

## TITLE 4

MUNICIPAL PERSONNEL

## CHAPTER

1. SOCIAL SECURITY.
2. EMPLOYEE RULES AND PERSONNEL POLICIES.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. TRAVEL REIMBURSEMENT REGULATIONS.

## CHAPTER 1

SOCIAL SECURITY

## SECTION

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

4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of the City of Jamestown, Tennessee, to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1981 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1981 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1981 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be

required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1981 Code, § 1-704)

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. (1981 Code, § 1-705)

## CHAPTER 2

EMPLOYEE RULES AND PERSONNEL POLICIES

## SECTION

- 4-201. Recruitment and employment.
- 4-202. General conditions of employment.
- 4-203. Code of conduct.
- 4-204. Employee benefits and programs.
- 4-205. Disciplinary action, grievances and appeals.
- 4-206. Separation from employment.
- 4-207. Personnel rules and records.

4-201. Recruitment and employment. (1) Eligibility. Individuals shall be recruited from a geographic area as broad as necessary to assure obtaining well-qualified applicants for each vacant position. Recruitment shall not be limited to residents of the City of Jamestown.

(2) Notification. The city recorder shall prepare recruiting notices to publicize vacancies, and to secure applicants for vacant positions. The first source of notification shall be the city hall bulletin board, but various media of publicity may be used as necessary to bring notice of vacancies to the attention of qualified applicants for the position.

(3) Applications. As the result of a single application, an applicant shall be considered for a period of six months for all positions in which his/her principal qualifications might be used by the city. Applications shall be retained and considered by the city for a period of six months, after which time an individual must file a new application to be further considered for employment by the city. Each applicant shall make application in the manner prescribed by the city recorder, who may require any information that is legally sanctioned, which is deemed necessary to determine an applicant's fitness for a position.

(4) Minimum qualifications. The city recorder, after consultation with the department head concerned, shall prescribe minimum qualifications for the position, as required by the nature of the work to be performed. Such requirements shall be stated in all advertisement notices for the position.

(5) Rejection of applicants. The city recorder shall reject any application or applicant when any of the following conditions are found by the city recorder to exist:

- (a) The application was not filed within the period specified in the position announcement.
- (b) The applicant was not filed on the prescribed form.
- (c) The applicant does not possess the minimum qualifications required for the position.
- (d) The applicant has established an unsatisfactory employment or personnel record, as evidenced by reference check.

(e) The applicant has made a false statement of a material fact, or has otherwise practiced deception in his/her application.

(f) The applicant is afflicted with a mental or physical disqualifying disease or defect, that would prevent satisfactory performance of duties required of the position.

(g) The applicant is addicted to the habitual use of drugs or intoxicants.

(h) The applicant does not reply to a mail inquiry within ten days, or does not return a telephone inquiry within two days, and fails to accept appointment within the time prescribed in the offer of employment.

(i) The applicant was previously employed by the city, and was removed for cause or resigned not in good standing.

(j) The application is dated more than six months prior to the current position announcement.

All disqualified applicants shall be notified to that effect in a prompt and timely manner.

(6) Examinations. All appointments shall be made on the basis of merit and fitness, and competitive examinations may be used in the selection of an employee to fill any position.

(7) Appointments. The appointment of all employees shall be made on the basis of qualifications, ability and technical knowledge required to perform the work satisfactorily. Applications are required for all appointments, and the city shall process applications as prescribed in the "Applications" section of these rules and policies.

Interviews for new or vacant positions will be conducted by the mayor, the appropriate department head, and the alderman representing the department in which the position is to be filled. If the department is not represented by a specific alderman, the mayor will appoint an alderman to serve. Following the conduct of interviews, the alderman, after consultation with the department head, shall recommend one or more of the applicants to the board of mayor and aldermen. The board may make an appointment, or may reject all applicants and call for further recommendations. All appointments are for a probationary period.

(8) Emergency appointments. In an emergency, as determined by the board of mayor and aldermen, the city recorder may authorize the appointment of any qualified person to a position, in order to prevent disruption of public business, or serious inconvenience to the public. If a department head has had reasonable notice of an upcoming position vacancy, then that vacancy cannot be construed to be an emergency. Emergency appointments shall be limited to a period not to exceed thirty days.

(9) Promotions. Vacancies in positions above the entrance level shall be filled by promotion, when it is possible to do so. However, the requirements of the position shall not be compromised in order to accomplish filling a vacancy

through promotion. Promotions shall be on a competitive basis, and appropriate consideration shall be given to each applicant's performance ratings, qualifications, and seniority.

