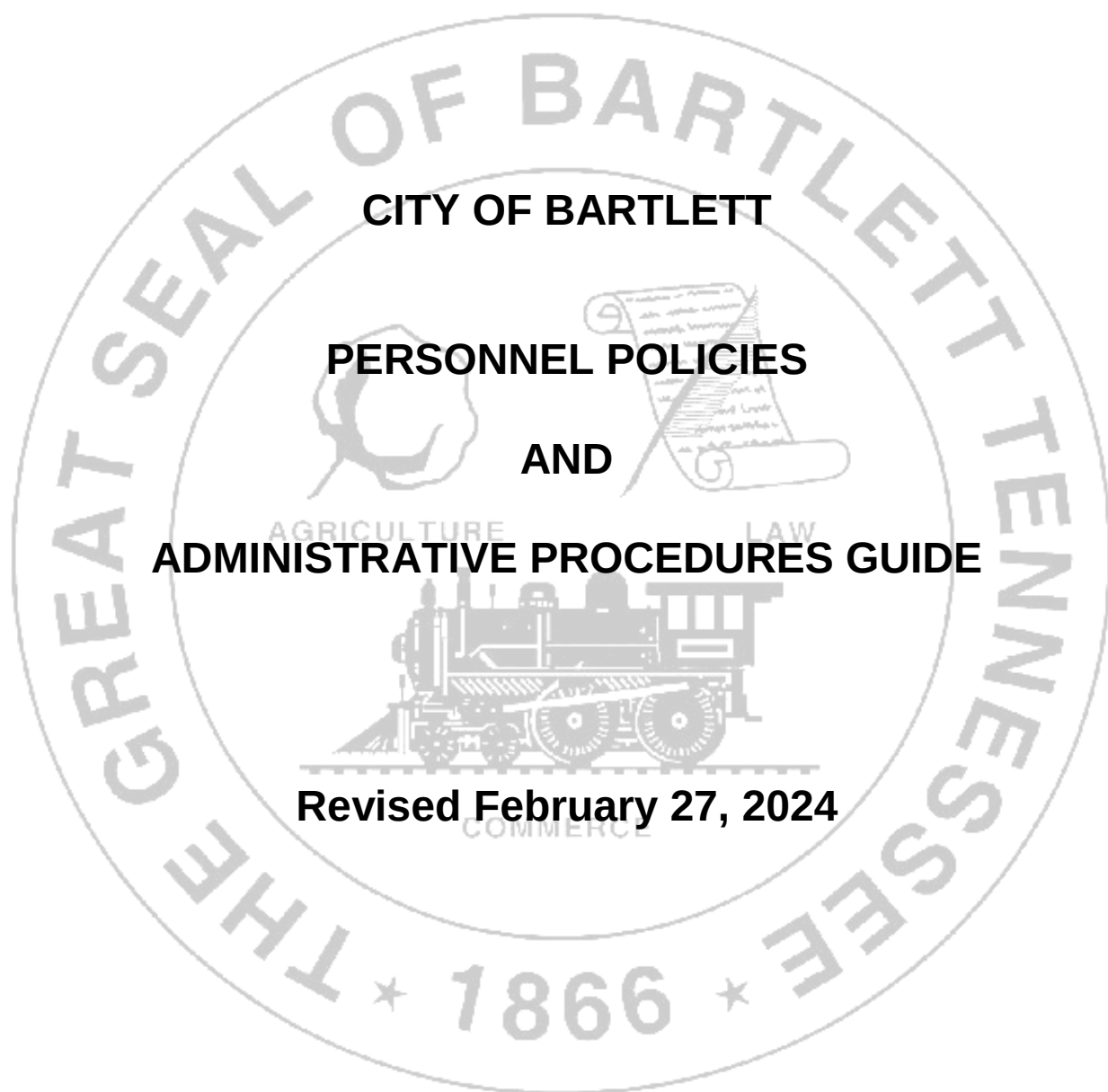




CITY OF BARTLETT

PERSONNEL POLICIES

AND

ADMINISTRATIVE PROCEDURES GUIDE

Revised February 27, 2024

CITY OF BARTLETT

PERSONNEL MANUAL

FORWARD

The City of Bartlett's Personnel Policies and Administrative Procedures Guide has been designed to support the important linkage between human resources and the strategic direction of organization goals.

The policy and procedural guides will not cover every eventuality, nor are they contractual in nature. They are intended for use by management and supervisory personnel to establish and maintain centralized, progressive human resource management systems. These guides communicate the City's basic ground rules for operation. They stress fairness, reward commensurate to contribution, and an opportunity for individuals to develop capabilities through sound, efficient management practices.

While the responsibility for the administration of the City's policies and procedures rests with the Personnel Director, under the direction of the Mayor, each Department Director and supervisor is expected to apply these guides fairly and equitably, and in a manner that is consistent with the philosophy of the City.

It shall be the policy of the City of Bartlett to act with integrity and justice toward each employee; provide a safe and comfortable work environment; and provide an atmosphere of non-discrimination for the employees and citizens of the City. All policies contained in this manual are intended to be gender neutral. All references to he, him, himself, etc. are intended to include all employees regardless of their sex.

This manual and all other City manuals do not bestow any additional rights to employees regarding employment or employment benefits. This manual is not part of a contract and no employee has any contractual right to the matters set forth herein. This will serve notice to all employees that the employment relationship may be terminated by either the City or the employee at any time for any reason. All employees are "at will" and the City is an "at will" employer under Tennessee law. *The City reserves the right to change any and all such policies, practices, and procedures in whole or in part at any time, with or without notice to employees.*

These Personnel Policies and Administrative Procedures do not apply to Department Directors, or appointees pertaining to grievance, disciplinary, and termination matters. These policies are established by the Board of Mayor and Aldermen to insure the safety and well-being of all employees and to keep employees informed; however, the effectiveness of these policies depends on the employee, whose full cooperation is requested.

It will be the responsibility of all City employees to review these policies and guidelines, to acknowledge, in writing, that they are aware of these policies; that they know how to access the policy manual (*on-line at <http://www.cityofbartlett.org>, copy located in each Departmental Administrative office or copy located in the Personnel office*); that they are expected to be familiar with the City's personnel policies and administrative procedures and will perform in accordance with these policies as well as the rules and regulations established by their respective department.

It will be the responsibility of each Department Director to see that every employee under his supervision is familiar with these policies, and that a copy is always available for their review.

This manual supersedes all departmental manuals and all previously adopted personnel policies on Personnel Administration.



Board of Mayor and Aldermen

6400 Stage Road
Bartlett, TN 38134

ADOPTED

RESOLUTION 08-24

Meeting: 02/27/24 06:00 PM

Department: Personnel

Category: Amendment

Prepared By: Penny Medlock

Initiator: Ted Archdeacon

Sponsors:

DOC ID: 3494

**Resolution 08-24, a resolution to revise and update the
Personnel Policies for the City of Bartlett, Tennessee.**

WHEREAS, by Resolution 46-23, adopted on December 12, 2023, the City of Bartlett revised and updated its personnel policies that had been adopted in February, 1986; and

WHEREAS, the Director of Personnel has reviewed and updated the aforementioned personnel policies; and

WHEREAS, it is in the best interest of the City of Bartlett to adopt the revised personnel policies referenced below.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND
ALDERMEN OF THE CITY OF BARTLETT, TENNESSEE that Chapter 2, Section
2.3 of the City of Bartlett Policy Manual, be revised as follows:**

31. Chief Communications Officer

Except as expressly provided otherwise in this Amendment, the language of the Personnel Policy in effect prior to the adoption of this Amendment shall remain unchanged.

ADOPTED THIS 27th day of February, 2024.

Harold Brad King, Register to the
Board of Mayor and Aldermen

David Parsons, Mayor

Penny Medlock, City Clerk

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CHAPTER 1: GENERAL PROVISIONS AND PRACTICES

1.1 GENERAL PROVISIONS

It is the policy of the City of Bartlett to apply and foster a sound program of personnel administration to ensure the legal employment and placement of applicants, the establishment of a classification and compensation program, the establishment of an employee relations system and the provision of employee development and training and record retention. All City employees are employees at will.

