

TITLE 4

MUNICIPAL PERSONNEL

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CHAPTER 1

SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

SECTION

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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 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. (1972 Code, § 1-701)

4-102. Necessary agreements to be executed.¹ 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

¹See Ord. #730 (April 1995) of record in the office of the finance director for amendments to the agreement previously made between the City of Manchester, Tennessee and the State of Tennessee Old Age and Survivors Insurance Agency.

agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1972 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. (1972 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. (1972 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. (1972 Code, § 1-705)

4-106. Exclusions.¹ There is 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 also excluded from this chapter any authority to make any agreement with respect to emergency employees, part-time employees, fee basis employees, elective judicial officials, or any employees or officials not authorized to be covered by applicable federal or state laws or regulations. (1972 Code, § 1-706)

¹See Ord. #730 (April 1995) of record in the office of the finance director for amendments to the agreement previously made between the City of Manchester, Tennessee and the State of Tennessee Old Age and Survivors Insurance Agency.

CHAPTER 2**PERSONNEL RULES AND REGULATIONS****SECTION**

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4-201. Definitions. As used in these rules the following words and terms shall have the meanings listed:

- (1) "Absence without leave." An absence from duty which was not authorized or approved.
- (2) "Administrative leave." An additional leave granted to full-time employees for attending to personal business.
- (3) "Appeals." Procedures as prescribed by these regulations for appealing disciplinary actions and other individual grievances.
- (4) "Applicant." An individual who has applied in writing on an application form for employment.
- (5) "Appointment." The offer to and acceptance by a person of a position either on a regular or temporary basis.
- (6) "Chief administrative officer." The mayor.
- (7) "Classified service." Those covered under these rules and regulations.
- (8) "Compensatory leave." Time off from work in lieu of monetary payment for overtime worked as provided herein.
- (9) "Demotion." Assignment of an employee from one position to another which has a lower maximum rate of pay and rank.
- (10) "Department." The primary organizational unit which is under the immediate charge of a department head who reports directly to the chief administrative officer.
- (11) "Department heads." Persons employed as the Administrator of Health and Codes, the Directors of General Services, Parks and Recreation and Water and Sewer, The Finance Director, and the Fire Chief and Police Chief of the City of Manchester.
- (12) "Departmental committee or commission." A committee or commission which has duties relating to a particular department.
- (13) "Disciplinary action." Action which may be taken when an employee fails to follow departmental rules or any provisions of these rules.
- (14) "Dismissal." A type of disciplinary action which separates an employee from the payroll.

(15) "Employee." An individual who is legally employed and is compensated through the payroll.

(16) "Full-time employees." Individuals who work regular shifts of forty (40) hours or more per week, and individuals on twenty-four (24) hour shifts.

(17) "Funeral leave." Leave for funeral of immediate family, not to exceed three days at any one time.

(18) "Grievance." A dispute arising between an employee and supervisor relative to some aspect of employment, interpretation of regulations and policies, or some management decision affecting the employee.

(19) "Immediate family." Spouse, children, stepchildren or foster children, a child's, stepchild's or foster child's spouse, grandchildren, brother, sister, parents or step parents, grandparents, mother-in-law and father-in-law, sister-in-law and brother-in-law.

(20) "Lay-off." The involuntary nondisciplinary separation of an employee from a position because of shortage of work, materials or funds.

(21) "Leave." An approved type of absence from work as provided for by these rules.

(22) "Maternity leave." An absence due to pregnancy, childbirth, or related medical conditions which shall be treated the same as sick leave.

(23) "Occupational disability or injury leave." An excused absence from duty because of an injury or illness sustained in the course of employment and determined to be compensable under the provisions of the Worker's Compensation Law.

(24) "Overtime." Authorized time worked by an employee in excess of normal working hours or work period.

(25) "Overtime pay." Compensation paid to an employee for overtime work performed in accordance with these rules.

(26) "Probationary period." The designated period of time after an applicant is appointed or an employee is promoted in which the employee is required to demonstrate fitness for the position by actual performance.

(27) "Promotion." Assignment of an employee from one position to another which has a higher maximum rate of pay and rank.

(28) "Reprimand." A type of disciplinary action, oral or written, denoting a violation of personnel regulations which becomes part of the employee's personnel record.

(29) "Seniority." Length of service as a regular employee in the classified service.

(30) "Sick leave." An absence approved by the department head or supervisor due to non-occupational illness or injury.

(31) "Supervisor." Any individual having authority on behalf of the municipality to assign, direct or discipline other employees if the exercise of such authority is not a mere routine or clerical nature, but requires the use of independent judgment.

(32) "Suspension." An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

(33) "Temporary employee." An employee holding a position other than permanent, which is of a temporary, seasonal, casual, or emergency nature.

(34) "Transfer." Assignment of an employee who had completed his/her probationary period from one position to another position.

(35) "Work day or work period." Scheduled number of hours an employee is required to work per day or per scheduled number of days. (1972 Code, § 1-801, as amended by Ord. #891, July 2000, Ord. #979, April 2002, Ord. #998, July 2002, Ord. #1095, May 2005, Ord. #1158, Feb. 2007, and Ord. #1407, Feb. 2014)

4-202. Coverage. These rules shall apply only to the classified service unless otherwise specifically provided or necessarily implied. The classified service shall include all full-time positions which are not specifically placed in the exempt service. The exempt service shall include the following:

(1) All elected officials and persons appointed to fill vacancies in elective offices.

(2) All members of appointive boards, commissions or committees.

(3) City attorney and city judge.

(4) Consultants, advisors and counsel rendering temporary professional service.

(5) Independent contractors.

(6) Temporary employees who are hired to meet the immediate requirements of an emergency condition.

(7) Seasonal employees who are employed for not more than three (3) months during the fiscal year.

(8) Persons rendering part-time services.

(9) Volunteer personnel, such as volunteer firefighters, and all other personnel appointed to serve without compensation. (1972 Code, § 1-802)

4-203. Recruitment. Individuals shall be recruited to assure obtaining well-qualified applicants for the various types of positions. The city recognizes that it is advantageous and productive to maintain a well-balanced work force of qualified men and women of all ethnic and religious backgrounds to carry out the functions of city government. All applicants shall be treated equally regardless of race, creed, color, religion, age, ethnic background, marital status, gender, political affiliation, non-job related disability or other non-job related factor. Reasonable accommodations in the application process will be made to applicants with disabilities making a request for such accommodation.

Applications shall be made on forms provided by the finance director. Such forms shall require information covering residence, education, training, work experience references, written authorization for the release of information as may be pertinent to the vacancy which is being filled. Resumes or

applications submitted on forms other than those specified above may be accepted at the discretions of the department head provided that they supply substantially the same information as the city application form. Applications shall be held in the active file for a period of six (6) months for review by any department head or supervisor.

Nothing in the personnel rules and regulations documents shall be deemed to give employees any more property rights in their job than may already be given by the city charter. The city reserves the right to alter or change any or all of these rules without prior notice to current employees. (1972 Code, § 1-803, as amended by Ord. #808, Jan. 1998)

4-204. Notice of vacancies. Prior to the employment of any person by the City of Manchester, Tennessee, a notice of that job opening shall be posted on the main bulletin board at city hall and on designated employee boards in all departments. All notices of vacancies shall be posted for at least five (5) working days prior to the deadline for accepting applications for that position. If an applicant is not chosen after the vacancy has been posted, then a notice of that job opening shall be published in a local newspaper and advertised on a local radio or in other methods to insure effective communication to someone with disabilities for at least five (5) days prior to the extended deadline for accepting applications for that position. The requirements to post or advertise also shall apply when filling part-time, temporary, or seasonal positions, but shall not exclude the mayor's right to hire temporarily on an emergency basis. A temporary appointment shall not be made to a vacant budgeted position in order to give an applicant an advantage in permanently securing that position, nor shall a temporary appointment be made in order to forgo advertising, examination or testing.

Notices of vacancies shall include the job description summary and qualifications for that job as evidenced by the written job description and qualifications which shall be kept on file in each department. A written job description and qualifications for each budgeted city position shall be approved by the board of mayor and aldermen. At the time the need for a new position is recognized, the department head, supervisor, and departmental committee or commission shall prescribe minimum qualifications as required by the nature of the work to be performed, and a written job description and qualifications shall be prepared by the department head and added to the departmental file. (1972 Code, § 1-804, as amended by Ord. #891, July 2000, and Ord. #979, April 2002)

4-205. Consideration of qualified applicants. After notice of the job opening has been posted or advertised by the personnel officer according to Code § 4-204, the director shall combine any existing applications with the new applications and certify all applicants who meet the job description to the

department head, who will review the applications and then interview the applicants, jointly with the personnel officer.

In order to encourage upward mobility within the city service, the following shall be the order of consideration of eligible applicants for vacant regular city positions:

1st - Qualified regular city employees currently working in the department which the vacancy exists. An employee laid off in accordance with § 4-230 shall be considered as an active employee for purposes of this section.

2nd - Other qualified regular city employees.

3rd - Qualified temporary or part-time city employees, including reserve firefighter and reserve policemen, currently working in the department in which the vacancy exists.

4th - Other qualified temporary or part-time city employees.

5th - Qualified applicants who are not currently city employees, who live inside the City of Manchester.

6th - Qualified applicants living outside the City of Manchester but in Coffee County.