(10) Reemployment. An individual, who had previously been employed by the city, may be reemployed by the city if he/she separated from city employment in good standing, and meets the qualifications and requirements of the vacant position. An individual that is reemployed by the city shall be considered as a new employee regarding rights and benefits, and must serve the required probationary period for the new position, unless the time between employment periods is less than three months.

(11) Reinstatement. An individual, who because of reduction-in-force, lay-off, lack of funds or other economic factors was separated from full-time city employment, shall be eligible for reinstatement provided:

- (a) He/she was separated from employment in good standing.
- (b) Reinstatement occurs within two years of the date of separation.
- (c) He/she meets all qualifications and requirements of the vacant position. (Ord. #\_\_\_, Dec. 1987)

4-202. General conditions of employment. (1) Personnel policy statements. It is the policy of the City of Jamestown to:

- (a) Attract and retain employees of the highest caliber.
- (b) Select employees based upon ability, experience, training, character and mental and physical fitness without regard to race, creed, age, color, religion, sex or national origin.
- (c) Develop competent supervisors, respect the individual rights of each employee and treat all employees with courtesy, dignity and consideration.
- (d) Compensate each employee by payment of a fair and competitive wage for work performed.
- (e) Provide paid vacation, holidays and other appropriate benefits for all eligible employees.
- (f) Provide facilities, services and otherwise encourage employees toward attaining economic security.
- (g) Insure each employee the right to discuss freely with management, any matter concerning either his own or the city's welfare.
- (h) Make prompt and appropriate response to any complaints which may arise.
- (i) Make opportunities available for training, development and advancement consistent with individual ability and performance, and the needs of the city.
- (j) Promote employees based upon ability and performance with due regard to length of service.

(k) Promote from within the city organization when circumstances permit.

(l) Provide modern health and safety services for protection and physical security.

(m) Provide for secure employment to the extent possible.

(n) Give full consideration to the employment of handicapped persons in positions they are qualified and able to perform.

(o) Encourage individual acceptance of responsibility and outstanding performance of public service.

(2) Communication. Open and honest communication is essential to organizational success. Two-way communication is important to harmonious and productive working relationships. Supervisors and employees are encouraged to use their daily communications to enhance performance and productivity.

(3) Basic responsibilities. Each employee of the city has certain basic responsibilities to the organization and to the taxpayers of the city. You are doing your part when you:

(a) Come to work regularly and on time.

(b) Do your work well.

(c) Take care of the city's property and materials.

(d) Find ways to do your work more efficiently.

(e) Maintain and improve the quality of your performance.

(f) Work with others as a team.

(g) Observe the code of conduct in all aspects at all times.

(4) Hours of work. A 40-hour work week is standard unless otherwise directed by the board of mayor and aldermen.

(5) Breaks. Lunch breaks, other breaks and rest periods are as determined by the department head.

(6) Absenteeism. It is expected that each employee will arrive at work on time, and work a full day. Any absence not relating to sickness must be approved in advance by the department head, and other than annual leave, or funeral leave, are at the employee's expense. If an employee is going to be absent from work because of sickness, he/she must notify the department head within the first hour following his/her starting time. If the employee has not accumulated sick leave, then the day's pay is withheld from his/her paycheck. A department head may suspend an employee who is absent on two consecutive days without good reason, or an employee who develops a pattern of chronic absenteeism. The employee has the right to appeal a department head's action through the grievance procedures set forth in § 4-205 of these rules and policies.

(7) Tardiness. It is expected that each employee will report to work on or before his/her starting time on a regular basis. It is suggested that employees clock in as near their work time as possible. No employee may clock in for another employee; doing so shall result in immediate suspension. Any employee who is frequently tardy for work shall be suspended.

(8) Performance reviews. All employees will be reviewed on the progress of their work. Two reviews are conducted during the first six months of employment, and one review annually thereafter.

(9) Payroll deductions. The city makes certain payroll deductions. These include federal withholding and social security contributions for all employees, and deductions for insurance.

(10) Overtime. Overtime is credited at each employee's hourly rate only for work performed before or after the regular work day begins; however, this work must be approved in advance by the department head for hours over a 40-hour week. Simply clocking in early or clocking out late is not considered overtime. Overtime hours on the time card must be initialed by the department head. Time cards are kept by department heads. They are responsible for computing the worker's time and for completing time cards each week. Time cards must be initialed by the department head before they are processed for payment. The department head is held accountable for time for which employees are paid. Department heads are not eligible to receive overtime pay.

(11) W-4 forms. All new employees must complete a W-4 form indicating how many exemptions they wish to declare for income tax purposes. This should be returned to the city recorder.