A. Purpose of Policy and Procedural Guides

Human resource planning, as a process of management, identifies and effectively responds to contemporary labor force issues. The process charts new policy concepts, systems and programs that will insure effective human resource management under vastly changing conditions. To these ends, the purpose of this policy and procedural guide is to set forth the concepts and procedures in the administration of the City's human resource management systems.

B. Management and Interpretation

The Personnel Director, under the direction of the Mayor, shall have general responsibility for the management of the City's human resource systems. When there is doubt as to the interpretation or application of these guides to any situation, the Personnel Director should be consulted.

C. Departmental Rules and Work Standards

With the approval of the Mayor, Department Directors retain the authority to vary work schedules and establish departmental rules. Department Directors also have authority to direct and control their departments through oral or written communications on departmental policy, procedure and rules or regulations.

D. Changes in Policies, Procedures and Rules

These policies, procedures and rules are subject to change by the Board of Mayor and Aldermen at any time and for any reason. Changes to this manual will not be made without approval of the Board of Mayor and Aldermen.

1.2 PERSONNEL RECORDS MANAGEMENT

The maintenance of all personnel records is the responsibility of the Personnel Department. All personnel records are the property of the City and are available for inspection subject to the provisions of the open records laws of this state. The Mayor retains the authority to direct the release of personnel files to other individuals, as may be required. The employee is to be advised whenever his/her personnel file is released to a third party. Employees may inspect their own personnel files upon request, but are not allowed to remove files or information contained in files from the Personnel Office.

1.3 GOALS FOR PERSONNEL FUNCTIONS

The goals for the personnel function are:

- A. To undertake manpower planning and related personnel recruitment, placement, and development activities to meet the needs of the organization for human resources now and in the future;
- B. To establish plans and programs which motivate individual and group performance, including compensation, benefits, training and promotional opportunities, position enrichment, attitude development, and employee communications;
- C. To develop, apply, and monitor personnel policies and practices which are conducive to constructive relationships between the individual employee and the organization;
- D. To provide various personnel services, such as recruitment, selection, placement, counseling, training, compensation, benefits administration and safety.

CHAPTER 2: EMPLOYMENT AND EMPLOYMENT PRACTICES

2.1 POLICY

It is the policy of the City of Bartlett that all employees are extended equitable consideration with respect to compensation, terms, conditions or privileges of employment without regard to an individual's race, color, religion, national origin, age, disability or gender. Employees shall not be segregated or classified in any way which would deprive a person of equal employment opportunities or adversely affect one's status as an employee because of race, color, religion, national origin, age, disability or gender, except in instances where it constitutes a bona fide occupational qualification.

2.2 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of Bartlett is an Equal Opportunity Employer. The City of Bartlett's commitment to Equal Employment opportunity is consistent with the National Equal Employment Act of 1972, and the Civil Rights Act of 1964 and its amendments.

A. Employment Conditions

Title VII and subsequent employment law, makes it unlawful for an employer to discriminate as to hiring, firing, compensation, terms, conditions, or privileges of employment on the basis of race, color, religion, age, gender, disability, or national origin. It also forbids employers to limit, segregate, or classify employees in any way that tends to deprive any individual of employment opportunities or adversely affects his employment status because of his/her race, color, religion, age, gender, disability or national origin.

In addition, it is unlawful to discriminate on any of these bases in apprenticeship, training, or retraining programs. It is also illegal to indicate a preference or discrimination based on race, color, religion, age, gender, disability or national origin in advertisements relating to employment.

B. Segregation Classification

The City of Bartlett will not limit, segregate, or classify employees in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of race, color, religion, age, disability, gender or national origin.

C. Segregated Facilities

The City of Bartlett will not allow physical segregation of employees by race, color, age, gender, disability or national origin with respect to working area, toilet, locker facilities, or recreational activities unless specifically required by law.

D. Hiring and Firing

The City of Bartlett will not refuse to hire or discharge for cause, any individual solely because of his race, color, religion, age, gender, disability or national origin.

E. Advertising, Job Notices

The City of Bartlett will not indicate a preference, limitation, specification, or discrimination based on race, color, religion, age, gender, disability or national origin in printing or publishing any employment notice or advertisement.

F. Apprenticeship & Training Program

The City of Bartlett will not discriminate on the basis of race, color, religion, age, gender, disability or national origin in admission to, or employment in any apprenticeship, training, or re-training program. This includes on-the-job training programs.

G. Employee Testing

The City of Bartlett shall use tests that are job related for the purpose of evaluating the knowledge, skills and abilities of applicants for job vacancies without regard to race, color, religion, age, gender, disability or national origin. The testing procedures used will emphasize the following:

- Screening and interviewing related to job requirements.
- Tests selected for specific job related criteria.
- Test comparison performance vs. job performance.

H. Preferential Treatment

The City of Bartlett will not give preferential treatment to any individual or group because of race, color, religion, age, gender, disability or national origin. The law does not require the City to hire or promote a member of a minority group who is less qualified than another applicant.

2.3 APPOINTED POSITIONS

Positions of Senior Administrator and certain specialized professional positions shall be considered appointed positions. The Mayor shall appoint the persons to fill these positions at the beginning of his term of office or when a vacancy occurs, with each appointment being presented to the Board of Mayor and Aldermen for their approval. All of these positions shall serve at the will and pleasure of the Mayor and may be terminated by the Mayor without concurrence of the Board of Aldermen. These positions shall include but not be limited to:

1. Chief Administrative Officer
2. Mayor's Executive Assistant
3. City Clerk
4. Director of Citizen Services
5. City Attorney
6. Assistant City Attorney
7. City Prosecutor
8. Assistant City Prosecutor
9. City Court Clerk
10. Director of Planning and Economic Development
11. Deputy Director of Planning and Economic Development
12. Director of Finance
13. Assistant Director of Finance
14. Director of Performing Arts and Conference Center
15. Director of Personnel
16. Assistant Director of Personnel
17. Director of Code Enforcement
18. Assistant Director of Code Enforcement
19. Police Chief
20. Deputy Police Chief
21. Rank of Chief Inspector or above in the Police Department
22. Fire Chief
23. Assistant Fire Chief
24. Director of Parks and Recreation
25. Assistant Director of Parks and Recreation
26. Director of Public Works
27. Assistant Director of Public Works
28. Director of Engineering/City Engineer
29. Assistant Director of Engineering/Assistant City Engineer
30. Director of Community Relations
31. Chief Communications Officer

The Mayor from time to time may at his discretion leave vacant or combine the duties of some or all of the above listed positions. Any position added to this list must be approved by the Board of Mayor and Aldermen.

2.4 STAFFING REQUIREMENTS

The Personnel Department shall be informed of all staffing requirements, anticipated changes in organization which affects employees, terminations of employment, transfers, promotions, and any other change or activity which affects an employee's status.

2.5 ESTABLISHING A POSITION

No person may be employed unless there is a position which has been authorized in the current budget. When a new and unbudgeted position is required within any department, the Department Director must submit a written request to the Mayor. The Mayor may authorize the Personnel Director to establish a new position provided budgeted funds are available within the department. Thereafter, the position may be filled. All employees of the City of Bartlett are employees at will and serve at the discretion of the Mayor. Selection to fill a new position does not convey, nor is it intended to convey, any expectation of continued employment or employment for a particular term unless specifically expressed in writing.

2.6 VACANCIES

When a vacancy exists, the Department Director shall submit a requisition to fill a vacancy to the Personnel Director. Requisitions for replacement personnel must be approved by the Mayor and by the Personnel Director before the vacancy is advertised or posted. It is the policy of the City of Bartlett that the recruitment and selection of an applicant for employment will be based upon that individual's qualifications, competency and potential, and shall not be influenced by race, color, religion, national origin, age, disability or gender.

2.7 RECRUITMENT- JOB POSTING

The City of Bartlett has a job posting system, which communicates promotional opportunities to City employees.

A. Internal Recruitment

Employees may apply for positions which may be considered as promotions. Promotional announcements shall be posted by classification/position in the Personnel Office, on official bulletin boards, in other places that the Personnel Director deems advisable. The announcements shall include information describing the duties to be performed, minimum qualifications required, the place to submit applications, and any other pertinent information. The Personnel Director will ensure reasonable accommodations in the application process for applicants with disabilities making a request for such accommodations.

B. External Recruitment

The Personnel Director shall have discretionary authority to designate appropriate external recruitment efforts in attracting the best possible qualified applicants.

