

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

1. WORK, VACATION AND SICK LEAVE, AND HOLIDAY REGULATIONS.
2. PERSONNEL REGULATIONS.

CHAPTER 1

WORK, VACATION AND SICK LEAVE, AND HOLIDAY
REGULATIONS

SECTION

- 4-101. Applicability of chapter.
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4-101. 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. Full-time employees are defined as those employees who work forty (40) or more hours a week.

4-102. Work attendance. All full-time employees of the town 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 town department shall keep a daily attendance record of the employees working under such supervisor and shall report the same to the mayor.

4-103. Holidays. (1) Except and in addition to such other holidays as may be from time-to-time declared by the town council, the following days shall be official holidays for employees of the Town of Tellico Plains:

Holiday NameHoliday Date

New Year's Day

January 1st of each year

Memorial Day	Last Monday in May of each year
Independence Day	July 4th of each year
Labor Day	First Monday in September of each year
Thanksgiving Day	Fourth Thursday in November of each year
Christmas Day	December 25th 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 town shall be compensated for any holiday granted in this chapter or otherwise designated by the town council by receiving eight (8) hours off with pay on the date of the holiday. However, in the interest of continuing essential municipal services, any town employee may be required to work on any holiday. Working on any holiday is a condition of employment for all town employees. Employees who are required to work on any holiday shall be paid eight (8) hours holiday pay plus 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 town council 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.

4-104. Vacation leave. (1) All regular and full-time employees of the town who have been employed by the town for one full year of continuous service shall be allowed vacation leave time with pay according to the following schedule:

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

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

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

(3) 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.

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

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

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

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

(8) Earned vacation leave may be taken in whole or in part throughout the year at such 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) Vacation 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 vacation leave shall be charged as holiday leave rather than vacation leave.

4-105. Sick leave. (1) All full-time employees of the town shall be allowed to accumulate sick leave with pay at the rate of one-half ($\frac{1}{2}$) working day for each full calendar month of service completed up to an unused maximum of eight (8) working days in any calendar year. Employees shall be able to carry forward two (2) working days from one calendar year to the next. Sick leave shall be considered a benefit and privilege and not a right for the employees 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, or so as to keep an appointment with a licensed medical doctor, dentist or other recognized health care practitioner.

(2) Any employee who takes three (3) or more consecutive days of sick leave shall be required to provide a health care practitioner's certificate or other satisfactory evidence 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 cause 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 town or other disciplinary action.

(10) Any employee of the town who is injured when engaging in his employment for the town 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 town.

4-106. 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 town, as the town council deems necessary or appropriate.

4-107. 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 town. 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.

4-108. 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 town council.

CHAPTER 2

PERSONNEL REGULATIONS

SECTION

- 4-201. Applicability of chapter.
- 4-202. Acceptance of gratuities.
- 4-203. Outside employment.
- 4-204. Political activity restricted.
- 4-205. Use of municipal time, facilities, etc.
- 4-206. Use of position.
- 4-207. Strikes.

4-201. Applicability of chapter. This chapter shall apply to all full-time town officers and employees except those operating under the jurisdiction of a school, utility, or other separate board or commission.

4-202. Acceptance of gratuities. No town officer or employee shall accept any money or other consideration or favor from anyone other than the town for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to town business.

4-203. Outside employment. No full-time officer or employee of the town shall continue any outside employment if the work interferes with the satisfactory performance of the officer's or employee's duties. In addition, no such employee shall accept any outside employment if the work is incompatible with his town employment, or is likely to cast discredit upon or create embarrassment for the town.

4-204. Political activity restricted. The following prohibitions and restrictions on political activities shall apply to all town officers and employees, except for elected officers:

(1) In elections for municipal and county offices. No town officer or employee, whether on or off duty, whether in or out of uniform, and whether on or off town property, shall at any time or any place:

(a) Become a candidate for, or campaign for, an elective town or county office. This prohibition shall not apply to the office of county school board member or county commissioner.

(b) Directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for a candidate for town or county office.

(c) Organize, sell tickets to, promote or actively participate in a fund-raising activity of a candidate for town or county office.

(d) Take an active part in managing the political campaign of a candidate for town or county office.

(e) Solicit votes in support of or in opposition to a candidate for town or county office.

(f) Act as a recorder, watcher, challenger or similar officer at the polls on behalf of a candidate for town or county office.

(g) Drive voters to the polls on behalf of a candidate for town or county office.

(h) Endorse or oppose a candidate for town or county office in a political advertisement, broadcast, campaign literature or similar material.

(i) Address a rally or similar gathering of the supporters or opponents of a candidate for town or county office.

(j) Initiate or circulate a nominating petition for a candidate for town or county office.

(k) Wear campaign buttons, pins, hats or any other similar attachment, or distribute campaign literature in support or opposition to a candidate for town or county office.

(2) In all other elections for public office. No town officer or employee, whether on or off duty, whether in or out of uniform, and whether on or off town property, shall at any time or any place

(a) Become a candidate for, or campaign for, an elective public office.

(b) Take an active part in managing the political campaign of a candidate for public office.

(c) Directly or indirectly solicit, receive or collect contributions or other funds for a candidate for public office.

(d) Sell tickets to a fund-raising activity of a candidate for public office.

(e) Engage in any of the other political activities enumerated in paragraph (1) above except while they are off duty and otherwise on their own time, and while they are not in a town uniform, and while they are in places other than on town property.

Leaves of absence will not be granted to town officers or employees to engage in any of the political activities enumerated above.

Nothing in this section is intended to prohibit any town officer or employee from privately expressing his or her political views or from casting his or her vote in all elections.

The prohibitions of this section shall not apply to city law enforcement officers when they are out of uniform and off duty.¹

4-205. Use of municipal time, facilities, etc. No town officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group.

4-206. Use of position. No town officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the town, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others.

4-207. Strikes. No town officer or employee shall participate in any strike against the town.

¹State law reference

Tennessee Code Annotated, § 38-8-351 provides that police officers have broader rights to participate in political activities than those provided for under section 4-204.