Each department head and supervisor shall consider the makeup of the current workforce in his/her program area. (1972 Code, § 1-805, as amended by Ord. #891, July 2000, Ord. #979, April 2002, Ord. #1053, March 2004, Ord. #1158, Feb. 2007, and Ord. #1407, Feb. 2014)

4-206. Disqualifications. The departmental head may reject any applicant:

(1) If the applicant does not possess the minimum qualifications for the position as stated in the job description and notice of vacancy;

(2) If the applicant did not file the application before the deadline or did not file the application on the prescribed form;

(3) If the applicant has established an unsatisfactory employment or personnel record (as evidenced by reference check) of such a nature as to demonstrate unsuitability for employment;

(4) If the applicant is unable to perform the essential functions of the job and it is determined that the inability to perform is due to a disability which cannot be reasonably accommodated, they pose a direct threat to themselves or others or they are unable to perform the essential functions due to a temporary condition or disability not protected by the ADA;

(5) If the applicant is currently using narcotics or his or her excessive use of intoxicating liquors will pose a direct threat to the health and safety of others;

(6) If the applicant refuses to undergo pre-employment drug testing, complete the necessary forms or fails to successfully pass a certified drug screening test;

(7) If the applicant has been convicted, within the previous ten (10) years of a felony, or a crime involving moral turpitude or any violation of city,

state, or federal law which is relevant to the type of work to be performed in the vacant position;

(8) If the applicant does not reply to a mail or telephone inquiry;

(9) If the applicant fails to accept appointment within the time prescribed in the offer;

(10) If the applicant has made a false statement regarding a material fact, practices, or attempted to practice, any deception or fraud in his/her application; or

(11) If the applicant is serving on a city committee or commission and has not resigned from that committee or commission prior to making application for employment with the city. (1972 Code, § 1-806, as amended by Ord. #805, Jan. 1998, and Ord. #1158, Feb. 2007)

4-207. Employment examinations and drug and alcohol testing.

All appointments may be subject to competitive examination. All examinations shall fairly and impartially test those matters relative to the capacity and fitness of the applicant to discharge efficiently the duties of the positions to be filled. A reasonable accommodation in the examination process will be made to disabled applicants requesting such accommodation.

Examinations may consist of one or more of the following types: a written test of required knowledge; an oral interview; a performance test of manual skills; a physical test of strength, agility, and fitness; a written test of mental ability; or an evaluation of training and experience.

Following a conditional offer of employment, every prospective employee, when required, may be examined by a licensed medical physician designated by the municipal government. This exam will determine whether prospective employees can perform the essential functions of the position offered and will serve as a general physical overview. The cost of this medical examination shall be born by the city. Any prospective employee who is unable to successfully perform the essential functions tested for in the medical examination shall have the offer of employment by the city withdrawn only if:

(1) They cannot perform the essential functions due to a disability which cannot reasonably be accommodated; or

(2) They pose a direct threat to themselves and/or others; or

(3) They are unable to perform the essential functions due to a temporary condition or disability not protected by the ADA.

At the request of a department head, employees of the city may be required to undergo periodic examinations to determine their physical and mental fitness to continue to perform the work of their positions. This periodic examination shall be at no expense to the employee. Determination of physical or mental fitness will be made by a physician designated by the board of mayor and aldermen.

When a city employee is reported by the examining physician to be physically or mentally unfit to perform work in the position for which he or she

is employed, the employee may, within five (5) days from the date of that notification, indicate in writing to the mayor of his or her intention to submit the question of physical or mental unfitness to a physician of his or her choice.

In the event there is a difference of opinion between the examining physician and the physician chosen by the employee, a physician shall be mutually agreed upon and designated by both physicians and the third physician's decision shall be final and binding as to the physical or mental fitness of the employee. The city shall pay its physician, the employee shall pay his or her physician and the cost of the third physician shall be shared by the city and the employee.

Employees determined to be physically or mentally unfit to continue in their position may be demoted according to these rules or they may be separated from the municipal government service only after it has been determined that:

- (4) They cannot perform the essential functions due to a disability which cannot be reasonably accommodated; or
- (5) They pose a direct threat to themselves and/or others; or
- (6) They are unable to perform the essential functions due to a temporary condition or disability not protected by the ADA.

It is the policy of the City of Manchester that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to termination of employment. Prohibited and/or illegal conduct includes but is not limited to:

- (a) Being on duty or performing work in or on city property while under the influence of drugs and/or alcohol;
- (b) Engaging in the manufacture, sale, distribution, use, or unauthorized possession of drugs at any time and of alcohol while on duty or while on city property;
- (c) Refusing or failing a drug and/or alcohol test administered under this policy;
- (d) Providing an adulterated, altered or substituted specimen for testing;
- (e) Use of alcohol within eight (8) hours prior to reporting for duty on schedule or use of alcohol while being compensated for on-call duty; and
- (f) Use of alcohol or drugs within eight (8) hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The

submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the ability of the employee to perform his duties. It is the duty of the employee to inform his supervisor or department head of his use of such legally prescribed medication prior to the beginning of his shift.

Applicants and persons continuing as employees of the city after the passage of Ord. #753 consent to:

(i) Submitting to a drug test before receiving a final offer of employment.

(ii) Submitting to a post-accident drug test within thirty-two (32) hours, or an alcohol test within two (2) hours after an incident if the employee is involved in a motor vehicle accident during work hours. If a current employee refuses a drug or alcohol test administered pursuant to this policy, has a positive drug test for:

(A) An illegal drug;

(B) An un-prescribed drug that produces stimulating effects on the central nervous system as defined in Tennessee Code Annotated, § 55-10-401;

(C) An amount of a legally prescribed drug which adversely affects the ability of the employee to perform his/her duties; or

(D) An amount of a legally prescribed drug in excess of the amount prescribed for the employee, the employee will be terminated pursuant to the personnel policy. Any employee whose alcohol test reveals a concentration of four one hundredths of one percent (0.04%) or more will be terminated pursuant to the personnel policy.

(iii) Submitting to a test where there is reasonable suspicion to believe that an employee is under the influence of drugs and/or alcohol. Reasonable-suspicion drug testing means drug or alcohol testing based on a belief that an employee is using or has used drugs or alcohol in violation of the city's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, the facts and inferences may be based upon:

(A) Observing phenomena while at work, such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;

(B) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;

(C) A report of drug or alcohol use, provided by a reliable and credible source;

(D) Evidence that an individual has tampered with a drug or alcohol test during employment with the current covered employer;

(E) Information that an employee has caused, contributed to or been involved in an accident while at work; or

(F) Evidence that an employee has used, possessed, sold, solicited or transferred drugs or used alcohol while working or while on the covered employer's premises or while operating the covered employer's vehicle, machinery or equipment.

(iv) Submitting to random drug testing if they are employed in a safety sensitive position as a fireman, policeman, or a lifeguard, or are required to possess a commercial driver's license (CDL). Fifty percent (50%) of these employees shall be tested annually for drugs, and twenty-five percent (25%) shall be tested annually for alcohol. Random dates will be announced with unpredictable frequency, and those employees tested will be determined by a random selection, and testing must be performed within 2 hours after notification.

Job applicants will be denied employment if their pre-employment drug and/or alcohol tests are confirmed positive. If a current employee's drug and/or alcohol test has been confirmed positive, the employee may be subject to disciplinary action up to and including termination, as provided in the personnel policy of the City of Manchester, Tennessee.

All city property is subject to inspection at all times, without notice, including but not limited to vehicles, desks, containers, files and lockers. There shall be no expectation of privacy in such property.

A list of prohibited drugs, drug testing collection procedures, laboratory standards and procedures, and reporting and reviewing will be filed in the office of the Finance Director of the City of Manchester for review by the public or any employee of the city. (1972 Code, § 1-807, as amended by Ord. #753, Jan. 1996, Ord. #782, Feb. 1997, Ord. #808, Jan. 1998, Ord. #1158, Feb. 2007, Ord. #1342, Oct. 2012, Ord. #1354, Dec. 2012, Ord. #1400, Dec. 2013, and Ord. #1482, May 2016)

4-208. Nepotism prohibited. No more than one member of each family shall be employed in the same department of the city government. No person shall be employed, promoted or transferred into a department of the city, when

as a result he/she would be receiving direct supervision or supervising a family member.

This prohibition shall apply to temporary or volunteer workers being considered for service in the same department as a defined family member, but it shall not apply to seasonal employees working with non-supervisory family members in the recreation department.

Family members for the purpose of this section are the same persons defined as "Immediate family" in municipal code § 4-201(18).

When, as a result of a marriage, employees become in violation of this policy, and one or the other employee does not voluntarily terminate or transfer, the board of mayor and aldermen, shall transfer one of the employees to another shift or another department as soon as an opening is available. (1972 Code, § 1-808, as amended by Ord. #866, Dec. 1999, Ord. #1032, June 2003, Ord. #1099, June 2005, and Ord. #1407, Feb. 2014)

4-209. Appointments. The appointment of qualified applicants as new employees of the city shall be made by the department head, who will select the successful applicant and prepare and submit a personnel action form to the mayor for approval, which will then be sent to the personnel officer for processing and formal hiring upon successful completion of a drug screen and physical examination.

(1) Regular appointments/probationary period. The probationary period for all regular non-supervisory appointments, including promotional appointments, shall be for a period of ninety (90) days. The employee's supervisor will document and discuss with the employee during the probationary period when performance is not satisfactory.

Applicants appointed to any regular supervisory position shall be considered to be in probationary status for a period of twelve (12) calendar months from the date of appointment. The department head will document and discuss with the employee, during the probationary period, when performance is not satisfactory and is not meeting probationary test requirements.

At least ten (10) days prior to the expiration of an employee's probationary period, the department head shall notify the mayor and the appropriate departmental committee or commission whether the service of the employee has been satisfactory, and whether the department head recommends that the employee continue in the position. An additional probationary period of up to six months may be requested by the department head. No employee shall serve more than twelve months on a probationary basis, unless extended by a vote of the board of mayor and aldermen.

(2) Temporary/seasonal appointments. Temporary/seasonal appointments are made to short term positions requiring less than continuous year-round service. A temporary/seasonal position may be for full or part-time. Temporary/seasonal appointments or terminations in the recreation department

shall be made by the department head. Temporary/seasonal employees are not eligible for vacation leave, sick leave, or other fringe benefits.

(3) Reserve appointments. Reserve firefighter appointments shall be made by the fire chief with approval by the safety committee. Reserve policemen appointments shall be made by the police chief with approval by the safety committee.