C. Disqualification of Applicants

The Personnel Director may recommend to the Mayor rejection of an application or the removal of names from an eligibility list or pool of qualified applicants. The Personnel Director shall consult with the Mayor on steps to remove an individual who has received a conditional job offer if they fail to pass a background check, driver's license check, pre-employment physical exam and or drug screen. Whenever an application is rejected, the reasons for the rejection shall be documented and placed with the applicant file.

2.8 APPLICATIONS

Applicants for positions with the City of Bartlett must complete, sign and submit the City's standard Application for Employment prior to any offer of employment. All applications for employment received for posted positions or existing vacancies will be maintained in the personnel files for five (5) years following the date of submission.

A. Definition - Applicant

An applicant is herein described as:

1. One who submits a completed and signed application for employment in consideration of an existing vacancy; or
2. Any current employee who completes and files with the Personnel Department a Request for Promotion or Transfer. Current employees who request consideration for promotions or transfers will be required to submit an Application for Employment.

All applicants offered employment with the City of Bartlett shall be evaluated according to the requirements of federal and state laws, City ordinances and personnel policy, including, but not limited to; oral interview, physical examination, psychological examination and drug testing.

Any misrepresentation by the applicant on the application will be sufficient cause for cancellation of the application and/or for separation from city services if determined after employment.

2.9 PHYSICAL EXAMINATIONS

All offers of full-time employment are contingent upon the candidate's successful completion of a physical examination. Physical examinations will be provided for each prospective employee, and must be completed prior to the effective date of employment. An applicant may be rejected for employment upon the professional evaluation and/or advisement of a licensed physician that the applicant is not physically or mentally capable of performing the essential functions of the position for which the applicant is being considered with or without a reasonable accommodation. The Mayor or Department

Director may require any employee, at any time, to have other physical and/or psychological examinations, if it is deemed necessary.

Any information as to an applicants' or employee's physical or mental condition are to be kept confidential except that:

1. Supervisors may be informed regarding work restrictions and accommodations that may be necessary.
2. First aid and medical personnel may be informed, if the condition might require emergency treatment.
3. Government officials investigating compliance shall be informed.

The results of the examination will become part of the employee's confidential medical file. All examinations required by the City of Bartlett are to be at the expense of the City of Bartlett. The Mayor approves or designates the doctor or medical facility that will administer the physical examination.

2.10 EXAMINATIONS

Examinations are administered to all applicants for positions of police officer, firefighter, clerical applicants, and other positions as deemed necessary. Examinations for Fire and Police applicants are intended to test such skills as reading comprehension, retention of material facts, problem-solving ability and physical ability. Examinations for clerical applicants or other positions are intended to test the applicant's technical job-related skills.

A. Preparation of Examinations

The Personnel Director shall assist Department Directors in the design, development, preparation, purchasing and identification of work requirements to be tested. The Personnel Director may also select individuals to serve as examiners. Final test material shall be known only to the Personnel Director, Department Director and to designated employees of the Personnel Department. Every precaution shall be exercised by all persons participating in the development of tests to maintain the highest integrity in the examination process.

B. Notification of Examination Results

Each applicant who competes in an examination process will be given notice of test results. Applicants may inspect their individual examination score sheet and have ratings reviewed and corrected if an error has been made. An inspection of examination score papers shall be limited to the applicant and the respective Department Director, and shall be provided only during regular business hours.

C. Eligibility Lists

The Personnel Director shall direct the establishment and maintenance of employment eligibility lists. Eligibility lists are established for certain classifications of employees who are to be considered for promotion. Eligibility lists are not normally established for entry-level positions.

D. Seasonal Re-Employment Lists

The name of a seasonal employee whose service has been satisfactory may be placed on a seasonal, re-employment eligibility list.

E. Duration of Promotional Eligibility Lists

Eligibility lists shall be maintained by the Personnel Director for a period not to exceed 18 months. Names shall be removed from the eligible lists after 18 months and a new list shall be established.

2.11 INTERVIEWS

Interviews are routinely scheduled and conducted by the Department Director, Division Manager, Supervisor or designee in the department where the vacancy exists. Interviews may be conducted by the Mayor, Personnel Director, Department Director, or appropriate designee, or by a committee designated by the Mayor.

During the interview process, interviewers should provide each candidate with an overview of the type of work to be performed and, if possible, present examples of the work and work conditions. Candidate should be given an opportunity to ask questions about the nature of the work to be performed, benefits, etc. At the conclusion of the interview, the applicant should be dismissed with the understanding that the applicant will be either contacted for a job offer or notified that the position has been filled.

2.12 BACKGROUND AND REFERENCE CHECKS

The Personnel Department conducts background checks on each selected employee. The Personnel Department may conduct background or reference checks at any time prior to the completion of a new employee's probationary period. The Department Director, Division Manager, Supervisor, or designee may conduct a reference check with an applicant's previous employers or personal references. This should be done only on applicants who are considered for employment.

Authorization for background and reference checks must be granted by the prospective applicant or employee. Authorization is automatically granted by the employee's signature on the Application for Employment and upon completion of the Background Release form.

Any falsification of information in the application or interview process will result in the application being voided or employee being terminated from employment.

2.13 SELECTION

The Mayor shall authorize and approve all recommendations for employment with the City.

A. Employment Offers

The Department Director is responsible for making a conditional offer of employment contingent upon the applicant passing a background investigation and an employment physical. The Personnel Director is responsible for extending and documenting all final offers for employment, and shall notify all applicants of the final decision pertaining to their candidacy for employment.

B. Employment Date

The employment date is the date the new employee reports for work.

C. Anniversary Date

An employee's anniversary date is normally established as the end of the twelve (12) month period following the established employment date.

2.14 TYPES OF EMPLOYMENT

A. Regular Full-time

A regular full-time employee works a full-time schedule and is entitled to the City's standard benefit package.

B. Part-time

A part-time employee works no more than 30 hours per week / 1560 hours per fiscal year, but on a continuing basis with a regular schedule. Part-time employees are not eligible for City benefits other than those required by law.

C. Temporary or Seasonal

Temporary employees are generally hired for a limited period of time not to exceed one thousand (1,000) hours during any consecutive twelve (12) month period. Employment may be for a one-time need or it may recur each year. Temporary employees are not eligible for City benefits other than those required by law.

2.15 MINIMUM AGE REQUIREMENTS

Strict compliance with State and Federal laws govern the employment of minors. The age of eighteen (18) has been established as the minimum age at which the City will accept persons for regular, full-time employment.

2.16 PLACE OF RESIDENCE

All employees shall reside at a place of residence within the State of Tennessee and within one (1) hour driving time of their designated work location. Driving time shall be considered by distance, traffic control devices provided such place of residence shall permit the employee to report for work within one (1) hour both during normal and emergency situations regardless of road and weather conditions.

Failure to comply with these provisions may be cause for dismissal, without charges, right of appeal and/or hearing.

2.17 NEW EMPLOYEE - RESIDENCY

Newly hired employees, except temporary or seasonal, shall be given a period of twelve (12) months from the date of employment or appointment to establish such residence in compliance with these rules, provided such employee must have established such residence no later than the date of completion of the first twelve (12) months of the probationary period and before his status shall be changed to that of a full-time employee.

Failure to comply with the provisions outlined in this section shall be cause for dismissal without charges, right of appeal and/or hearing.

A. Statement of Intent

All job applicants must indicate by a signed application prior to employment as to their willingness and intent to move their place of residence to comply with requirements of this section.

B. Hardship

Employees with cases which involve extreme hardship, which would make relocation impractical or for other good and sufficient reasons, may request a waiver to be granted by the Mayor. Such requests must be made in writing and include a detailed explanation of the reasons and circumstances involved. The Mayor may grant a waiver to this section for a period of time not to exceed one (1) year.

All employees shall be required for the length of their employment with the City of Bartlett to personally furnish their Department and the Personnel Department with any changes in personal status, changes of address, telephone numbers, etc. These changes will be maintained in the employee's master file in the Personnel Department.

CHAPTER 3: NEW EMPLOYEE ORIENTATION AND PROBATIONARY PERIOD

3.1 ORIENTATION POLICY

The Personnel Department shall provide an employee orientation session for new employees to familiarize them with pertinent personnel policies, benefits and the general functions of City Government. With the advice and cooperation of Department Directors, training may also be provided for new employees on specific services of the Department to which individuals are assigned.

