the time the verbal interview is in progress. Upon conclusion of the investigation, the investigator shall prepare a report of the findings to the department head. The report shall include the written statement of the person complaining of harassment, the written statement of witnesses, the written statement of the person against whom the complaint of harassment was made, all the investigator's notes connected to the investigation and a recommendation for disciplinary action, if any. (as added by Ord. #06-1087, Nov. 2005)

**4-604. Response of department head.** Upon receipt of a report of the investigation of a complaint of harassment, the department head shall immediately review the report. If the department head determines that the report is not complete in some respect, he/she may request additional statements be taken from the person complaining of harassment, the person against whom the complaint has been made, witnesses to the conduct in question or any other person who may have knowledge about the harassment. Based upon the report and his/her own investigation, where one is made, the department head shall within a reasonable time, determine whether the conduct of the person against whom a complaint of harassment has been made constitutes harassment. In making that determination, the department head shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred and the conduct of the person complaining. The determination of whether harassment occurred will be made on a case-by-case basis. If the department head determines that the complaint of harassment is founded, he/she shall take immediate and appropriate disciplinary action against the employee guilty of harassment, consistent with his authority under the municipal charter, ordinances or rules governing his authority to discipline employees. Disciplinary action for harassment shall be governed by the same rules governing disciplinary actions generally. See rule XII, section 7. The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee and any other factors the board of mayor and aldermen believes relate to fair and efficient administration of the municipal government, including, but not limited to, the effect of the offense on employee morale and public perception of the offense, and the light in which it casts the municipality. The disciplinary action may include demotion, suspension, dismissal, warning or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis. A written record of

disciplinary actions taken shall be kept, including verbal reprimands. In all events, an employee found guilty of harassment shall be warned not to retaliate in any way against the person making the complaint of harassment, witnesses or any other person connected with the investigation of the complaint of harassment. In cases where the harassment is committed by a non-employee against a municipal government employee in the work place, the city recorder shall take whatever lawful action against the non-employee is necessary to bring the harassment to an immediate end. (as added by Ord. #06-1087, Nov. 2005)

**4-605. Obligation of employee.** Employees are strongly encouraged to report instances of harassment. Employees are also obligated to cooperate in every investigation of harassment. The obligation includes, but it is not necessarily limited to, coming forward with evidence, both favorable and unfavorable for a person accused of such conduct; fully and truthfully making written reports or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of harassment. Disciplinary action may also be taken against any employee who fails or refuses to cooperate in the investigation of a complaint of harassment or who files a complaint of harassment in bad faith. (as added by Ord. #06-1087, Nov. 2005)

**4-606. Workplace violence and harassment.** It is the policy of the City of Rockwood 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. The City of Rockwood will not tolerate 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.

No employee or non-employee shall be allowed to harass any other employee, equal to, subordinate or superior in position, or non-employee by exhibiting behavior including, but not limited to, the following:

1. Verbal harassment. Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slur; offensive flirtations or propositions (see also section 19, Harassment); verbal intimidation, exaggerated criticism or name-calling; spreading untrue and malicious gossip about others.

2. Physical harassment. Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.

3. Visual harassment. Derogatory or offensive posters, cartoons, publications or drawings. (as added by Ord. #06-1087, Nov. 2005)

**4-607. Objects use as weapons.** Under no circumstances are the following items permitted on city property, including city-owned parking areas,

except when issued or sanctioned by the city for use in the performance of the employee's job:

1. All types of firearms, switchblade knives and knives with a blade longer than four inches;
2. Dangerous chemicals;
3. Explosives or blasting caps;
4. Chains; or
5. Other objects carried for the purposes of injury or intimidation. (as added by Ord. #06-1087, Nov. 2005)

**4-608. Reporting harassment through chain of authority.** Charges of violence and harassment may be reported to any supervisory employee of the city, including the city attorney, city recorder and the mayor. The recorder 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 recorder may request that the police chief provide assistance to the recorder or assume responsibility for the investigation. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action. (as added by Ord. #06-1087, Nov. 2005)

**4-609. Records of reports turned for appropriate action.** Copies of the investigative report with recommendations for appropriate action will be turned over to the department head or city recorder as appropriate for further action. Disciplinary action up to, and including, termination may be taken against any employee who commits acts of workplace violence and harassment. (as added by Ord. #06-1087, Nov. 2005)

## CHAPTER 7

### BEREAVEMENT

#### SECTION

- 4-701. Application of chapter.
- 4-702. Definition of close relative.
- 4-703. Bereavement.
- 4-704. Bereavement pay.
- 4-705. Additional time off.

**4-701. Application of chapter.** This chapter shall apply to all regular, full-time employees of the City of Rockwood who have a close relative who dies. (as added by Ord. #11-69, March 2013)

**4-702. Close relative.** For the purposes of this chapter, the term, "close relative" shall be construed to mean: husband, wife, son, daughter, mother, father, brother, grandparent, brother-in-law, sister, sister-in-law, mother-in-law, son-in-law, daughter-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, and step-child. (as added by Ord. #11-69, March 2013, and amended by Ord. #11-72, June 2013)

**4-703. Bereavement.** Upon request, a regular, full-time employee who suffers the death of a close relative as defined above will be excused from work for any of the first three (3) consecutive calendar days immediately following the date of said close relative's death. All bereavement leave is granted provided the employee actually attends the close relative's funeral. (as added by Ord. #11-69, March 2013)

**4-704. Bereavement pay.** Bereavement pay is computed at the employee's regular shift hours multiplied by the employee's regular, straight-time hourly rate of pay. The regular shift hours for firefighters shall be sixteen (16) hours. The regular shift hours for all other employees shall be eight (8) hours. Employees will not receive bereavement pay for any day they were not scheduled to work. (as added by Ord. #11-69, March 2013)

**4-705. Additional time off.** If the employee requires additional time off, vacation, sick, leave, compensatory time or unpaid leave may be granted on a case-by-case basis by the employee's department manager. (as added by Ord. #11-69, March 2013)