(4) Emergency appointments. In an emergency, the mayor may authorize the appointment of any person to a position to prevent stoppage of public business, or loss or serious inconvenience to the public. Emergency appointments shall be limited to a period not to exceed thirty (30) days.

However, the board of mayor and aldermen may extend this period when it is deemed to be in the best interest of the city. (1972 Code, § 1-809, as amended by Ord. #891, July 2000, Ord. #979, April 2002, Ord. #1053, March 2004, Ord. #1158, Feb. 2007, Ord. #1385, Aug. 2013, and Ord. #1407, Feb. 2014)

4-210. Promotions, transfers, and demotions. (1) Promotions. Vacancies in positions above the entrance level shall be filled by promotion whenever in the judgment of the department head and mayor that it is in the best interest of the municipality to do so.

Promotions shall be on a competitive basis and shall give appropriate consideration to the applicant's performance, qualifications and seniority.

(2) Transfers. Any employee who has completed the probationary period may be transferred to the same or similar position in a different department without being subject to a probationary period after approval of the mayor and department heads. A probationary period is required when the transfer is to a different position in a different department.

When a city employee transfers to another department, seniority shall be retained for retirement, and longevity purposes, but seniority status in the new department shall begin at transfer unless the transfer is intended by the board of mayor and aldermen to be a temporary reassignment to the other department with the intention to return to the original department at a later date, in which case the employee s

hall retain seniority for the time served in both departments when he is transferred back to the original department.

Salary for city employees who transfer to a different position will be based on based on qualifications for the new position, and his/her salary will be adjusted accordingly.

(3) Demotions. An employee may be demoted to a position of lower grade, if qualified by his/her department head, with the approval of the mayor, for any of the following reasons: because the position is being abolished and the employee would otherwise be laid off; there is a lack of funds; because another employee, returning from authorized leave, will occupy the position to which the employee is currently assigned; the employee does not possess the necessary qualifications to render satisfactory service in the position, or is removed during

probation; or the employee voluntarily requests demotion. (1972 Code, § 1-810, as amended by Ord. #891, July 2000, Ord. #937, July 2001, Ord. #979, April 2002, and Ord. #1158, Feb. 2007)

4-211. Hours of work. The department head shall establish hours of work week for each position, based on the needs of service, and taking into account the reasonable needs of the public that may be required to do business with various departments. (1972 Code, § 1-811)

4-212. Attendance. An employee shall be in attendance at regular work in accordance with these rules and with general department regulations. All departments shall keep daily attendance records of their employees. (1972 Code, § 1-812)

4-213.¹ Compensation for court attendance and fire pay. Off-duty safety officers who are required to attend court or who are called to a fire when they are not on duty shall be compensated at their regular pay rate during the time they are attending court or are present at the fire scene upon documentation of the time spent to the finance director. A safety officer shall be paid a minimum of two (2) hours pay for each separate court appearance, or fire call and compensation for any time in excess of two hours that is actually spent in court or at a fire. (1972 Code, § 1-813, as amended by Ord. #808, Jan. 1998)

4-214. Outside employment. No employee may engage in additional employment outside the official hours of duty unless approved by the mayor upon recommendation of the department head. (1972 Code, § 1-814, as amended by Ord. #891, July 2000, and Ord. #979, April 2002)

4-215. Pecuniary interests. No officer or employee shall personally profit directly or indirectly from any contract, purchase, sale, or service between the municipality and any person or company; or personally or as an agent provide any surety, bail, or bond required by law or subject to approval by the governing body. No officer or employee shall accept any free or preferred services, benefits or concessions from any person or company. (1972 Code, § 1-815)

4-216. [Repealed]. (1972 Code, § 1-816, as repealed by Ord. #1432, Aug. 2014)

4-217. Holiday leave. The following legal holidays shall be observed by all employees of the City of Manchester, with the exception of employees of the

¹See § 4-239 regarding step raises for employees of the city.

fire and police department, except those designated by the department head to be entitled to observe holidays: New Year's Day, Martin Luther King's birthday, Good Friday, Memorial Day, June nineteenth, Independence Day, Labor Day, Veteran's Day, two (2) days for Thanksgiving, three (3) days for Christmas, and the employee's birthday.

When a holiday falls on a Saturday or Sunday, the preceding Friday or the following Monday shall be observed as a holiday. The employee's birthday shall be taken within thirty (30) days of the birthday. When possible, every employee shall be given these approved holidays, and those who must work shall receive equivalent time off or if necessary, double pay for the time worked, however, double pay or payment in lieu of leave shall not be paid for any employee's birthday; equivalent time off within thirty (30) days is the sole entitlement.

Employees of the fire or police department, other than those designated by their department head to receive holiday leave, shall receive compensation in lieu of leave by payment of eight (8) hours of their regular wage on the payday occurring immediately after the holiday, or at their request, and with the permission of the department head, equivalent time off. (1972 Code, § 1-817, as amended by Ord. #969, Feb. 2002, Ord. #1255, Dec. 2009, Ord. #1347, Oct. 2012, and Ord. #1633, Dec. 2021 *Ch21_07-05-22*)

4-218. Annual leave. All permanent employees who work shifts of less than 24 hours and have been continuously employed for a period of one year or longer shall be credited with earned vacation leave in accordance with the following schedule:

<u>Completed Service</u>	<u>Vacation Credit - Per Year</u>
After 1 year	10 days
After 10 years	15 days
After 20 years	20 days

All permanent employees who work shifts of 24 hours or more and who have been continuously employed for a period of one year or longer shall be credited with earned vacation leave in accordance with the following schedule:

<u>Completed Service</u>	<u>Vacation Credit - Per Year</u>
After 1 year	6 days
After 10 years	9 days
After 20 years	12 days

The above schedules and credits are for uninterrupted service computed from the most recent date of continuous employment. Employees shall accrue vacation leave from their employment date, but shall not be entitled to take vacation until they have completed one year of service. Vacation leave may be

taken as earned subject to the approval to the department head who shall schedule vacations so as to meet operational requirements of the department.

Employees who work shifts of less than twenty-four (24) hours may accrue vacation leave to a maximum forty (40) days and employees who work shifts of twenty-four (24) hours or more may accrue vacation leave to a maximum of twenty-four (24) days. Vacation leave shall be charged in not less than one-half (1/2) hour increments.

Employees resigning will receive payment for accrued vacation as of the date of resignation.

On the anniversary of the employee's date of hire any days of annual leave an employee would accrue in excess of the maximum allowed by this section shall be converted to sick leave hours at the rate of eight (8) hours per day of annual leave if the employee works a shift of less than twenty-four (24) hours and at a rate of 13.333 hours per day if the employee works a shift of twenty-four (24) hours or more. This provision shall be effective January 1, 2011. (1972 Code, § 1-818, as amended by Ord. #1298, May 2011, and Ord. #1407, Feb. 2014)

4-219. Administrative leave. Employees and appointed officials of the City of Manchester who work full time for the city with shifts of less than twenty-four hours shall receive an annual administrative leave of sixteen (16) hours in each fiscal year. Employees who work shifts of twenty-four hours or more shall receive an annual administrative leave of thirty-two (32) hours in each fiscal year. Administrative leave taken during that employee's sleep time shall be charged as any other administrative leave. An employee hired or rehired shall not be entitled to the administrative leave provided by this section until the expiration of his or her probationary period.

Administrative leave may be used in increments from a minimum of one hour to a maximum of the entire leave, at the employee's discretion, but permission to take administrative leave must be received from the department head at least twenty-four hours prior to the taking of the leave.

An employee's administrative leave hours shall renew on his or her hire date. Any administrative leave not used by the anniversary of the employee's hire date shall abate. Administrative leave shall be in addition to any sick leave, vacation leave or funeral days given to the city employee. (1972 Code, § 1-819, as amended by Ord. #1388, Aug. 2013)

4-220. [Repealed.] (1972 Code, § 1-820, as repealed by Ord. #1158, Feb. 2007)

4-221. Sick leave. Employees shall accrue sick leave from their employment date, but shall not be entitled to take sick leave until they have completed their probationary period. Sick leave with pay shall be granted for the following reasons: personal illness or physical incapacity resulting from causes

beyond the employee's control; illness of a member of the employee's immediate family that requires the employee's personal care and attention; enforced quarantine of the employee in accordance with community health regulations or to keep a doctor's appointment.

In order to be granted sick leave with pay, an employee must meet the following conditions: notify the immediate supervisor prior to the beginning of the scheduled work day of the reason for absence; submit, if required by the department head, a medical certificate signed by a licensed physician certifying that the employee has been incapacitated for work for the period of absence, the nature of the employee's sickness or injury, and that the employee is again physically able to perform duties. A medical statement may be required only if the period of absence is two consecutive days or longer.

Sick leave may be taken as necessary, but may not be extended beyond the accrual at the time of absence. Provided, however, that at the request of the employee any accrued vacation balance may be applied and extended as though it were sick leave. Sick leave with pay shall be granted to all full time employees who work shifts of less than 24 hours at the rate of eight (8) hours per month and to employees who work shifts of 24 hours or more, at the rate of ten (10) hours per month, which vests on the last day of the month in which it is earned. Sick leave taken by employees shall be charged against that employee's sick leave balance on an hour for hour basis, up to a maximum of sixteen (16) hours in any one day.

Employees entitled to sick leave under this section or employees granted a leave of absence without pay under code § 4-225 because of sickness or disability not compensable under the worker's compensation law, and who are able to perform light duty work, but are still unable to return to their regular position with the city, may be temporarily allowed to return to another position with the city that is within their work limitations, which placement will be at the discretion of their department head and only if a suitable position of employment is temporarily available.