3.2 GREETING NEW EMPLOYEE

A. New employees shall be instructed where and to whom they are to report during their initial orientation.

B. The supervisor's responsibilities in orientation include: discussing matters with the new employee which acquaint the newcomer with City/Departmental facilities, benefits, and policies covering work hours, breaks, pay periods, holidays, vacations, leaves, insurance, parking, safety procedures, and the City's Equal Employment Opportunity philosophy.

3.3 INDOCTRINATION

The supervisor should assist new employees in adjusting to their new surroundings. Listed below are suggestions which may be considered:

1. Inquire as to the name the employee prefers to be called.
2. Show the new employee the entire Department and insure appropriate introductions to co-workers.
3. Point out objectives of the position.
4. Insure that all necessary supplies, equipment and materials are provided and discussed relative to the Department's function.
5. Ask for questions from new employee.
6. Arrange for a co-worker to accompany the new employee to adjust to new surroundings.
7. Explain location of most convenient water fountains and rest rooms.
8. Familiarize the new employee with Departmental standards, i.e., time cards, uniforms, equipment, safety standards, and performance procedures.

3.4 PROBATIONARY PERIOD POLICY

It is the policy of the City of Bartlett that all new employees in regular full-time positions shall be placed in a probationary status. The probationary period is an integral part of the City's evaluation process and shall be utilized by the Department Director and Supervisor as an opportunity to observe the new employees work, to train, and to aid the new employee in adjusting to the position, and to recommend for termination any employee whose performance or attendance fails to meet acceptable standards.

3.5 DURATION

Every new employee of the City of Bartlett shall serve a minimum probationary period of one (1) year, during which time said employee may be terminated with or without cause.

3.6 EMPLOYEE BENEFITS LIMITED DURING PROBATIONARY PERIOD

- A. During the probationary period an employee shall not be entitled to the right of appeal or review of termination.
- B. An employee on probation will not be considered for promotion until after the successful expiration of the initial probationary period.

3.7 PROBATIONARY EVALUATION

- A. During the probationary period every employee may receive a monthly performance evaluation from his supervisor using forms approved by the Personnel Director. Results of the evaluation will be sent to the Director of Personnel.
- B. The performance evaluation of a probationary employee shall include, but not be limited to:
 - 1. Conduct
 - 2. Appearance
 - 3. Performance and Dependability
 - 4. Attitude
 - 5. Public and Employee Relations
 - 6. Job Knowledge and Skill
 - 7. Quality of Work and Presentation of Work
 - 8. Use of Equipment
 - 9. Accomplishment and Training
- C. The report shall also include any disciplinary action taken during the reporting period and any recommendations considered noteworthy by the evaluator.

3.8 NOTICE TO CORRECT DEFICIENCIES

A. When a supervisor becomes aware that a probationary employee under his direction is performing in a manner that would warrant an "unsatisfactory" rating (this includes deficient performance, an incident warranting disciplinary action not amounting to misconduct, or misconduct) the supervisor will verbally notify the Department Director.

B. The employee's supervisor has the primary responsibility to guide the employee in correcting deficiencies. When notified that a probationary employee is performing unsatisfactorily the Department Director shall ensure that he or a member of his staff:

1. Interviews the employee and gives notice of the deficiencies.
2. Attempts to ascertain the problems underlying the employee's unsatisfactory performance.
3. Provides for remedial training or instruction when appropriate.
4. Makes other necessary recommendations or adjustments.

3.9 NOTICE TO THE DEPARTMENT DIRECTOR

The supervisor shall give notice concerning the employee's unsatisfactory rating and recommendation to the Department Director.

3.10 EXTENDING PROBATIONARY PERIOD

A. Occasionally it becomes necessary to extend an employee's probationary period. The period may be extended to a maximum of six (6) months. Reasons for extended probation may include, but are not limited to, unacceptable performance, sickness or injury.

B. When it becomes necessary to extend an employee's probationary period, the Department Director must recommend the extension to the Personnel Director, stating reasons for the extension and the recommended extension period. The employee is not eligible for an increase in salary until and unless the probationary period is successfully completed, and the salary is not retroactive. In accordance with the City's policies, a probationary employee may be terminated at any time, which includes during any extended probationary period.

C. At such time that a probationary employee successfully completes probation and receives a salary increase, the employee's annual review date is then established at twelve (12) months following the completion of the probationary period.

3.11 PROBATIONARY PERIOD COMPLETED

A. The supervisor of a probationary employee shall, upon the completion of one (1) year probationary period, or completion of an extended probation when applicable, and based on written performance evaluations as required by this policy and departmental procedures, give written notice to the Department Director for his review.

B. The Department Director, upon receiving notice from the supervisor, shall after proper consideration of the employee's performance evaluation and recommendations submitted by the supervisor, notify the employee of his employment status as:

1. Regular/full time
2. Probationary extended (if applicable)
3. Terminated

3.12 REJECTION OF PROBATIONARY EMPLOYEE

A. At any time during the probationary period, a Department Director may recommend the termination of a probationary employee's employment when the employee's performance does not meet acceptable departmental standards. The termination of the probationary employee's employment and the reasons therefore, shall be submitted, in writing, to the Mayor and Personnel Director.

B. A probationary employee who is terminated prior to, or at the completion of the probationary period, does not have a right to appeal.

CHAPTER 4: MISCELLANEOUS PERSONNEL POLICIES

4.1 PERSONAL APPEARANCE OF EMPLOYEES

Employee appearance contributes to the City's culture and reputation. Employees are expected to present themselves in a professional manner that results in a favorable impression to the public.

The following are general guidelines concerning the personal appearance of employees. All employees, especially public safety employees who are required to wear a uniform and meet special dress, grooming and hygiene standards, should consult with their appropriate supervisor as to the requirements of the department in which they work.

- A. Employees are expected at all times to present a professional image to the general public that reflects well on the City of Bartlett. Radical departures from conventional or personal grooming and hygiene standards are not permitted.
- B. Office workers, and any employees who have regular contact with the public, must comply with the following personal appearance standards:
 - 1. Employees should not wear attire that is suggestive or too revealing, athletic clothing, shorts, beach flip-flops, tank tops, leggings, t-shirts, novelty buttons or baseball hats.
 - 2. Shoes should be neat, clean and not excessively worn.
 - 3. Sideburns, moustaches, and beards should be neatly trimmed.
 - 4. When meeting non-employees, business professional dress guidelines must be observed, unless the non-employee has specifically requested otherwise.
 - 5. Offensive Tattoos are not permitted and must not be visible.
- C. Employees who do not regularly meet the public should follow basic requirements of safety and comfort, but should still be as neat and businesslike as working conditions permit.
- D. Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Nonexempt, hourly employees will not be compensated for any work time missed because of failure to comply with this policy.

4.2 NEPOTISM

- A. The City of Bartlett will consider a close relative of an employee for employment if the applicant possesses all the qualifications for employment. A close relative may not be hired, however, if the employment would:
 - 1) Create either a direct or indirect supervisor/subordinate relationship with a close relative; or
 - 2) Create a situation where one employee would be responsible for auditing the work of the other; or
 - 3) Create an actual conflict of interest or the appearance of a conflict of interest.
- B. For the purpose of this policy “close relative” is defined as follows:
 - 1. Spouse
 - 2. Parent or step parent.
 - 3. Child, stepchild, adopted child or foster child.
 - 4. Brother, sister, step brother/sister, half-brother/sister
 - 5. Father-in-law/Mother-in-law
 - 6. Brother-in-law/sister-in-law
 - 7. Son-in-law/daughter-in-law
 - 8. Grandparent
- C. When two or more employees become “close relatives” as a result of a marriage that occurs after employment with the City, efforts will be made to assign such employees to different departments, or divisions within a department. If the employees cannot be reassigned, the Mayor, Personnel Director and Department Director may decide to deviate from the policy as necessary.
- D. Any job offer, or employment, made in violation of this policy will be retracted or terminated immediately upon verification of the “close relative” relationship. Provisions of the policy section on “Discipline” regarding falsification of information may also apply.
- E. The need for recruiting a special or unique skill and/or experience by the City could result in waiver of this policy, provided such waiver is recommended by the Director of Personnel and approved by the Mayor.

