TITLE 4
MUNICIPAL PERSONNEL

CHAPTER
1. PERSONNEL REGULATIONS.
2. TRAVEL REIMBURSEMENT.

CHAPTER 1
PERSONNEL REGULATIONS

SECTION
4-101. Purpose; coverage.
4-102. Employees.
4-103. Hiring procedures.
4-104. Benefits.
4-105. Grievance procedures.
4-106. State and federal personnel mandates.
4-107. Dismissal.
4-108. No property rights created; amendment.

4-101. **Purpose; coverage.** (1) The purpose of this chapter is to establish a system of personnel administration in the City of Oak Hill, Tennessee.

(2) The City of Oak Hill, Tennessee, is an at-will employer. Nothing in this chapter may be construed as creating a property right or contract right to any job for any employee.

(3) The following personnel are not covered by this policy, unless otherwise provided:
   (a) All elected officials;
   (b) Members of appointed boards and commissions;
   (c) Consultants, advisers, and legal counsel rendering temporary professional service;
   (d) The city attorney and city engineer;
   (e) Independent contractors and/or contract employees;
   (f) Volunteer personnel.

All other employees of the municipal government are covered by this personnel policy. (Ord. #98-2, June 1998)

4-102. **Employees.** (1) **Full-time.** Full-time employees are individuals employed by the municipal government who normally work twenty (20) or more hours per week.

(2) **Part-time.** [Reserved.] (Ord. #98-2, June 1998)
4-103. Hiring procedures.  (1) Policy statement. The primary objective of this hiring policy is to ensure compliance with the law and to obtain qualified personnel to serve the citizens of the municipality. The municipality shall make reasonable accommodations with procedures for all persons with disabilities.

(2) Application. All persons seeking appointment or employment with the municipality must submit a resume and cover letter to the municipal government. The resume and cover letter will remain on active status for six (6) months after accepted or until the job for which it is submitted is filled, whichever period of time is less.

(3) Interviews. All appointments will be preceded by an interview with the board of commissioners.

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

(5) Appointments, etc. All appointments shall be made in accordance with lawful provisions of the municipal charter if there are applicable provisions in the charter. (Ord. #98-2, June 1998)

4-104. Benefits.  (1) Holidays. Generally, full-time employees are allowed a day off with pay on the following holidays:

(a) New Years Day January 1
(b) M.L. King Day Third Monday in January
(c) President's Day
(d) Good Friday Friday before Easter Sunday
(e) Memorial Day Last Monday in May
(f) Independence Day July 4
(g) Labor Day First Monday in September
(h) Columbus Day Second Monday in October
(i) Veterens Day November 11
(j) Thanksgiving Fourth Thursday in November
(k) Day after Thanksgiving Fourth Friday in November
(l) Christmas Eve December 24
(m) Christmas December 25
(n) Day after Christmas December 26

Employees must be in a pay status on the work day before and on the work day after the holiday, unless otherwise excused by the supervisor, to receive compensation for the holiday.
Any employee required to work on a regular holiday shall be granted equal compensatory time on an alternate day approved by the supervisor.

(2) **Annual leave.** All full-time employees of the municipality shall receive annual leave upon the completion of each anniversary year, twelve (12) months, of employment. As the number of years of service increases, the amount of leave granted increases as shown in the table below:

<table>
<thead>
<tr>
<th>Years of service</th>
<th>Annual per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-5</td>
<td>2 weeks (10 days)</td>
</tr>
<tr>
<td>5-10+</td>
<td>3 weeks (15 days)</td>
</tr>
</tbody>
</table>

There shall be no accrual of annual leave. Any annual leave not taken within the subsequent twelve (12) months following the employee's anniversary date shall be forfeited. Annual leave shall be taken at a time approved by the employer's supervisor. Upon separation, employees are entitled to be reimbursed for any unused annual leave, according to their scheduled rate of compensation.

(3) **Sick/personal leave.** All full-time employees shall be granted five (5) days of sick leave per year, with pay, according to their scheduled rate of compensation, after twelve (12) months of service. After the employee's third year of service, he/she shall receive seven (7) days of sick/personal leave per year. After the employee's fifth year of service, he/she shall receive ten (10) days of sick/personal leave per year. Sick leave may be granted for any of the following reasons:

(a) Personal illness or physical incapacity resulting from causes beyond the employee's control;
(b) Exposure to contagious disease so that employee's presence at work might jeopardize the health of other employees;
(c) Medical, dental, optical or other professional treatments or examinations;
(d) Acute illness or death of a member of the employee's immediate family (i.e., spouse, parents, children).

There shall be no minimum increments mandated for the use of sick leave. Employees shall not be paid for utilized sick leave upon the employee's termination, resignation, or retirement, nor shall there be any accrual of sick leave. Any sick/personal leave not used within the subsequent twelve (12) months following the employee's anniversary date shall be forfeited.

(4) **Insurance and retirement plans.** The City of Oak Hill provides its employees with a basic group health insurance policy. The City of Oak Hill may elect to pay a portion of the employee's health premium at a ratio to be determined by the board of commissioners.

The City of Oak Hill provides for a deferred compensation plan and retirement plan, which may be made available to the employee if desired.
Contributions to the plan, by the city, will be determined by the board of commissioners. (Ord. #98-2, June 1998)

4-105. **Grievance procedures.** The purpose of this section is to prescribe uniform disposition procedures of grievances presented by individual employees. A grievance is a written question, disagreement, or misunderstanding concerning administrative orders involving only the employee's work area, reasonable accommodations under Americans with Disabilities Act, physical facilities, unsafe equipment, or unsafe material used. The grievance must be submitted within five (5) working days of the incident causing the grievance.

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

**Step 1.** Discuss the problem with the city manager. If satisfaction is not obtained, the grievance is advanced to the second step.