When granted leave, as provided herein, the employee shall advise his or her supervisor when he or she expects to return to work. In the event an employee is absent for more than one (1) week, he or she shall advise his or her supervisor no less frequently than weekly when he or she expects to return to work. Failure to timely advise one's supervisor as required may result in denial of sick leave benefits. (1972 Code, § 1-821, as amended by Ord. #888, July 2000, Ord. #1075, Aug. 2004, Ord. #1092, March 2005, Ord. #1158, Feb. 2007, and Ord. #1407, Feb. 2014)

4-222. Sick leave remuneration upon separation. (1) Upon separation, resignation or retirement an employee will be paid for accumulated sick leave up to a maximum of two thousand (2,000) hours.

(2) Any employee with accrued sick leave in excess of two thousand (2,000) hours as of the date of final passage of the ordinance comprising this

section shall be paid for any accumulated sick leave at the time of separation, resignation or retirement up to the amount said employee had accumulated as of the date of final passage of the ordinance comprising this section; however, in the event said employee's accumulated sick leave should fall below two thousand (2,000) hours prior to separation, resignation or retirement, the maximum hours for which the employee can receive payment at the time of separation, resignation or retirement shall be two thousand (2,000). (1972 Code, § 1-822, as amended by Ord. #888, July 2000, and replaced by Ord. #1158, Feb. 2007, and Ord. #1298, May 2011)

4-223. Occupational disability or injury leave. Occupational disability or injury leave shall be granted employees who sustain an injury or an illness during the course of their employment which is determined to be compensable under the provisions of the Worker's Compensation Law. An employee entitled to leave under this provision shall, no less than weekly, advise his or her supervisor when he or she expects to be released to return to work.

Employees on occupational disability leave shall receive such benefits in lieu of pay as are provided by the Worker's Compensation Law; however, the employee on occupational disability leave who has accrued sick leave, annual leave or administrative leave, may elect to use their leave in fractional hours so the amount received from their worker's compensation benefits, and the fractional leave payment will total, but not exceed their average net compensation.

An employee on occupational disability or injury leave who has used all accrued sick leave, annual leave, administrative leave and family and medical leave must apply for and be approved for a leave without pay under § 4-225 in order to remain as a city employee. Employees on occupational disability or injury leave who have not achieved maximum medical recovery, but who have been medically certified to perform light duty work, will be required to return to another position with the city that is within the restrictions imposed by the worker's compensation physician. (1972 Code, § 1-823, as replaced by Ord. #930, May 2001, and amended by Ord. #1076, Aug. 2004, and Ord. #1407, Feb. 2014)

4-224. Leave with pay. Leave with pay may be authorized in order that employees may serve required court and jury duty, provided that such leave is reported in advance to the supervisor. In order to receive full pay for such leave, the employee must deposit the money which he received for the jury duty with the finance director.

Any employees or officers of the city who are, or may become, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave or vacation, impairment of efficiency rating, or any other rights or benefits

to which otherwise entitled, for all periods of military service during which they are engaged in the performance of duty or training in the service of this state, or of the United States, under competent orders; provided, that an officer or employee while on such leave shall be paid salary or compensation for a period, or periods, not exceeding twenty (20) working days in any one (1) calendar year, plus such additional days as may result from any call to active state duty pursuant to § 58-1-106. The military leave herein provided shall be unaffected by date of employment or length of service and shall have no effect on other leaves provided by law, regulation, policy or practice. After the twenty (20) working days of full compensation, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, may use up to five (5) days of sick leave in lieu of annual leave for the purposes of not having to take leave without pay. (1972 Code, § 1-824, as amended by Ord. #808, Jan. 1998, and Ord. #1411, March 2014)

4-225. Leave without pay. A regular employee may be granted a leave of absence without pay for a period not to exceed one year for temporary sickness, disability, or for other good and sufficient reasons. Such leaves shall require the prior recommendation of the department head and approval of the mayor. (1972 Code, § 1-825, as amended by Ord. #1158, Feb. 2007)

4-226. Prohibitions. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position, or demotion or dismissal from a position in the classified service.

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

No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment or promotion, or any advantage in a position in the classified service. (1972 Code, § 1-826)

4-227. [Repealed.] (1972 Code, § 1-827, as repealed by Ord. #1170, June 2007, as repealed by Ord. #1170, June 2007)

4-228. Separations. All separations of employees from positions in the classified service shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, lay-off, disability, dismissal, or death. At the time of separation and prior to final payment, all records, equipment, and other items of municipal property in the employee's custody shall be transferred to the department head. An amount due to a shortage in the

above shall be withheld from the employee's final compensation. (1972 Code, § 1-828, as amended by Ord. #1158, Feb. 2007)

4-229. Resignation. An employee may resign by submitting in writing the reasons and the effective date, to his/her department head as far in advance as possible, but a minimum of two weeks notice is requested. Unauthorized absence from work for a period of three consecutive days may be considered by the department head as a resignation. Department heads shall forward all notices or resignation to the mayor immediately upon receipt. (1972 Code, § 1-829, as amended by Ord. #891, July 2000, and Ord. #979, April 2002)

4-230. Lay-off. The governing body may lay-off any employee when they deem 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. Temporary employees shall be laid off prior to probationary or regular employees. The order of lay-off shall be in reverse order to total continuous time service upon the date established for the lay-off to become effective. (1972 Code, § 1-830)

4-231. Disability. An employee may be separated for disability when unable to perform required duties because of a physical or mental impairment. Action may be initiated by the employee or the municipality, but in all cases it must be supported by medical evidence acceptable to the mayor. The municipality may require an examination at its expense and performed by a licensed physician of its choice.

An employee returning to work after sick leave, occupational disability or injury leave, may not return to full time employment when unable to perform required duties because of a continuing physical or mental impairment.

After using all accrued sick leave, occupational disability or injury leave and any accrued vacation balance which might be applied and extended as though it were sick leave, the employee must choose to request leave without pay, as allowed by § 4-225, resign as allowed by § 4-229 or be subject to separation under the first paragraph of this section. (1972 Code, § 1-831)

4-232. Disciplinary action. Whenever employee performance, attitude, work habits or personal conduct fall below a desirable level, the supervisor or the department head shall initiate the following disciplinary action.

(1) **Oral warnings.** One (1) more oral warnings shall be given, without penalty to the employee, but shall be documented in the employee's departmental counseling file. The supervisor or department head shall inform the employees of such lapses and shall give them counsel and assistance, and if appropriate and justified, a reasonable period of time for improvement shall be given before initiating further disciplinary action.

(2) Written reprimands. In situations where an oral warning has not resulted in the expected improvement, or when more severe initial action is warranted, the department head shall send a written reprimand to the employee, with a copy placed in the employee's personnel file.

(3) Suspension. In situations where an oral warning or written reprimand have not resulted in the expected improvement, or when more severe initial action is warranted, the department head may suspend the employee with or without pay for a period of time not to exceed three (3) days. The mayor may extend the suspension for a period of time not to exceed thirty (30) days from the initial date of suspension pending investigation of the charges against him. An employee determined to be innocent of the charges shall be returned to duty with full pay for the period of suspension. (1972 Code, § 1-832, as amended by Ord. #891, July 2000, and Ord. #979, April 2002, and replaced by Ord. #1158, Feb. 2007)

4-233. Dismissal and demotion. The mayor may dismiss or demote an employee. Reasons for dismissal or demotion may include, but shall not be limited to: misconduct, negligence, incompetency, insubordination, unauthorized absence, falsification of records, violation of any of the provision of the charter, ordinances, or these rules, or any other justified reason. If driving is a part of the employee's job duties, and his driver's license is judicially or administratively suspended, cancelled or revoked, that shall be a specific cause for dismissal.

The employee shall be furnished an advance written notice containing the nature of the proposed action, the reasons therefore, and the right to appeal the charges in writing to the governing body. This notice shall be furnished at least one calendar week prior to the proposed effective date of the action. During this period, the employee may be retained on duty status, placed on leave, or suspended with or without pay at the discretion of the mayor if the employee fails to respond to the advance notice, the proposed action shall be effective on the date specified with no need for further action.

If the employee requests a hearing on the proposed action, the governing body shall promptly set a date and time for the hearing and shall carefully consider all evidence presented before making a decision. The decision of the governing body shall be final. (1972 Code, § 1-833, as amended by Ord. #891, July 2000, and Ord. #979, April 2002)

4-234. Grievance procedure. When any grievance comes to or is directed to the attention of any department head, he/she shall discuss within two working days all relevant circumstances with the employee and remove the causes of the grievances to the extent the department head deems advisable and possesses authority. Failing resolution at this level, the grievance shall be referred to the mayor in writing for final determination in cooperation with the

appropriate departmental committee or commission. (1972 Code, § 1-834, as replaced by Ord. #891, July 2000, and amended by Ord. #979, April 2002)

4-235. Insurance--health and life. Insurance shall be provided to full-time employees. Dependent coverage may be at the option of the employee, subject to the approval of the insurance committee. For employees hired after September 1, 2013, dependent life insurance coverage, which may be available pursuant to the city's policy, shall be solely at the employee's expense. For employees hired after September 15, 2013, dependent dental insurance coverage, which may be available pursuant to the city's policy, shall be solely at the employee's expense. (1972 Code, § 1-835, as amended by Ord. #1387, Aug. 2013, and Ord. #1392, September 2013)

4-236. Retirement. Full-time employees are eligible to participate in the city retirement plan after one year of service. (1972 Code, § 1-836)

4-237. Funeral days. Employees and appointed officials of the City of Manchester who work full time for the city shall receive three (3) funeral days off upon the death of a member of the employee's immediate family, as defined in § 4-201. No advance notice of these days shall be required of the employee, but he shall immediately notify his supervisor of the reason for his absence and his expected return to work. These funeral days shall be in addition to any sick leave, vacation leave or administrative leave given to the city employee. (1972 Code, § 1-837, as amended by Ord. #1260, Feb. 2010, and Ord. #1407, Feb. 2014)