4.3 EMPLOYEE STATUS CHANGE

Every appointment, transfer, promotion, demotion, dismissal, and other temporary or permanent changes in the status of employees shall be reported to the Personnel Director and approved by the Mayor. The Personnel Director is authorized to determine the time, procedure and form for making such reports.

4.4 LATERAL TRANSFER

An employee's movement from one position to another position within the same pay group is a lateral transfer. There is no change in pay, and all accrued benefits are carried with the employee. Job responsibilities may change due to the transfer.

4.5 TRANSFER

Upon the recommendation of a Department Director and approval by the Mayor, an employee may be transferred from one position to another or from one department to another. The recommendation must be made in writing with appropriate justification to the Mayor and the Personnel Director.

The Personnel Director will suggest an appropriate rate of pay for the transferred employee, depending upon reasons for the transfer and the position classification that has been requested.

4.6 DEMOTION

An employee's movement from a higher classification to a lower classification is considered to be a demotion. It can be a voluntary or involuntary movement. The demoted employee's benefits and rate of pay will be governed by the salary policy as set forth in the Career Ladder Program.

4.7 PROMOTION

An employee's movement from a lower classification to a higher classification is considered to be a promotion. Normally, the employee being promoted receives a higher rate of pay and the employee's responsibilities may either change significantly, increase, or both. (See salary policy Career Ladder Program.)

4.8 RE-EMPLOYMENT

The Mayor may, at his discretion, authorize the re-employment of persons who have a good service record.

4.9 ABOLISHING A POSITION

The Mayor may abolish a position except when the position is provided for by law. If a position is established for a specific period of time, it is considered to be abolished when this period of time has elapsed.

4.10 EMPLOYEE EVALUATION UPON PROMOTION

The City of Bartlett encourages employees to apply for promotional opportunities. When an employee is promoted, the employee shall serve in the position to which he or she was promoted on a probationary basis for a period of one (1) year to evaluate performance.

4.11 LIMITED DUTY - ILLNESS, ACCIDENT, OR INJURY

It shall be the general rule of the City of Bartlett that employees are not normally allowed to return to their duties under physical or mental restrictions. In instances where an employee is restricted to limited duty by a physician due to a non work-related illness, accident or injury, the City reserves the right to staff that employee's position on a temporary basis or leave the position vacant until such time that the employee obtains a full release from a physician. However, in order to assist employees who are temporarily incapacitated in their return to work, in instances where limited work is available in that department, the City of Bartlett may, at its sole discretion, offer a temporary limited duty assignment for an employee whose treating physician places temporary restrictions on the employee due to a non work related injury or illness.

Such limited duty assignment is a temporary assignment and is not available to an employee on a permanent basis under any circumstances. The availability of such limited duty assignment depends upon the employee's restrictions and the business needs of the City. In no event will a position be created for the sole purpose of utilizing the injured employee in a limited duty status.

If a limited duty assignment is available, an employee will be permitted to work in a limited duty position only after the City of Bartlett receives a written statement from the employee's treating physician approving the assignment for the injured employee. The City of Bartlett will review the status of the limited duty assignment with the effected employee every two weeks, in light of the City's business needs and the employee's condition, to determine if continuation of the assignment is appropriate. The maximum length of a limited duty position is ninety (90) days.

The existence of this limited duty policy does not in any way guarantee that limited duty will be available at any given time, or for any particular employee who requests it. An Employee on a limited duty assignment must furnish a written update of the Employee's medical condition to the Personnel Department from the treating physician after each visit in order to remain in the limited duty assignment.

- A. If a limited duty assignment is available, work will be assigned due to the nature of the injury or illness and the limitations set forth by the treating physician. A reasonable attempt will be made to place the employee within the employee's own department but, if necessary, an employee may be placed in another department. The decision regarding what position the employee can work consistent with the restrictions and in what department to place the employee shall be made at the sole discretion of the City of Bartlett.
- B. While on limited duty, an employee will receive the employee's regular rate of pay. Employees who are placed outside their department will continue to have their salary charged to their regular department.

If a limited duty assignment is offered by the City of Bartlett and approved by the employee's physician, an employee's refusal to accept the offer of limited duty may result in the employee's termination. However, if the employee's injury or illness qualifies as a serious health condition for purposes of the Family and Medical Leave Act, such refusal to accept a limited duty position will not impact the employee's rights under the Family and Medical Leave Act.

If at any point an employee is medically determined to have sustained permanent restrictions, or is medically determined to have a temporary substantially limiting impairment such that the employee would be considered disabled under the Americans With Disabilities Act, as amended, the City of Bartlett will assess the employee's situation individually, to determine the appropriate steps to be taken, if

any, or reasonable accommodations that might be made without undue hardship, under the Americans With Disabilities Act, other applicable law, or other relevant City policies.

4.12 SCHEDULING

A. The scheduling of shifts and work hours may vary between departments. Each Department Director is responsible for recommending to the Mayor and the Personnel Director any change in hours of shifts which may be deemed necessary.

B. The City reserves the right by Department or otherwise to establish emergency call-in lists or designate relief personnel who will be expected to be available. Employees who are called in for emergencies or for relief duty shall be compensated in accordance with established pay procedures.

C. Scheduling of emergency and relief duty shall be considered as a condition of employment, where applicable, and a refusal of an employee to report for work for an emergency call-in or relief may make the employee subject to disciplinary action up to and including termination.

D. Seniority - All decisions of the Department Director regarding promotion, appointment, assignment, and other conditions of employment shall remain within the discretion and prerogative of the Department Director. In the course of scheduling such elective factors as vacation, overtime, compensatory time, the seniority of the employee will be taken into consideration provided that it does not act to the detriment of the department or the effectiveness of its operation.

4.13 SMOKING POLICY

According to the Tennessee Non Smoker Protection Act of 2007, which banned smoking in most enclosed public places in Tennessee, including “places of employment”, the policy for the City of Bartlett is:

1. No smoking, vaping or other tobacco use is allowed in any City owned building.
2. No smoking, vaping or other tobacco use is allowed in any City owned vehicle.
3. Any smoking near a City owned building must occur where an ashtray is available.
4. Department Directors are responsible for enforcing this policy.
5. Employees violating any of these guidelines will be subject to disciplinary action.

4.14 PROHIBITED PRACTICES

A. False Statements

No person shall make any false statement, mark, rating, or report in regard to any application, test, certification, or appointment.

B. Abuses

No person seeking appointment to or promotion within City employment shall, directly or indirectly, give, render, or pay any money, service, or anything else of value to any person in connection with tests, appointments, or promotions. No employee is permitted to receive money or services, or to solicit anything else of value, from any person in connection with the performance of duties, or to provide unauthorized persons access to restricted information.

C. Interest in Contracts

The Tennessee Conflict of Interests Statutes, the City Charter, and the City Code apply to employees of the City of Bartlett. Except as provided by law, it is prohibited for an employee of the City to do business with the City outside of the employee's regular employment requirements.

D. Outside Employment

Outside employment by a City of Bartlett employee shall not:

1. Cause a conflict of interest in the primary job duties or work schedule.
2. Reflect unfavorably upon the City service.
3. Impair the employee's ability to perform assigned duties.
4. Cause the City expense resulting from such outside employment.

E. Holding Two City Jobs

Employment of a person in more than one (1) City job is prohibited.

F. Public Safety Volunteer and Part Time Employee Policy

1. City of Bartlett employees are prohibited from being Volunteers or part time employees for any other government agency or entity in any public safety, law enforcement or fire service capacity.
2. This policy does not affect any employees that were volunteers or part time employees for other governmental entities in public safety, law enforcement or fire service prior to June 28, 1994 in accordance with

Resolution 15-94. However, if the employee resigns either the volunteer or part time position, they will not be permitted to be volunteer or part time employees and a City of Bartlett employee in the future.

4.15 EMPLOYEE VOTING and POLITICAL ACTIVITY

All employees who are eligible to vote, are encouraged to vote and support the candidate(s) of their choice, as long as it is done on their own time, out of uniform, not in a City of Bartlett owned vehicle, and at their own expense.

VOTING (see 8.13)

POLITICAL ACTIVITY – City employees are protected from political threat, coercion or punishment solely based on their political preferences. City employees are prohibited from performing political activity while on duty. This includes wearing or distributing candidate promotional material, soliciting money or votes, or using the City's equipment or facilities to promote a candidate or party.