(12) Probationary period. The probationary period for all full time employees is six (6) months. The employee's supervisor will have the responsibility of advising the employee, during this time of probation, when his/her work habits or performance is not satisfactory. Also, the supervisor shall be required to do two (2) written evaluations on the employee during the probation period. These evaluations will be on a standard form and will be discussed with the employee then turned in to the city recorder to be reviewed by the mayor. At anytime during the probationary period that the employee shows that he is unable to handle the job or is unable to show any improvement on any problems which surface because of the evaluations, then he/she may be transferred, demoted or dismissed. If, at the end of the probation period, the employee shows that he is capable of doing a good job without constant supervision, then his supervisor should recommend that the employee be transferred to permanent status with an increase in pay.

Following an employee's acceptance as a regular full time employee, he/she shall be evaluated at least once each year by the department head. The board of mayor and aldermen will evaluate department heads at least once each year. A successful evaluation will form the basis for continued employment. A copy of the evaluation will be given to the employee each time he/she is evaluated.

(13) Responsibility for city property. If an employee is found to be responsible for the cause of damage to any city property, then the employee shall be held accountable and liable for all costs and expenditures necessary to replace or restore the property to its condition prior to the damage. (Ord. #\_\_\_\_, Dec. 1987)

4-203. Code of conduct. (1) Policy statement. All employees are expected to understand that they are public service employees, and to conduct themselves in accordance with the following general requirements.

(a) Employees shall in no way act in any manner which may discredit the city government, public officials, fellow employees, or themselves.

(b) Employees shall avoid conduct and speech that is subversive to good order and discipline. They shall treat each other with the utmost courtesy and respect and, at all times, refrain from making any derogatory or demeaning remarks concerning each other.

(c) Employees shall direct and coordinate their efforts to establish and maintain the highest level of efficiency, morale, and achievement.

(d) Employees shall conduct themselves in such a manner as to bring about the greatest harmony among the various units in the city.

(e) Employees shall avoid conduct and speech which criticizes city departments, divisions, offices, its policies, program, actions, or officers, ridicules or interferes with the reasonable supervision or proper discipline of the city.

Each employee is responsible for knowing the city's policies and procedures governing the conduct of employees, and for abiding by the code in all respects.

(2) Restrictions and prohibitions. There are specific restrictions and prohibitions on employee actions and conduct that apply in the following areas:

(a) Outside employment. No employee of the city may engage in additional employment outside the official hours of duty unless approved by the department head and the mayor. This decision is to be made with appropriate consideration of the following factors:

- (i) Compatibility with the employees position.
- (ii) Community relations.
- (iii) Impairment of efficiency in city job.

(b) Conflict of interest. City employees who may be in a position to influence city decisions and actions shall refrain from relationships, which may adversely affect the exercise of their independent judgment in dealing with city suppliers of goods or services.

(c) Pecuniary interest. No employee shall personally profit directly or indirectly from any contract, purchase, sale, or service between the city and any person or company. No employee shall accept any free or preferred services from any company for the purpose of selling their product.

(d) Political activity. No city employee shall seek or accept election to city office, unless having first resigned his position as an employee of the city. No city employee shall solicit campaign



contributions, or engage in or actively participate in any municipal political campaign while on the job.

(e) Use of city property. An employee, who is provided any city-owned equipment in order to perform his job, is expected to exercise care in the keeping and use of the equipment, and shall return the property upon the request of his department head or the mayor. In all cases, the employee shall return the equipment upon termination of employment. Personal use of city-owned equipment, materials, tools, supplies, etc., is not permitted under any circumstances. Such use constitutes grounds for disciplinary action including termination of employment.

(f) Promotion of private business on city property. No city employee may promote private business for gain within or upon any city building or property, or while on duty as a city employee.

(g) Disclosure of information. Official information obtained in the course of employment with the city shall only be released by those employees specifically charged with the responsibility for doing so.

(h) Gifts and gratuities. No city employee shall use his position with the city to obtain any special preferences or favor. No city employee shall accept any loan, advance, gift, gratuity, favor or entertainment from a supplier, bidder, or other individual or business doing business with or having a business interest in city government. Such acceptance constitutes grounds for disciplinary action, including termination of employment.

(i) Personal mail, calls, visitors. No city employee shall use the resources of the city to handle and distribute personal mail. No city employee shall use city stationery or postage for personal business. Personal phone calls and the receiving of personal visitors on city time must be kept to a strict minimum.

(j) Dress and appearance. Determination of dress and personal appearance standards is a supervisory responsibility, and shall be determined by the department head.

(k) Indictments. A city employee shall notify his department head and the mayor when information has been filed by a prosecuting official against him/her for an offense or violation of the law, or when he has been indicted by a grand jury. The department head may choose to reassign the employee, or initiate disciplinary action including termination, upon receiving such information. Failure of the employee to notify shall result in disciplinary action.