4-238. Infectious disease control program. An infectious disease control program is hereby adopted for the City of Manchester as contained in an exposure control manual of file in the office of the Finance Director of the City of Manchester, Tennessee, which is hereby adopted and incorporated by reference as a part of this code and hereafter referred to as the Manchester Infectious Disease Control Program. (1972 Code, § 1-838, as amended by Ord. #808, Jan. 1998)

4-239. [Repealed.] (1972 Code, § 1-839, as replaced by Ord. #1158, Feb. 2007)

4-240. GED tests. Any employee of the City of Manchester, Tennessee who does not have a high school diploma may take a General Equivalency Diploma test at the expense of the City of Manchester, Tennessee. (1972 Code, § 1-840)

4-241. Pay grades for full time employees. Full time employees of the City of Manchester, Tennessee shall be classified into twenty (20) pay grades with the following minimum and maximum salaries:

Finance Director	Grade 13
Police Chief	Grade 12
General Services Director	Grade 12
Fire Chief	Grade 12
Water and Sewer Director	Grade 12
Recreation Director	Grade 12
Health and Codes Director	Grade 12
Assistant Finance Director	Grade 10
Assistant General Services Director	Grade 10
Assistant Police Chief	Grade 10
Assistant Water and Sewer Director	Grade 10
Assistant Recreation Director	Grade 10
Administrative Fire Captain	Grade 9
Chaplin	Grade ____

Non-exempt employees shall be classified in these grades:

Chief WWTP Operator	Grade 9
Operations Superintendent	Grade 9
Fire Captains	Grade 9
Senior Police Investigator	Grade 9
Police Captains	Grade 9
Executive Administrative Assistant	Grade 8
Program Director	Grade 8
Office Manager II	Grade 8
Accounts Payable/Purchasing Coordinator	Grade 8
Police Investigator/Tech Director	Grade 8
Fire Department Senior Crew Chiefs	Grade 8
Police Department Investigators	Grade 8
Police Department Lieutenants	Grade 8
Police Department Sergeants	Grade 8
Assistant WWTP Operator	Grade 8
Mechanic	Grade 7
Office Manager I	Grade 7
Fire Department Crew Chiefs	Grade 7
Police Department Corporals	Grade 7
Foremen	Grade 7
Distributions Operator II	Grade 7
Tax Specialist	Grade 7
Collections/Head Meter Reader	Grade 7
Health and Codes Inspector	Grade 7
Infrastructure Specialist	Grade 7
Assistant Mechanic	Grade 6
Firefighters	Grade 6
Police Officers	Grade 6

Administrative Assistants	Grade 6
Heavy Equipment Operators	Grade 6
Lab Technician	Grade 6
Distribution Operator I	Grade 6
Recreation Maintenance Foreman	Grade 6
Police Department Clerk	Grade 6
Animal Control Officer	Grade 6
General Services Foreman	Grade 5
Accounting Clerk	Grade 5
Meter Reader	Grade 5
Light Equipment Operators	Grade 5
Laborers	Grade 4
Water and Sewer Utility Workers	Grade 4

The pay range for each grade shall be amended prior to July 1 of each year to include the cost of living raise given to city employees in the budget for the following fiscal year. (1972 Code, § 1-841, as amended by Ord. #769, Aug. 1996; Ord. #840, Nov. 1998, Ord. #860, Oct. 1999, and Ord. #1158, Feb. 2007)

4-242. Workplace harassment prohibited. Verbal or physical conduct that harasses, disrupts or interferes with an employee's work performance or which creates an intimidating, offensive or hostile work environment is not permitted. In particular, violence of any kind (including fighting, horseplay, roughhousing and vandalism), verbal harassment physical harassment and visual harassment, or the threat thereof, whether in the workplace or during work time or both, is prohibited.

Under no circumstances are any objects carried for the purposes of injury or intimidation permitted on city property, including city owned parking areas, unless locked in the employee's vehicle, and not visible from the outside, except those objects issued or sanctioned by, and carried and used within the scope of employment for, the city.

Charges of violence and harassment shall be reported to any supervisor, including any department head and the mayor. The police chief is charged with investigating all cases of workplace violence and harassment. 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.

Copies of the investigative report with recommendations for appropriate action will be turned over to the department head or mayor as appropriate for further action.

To the extent they are not in conflict herewith and to the extent they are applicable hereto, policies and procedures pertaining to complaints of, investigations of and other responses to alleged sexual harassment shall be

utilized in response to allegations of workplace violence and sexual harassment. (1972 Code, § 1-842, as replaced by Ord. #1158, Feb. 2007)

4-243. Discrimination prohibited. The City of Manchester is an equal opportunity employer and illegal discrimination will not be tolerated.

The city 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, sex, or national origin, or because the individual is forty (40) or more years of age.

The city 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, and other terms, conditions, and privileges of employment. (1972 Code, § 1-843, as amended by Ord. #1628, Sept. 2021 *Ch21_07-05-22*)

4-244. Family and medical leave. Eligible employees may take up to twelve (12) week of unpaid leave during each fiscal year in compliance with the Family and Medical Leave Act (FMLA) of 1993, as more fully explained in a policy approved by the Board of Mayor and Aldermen and on file in the office of the finance director. (Ord. #831, Sept. 1998, as replaced by Ord. #1158, Feb. 2007)

4-245. Overtime and compensation time. Non-exempted employees required to work overtime shall be paid for such work at the rate of one and one-half times the regular rate of pay. Employees working on a paid legal holiday will not be paid an overtime rate unless the number of overtime hours exceeds eight (8) hours.

Non-exempted employees may be compensated, hour for hour, with future time off from work in lieu of monetary payment for overtime worked, if the compensation time is used in the same pay period after the overtime hours were worked. If compensation time is not taken during the same pay period, the employee must be compensated with overtime pay at the rate of one and one-half time the regular rate.

Any compensatory time presently accumulated by an employee must be used on or before June 30, 2003 or lost.

Exempted employees of the city are considered to be employed on a "whole job" basis and overtime compensation or compensation time are not considered due, except as approved by the finance committee. Exempt employees who require time off for personal reasons may request discretionary personal time off, to be calculated as an hour off for an hour worked. The absences must be approved by the department head, or by the mayor if the employee requesting leave is a department head.

Exempted employees are defined as the finance director and assistant finance director, the personnel officer, the police chief and assistant chief, the fire chief and assistant chief, the director of water and sewer and assistant director, the director of general services and assistant director, the director of parks and recreation and assistant director, the health and codes director, and the IS director, citizen liaison and police major in the police department. All other employees are non-exempted. (as added by Ord. #1011, Nov. 2002, amended by Ord. #1037, July 2003, Ord. #1093, March 2005, Ord. #1158, Feb. 2007, and Ord. #1407, Feb. 2014)

4-246. [Repealed.] (as added by Ord. #1026, March 2003, as repealed by Ord. #1158, Feb. 2007)

4-247. Leave donations. If an employee of the City of Manchester has suffered a serious long term illness or injury which is likely to result in the employee being absent from work for a prolonged period of time and which would result in a substantial loss of income due to the lack of annual leave, administrative leave, sick leave, occupational disability or injury leave or compensation time, that employee may submit a request for a leave donation from other employees of the City of Manchester, who may donate sick leave or annual leave under the following conditions:

(1) The employee requesting the sick leave or annual leave donation must be a full-time employee.

(2) Prior to being eligible to receive a transfer of leave from other employees, the employee must have exhausted all annual leave, administrative leave, sick leave, occupational disability or injury leave and compensation time.

(3) The employee, or a family member acting on behalf of an incapacitated employee, shall submit a request for a leave donation on forms provided by the city. The request shall include a doctor's statement explaining the nature of the illness or injury and the anticipated date for returning to work.

(4) The request for a leave donation shall be submitted to the department head, who shall review the request and make a recommendation to the mayor, who shall have final approval of the request. If approved, a memo shall be sent to all city employees requesting a leave donation.

(5) Donated sick leave is added to the donee employee's sick leave and donated annual leave is added to the donee employee's annual leave, and any donated leave not used becomes the property of the donee employee, and will not be refunded to the donor employee.

(6) The maximum number of donated leave hours any employee is permitted to receive in any consecutive three hundred sixty-five (365) day period is five hundred seventy-six (576).

(7) No employee may donate leave unless he or she has accumulated one hundred sixty-one (161) or more leave hours. An employee may not donate leave which would result in the donating employee's accumulated leave falling

below one hundred sixty (160) hours. (as added by Ord. #1104, June 2005, as amended by Ord. #1158, Feb. 2007, and Ord. #1408, Feb. 2014)

4-248. Laptop computer and removable storage device security policy. Every employee, official or any authorized person using a municipal (city-owned) laptop computer or removable storage device is responsible for protecting the confidential information stored, created, processed or transmitted via the computer or device.

(1) Laptop computers and removable storage devices. Only persons showing necessity to perform specific job-related duties shall be authorized to use municipal laptop computers and/or removable storage devices. Department heads may grant this approval after consulting with the IS department.

(2) Protection of confidential data. Every user of a laptop computer or removable storage device must use reasonable care to protect confidential data.

Protection of confidential data against physical theft or loss, electronic invasion or unintentional exposure is provided through a variety of means, including user care and technological protections. Prior to the use of confidential data via laptop computer or removable storage device, users are responsible for contacting the IS department to ensure appropriate security hardware and software are in place. The use of unprotected equipment to access or store confidential information is prohibited regardless of whether the equipment is owned or controlled by the municipality.

(3) Reporting loss or theft of equipment or data. In the event a municipally-owned or controlled laptop computer or removable storage device is lost or stolen, the theft or loss must be reported immediately to the IS department.

In the event that confidential information contained on any personally-owned computer or removable storage device is lost or stolen, the theft or loss must be reported immediately to the IS department.