CHAPTER 5: WORKPLACE VIOLENCE AND HARASSMENT

5.1 WORKPLACE VIOLENCE AND HARASSMENT

It is the policy of the City of Bartlett to promote a productive, safe and healthy work environment for all employees, customers, vendors, contractors and members of the general public and to provide for the efficient and effective operation of the local government's activities. The City will not tolerate any verbal or physical conduct by an employee which harasses, disrupts or interferes with another employee's work performance or which creates an intimidating, offensive or hostile environment. All City employees are employees at will. Their employment status is subject to alteration in accordance with the City Charter, Code of Ordinances, or these policies.

A. No employee or non-employee shall be allowed to harass any other employee or non-employee by exhibiting behavior including, but not limited to, the following:

1. Verbal harassment - Verbal threats toward persons or property; the use of vulgar or profane language directed toward others; disparaging or derogatory comments or slurs; offensive flirtations or propositions; verbal intimidation; exaggerated criticism or name-calling; spreading untrue or malicious gossip about others.
2. Physical Harassment – Any physical assault including, but not limited to, hitting, pushing, pinching, kicking, holding, impeding or blocking the movement of another person.
3. Visual Harassment – The display of derogatory and/or offensive posters, cartoons, publications, drawings, writings, or other plainly offensive objects.

B. Under no circumstances are the following items permitted on local government property, including local government-owned parking areas, except when issued or sanctioned by the local government for use in the performance of the employee's job:

1. Any type of firearm, switchblade knife or knives with a blade longer than four inches;
2. Dangerous chemicals;
3. Explosives or blasting caps;
4. Chains;
5. Other objects which might be used to injure or intimidate.

C. Charges of violence and harassment may be reported to any supervisory employee of the City of Bartlett, including the Personnel Director, Department Director and the Mayor. The Personnel Director is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime has been committed, the Mayor may request that the Police Chief provide assistance to the Personnel Director or assume responsibility for the investigation. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action up to and including termination.

D. Copies of the investigative report with recommendations for appropriate action will be turned over to the Mayor as appropriate for further action. Disciplinary action may be taken against any employee who commits acts of workplace violence and harassment.

5.2 SEXUAL HARASSMENT

Harassment on the basis of sex, either physical or verbal in nature, is a violation of Title VII of the 1964 Civil Rights Act and will not be tolerated.

CRITERIA FOR DETERMINING WHETHER AN ACTION CONSTITUTES UNLAWFUL BEHAVIOR:

A. "Submission to conduct is either an explicit or implicit term or condition of employment."

B. "Submission to or rejection of the conduct is used as the basis for employment decisions affecting the person who did the submitting or rejecting."

C. "The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment."

Any employee who feels that such conduct has occurred, or is occurring, should immediately advise their supervisor, Department Director or the Personnel Director. Pursuant to the above regulations, it is the policy and practice of the City of Bartlett that any act of sexual harassment is explicitly prohibited. Further, it shall be the policy of the City of Bartlett that any allegation of sexual harassment will be immediately investigated, and upon substantiation of the charges, the City will take swift and appropriate action, as warranted, up to and including termination.

CHAPTER 6: CLASSIFICATION AND JOB DESCRIPTION

6.1 POLICY - CLASSIFICATION

It is the policy of the City of Bartlett to insure that positions in City government are adequately classified and that the job description will properly reflect realistic responsibilities and duties. The City's classification system is designed to group positions with similar duties and responsibilities into a common classification.

6.2 POSITION SPECIFICATIONS

A. Definition

Positions specifications shall be prepared by the Personnel Director stating the job title, characteristics of the duties and responsibilities of the job, and the requirements necessary to perform the work.

B. Job titles

The job title shall be the official title of each position within the City.

C. Use in Selection Process

Position specifications will be strongly considered in the determination and evaluation of qualified applicants. (To the extent possible, the City will select the best qualified applicant.)

6.3 ADMINISTRATION OF POSITION CLASSIFICATION PLAN

A. General Responsibility

The Personnel Director, under the direction of the Mayor, shall be responsible for administration of the Position Classification Plan.

B. New and Revised Positions

Whenever a new position is proposed or a significant change is made in the duties and responsibilities of an existing position, the Personnel Director shall analyze the changed or proposed position and recommend an appropriate classification. The recommendation shall become official when approved by the Mayor.

C. Reclassification Requests

Action leading to the reclassification of a position within the Position Classification Plan may be initiated by the Mayor, the Personnel Director, or Department Director. An employee may request a reclassification provided that the request shall be transmitted to the Personnel Director in writing. The Personnel Director shall give a written recommendation to the employee within two (2) months of receiving the request.

CHAPTER 7: (RESERVED)

CHAPTER 8: ATTENDANCE AND LEAVE

8.1 POLICY

It is the policy of the City of Bartlett to provide uniform policies about attendance and leave management. This information is for the use of all supervisors and is available to all employees in the City of Bartlett. Careful study and application of this information by Department Directors and/or their designated representatives and employees will provide the answers to most questions involving attendance and leave.

8.2 RESPONSIBILITY

It is the joint responsibility of the employee's immediate supervisor, the Director of Personnel and the Department Director or a designated representative to determine the type of leave to be charged for each absence, and to promptly and properly record and report it. Leave with pay represents the expenditure of City money and the proper usage, as well as proper and prompt reporting of leave, are essential to sound fiscal and personnel management. It is also the responsibility of the employee, the supervisor and the Department Director to maintain an accurate and up-to-date record of the amount of scheduled overtime work performed, the necessity for the overtime work and the schedule of compensatory time taken.

8.3 WORKWEEK

A. The key to wage-hour overtime is the concept of the "Workweek". Each workweek stands alone.

B. A workweek is a regularly recurring period of 168 hours in the form of seven consecutive twenty-four (24) hour periods. The workweek need not coincide with the calendar week; it may begin any day of the week and any hour of the day.

C. When a workweek is established for an employee, or a group of employees, it remains fixed regardless of hours worked by the employee or the employees. The workweek may be changed, but only if the change is intended to be permanent and is not to evade the law. The calendar week beginning at 12:00 (midnight) Saturday night and running for seven consecutive days, 168 hours, to 12:00 (midnight) the following Saturday night is recognized as a sound standard workweek for payroll purposes and is hereby adopted as the City's workweek.

D. The Fire Department work schedule shall consist of a twenty-seven (27) day work cycle. During the 27 day work schedule, overtime will be paid at the rate of time and a half for hours worked in excess of 204 hours, in accordance with the Fair Labor Standards Act. Overtime will only be paid if the hours totaling more than 204 during the scheduling period are actually worked. Vacation time, sick time, compensatory time, personal leave and emergency leave taken during the

27 day work schedule will not be counted as hours worked during the 27 day work schedule for the purposes of payment of overtime. The regular work schedule for Fire Department shift employees shall be 7:00 A. M. to 7:00 A. M. (24 hours). The employee shall work 24 hours, be off duty 24 hours, work 24 hours, be off 24 hours, work 24 hours and be off 96 hours during their regular workweek.

E. The regular work schedule for Police Department employees shall be based on the 27 day work period with overtime due after 153 hours per 27 day cycle. Police officers work six (6) 8.5 hour days with three (3) days off. Pay for overtime compensation is paid on a daily basis.

8.4 REGULAR WORK SCHEDULES

A. The regular work schedule for most employees is 8:00 A.M. to 5:00 P.M., Monday through Friday. An employee scheduled to work eight (8) hours per day, Monday through Friday, is considered to be on a regular work schedule.

B. City Administrative offices will be open from 8:00 A.M. until 5:00 P.M., Monday through Friday. The offices will be closed on Saturdays, Sundays and Holidays. Offices will only be closed at other times at the direction of the Mayor.

8.5 IRREGULAR WORK SCHEDULES

A. Many departments require irregular work schedules of their employees because of the nature of their work.

B. The Director of Personnel should be notified of irregular work schedules which total forty (40) hours per week. This requirement includes schedules of less than five (5) days per week and those which do not provide a meal period during which the employee is relieved from duty. Management has the authority to schedule arrival and departure times for employees subject to department needs.

C. The use of "Flex Time" where the employee determines his own arrival and departure times within the general guidelines is not authorized.