(l) Incarceration. A city employee shall notify his department head and the mayor should he/she be incarcerated. The department head may initiate disciplinary action including termination, upon receiving such information. Failure of the employee to notify shall result in disciplinary action.

(m) Drugs and alcohol abuse. The use of alcohol and/or controlled substances per Tennessee law on city property and/or on city time by an employee shall result in disciplinary action including the possibility of termination. The sale of alcohol or controlled substances or its possession on city property and on city time by an employee shall result in disciplinary action including the possibility of termination.

(n) Driving records. An employee who is required, as a condition of employment, to possess and maintain a valid Tennessee driver's or chauffeur's license must immediately advise his/her department head should his license become denied, expired, restricted, suspended or revoked. Periodic checks of employees' driving records may be conducted by the city to assure adherence to this policy.

(o) Family employment restrictions. No member of any employee's family shall be hired to work within the same city department, unless formally approved by the board of mayor and aldermen. This includes both blood and marital relations.

(p) Use of city vehicles. No employee shall use a city vehicle, other than during normal working hours, unless specifically authorized to do so by the department head prior to the vehicle's use. No employee shall use a city vehicle to commute to and from work unless specifically authorized to do so by the board of mayor and aldermen prior to the vehicle's use.

(q) Personnel records. Each employee is responsible for keeping the city advised of any information changes such as name, address, telephone number, change of beneficiary, training or course work completed, etc. The city shall not be held liable when incorrect withholding, wrong beneficiaries or loss of employee benefits result from the failure of any employee to keep personnel records current.

(r) Sexual harassment. Sexual harassment is a violation of Title VII of the Civil Right's Act of 1964, and is expressly prohibited by the city. Sexual harassment is defined as any sexually oriented word, deed, or practice that endangers an employee's job, undermines an employee's job performance, or threatens an employee's livelihood. Sexual harassment includes any word or action which involves implicit or explicit coercive sexual behavior to control, influence or affect the career, salary or priorities of another person.

Employees have the right to circumvent the chain of command in selecting the person to whom to make a complaint of sexual harassment. Compliance may be made orally or in writing to the employee's immediate supervisor, the employee's department head, the city's equal opportunity officer, the city recorder, or the mayor.

The city recorder is the person designated by the city to investigate complaints of sexual harassment. In the event the sexual harassment complaint is against the city recorder, then the mayor shall designate

another employee to be the investigator. The investigator shall, upon receiving a complaint of sexual harassment, immediately act to obtain all of the facts of the situation, including written statements from the complainant, witnesses and the person against whom the complaint has been filed. The investigator shall, in an expeditious manner, prepare a written report and submit it to the board of mayor and aldermen. The board of mayor and aldermen shall then consider the situation, as it would any other matter brought to it under the disciplinary action procedures of this city.

Employees are not just encouraged to report instances of sexual harassment, they are obligated to do so. Sexual harassment exposes the city to liability, and a part of each employee's job is to reduce the city's exposure to liability.

Employees are obligated to cooperate in every investigation of sexual harassment. The obligation includes, but is not necessarily limited to, coming forward with evidence, both favorable and unfavorable to a person accused of sexual harassment; fully and truthfully making a written report or verbally answering questions when required to do so by an investigator, including the mayor, during the course of an investigation of sexual harassment.

Employees are also obligated to refrain from making bad faith accusations of sexual harassment.

Disciplinary action may also be taken against any employee who fails to report instances of sexual harassment, or who fails to or refuses to cooperate in the investigation of a complaint of sexual harassment, or who files a complaint of sexual harassment in bad faith.

(3) Disciplinary action. The violation of any provisions of the city's code of conduct, including any of the preceding restrictions and prohibitions, constitutes a basis for the city to exercise disciplinary measures up to and including dismissal. In all cases disciplinary actions shall be consistent with the nature and severity of the offense, the rank of the employee and any other factors pertinent to fair, just and official administration of city government, including, but not limited to, the effect of the offense on employee morale, public perception of the offense and the city's reputation and good name. Disciplinary action shall be decided upon on a case-by-case basis, and a written record of every disciplinary action shall be made and retained, including verbal reprimands. See § 4-205 of these rules and policies. (Ord. #\_\_\_\_, Dec. 1987)

4-204. Employee benefits and programs. (1) Annual leave. All full time personnel shall receive annual leave in the following manner:

- After 1 year of employment . . . . . 5 days
- 6<sup>th</sup> thru 15<sup>th</sup> year of employment . . . . . 10 days
- After 15 years of employment . . . . . 15 days

Annual leave shall be credited to an employee's account on January 1<sup>st</sup> of each year. However, an employee is not eligible to use annual leave credits until completion of twelve (12) full months of employment. Annual leave benefits may be taken the day after the employee's twelve (12) month anniversary date.