In the event a municipally-owned laptop computer or removable storage device is lost or stolen, resulting in the unencrypted personal information of any Tennessee resident being, or reasonably believed to be breached, the municipality must disclose the breach to the affected citizens in accordance with Tennessee Code Annotated, § 47-18-2107. This notification must occur in the most expedient time possible, consistent with the legitimate needs of law enforcement. The IS director is responsible for this notification process.

The purpose of this policy is to comply with state and federal regulations governing the privacy and security of information, specifically, Tennessee Public Chapter 688, 2008.

Violation of this policy may result in disciplinary action as set forth in § 4-232 or dismissal or demotion as set forth in § 4-233 depending upon the circumstances of the violation. Any employee receiving any proposed disciplinary action, dismissal or demotion may appeal said action directly to the

board of mayor and aldermen, which may affirm, reverse or modify (increase or decrease) the disciplinary action. (as added by Ord. #1246, Oct. 2009)

4-249. Use of internet and electronic mail. (1) Policy. It is the policy of the City of Manchester that all employees having global internet access and e-mail privileges shall use such access only for official work in full compliance with this policy and the policies of the city. Each user must be aware of the risks related to internet access and e-mail which cannot be eliminated but may only be managed through the exercise of prudence and caution.

All city employees authorized to use e-mail will be assigned an official city e-mail address. All official business shall be conducted using this address. No official business shall be conducted using any other address, including but not limited to those provided by Yahoo, Gmail, Netscape, etc. In the event any other address is required to perform the functions of an employee's position, the employee may use such address after written approval from the mayor and information systems director; however, this additional address may be used only when and to the extent the employee's job functions cannot be performed using his or her official city e-mail address.

(2) Procedures. (a) Use of the internet/e-mail. Employees must be individually authorized to use the internet and/or e-mail before doing so during working hours or while using any city equipment. No employee will be so authorized by the city until the employee has signed the internet use form, however failure to sign this form shall not render this policy inapplicable to such employee.

No e-mail messages sent or received on city computers is personal or private; each is the property of the City of Manchester. E-mail messages can be copied, distributed, discovered in litigation and used in disciplinary proceedings even if deleted by the recipient. Users have no expectation of privacy as to any e-mail message at any time.

(c) Principles of acceptable internet and computer system use.

(i) Use must be for legitimate work-related purposes only.

(ii) Users shall respect the legal protections afforded by copyright and license laws for programs and data.

(iii) Use must be for legitimate work-related purposes only.

(iii) Users shall identify themselves as employees of their department and the city when sending any e-mail message via the internet.

(d) Unacceptable use of the internet, e-mail and the city's computer system.

(i) Users shall respect the integrity of the city's computing system and shall not use it for unacceptable purposes or in any unacceptable manner as described below. It is

unacceptable for a user to use, submit, publish, display or transmit on the internet or any part of the city's computer system any information which:

(A) Uses the system for any illegal purpose;

(B) Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive or otherwise biased, discriminatory or illegal material, whether in the form of a "joke" or otherwise;

(C) Violates or infringes on the rights of any other person, including the right to privacy; or

(D) Modify files or data belonging to other users without explicit permission to do so.

(ii) No user other than the mayor or the various department directors shall have authority to subscribe to any service for which a fee is charged.

(iii) Users shall not use or develop programs that harass other users or infiltrate a computer or computing system or which seek to alter or damage the software components of a computer or computing system.

(e) Personal use. The prohibitions in this policy shall also not be construed to prohibit infrequent and brief use of the system for incidental personal matters by an employee during a meal or other personal break time. This is similar to an employee's limited ability to make a personal telephone call on personal time. For example, an employee may spend a minute or two looking at the weather radar online provided, however, in no event shall any such limited personal use include any activity otherwise prohibited by this policy, e.g., visiting a sexually explicit site.

(f) No right of privacy - monitoring. (i) Pursuant to the Electronic Communications Act of 1986, 18 U.S.C. 2510 *et seq.*, notice is hereby given that there are no facilities provided by the city and its system for sending or receiving private or confidential electronic communications.

(ii) Electronic mail, whether sent via the internet or internally, may be a public record subject to public disclosure under the Tennessee Public Records Law and may be inspected by the public.

(g) Violation of this policy may result in disciplinary action as set forth in § 4-232 or dismissal or demotion as set forth in § 4-233 depending upon the circumstances of the violation. Any employee receiving any proposed disciplinary action, dismissal or demotion may appeal said action directly to the board of mayor and aldermen, which may affirm, reverse or modify (increase or decrease) the disciplinary action. (as added by Ord. #1245, Oct. 2009, and amended by Ord. #1341, Oct. 2012)

4-250. Use of cellular/mobile phones. (1) Purpose. The purpose of this section is to govern the use and application of City of Manchester-owned phones and associated services and devices.

(2) Authorization. Recommendation for the issuance of City of Manchester-owned mobile phones should be approved by the department head. The use of a City of Manchester-owned phone of any type is considered a privilege and may be revoked. Regular landline phones may be provided to employees as is appropriate for their position.

Both landlines and mobile phones will be assigned by need and not every employee will have a unique landline and/or mobile phone assigned to them. Each case for a phone will be reviewed individually; the location, the business requirements, safety issues and appropriateness will be taken into consideration when evaluating the need for a new phone.

(a) Business use. Any phone owned and issued by the City of Manchester shall have as its primary function, business related uses. When an employee is in travel status, he or she is encouraged to use their mobile phone, if service is available.

(b) Personal use. This policy acknowledges that from time to time, a City of Manchester-issued phone may be used for personal calls. As long as this use of the phone is incidental to its primary business use, reasonable personal calls are allowed.

If a situation occurs that warrants personal use of a City of Manchester-owned phone beyond an incidental nature, the individual shall reimburse the city, as appropriate. Should it be determined that an individual is abusing the privilege of using a City of Manchester-owned phone; the phone may be taken from the employee and/or the employee disciplined or discharged.

City employees are not allowed to use their personal phones during designated work hours unless specifically permitted by their department head. Personal calls during designated work hours may not be taken at any time when it may disrupt the employee's assigned task/work and/or may compromise the safety of the employee, other employees or the general public.

(c) Prohibited use. Phones issued by the City of Manchester shall not be used to harass or threaten any individual. Typically, city phones may not be used for personal long distance or fee services. However, in an emergency situation, the expense for any such use shall be reimbursed to the city as soon as possible. When practical, the employee must seek approval from their supervisor.

(d) Driving. The City of Manchester encourages the safe use of phones when operating any vehicle or piece of machinery. Drivers using cell phones may pull off the road into a safe area until the call is terminated. If available, handsfree devices may be used to conduct calls while driving.

(e) Meetings. Any individual using a City of Manchester mobile phone shall use good judgment in how and where the phone is used.

Phones taken into meetings shall be turned off or to vibrate. If a call is taken during a meeting, every effort should be made not to disrupt the meeting. Unless a call is specifically related to the topic of discussion, talking on the phone in a meeting is strongly discouraged.

(f) No right of privacy. All records of use of city-owned cellular/mobile phones are subject to the Tennessee Open Records Act, Tennessee Code Annotated, § 10-7-501, et. seq., subject to any exceptions applicable thereto by statute, rule or judicial decision.

(3) Phone records. Every individual City of Manchester-owned mobile phone user is responsible for checking the accuracy of the bill pertaining thereto before it is processed for payment. Discrepancies in billing data shall be resolved in a timely manner. Landline calls incurring fees shall be assigned to the appropriate departmental budget code.

If a city phone is used for personal long distance or fee services, the supervisor must be notified and the city reimbursed.

(4) Other. The nature of the technology required to support the wireless mobile telephone is rapidly evolving. Phones may have additional features such as cameras, text messaging, internet access, etc. The intent of this policy is to apply the principles enumerated herein to any such add-on or accessory feature.

(5) Recordings. Employees that use devices to record telephone conversations shall do so only in a manner consistent with the status of such applicable local, state and federal laws.

(6) Violation. Violation of this policy may result in disciplinary action as set forth in § 4-232 or dismissal or demotion as set forth in § 4-233 depending upon the circumstances of the violation. Any employee receiving any proposed disciplinary action, dismissal or demotion may appeal said action directly to the board of mayor and aldermen, which may affirm, reverse or modify (increase or decrease) the disciplinary action. (as added by Ord. #1244, Oct. 2009, and amended by Ord. #1443, Dec. 2014)

CHAPTER 3

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

SECTION

4-301. Complaints.

4-302. Resolution of complaint.

4-303. Appeal.

4-304. Appeal to board of mayor and alderman.

4-305. ADA compliance committee.