D. Any work schedule which totals more or less than forty (40) hours per week must have prior approval by the Mayor. Any variation from an established work schedule requires approval of the Department Director.

8.6 HOURS WORKED

A. Hours of employment for each City employee shall be forty (40) hours per week, except the Police Department and the Fire Department, which shall be

established in accordance with the Fair Labor Standards Act and approved by the Mayor.

B. Generally, at all times during which an employee is required to be on duty, or on his employer's premises or at a prescribed workplace, and at all times during which he is permitted to work for his employer, whether or not required to do so, except for meals or other periods when he is free from duty, are considered as hours worked.

C. The number of actual hours worked by an employee in a particular workweek, together with his regular hourly rate of pay determines the amount of straight time and overtime due him under city policy.

D. Travel time may be counted as hours worked under some conditions. The City of Bartlett will comply with the provisions of the Fair Labor Standards Act. Ordinary home to work travel or vice versa is not working time. Travel that is part of an employee's working day is counted as time worked, so is travel away from home when it is required by the City and cuts across the employee's ordinary working hours.

E. Unauthorized work by an employee without the employer's permission or contrary to his instructions may be considered as hours worked, but may subject the employee to disciplinary action if told to discontinue unauthorized work. Unrecorded hours worked during a workweek by an employee at the job site or at his home must be counted as hours worked. The City will enforce the unauthorized work rule so that no employee will unjustly benefit from work performed without the City's knowledge.

8.7 ON CALL

The City of Bartlett considers time spent by employees who are required to remain "on-call", subject to call, but free to use such time for personal pursuits as non-working time. The employee is considered as waiting to be engaged.

8.8 STAND BY

The City of Bartlett considers time spent by employees who are required to remain on "Stand-by", in a state of instant readiness, and cannot use the time for his own purpose as time worked. The employee is considered as engaged to wait.

8.9 LUNCH PERIOD

A. All employees in City Hall services will have one (1) hour for lunch, but under no circumstances will any office be closed during the lunch hour.

B. Employees will adjust their lunch hour so that all operations will be open and available for business.

C. Authorized meal periods must be taken during the work shift and may not be used to alter arrival or departure time by not using the meal period.

D. Certain employees in emergency occupations are "on call" during their meal period. These employees are relieved of their duties during the meal period, but must remain easily reachable to report back to work if necessary. This is considered time worked.

E. Certain employees cannot be relieved of their duties to have a meal period during their work shift. This situation usually results from a "fixed post" assignment and these employees are considered to be at work even if they are able to eat during their work shift and their "fixed post" assignment. This is considered time worked.

8.10 REST BREAKS

Department Directors, at their discretion, may allow their employees two (2) rest breaks during each workday. One may be allowed in the morning and the other in the afternoon for a period of time not to exceed fifteen (15) minutes each. These rest breaks are a privilege and not a right and should be taken at such a time as not to interfere with service to the public. If an employee chooses not to take advantage of the rest breaks, such time may not be accumulated and added to lunch periods or any type of leave.

8.11 INCLEMENT WEATHER

A. City offices and/or operations will not shut down unless unusually serious or dangerous conditions exist. It is the Mayor's decision whether or not a City office or operation will open late, close early, or be closed for the entire business day due to inclement weather. The Mayor's Office has the responsibility of coordinating the communication of the status of City operations to all departments during inclement weather periods.

B. Public Safety employees are required to be on duty during inclement weather periods. This includes Fire, Police, EMS, Jail and Dispatch employees. Certain other employees may be designated as "essential employees" during the emergency period. Public Safety employees, and other essential employees, who are required to work when City offices are closed for the entire day will be paid at the rate of one and one-half times their regular rate of pay for the hours worked during the shutdown period only. This pay arrangement does not apply when City offices are open, open later or close earlier due to inclement weather. A Public Safety employee, or an essential employee under emergency circumstances, who is unable to report to work due to serious and/or mitigating circumstances, may

request an excused absence through their Department Director. Such request requires the approval of both the Department Director and the Mayor.

C. All other employees should make a personal judgment pertaining to his or her safety in traveling to and from work. Absence from work requires the approval of the Department Director and, if approved, lost work time will be charged against the employee's accrued compensatory time or vacation. If the employee has no accrued compensatory time or vacation, the time lost will be charged to accrued sick leave. If there is no leave available, then the employee's pay will be docked as an approved absence without pay. If the absence is not approved, the employee will be on unauthorized leave without pay. If the Mayor directs that an office be closed, this group of employees will not be charged leave during the period of the closure. In the event a City office closes early, or opens late, any work by a non-exempt employee outside of the operating schedule set by the Mayor will be paid at the rate of one and one-half times their regular rate of pay. In the event the time worked exceeds 40 hours in a work week, the employee will be paid at one and one-half times their regular rate of pay for the hours worked over forty.

D. Department Directors are expected to consider each request for excused absence on the merits of the individual case, and with consideration given to those employees who reported to work during the inclement weather. Consideration should also be given to Personnel Policy 4.11 – Place of Residence that requires each City employee to reside in the State of Tennessee and within one-hour driving time, regardless of road or weather conditions.

8.12 MILITARY FUNERAL

Excused absence up to four (4) hours in any one day may be granted to an employee who is a veteran to participate in a military funeral service as a pallbearer, member of a firing squad or Honor Guard. For this purpose, a veteran is defined as one who has been separated from military service under honorable conditions. The employee must submit a request to his/her supervisor with the approval of the Department Director.

8.13 ELECTIONS

TCA 2-1-106 states:

"Any person entitled to vote in an election held in this State may be absent from any service or employment on the day of the election for a reasonable period of time, not to exceed three (3) hours, necessary to vote during the time the polls are open in the County where the employee is a resident. A voter who is absent from work to vote in compliance with this section may not be subjected to any penalty or reduction in pay for this absence. If the tour of duty of an employee begins three (3) or more hours before the closing of the polls of the County where the employee is a resident, they may not take time off under this section. The employer may specify the hours during which the employee may be absent. Application for such absence shall be made to the employer before twelve (12:00) noon of the day before the election".

8.14 LEAVE BENEFITS

The City's leave benefit provisions have been designed with the health and well-being of its employees in mind. While leave privileges and other benefits add to the security of the employees, they also assist the City in attracting and retaining capable employees. Employees are expected to consider the needs of the City in requesting leave and utilizing the leave provisions. Should emergencies arise and the requirements of the City demand it, leave may be suspended temporarily in order to meet these needs.

8.15 ELIGIBILITY TO ACCRUE LEAVE

- A. Regular, probationary and interim employees who are employed full time accrue leave upon the completion of a calendar month, provided the employee is at work, or on approved leave with pay for fifty (50%) percent of the regular scheduled working hours in any month.
- B. Employees serving on temporary provisional appointments who are expected to become regular employees do not accrue vacation and sick leave.
- C. Part-time employees, temporary employees, emergency employees and seasonal employees do not accrue vacation or sick leave.
- D. Regular and probationary employees who are given temporary or emergency promotions or reassignments to either fulltime or temporary fulltime vacancies may accrue leave.

8.16 VACATION

A. Eligibility

An eligible employee earns and accumulates vacation for each calendar month of full time service provided they are at work, or on authorized paid leave, for at least 50% of the available work days or hours in the calendar month.

Employees with less than five (5) months of full time service do not earn vacation. After serving five (5) months, employees shall earn vacation at the rate of one (1) day (8 hours) per month. No vacation may be taken until the employee has completed six (6) months of service. Fire Department shift employees shall earn 18 hours vacation per month after five months service.

Employees with more than ten (10) years of continuous full time service but less than twenty (20) years of continuous service shall earn vacation at the rate of one and one-half (1 1/2) days (12 hours) per month. Fire Department shift employees with more than 10 years' service shall earn 27 hours per month vacation.

Employees with more than twenty (20) years of continuous service shall earn vacation at the rate of two (2) days (16 hours) per month. Fire Department shift employees with more than 20 years' service shall earn 36 hours per month vacation.

B. Scheduling Priority

1. Each Department Director shall keep records of vacation leave credits and use, and shall schedule vacation leave with particular regard to departmental work requirements.
2. Preliminary scheduling of vacation shall be done each year between January 1 and April 1. All employees should have equal opportunity for vacation periods that include a holiday (i.e. one (1) member should not be allowed to be off every Christmas, unless others have had a chance) Otherwise longevity (length of full time service) should be the determining factor in scheduling priority.
3. After April 1, requests for vacation should be granted on a first come, first served basis.
4. The date the request for leave is received by the approving authority will be the determining date. In all instances the Department Director shall have the responsibility and authority for scheduling vacations.
5. Vacation is charged in half-hour increments.