All employee's will schedule vacation for the year by January 31<sup>st</sup> of each year.

The minimum leave time which may be granted is ½ day. An employee may schedule all earned vacation to be taken at one time if he or she chooses.

(2) Annual leave may be used for the following purposes:

(a) Vacation.

(b) Absence to transact personal business which cannot be conducted during off-duty hours.

Vacation leave shall be scheduled based primarily on employment seniority within each department. While the supervisor shall attempt to schedule vacation at the time most desired by the employee (in order of seniority) the final right of allotment or change of vacation is reserved to the department head.

It is recommended that each employee take all of his or her credited vacation each year. Under certain circumstances an employee may wish to carry over unused leave from year to year. An employee may do this up to a total leave accumulation of 30 days. All leave accumulated in excess of 30 days shall be lost on December 31<sup>st</sup> of each year.

Requests for leave must be submitted and approved by the employee's immediate supervisor prior to the actual taking of leave when leave dates are arranged in advance, and immediately upon return when unexpected annual leave is approved by the supervisor. Violation of this policy could result in unauthorized absence and subsequent loss of pay and/or disciplinary action. The official record of annual and sick leave credit is maintained by the city recorder.

It shall be the employee's responsibility to report any discrepancy in leave totals to the city recorder.

(3) Holidays. The city provides each full-time employee six (6) paid holidays per year. Holidays that fall on Saturday shall be taken on the preceding Friday. Holidays that fall on Sunday shall be taken on the following Monday.

To be eligible for holiday pay an employee must be on the active payroll for the scheduled work day preceding and the scheduled work day succeeding the holiday, and work in accordance with the city's schedule.

Holiday pay shall be awarded for the day the holiday is observed according to the designation of the board of mayor and aldermen.

The following are authorized as official holidays: New Years Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas.

(4) Sick leave. Sick leave shall be earned and credited to each full-time employee at the rate of eight (8) hours per month. However, an employee

is not eligible for credit except and until completion of six (6) months employment. There is a thirty (30) day limit on the amount of sick leave which may be accumulated by an employee. Each employee shall submit a request for sick leave to his/her supervisor where medical appointments are known in advance, or immediately upon return to duty from unexpected illness.

Sick leave taken shall be recorded in hours, and may only be taken for sickness. An employee may not use sick leave to supplement time off or for tardiness. The least amount of sick leave that can be taken is four (4) hours or one-half (½) day.

The city may require that an employee furnish a physician's statement at any time explaining the nature of the employee's illness or injury. If the sick leave period exceeds two days, the employee must furnish the city with a physician's statement.

Sick leave may be used when a member of an employee's immediate family needs the employee's assistance because of sickness or injury. Immediate family means wife, husband, child or parent.

(5) Jury duty. An employee may be authorized to receive full pay in order to serve required jury duty. Request for pay for jury duty must be submitted and approved in advance by the employee's supervisor. In order to receive full pay for jury duty leave, the employee must deposit money received from all other sources for jury duty service with the city recorder.

(6) Court leave. An employee, required to appear before a court on his/her personal time because of circumstances related to the performance of his/her job duties, shall be compensated at his/her normal rate of pay, in accordance with FLSA rules and regulations.

(7) Administrative leave. The city provides up to twenty (20) hours annually to each full time employee for administrative leave. Administrative leave is intended to apply to general rather than personal situations. It may be used for problems resulting from natural causes such as fire, flood or storms.

(8) Leave without pay. A regular employee may be granted a leave of absence without pay for a period not to exceed one (1) year for sickness, disability, or for other good and sufficient reasons. Such leave shall require prior approval by the board of mayor and aldermen.

(9) Funeral leave. An employee will be granted and paid his regular rate of pay for any or all of three (3) regularly scheduled work days during the period beginning with the death and ending with the day of the funeral of his/her immediate family. A member of the immediate family shall be defined as and limited to the following: spouse, children, father, mother, brother, sister, step-parents, step-brother, step-sister, and grandparents of employees.

(10) Insurance. Health insurance is available to full-time employees of the city on an optional basis. If an employee elects to participate in the city's group policy, the city will pay 50% of the total premium for health and life insurance coverage for the employee. An employee may also elect to receive

coverage for his/her family, in which case the total premium for family coverage will also be withheld from the employee's paycheck on a weekly basis.