4-301. Complaints. All complaints regarding access or alleged discrimination under the Americans with Disabilities Act against the City of Manchester shall be filed in writing with the ADA Coordinator of the City of Manchester, Tennessee, for resolution. The complaints shall be filed on a form designated by the ADA Coordinator, and a record of the complaint shall be maintained. (1972 Code, § 1-1201)

4-302. Resolution of complaint. A decision shall be made on the complaint by the ADA Coordinator within fifteen (15) working days after a complaint has been filed in writing with the coordinator. The decision shall be in writing, and mailed to the party complaining, certified mail, return receipt requested at the address shown on the complaint. (1972 Code, § 1-1202)

4-303. Appeal. If the complaint is not resolved to the satisfaction of the complainant by the ADA Coordinator, it may be appealed to the ADA Compliance Committee on written notice to the ADA Coordinator. That appeal must be filed within ten (10) days after the date of mailing of the decision of the ADA Coordinator to the complainant and the ADA Compliance Committee shall hear such complaints in public, after adequate public notice is given in an unbiased objective manner and shall issue a written decision within thirty (30) days after the hearing. All proceedings of the committee shall be recorded, transcribed and maintained by the committee. (1972 Code, § 1-1203)

4-304. Appeal to board of mayor and aldermen. If the complaint cannot be resolved to the complainant's satisfaction by the ADA Compliance Committee, the complaint will be heard by the board of mayor and aldermen at an open, public meeting of the board, preceding the vote. The decision of the ADA Compliance Committee must be appealed to the board of mayor and aldermen within ten (10) days after the written decision of the committee. The decision of the board of mayor and aldermen is final. (1972 Code, § 1-1204)

4-305. ADA compliance committee. The ADA Compliance Committee of the City of Manchester, Tennessee is hereby created. It shall have the duties and powers described in this chapter, and shall also be charged to establish ground rules or procedures for hearing complaints, requests or suggestions from

disabled persons regarding access to and participation in public facilities, services, activities and functions in the City of Manchester, Tennessee. It shall be composed of five (5) persons appointed by the board of mayor and aldermen and their term of office shall be for five (5) years, or until their successors are appointed and qualified with one member being appointed annually, on the first Tuesday in September of each year. The committee shall be composed of an elected official, whose initial term shall expire in September, 1992, a member of the disabled community, whose initial term shall expire in September, 1993, a business person, whose initial term shall expire in September, 1994, a teacher, whose initial term shall expire in September, 1995, and a member of the health/medical profession, whose initial term shall expire in September, 1996. The members of the ADA Compliance Committee shall serve without compensation. (1972 Code, § 1-1205)

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-401. Program created.
- 4-402. Title.
- 4-403. Purpose.
- 4-404. Coverage.
- 4-405. Standards authorized.
- 4-406. Variances from standards authorized.
- 4-407. Administration.
- 4-408. Funding the program.
- 4-409. Hazardous chemicals right to know act.
- 4-410 – 4-415. Repealed.

4-401. Program created. There is hereby created a safety and health program for the employees of the City of Manchester. (1972 Code, § 1-1501)

4-402. Title. This chapter shall provide authority for establishing and administering the occupational safety and health program for the employees of the City of Manchester. (1972 Code, § 1-1502)

4-403. Purpose. The City of Manchester, 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. (1972 Code, § 1-1503, as replaced by Ord. #1033, June 2003)

4-404. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Manchester, Tennessee shall apply to all employees of each administrative department, commission, board, division or other agency of the City of Manchester, Tennessee, whether part-time or full-time, seasonal or permanent. (1972 Code, § 1-1504, as replaced by Ord. #1033, June 2003)

4-405. Standards authorized. The occupational safety and health standards adopted by the City of Manchester, Tennessee 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). (1972 Code, § 1-1505, as replaced by Ord. #1033, June 2003)

4-406. Variances from standards authorized. The City of Manchester, Tennessee 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 Manchester, Tennessee 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 in the Manchester City Hall shall be deemed sufficient notice to employees. (1972 Code, § 1-1506, as replaced by Ord. #1033, June 2003)

4-407. Administration. For the purposes of this chapter, the administrator of the Health and Codes Department of the City of Manchester, Tennessee, or at the direction of the Mayor of the City of Manchester, Tennessee, another employee of that department, is designated as the director

of occupational safety and health to perform duties and to exercise powers assigned to plan, develop and administer the Occupational Safety and Health Plan for the City of Manchester, Tennessee. The director shall develop a plan of operation for the program and 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. (1972 Code, § 1-1507, as replaced by Ord. #1033, June 2003)

4-408. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the City of Manchester, Tennessee. (1972 Code, § 1-1508, as replaced by Ord. #1033, June 2003)

4-409. Hazardous chemicals right to know act. The health and codes department is responsible for the communication and implementation of the right to know program to the employees of the City of Manchester. Instruction and annual refresher classes will be conducted within each individual department.

(1) Labels and other forms of warning. Labels and other forms of warning for each incoming hazardous chemical will be inspected for compliance with Section (f) of the standard to ensure that proper forms of warning are posted. For hazardous chemicals produced within the work areas (such as carbon monoxide and welding products), warnings must also be posted.

(a) The type of labeling system to be used by the City of Manchester will be standard adhesive backed paper labels lettered with indelible marker and covered by a clear laminate to lessen the chance of damage.

(b) The safety officer within each department is responsible for ensuring that all incoming containers are properly labeled from the factory or are labeled upon arrival at the department.

(c) Each employee is responsible for reporting unlabeled containers to their immediate supervisor who should notify the safety officer or the department head.

(d) Areas such as shops, repair buildings and warehouses shall be labeled with such signage as to warn both employees and the public at large who may enter those spaces.

(2) Safety data sheets (SDS). SDS for each hazardous chemical to which employees are or may be exposed will be obtained and made readily available according to the requirements of Section (g) of the standard. For new chemicals, SDS's will be made available by the manufacturer or distributor prior to use. For hazardous chemicals produced internally (such as carbon monoxide and welding fumes), a readily available SDS may be used or developed to satisfy the physical and health hazard communication requirements.

(3) Employee information and training. Information and training will be provided as required by section (h) to all employees at the time of initial assignment for existing hazards, whenever a new hazard is introduced into their

work area, and when new information about the hazards of a chemical is found. Additionally, the HCRTK Law requires annual refresher training. Required information will be obtained from sources which include those listed in Appendices B and C of the standard.

(a) Employees will be trained to verbally recall fundamental health and physical hazards associated with the specific chemicals to which they are exposed.

(b) The trainers are the designated safety officers and instructors within each individual department as assigned by the department head.

(c) The training will utilize videotape, photocopy handouts and lectures with opportunities for questions and answer by employees. Should the trainers find that these methods are lacking, assistance may be obtained from other sources including the Health and Codes Department of the City of Manchester.

(4) Hazardous chemicals list. An inventory worksheet must be completed by all departments and a copy submitted to the fire chief and one to the health and codes director. TOSHA requires that this list be updated annually and submitted to the same offices. This update will be completed during the month of January and submitted to the fire chief and the health and codes director not later than the second week of February.

(5) Methods used to inform employees of the hazards of non-routine tasks. Employees involved in non-routine tasks (such as cleaning tanks and tank maintenance) will be informed of the hazards involved and trained at specific sessions prior to undertaking such tasks to ensure awareness of required information. These employees shall be trained in the need for requirements of lock-out tag-out procedures, air quality monitoring and any other specialized hazard that might be encountered during their assigned task.

(6) Multi-employer activity. Other employers who have employees in city facilities who may be exposed to hazardous chemicals or physical hazards will be provided access to the written hazard communications program. They will be shown the SDS's for the chemicals which they may be exposed to and will be informed of any precautionary measures such as signs and/or procedures necessary to protect them during normal operating conditions or in the event of foreseeable emergencies. The labeling system used by the City of Manchester will be explained to them.

City employees who work in other work sites must be afforded the same requirements as in the preceding paragraph before beginning work.

All contractors working for any department within the city shall be subject to the rules and regulations set forth in this section. (as added by Ord. #857, Oct. 1999, renumbered by Ord. #1033, June 2003, and amended by Ord. #1412, March 2014)

4-410 – 4-414. Repealed. (as repealed by Ord. #1033, June 2003)

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

- 4-501. Authorized traveler defined.
- 4-502. Reimbursable expenditures.
- 4-503. Payment of expenses.
- 4-504. Documentation.
- 4-505. Unauthorized expenses.
- 4-506. Administrative procedures.

4-501. Authorized traveler defined. 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 on city business unless the person otherwise qualifies as an authorized traveler under this chapter. (1972 Code, § 1-2001)

4-502. Reimbursable expenditures. 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 the official business of the city. Under certain conditions, entertainment expenses may be eligible for reimbursement. (1972 Code, § 1-2002)

4-503. Payment of expenses. Authorized travelers can request either a travel advance for the projected costs of authorized travel or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences and similar expenses. A travel advance is not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. Travel advances are available only after completion and approval of the travel authorization form and a travel expense reimbursement form should be used to document all expense claims. A travel expense must be directly related to the conduct of the city business for which travel was authorized and actual, reasonable and necessary under the circumstances, and must have the written approval of the mayor and

department head. (1972 Code, § 1-2003, as amended by Ord. #893, July 2000, and Ord. #987, May 2002)

4-504. Documentation. Claims of \$5.00 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone calls, public carrier travel, conference fees and other reimbursable costs. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The city's travel reimbursement rates will automatically change as the federal rates are adjusted. The city may pay directly to the provider for expenses such as meals, lodging and registration fees for conferences, conventions, seminars and other education programs. (1972 Code, § 1-2004)

4-505. Unauthorized expenses. Mileage and motel expenses incurred within the city are not eligible expenses for reimbursement under this chapter. (1972 Code, § 1-2005)

4-506. Administrative procedure. The administrative procedures submitted by the Municipal Technical Advisory Service to, and approved by letter by the Comptroller of the Treasury of the State of Tennessee in June, 1993 are adopted and incorporated by reference as if fully set out herein as the administrative procedures of the City of Manchester, Tennessee and a copy of those procedures will remain on file at the office of the finance director. (1972 Code, § 1-2006, as amended by Ord. #808, Jan. 1998)

CHAPTER 6

VEHICLE USE POLICY

SECTION

- 4-601. City-owned vehicles to be used only for city purposes.
- 4-602. City vehicles not to be taken outside the city.
- 4-603. Employees authorized to drive vehicles home.
- 4-604. Exemptions.
- 4-605. City-owned vehicles to be marked.
- 4-606. Penalties for violation of the vehicle use policy.

4-601. City-owned vehicles to be used only for city purposes. Only city employees engaged in their regularly assigned city duties or in the transportation of city personnel and/or material and supplies used to carry out the functions and operations of the departments of the city, and for which the immediate use of a vehicle is actually necessary or convenient, shall drive or ride in a city-owned vehicle with the following exceptions:

(1) In emergencies where the city employee has a reasonable belief, based on a totality of circumstances, that the life, safety, health, or physical welfare of a citizen would be immediately threatened without the security and/or transportation of the city-owned vehicle could provide him or her. Examples of such emergencies include, but are not limited to, accidents involving personal injury, acute illness, and actual and potential victims of crime and violence.