**Step 2.** Discuss the problem with the mayor and board of commissioners of the municipality in a regular or special called session. The mayor and board of commissioners' decision is the last and final step in the process. The decision of the mayor and board of commissioners is final and binding to all parties involved. (Ord. #98-2, June 1998)

4-106. **State and federal personnel mandates.** (1) **Discrimination prohibited.** The municipality is an equal opportunity employer. Except as otherwise permitted by law, the municipality will not discharge or fail or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual’s race, color; religion, gender, or national origin, or because the individual is forty (40) or more years of age. The municipality will not discriminate against a qualified individual with a disability because of the disability in regard to job application procedures, hiring or discharge, employee compensation, job training, or other terms, conditions, and privileges of employment. (Title VII of Civil Rights Act of 1964 - 42 U.S.C. §§ 2000e - 2000e - 15; Equal Pay Act 1963 - 29 U.S.C. §206(d); Age Discrimination in Employment Act - 29 U.S.C. §§ 621 et seq.; Americans With Disabilities Act - 42 U.S.C. §§ 506 et seq.)

(2) **Sexual harassment prohibited.** Sexual harassment by any employee or elected or appointed official of the municipality will not be tolerated. Sexual harassment is unwanted sexual conduct, or conduct based upon sex, by any employee's supervisor(s) or fellow employees or others at the
work place that creates a hostile work environment, makes decisions contingent on sexual favors, or adversely affects an employee's job performance. Examples of conduct that may constitute sexual harassment are: sexual advances, requests for sexual favors, propositions, physical touching, sexually provocative language, sexual jokes, and display of sexually-oriented pictures or photographs.

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

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

(3) **Occupational health and safety.** The municipality shall provide job safety and health protection for all employees in accordance with the Occupational Safety and Health Administration (OSHA) Legislation (29 U.S.C. §§ 656 et seq.) and the Tennessee OSHA Law.¹

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

(5) **Military leave/veterans' re-employment.** All employees who are members of reserve components of the armed forces, including the National Guard, are entitled to leave while engaged in duty or training in the service of this state, or of the United States, under competent orders, and they must be given such leave with pay not exceeding fifteen (15) working days in any one (1) calendar year.² Also, any employee of the municipality who leaves his/her job, voluntarily or involuntarily, to enter active duty in the armed forces may return to the job in accordance with Veterans' Re-employment Rights (38 U.S.C. § 202-2016) and the Tennessee Military Leave Act.³

---

¹State law reference  
Tennessee Code Annotated § 50-3-101, et seq.

²State law reference  

³State law reference  
Tennessee Code Annotated § 8-33-101, et seq.
(6) Residence requirements. No person "currently employed" by the municipality can be dismissed or penalized "solely on the basis of non-residence."¹

(7) Employee right to contact elected officials. No employee shall be disciplined or discriminated against for communicating with an elected official. However, an employee may be reprimanded for making untrue allegations concerning any job-related matter."²

(8) Civil leave. Civil leave with pay shall be granted to employees for the following reasons:
   (a) Jury duty;³
   (b) To answer a subpoena to testify for the municipality.

(9) Political activity. Employees have the same rights as other citizens to be a candidate for state or local political office (except for membership on the municipal governing body) and to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. No employee may campaign on municipal time or in municipal uniform, nor use municipal equipment or supplies in any campaign or election."⁴

(10) Travel policy. All employees; including elected and appointed officials, are required to comply with the municipality's travel policy, under title 4, chapter 3 of this code, as required by Tennessee Code Annotated § 6-54-901.

(Ord. #98-2, June 1998)

4-107. Dismissal. (1) At-will. Employees may be dismissed for cause, for no cause, or for any cause as long as it does not violate federal and/or state law or the municipal charter.

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

(Ord. #98-2, June 1998)

¹State law reference

²State law reference

³State law reference
Tennessee Code Annotated § 22-4-108.

⁴State law reference
Tennessee Code Annotated § 7-51-1501.
4-108. No property rights created; amendment. Nothing in this chapter may be construed as creating a property right or contract right to the job for any employee. The provisions of this personnel policy may be unilaterally changed by chapter of the governing body from time to time as the need arises. (Ord. #98-2, June 1998)
CHAPTER 2

TRAVEL REIMBURSEMENT

SECTION
4-201. Purpose.
4-202. Enforcement.
4-203. Travel policy.
4-204. Travel reimbursement rate schedules.
4-205. Administrative procedures.

4-201. Purpose. The purpose of this chapter and referenced regulations is to bring the city into compliance with Public Acts 1993, chapter 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law."

To provide consistent travel regulations and reimbursement, this chapter is expanded to cover regular city employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense. (Ord. #98-3, June 1998)

4-202. Enforcement. The board of commissioners, or the city manager or another body, shall be responsible for the enforcement of these travel regulations. (Ord. #98-3, June 1998)

4-203. Travel policy. (1) In the interpretation and application of this chapter, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler or 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 board. Under certain conditions, entertainment expenses may be eligible for reimbursement.
(3) Authorized travelers can request either a travel advance for the projected cost of authorized travel or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences, and similar expenses.

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

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

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

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

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

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

The board may make exceptions for unusual circumstances. Expenses considered excessive will not be allowed.

(7) Claims of five dollars ($5.00) or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee, and other reimbursable costs.

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

(9) Mileage and motel expenses incurred within the city are not ordinarily considered eligible expenses for reimbursement. (Ord. #98-3, June 1998)

4-204. Travel reimbursement rate schedules. Authorized travelers shall be reimbursed according to the federal travel regulation rates.

The city's travel reimbursement rates will automatically change when the federal 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. #98-3, June 1998)

4-205. 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 manager. (Ord. #98-3, June 1998)