The city shall not withhold any funds from an employee's pay for premiums or supplemental policies entered into between the employee and any insurance company, or on any policy not a part of the city's official insurance program. (Ord. #\_\_\_\_, Dec. 1987, as amended by Ord. #\_\_, Feb. 1992)

4-205. Disciplinary action, grievances and appeals. It is the intent of the city to provide effective management and supervision, as well as positive employer/employee relations. To accomplish this, the city has established and implemented specific formal procedures for disciplinary actions, grievances and appeals.

(1) Disciplinary action. (a) Policy. Whenever employee performance, attitude, work habits, or personal conduct fall below a desirable level, the department head shall inform the employee promptly and specifically of such lapses and shall give him/her counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident in and of itself may justify severe initial disciplinary action; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct.

(i) Acceptable disciplinary actions may, depending upon the circumstances, include, but are not limited to:

- (A) Verbal warning.
- (B) Written warning.
- (C) Written reprimand.
- (D) Special probation.
- (E) Suspension.
- (F) Dismissal.

(ii) The following are examples of major offenses, and under the city's policy constitute sufficient grounds for an employee's dismissal without regard to the employee's length of service, prior conduct, or performance record:

- (A) Insubordination.
- (B) Physical harm/assault.
- (C) Theft or pilfering.
- (D) Malicious or wilful destruction of town property.
- (E) Fraud or dishonesty.
- (F) Drug/alcohol abuse.
- (G) Violation of law.
- (H) Conflict of interest.
- (I) Sexual harassment.

(b) Procedures. Disciplinary action shall follow the organization chart of the City of Jamestown. Department heads shall have full authority and responsibility for all employees in their respective departments. Disciplinary action for employees shall be as follows:

An employee not performing satisfactory duties will be first informed of this by the department head orally. If the unsatisfactory performance continues, the department head will make a report for the employee file and give the employee a copy of the report. The department head and the employee will discuss this and attempt to make corrections through advice, retraining, or adjustment in work requirements. If dissatisfactory performance continues, the department head will be required to issue a reprimand to the worker in writing, stipulating the areas of deficiency.

If the problem persists, the department head may suspend the employee for not less than one (1) day, nor more than thirty (30) days, without pay and again give the employee a reprimand in writing. If the situation does not improve, the employee shall be suspended a second time for thirty (30) days without pay with a reprimand in writing issued to the employee. If the situation still does not improve, the employee will be asked to appear before the board of mayor and aldermen to explain why deficiencies have not been remedied and why his/her performance is not up to par.

At this point, it will be up to the board of mayor and aldermen to decide whether to retain the employee on probation or dismiss him/her. If the employee is retained, the board will issue specific conditions and requirements which must be met by the employee in a time period determined by the board. The department head will report back to the board at the end of this period to give a report on the employee.

If the department head dismisses the employee, he/she may request a special hearing before the board to have his/her case reviewed. The decision of the board will be final. The reasons for dismissal will be presented to the employee in writing.

A different and specific sequence of actions is presented in § 4-203 for disciplinary procedures related to sexual harassment complaints.

Disciplinary action concerning department heads as heads of their respective departments shall be as follows:

Department heads shall serve at the pleasure of the board of mayor and aldermen.

As the city's chief executive officer, the mayor shall have general supervision of all municipal offices and shall have disciplinary authority over the department heads. Disciplinary action may be taken by the mayor against a department head under the same rules governing all city employees, up to and including, thirty (30) day suspensions. Since the department heads are administrative positions, which require

professionally trained personnel, oral reprimand only shall be required prior to suspension. Any suspension of a department head shall be heard by the board within five (5) days. The board may uphold the suspension or return the suspended party to work with backpay or if, as warranted, may dismiss the employee.

(2) Grievances. (a) Policy. It shall be the policy of the City of Jamestown to provide a procedure for the presentation and mutual adjustment of points of misunderstanding or disagreement which arise between employees, and their supervisors and to assure employees that their problems and complaints will be considered fairly, rapidly, and without reprisal.

(b) Procedures. The following procedure governs presentation and adjustment of such disagreements. The purpose is to determine what is right, rather than who is right. It is the city's philosophy that free discussion between employees and supervisors will generally lead to better understanding by both of the many practices, policies, procedures and agreements which affect employees and management.

The employee upon feeling that such grievance has occurred shall immediately discuss the matter with his/her department head. If the matter is not then disposed of to the mutual satisfaction of the employee and the department head, the following shall be followed:

(i) The employee shall, within five (5) working days from the date of occurrence of the alleged grievance, submit in writing to his/her department head, a complete statement of what he feels the grievance to be and the relief requested;

(ii) The department head shall then make a decision in writing within five (5) working days after receipt of the alleged grievance, reduced to writing. Copies of the alleged grievance and the answer shall be provided to the board of mayor and aldermen by the department head at this time. The alleged grievance may be resolved at any step in the above mentioned procedure by mutual concurrence of both parties. Notations of action taken shall be provided the board of mayor and aldermen by the department head for the permanent file.