(2) In motorist/passenger assistance where there is no immediate emergency but, under a totality of circumstances, the city employee has a reasonable belief that the failure to transport the motorist and/or passengers in a city-owned vehicle could result in such persons being left in real or potentially real danger, or would result in extreme inconvenience to them. The use of a city-owned vehicle in such cases shall be limited to transporting motorists and their passengers only to those places where they are reasonably safe, and have a reasonable opportunity to obtain continued help without further conveyance in the city-owned vehicle.

(3) When it is necessary for reasons of inclement weather, late hour, lack of transportation or other reasonable cause, to transport non-city personnel to and from city-owned property, and to repair, supply and similar facilities, so that such personnel can install, repair or maintain city equipment essential to the continuation or restoration of public services essential to the safety, health, and welfare of the citizens of the city.

(4) In the transportation of federal, state, and local officers and employees, and news media, private consultants, business persons and other private persons visiting the city for the purpose of directly analyzing, reviewing, supporting, assisting or promoting the city's functions and operations.

(5) When the vehicle is being driven to or picked-up from private maintenance or repair facilities, and while it is being "roadtested" while in the possession of such facilities.

(6) An employee on duty for twenty-four (24) hours may use a city owned vehicle to get meals inside the city limits with the permission of the department head. (1972 Code, § 1-2201)

4-602. City vehicles not to be taken outside the city. City-owned vehicles under the vehicle use policy and its exceptions shall not ordinarily be taken outside the City of Manchester, Tennessee except with the permission of the department head or their designee and to the extent that such exceptions are for a legitimate, necessary city business. In addition, traveling a reasonable distance outside the city limits by city employees under the exceptions contained in § 4-601 prohibiting them from transporting non-city employees in city-owned vehicles is authorized. Reports of such travel shall be made to the employee's department head the first working day following such travel. The report shall include the purpose, duration and distance of the travel outside the city and any other information the department head requires to make a determination that travel conformed to this policy. The department head shall keep a permanent file of such reports. (1972 Code, § 1-2202)

4-603. Employees authorized to drive vehicles home. With the approval of the department head, the following city employees may drive a city-owned vehicle to and from their residence:

- (1) Patrolmen and supervisors in the police department.
- (2) One water and sewer department employee who is "on call" overnight.
- (3) One street department employee who is "on call" overnight.
- (4) The animal control officer whose duties include leaving home and proceeding directly to capture an animal. (1972 Code, § 1-2203)

4-604. Exemptions. The city administrator, chief of the police department, the Manchester Fire Chief, the police canine officer, and the police investigators shall be exempt from the provisions of § 4-603 and are allowed to take their city-owned vehicles outside the city for purposes of going to and from work and bona fide city business. (1972 Code, § 1-2204, as amended by Ord. #894, July 2000)

4-605. City-owned vehicles to be marked. All city-owned vehicles shall visibly show the words "City of Manchester" and the department operating the vehicle unless in the discretion of the department head, with the approval of the appropriate committee, it is determined for security reasons the vehicle should be unmarked. (1972 Code, § 1-2205)

4-606. Penalties for violation of the vehicle use policy. Employees of the City of Manchester who violate this chapter shall be disciplined in accordance with § 4-232 of the Manchester Municipal Code. (1972 Code, § 1-2206)

CHAPTER 7**PARTICIPATION IN THE TENNESSEE CONSOLIDATED
RETIREMENT SYSTEM****SECTION**

4-701. Authorization to participate.

4-701. Authorization to participate. The City of Manchester, Tennessee hereby authorizes all its full time employees in all its departments or instrumentalities to become eligible to participate in the Tennessee Consolidated Retirement System subject to approval by the Board of Trustees pursuant to Tennessee Code Annotated, title 8, chapter 35, part 2. It is further understood that pursuant to Tennessee Code Annotated, § 8-35-111, no employee of said political subdivision covered by this resolution shall have multiple memberships in any retirement program or programs financed from public funds whereby such employee obtains or accrues pensions or retirement benefits based upon the same compensation and for the same years of service to said political subdivision. (as added by Ord. #1226, April 2009)

CHAPTER 8

SOCIAL MEDIA POLICY

SECTION

4-801. Purpose and applicability.

4-802. Policy.

4-803. Procedures for city-owned or created social media.

4-804. Personal use and non-city social media sites.

4-805. Exclusions.

4-801. Purpose and applicability. (1) The City of Manchester endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes the city's position on the utility and management of social media and provides guidance on its management, administration, and oversight.

(2) This policy applies to every employee, whether part-time or full-time, currently employed by the city in any capacity who posts any material, whether written, audio, video, or otherwise on any website, blog, or social media network. This includes, but is not limited to blogs, Facebook, Twitter, Flickr, YouTube, Google+, LinkedIn, Wikipedia, Reddit, Digg, etc. (as added by Ord. #1444, Dec. 2014)

4-802. Policy. The city recognizes that social media provides a new and potentially valuable means of assisting the administration, individual departments, and personnel in meeting community outreach and promotion objectives, project and event updates, and problem-solving and investigative related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The city also recognizes the role that these tools play in the personal lives of much of the personnel. The personal use of social media can have a bearing on departmental personnel in their official capacity. As such, this policy provides information of a precautionary measure as well as prohibitions on its use by city employees.

Employees have an affirmative duty to report to a supervisor or director any conduct that violates this policy.

Any employee who violates this policy shall be subject to discipline, up to and including termination. (as added by Ord. #1444, Dec. 2014)

4-803. Procedures for city-owned or created social media. (1) The city maintains an online presence. An employee may not characterize him or herself as representing the city, directly or indirectly, in any online posting

unless pursuant to a written policy of the city or the direction of a city director or official.

(2) All social media pages directly or indirectly representing to be an official statement of the city must be created pursuant to this policy and be approved by the director of information systems and the board of mayor and aldermen.

(3) The city's official, primary and predominant internet presence shall remain www.cityofmanchestertn.com and no other web, blog or social media page shall characterize itself as such.

(4) Where possible, social media pages shall clearly indicate they are maintained by the City of Manchester and shall have city contact information displayed.

(5) Where possible, social media pages shall state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the city or its departments.

(6) A social media page is subject to Tennessee's Public Records Act (Tennessee Code Annotated, § 10-7-101, et seq.) and Open Meetings Act (Tennessee Code Annotated, § 8-44-101, et seq.) and no social media page shall be used to circumvent or otherwise in violation of these laws. All information posted on a social media page shall be a public record and subject to public inspection. All lawful records requests for information contained on a social media page shall be fulfilled by the director of information systems and any employee whose assistance is necessitated. Every social media page shall contain a clear and conspicuous statement referencing the aforementioned state laws. All official postings on a social media page shall be preserved in accordance with the city's records retention schedule.

(7) The purpose of a social media page is to serve as a mechanism for communication between the city and its constituents and all postings are subject to review and deletion by the city. The following content is not allowed and will be immediately removed and may subject the poster to banishment from all city social media pages:

- (a) Comments not topically related to the particular social medium article being commented upon;
- (b) Comments in support of or opposition to political campaigns or ballot measures;
- (c) Derogatory or false statements;
- (d) Profane language or content;
- (e) Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- (f) Sexual content or links to sexual content;
- (g) Solicitations of commerce;
- (h) Conduct or encouragement of illegal activity;

(i) Information that may tend to compromise the safety or security of the public or public systems; or

(j) Content that violates a legal ownership interest of any other party.

(8) Department-sanctioned presence. (a) Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the department's presence.

(b) Where possible, each social media page should link to the city's official website.

(c) When deemed appropriate by the director of information systems, department-sanctioned social media pages shall feed updates into the city's official website.

(d) The director of each department is responsible for the approval and the content and upkeep of any department-sanctioned social media page created pursuant to this policy.

(e) The director of each department will consult and obtain approval from the director of information systems and the board of mayor and alderman prior to any new social media page or device implementation.

(f) The director of information systems will maintain a list of social media applications that are approved for use by city departments and staff as well as login and password information.

(g) Department staff representing a city department via social media outlets shall do the following:

(i) Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.

(ii) Identify themselves as a member of the department.

(iii) Not violate any City of Manchester policies.

(iv) Not conduct political activities or private business.

(v) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos related to personnel, emergency situations or work assignments with personally identifiable information of victims.

(vi) Always post a disclaimer, in the case of photographs of arrested suspects, that suspects in the post are innocent until proven guilty.

(vii) Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

(9) Use of city-owned devices and/or tools for unofficial, non-city social media use is prohibited. It should be noted that use of city owned devices or tools is subject to the Tennessee Open Records Act and the Tennessee Open Meetings Act. (as added by Ord. #1444, Dec. 2014)

4-804. Personal use and non-city social media sites. (1) An employee may not characterize him or herself as representing the city, directly or indirectly in an online posting unless pursuant to a written policy of the city or the direction of a department supervisor.

(2) The use of a city e-mail address, job title, official city seal or logo shall be deemed an attempt to represent the city in an official capacity.

(3) Any postings on a non-city social media site made in an official capacity shall be subject to the Tennessee Open Records Act and the Tennessee Open Meetings Act.

(4) Any use of a city-owned device or tool for social media purposes shall be subject to the Tennessee Open Records Act and the Tennessee Open Meetings Act.

(5) An employee or official posting on a social media page shall not disclose any confidential information in any posting.

(6) When posting in a non-official capacity an employee or official shall not identify himself or herself as an official or employee of the city. When the identity of an employee or official posting on a non-city social media site is apparent, the employee or official shall clearly state that he or she is posting in a private capacity.

(7) As public employees, department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties-that is, that owes its existence to the employee's professional duties and responsibilities-is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the city and/or the department. City personnel should assume that their speech and related activity on social media pages will reflect upon the City of Manchester and their department. (as added by Ord. #1444, Dec. 2014)

4-805. Exclusions. Nothing in this policy shall apply to law enforcement use to detect, prevent or prosecute criminal activity. (as added by Ord. #1444, Dec. 2014)