If the answer of the department head does not resolve the grievance of the employee, or if the department head fails to reduce his decision to writing within five (5) working days period aforementioned, the alleged grievance may then be submitted in writing by the employee to the board of mayor and aldermen for a hearing, and the department head and anyone else involved may be requested to attend the hearing by either the board or the grieving employee. The hearing must be held within ten (10) days of the date requested in writing by the employee. This will be a hearing, not a trial, and the finding and decision of the board are final.



(3) Appeals. (a) An appeal is an action by an employee to respond to and express dissatisfaction with a specific action taken by the city or its department heads. Actions subject to appeal procedures include:

- (i) Demotion.
- (ii) Suspension.
- (iii) Termination.

(iv) An appeal action must be initiated within thirty days of the action that constitutes cause for the appeal. All appeals will be heard and decided by the board of mayor and aldermen.

(b) All appeals must be submitted in writing, and contain in a minimum the following information:

(i) A concise statement of facts indicating why the appellant is entitled to a reconsideration.

(ii) Factual evidence/documentation which will support reconsideration of the action being applied.

(iii) An indication of what determination is being requested by the appellant.

(c) For all appeals alleging discrimination, the appellant must include the date, time, place, name(s) of persons involved, and the specific act of discrimination.

(d) All appeals must be heard by the board within ten (10) days of the date the written appeals is submitted by the appellant. (Ord. #\_\_\_\_, Dec. 1987)

4-206. Separation from employment. (1) Separation from city employment may occur through the following means:

- (a) Resignation.
- (b) Lay-off.
- (c) Disability.
- (d) Dismissal.
- (e) Death.

At the time of separation and prior to final payment, all records, assets, and other items of city property in the employee's custody shall be transferred to the department head, or in the case of a department head to the board of mayor and aldermen. Certification of this shall be executed. Any amount due to a shortage in the above shall be withheld from the employee's final compensation.

(2) Resignation. An employee may resign by submitting in writing the reasons therefore, and the effective date, to his department head as far in advance as possible, but a minimum of two (2) weeks notice is required. Failure to comply with this requirement may be cause for denying future employment with the city. Unauthorized absence from work for a period of three (3) consecutive days may be considered by the department head as a resignation.

Department heads shall forward all notices of resignation to the board of mayor and aldermen immediately upon receipt.

(3) Lay-off. The department head, upon approval of the board of mayor and aldermen, may lay-off an employee when he deems it necessary by reason of shortage of funds or work, the abolition of a position, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon service of the employee. Whenever the lay-off of one or more employees shall become necessary, the board of mayor and aldermen shall notify the department head at least ten (10) days in advance, of the intended action and the reason. The department head shall thereupon furnish to the board the names of the employees to be laid off, in the order in which such lay-offs shall be effected. Temporary employees shall be laid off prior to probationary or regular employees.

(4) Disability. An employee may be separated for disability when he cannot perform required duties because of a physical or mental impairment. Actions may be initiated by the employee or the city, but in all cases it must be supported by medical evidence acceptable to the board of mayor and aldermen. The city may require an examination at its expense, and performed by a licensed physician of its choice.

(5) Dismissal. Dismissal is the involuntary separation of an employee from city service. For employees, who are not department heads, dismissal may be exercised in either of two ways:

(a) As the culmination or final phase of the disciplinary action process, as described in Section V of these rules and policies, or

(b) When a department head determines that an employee has violated a provision of the city charter, a city ordinance, an employee rule or personnel policy in such a serious manner that immediate action is required to protect the reputation of the city, or to assure the normal conduct of city business or performance of city services. In such cases, as determined by the department head, the employee may be placed on immediate suspension, and a hearing must be scheduled for the purpose of considering dismissal, before the board of mayor and aldermen within ten (10) days of the date the suspension is imposed. Notice of the scheduled hearing must be provided to the employee stating the nature of the charges, the action being recommended, the reasons for it, and advising him/her of the right to respond to the charges in writing. The notice of hearing shall be delivered to the employee as soon as possible, but no less than five (5) days prior to the date of the scheduled hearing. If the suspended employee fails to respond to the charges in writing prior to the starting time of the scheduled hearing, the board of mayor and aldermen may proceed to dismiss the employee without further consideration or discussion.

Actions by the board of mayor and aldermen to dismiss a department head shall follow the procedure set forth in Section V of these rules and policies.

Reasons for the dismissal of any employee include, but shall not be limited to:

- (i) Incompetency or inefficiency in the performance of duties;
- (ii) Conviction of a criminal offense or of a misdemeanor involving moral turpitude;
- (iii) Violations of any lawful and reasonable regulation, order or direction made or given by a superior officer; or insubordination that constitutes a serious breach of discipline;
- (iv) Public intoxication or drinking any intoxicating beverages while on duty, being addicted to the use of narcotics or being under the influence of a drug or narcotic while on duty;
- (v) Theft, destruction, carelessness or negligence in the use of the property of the city;
- (vi) Disgraceful personal conduct or language towards the public, toward fellow officers or employees, or abusive public criticism of his superior or other public officials;
- (vii) Unauthorized absence or abuse of leave privileges;
- (viii) Incapacity for proper performance of duties because of a permanent or chronic physical or mental defect;
- (ix) Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of his duties.
- (x) Falsification of records or use of official position for personal advantage.
- (xi) Failure to pay or to make reasonable provisions for the future payment of just debts.
- (xii) Loss of an employee's driver's license and driving privileges by due process of law when the employee's position makes the operation of a motor vehicle necessary in the performance of his duties.
- (xiii) Sexual harassment.
- (xiv) Violation of any of the provisions of the charter, ordinances, or these rules.

(6) Death. Separation shall be effective as of the date of death. All compensation due in accordance with this rule shall be paid to the estate of the employee, except for such sum as by law must be paid to the surviving spouse. (Ord. # \_\_\_\_\_, Dec. 1987)

4-206. Personnel rules and records. (1) Records. Personnel records except examinations, service rating reports, personnel histories, and such other

records as may be specified in these rules or by action of the board of mayor and aldermen as confidential, shall be public records and shall be open for public inspection during office hours and reasonable times in accordance with such procedures as the city recorder may prescribe. The city recorder shall retain records necessary to the proper administration of the personnel system, and shall prescribe necessary forms and reports for all necessary personnel changes.

(2) Amendments. Amendments or revisions to these rules may be recommended for adoption by the city recorder, or by the board of mayor and aldermen of its own motion. Such amendments or revisions of these rules shall become effective after public hearing and approval by ordinance of the board of mayor and aldermen.

(3) Conflicts. Should there be a conflict between this ordinance and the administrative rules of any department, the provisions of this ordinance shall govern. All department regulations and rules as presently constituted or hereinafter adopted, which are not in conflict with this ordinance shall be in effect. (Ord. # \_\_\_\_\_, Dec. 1987)

## CHAPTER 3

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

## 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 chapter shall provide authority for establishing and administering the Occupational Safety and Health Program for the employees of the City of Jamestown. (Ord. #870, Aug. 2003)

4-302. Purpose. The City of Jamestown, in electing to update their established program plan will maintain an effective occupational safety and health program 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 existing or potential hazards; and
- (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) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

(4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

(5) Consult with the State 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, 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. (Ord. #870, Aug. 2003)

4-303. Coverage. The provisions of the Occupational Safety and Health Program Plan for the employees of the City of Jamestown shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Jamestown whether part-time or full-time, seasonal or permanent. (Ord. #870, Aug. 2003)

4-304. Standards authorized. The occupational safety and health standards adopted by the City of Jamestown 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.<sup>1</sup> (Ord. #870, Aug. 2003)

4-305. Variances from standards authorized. The City of Jamestown may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, 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, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Jamestown shall notify or serve notice to 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 as designated by the safety director shall be deemed sufficient notice to employees. (Ord. #870, Aug. 2003)

4-306. Administration. For the purposes of this chapter, David Witt is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer this safety plan. The director shall develop a plan of operation for the program and

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 50, chapter 3.

said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and part IV of the Tennessee Occupational Safety and Health Plan. (Ord. #870, Aug. 2003)

4-307. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the board of mayor and aldermen. (Ord. #870, Aug. 2003)

## CHAPTER 4

TRAVEL REIMBURSEMENT REGULATIONS

## SECTION

- 4-401. Enforcement.
- 4-402. Travel policy.
- 4-403. Travel reimbursement rate schedules.
- 4-404. Administrative procedures.

4-401. Enforcement. The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations. (Ord. #345, July 1993)

4-402. 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 CAO. Under certain conditions, entertainment expenses may be eligible for reimbursement.

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

Travel advance requests aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the CAO 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 CAO may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.

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

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

(9) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement. (Ord. #345, July 1993)

4-403. 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. #345, July 1993)

4-404. 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.

This chapter shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after July 1, 1993. (Ord. #345, July 1993)