C. Carry Over of Vacation Days

Vacation shall be cumulative. Employees may accumulate an unlimited number of vacation days. Requests by employees for any vacation period longer than two

(2) weeks must be approved by the Department Director, Personnel Director and the Mayor.

D. Scheduling Vacation

Any employee may request to use vacation at any time by application to his supervisor. Such request is subject to the approval of the supervisor who plans and is responsible for the work. Absences should be authorized at such times as the employee can best be spared.

E. Vacation May Not Be Advanced

Vacation may not be taken until after it is earned. When extreme hardship exists, the Mayor can waive this policy with the recommendation from the Department Director.

F. Transferrable Vacation

All unused vacation is transferrable with an employee when transferred between departments.

G. Computing Creditable Service

Computing creditable service is determining the amount of total full-time service (present and prior) with the City. When special leave has been taken to the extent that an employee did not work for a month or more than 50% thereof, that month is not included in computing full-time service unless the employee was on Military, FMLA, Workers' Compensation or paid Education Leave.

H. Accounting for Vacation

Vacation reports for all employees are prepared at the end of each month.

I. Vacation upon Retirement

Upon retirement City employees are entitled to either pay for 30 days of unused vacation or they may have the unlimited amount of vacation leave credited to their pension service credit on the legacy plan.

8.17 SICK LEAVE

It is the policy of the City of Bartlett to pay an employee's base salary when the employee is unable to work due to sickness or injury. The limits of paid sick leave are determined by the amount of sick leave credits the employee accrued. No credit toward sick leave may be earned for overtime hours or in any month where the employee does not work, or is on approved paid leave for more than 50% of the scheduled work hours.

A. Eligibility

When a person is employed, the employee accrues one day of sick leave per month; however, the employee may not use the sick leave until completion of three months.

B. Accrual of Credits

After the completion of three months, an employee will receive credit for three work days (24 hours) of sick leave, retroactive to the date of employment, and will accumulate the equivalent of one (1) day (8 hours) of additional sick leave each month thereafter.

Fire Department shift employees shall earn twelve (12) hours per month sick leave.

C. Sick Leave Accrual Maximum

Sick leave may be accrued without regard to maximum accrual.

D. Sick Leave Substitution

Sick leave which extends beyond earned credits may be charged to vacation, compensatory time or to leave without pay in that order.

E. Use of Sick Leave

Department Directors may grant an eligible employee sick leave if the employee is absent for any of the following reasons:

1. Personal illness
2. Disability due to accident
3. Exposure to a contagious disease
4. Sickness due to pregnancy. (see maternity leave policy).

5. Illness or death of one of the following members of the immediate family:
 - (a) Spouse
 - (b) Children
 - (c) Parents
 - (d) Other members of the family who reside within the home of the employee.
 - (e) Others, who, at the discretion of the Department Director have a relationship with the employee which merits similar consideration.
7. Medical/dental/optical appointments for the employee or an immediate family member as defined in section 5 above, when such appointments are scheduled in advance and verified by a physician's statement.
8. Inclement weather when the employee has exhausted their vacation or compensatory time.
9. Adoption proceedings

Whenever possible an employee should notify their supervisor as early as possible of their need to be on sick leave. As a minimum, employees who require a day's sick leave must report their intended absence to the supervisor within one-half (1/2) hour of the normal time to report to work. Fire Department employees shall report their intended absence for sick leave to the Shift Commander by 6:30 A. M. on the day they wish to take sick leave.

F. Sick Leave May Not Be Advanced.

Sick leave may not be taken before it is earned.

G. Doctor's Certificate and Other Testimonials.

1. Any employee may be required to present evidence in the form of personal affidavits, physician's certificates, and/or other testimonials at the request of the Director of Personnel, or any other appropriate authority to support the reason for any absence during the time the sick leave was taken.
2. A doctor's certificate which discusses the employee's ability to work during the period of absence may be required by a Department Director or Supervisor when there is reason to believe that sick leave privileges have been abused. When such proof of illness is requested and is not presented, the Department Director or Supervisor may grant leave without pay or approve vacation leave, or may treat the absence as unexcused and grounds for disciplinary action. The Department Director may request evaluation by an impartial physician with the recommendation of the Personnel Director and approval of the Mayor.

3. Any employee who takes sick leave for three (3) consecutive work days or longer shall be required to present an acceptable form of physician's certification unless required to present them more frequently.
4. Fire Department shift employees shall be required to present evidence in the form of a physician's certification if they are on sick leave for two (2) or more consecutive duty days.
5. While on sick leave it is expected that the employee will be at home or at a source of medical treatment. Employees shall inform their supervisor when leaving or returning to their residence for any reason while on sick leave.

H. Accounting for Sick Leave

Leave reports are prepared at the end of the month during which the leave was taken. Only scheduled workdays are charged in calculating the amount of sick leave used. Official holidays within a sick leave period are charged only as holidays.

I. Pay for Unused Sick Leave Not Allowed

Sick Leave is a form of insurance against emergencies and is a contingent benefit. Employees hired after 1-1-1992 must have accumulated sick days added to their creditable service for pension benefit calculations for the legacy plan.

If an employee was hired before 1-1-1992, the employee has the option upon retirement to choose to be paid for up to sixty (60) days of accumulated sick leave or the employee may elect to add an unlimited number of accumulated sick days to their creditable service for pension benefit calculations for the legacy plan.

8.18 HOLIDAYS

The City observes eleven (11) paid holidays during the year. Offices and shops will be closed and employees excused (except emergency and necessary operations) on the following legal holidays:

- | | | |
|----|-------------------------------|--|
| 1. | New Year's Day | January 1 |
| 2. | Martin Luther King's Birthday | Third Monday in January |
| 3. | Good Friday | Friday Before Easter Sunday |
| 4. | Memorial Day | Last Monday in May |
| 5. | Independence Day | July 4th |
| 6. | Labor Day | 1st Monday in September |
| 7. | Veterans Day | November 11 |
| 8. | Thanksgiving Day | Fourth Thursday and
Friday in November (2 days) |
| 9. | Christmas Day (2 days) | December 25 plus one day. |

When December 25 falls on the following days these two holidays will be observed:

Sunday	Friday & Monday
Monday or Tuesday	Monday & Tuesday
Wednesday	Tuesday & Wednesday
Thursday, Friday or Saturday	Thursday & Friday

When a legal holiday falls on Saturday, offices will be closed the preceding Friday; when it falls on Sunday, offices will close the following Monday.

A. For regular employees whose work week is other than Monday through Friday or those employees who must work due to emergency or necessary operations, the Department Director shall designate the day(s) on which the holiday will be observed. Any employee who shall be required to perform work or render services on a regular scheduled holiday and is unable to receive a compensatory day of leave shall receive holiday pay in addition to straight time pay for the hours worked. The employee is to be informed in advance whether he will receive compensatory time off or holiday pay and straight time for time worked.

In lieu of holiday leave fire department shift employees, police department shift employees including jailers and dispatchers, shall be paid holiday pay at straight time in the following manner:

Fire Department shift personnel (Below the rank of Battalion Commander Working 24 hour shifts)	132 hours
Police Patrol shift personnel (Below the rank of Captain Working 6 & 3 shift schedule)	93.5 hours
Police Detectives, Jailers and Dispatchers (8 hour shift schedule)	88 hours

Holiday pay will be paid twice each year in May, which includes six (6) holidays and November, which includes five (5) holidays.

Part Time or Temporary Employees - This policy does not apply to part time or temporary employees.

8.19 BEREAVEMENT LEAVE

A. Leave with pay may be granted by the Department Director for up to three (3) consecutive work days immediately following the death of a family member whose relationship is defined below:

1. Spouse
2. Children
3. Grandchildren
4. Stepchildren
5. Mother
6. Father
7. Brother
8. Sister
9. Daughter-in-law
10. Son-in-law
11. Mother-in-law
12. Father-in-law
13. Sister-in-law
14. Brother-in-law
15. Grandparent or Great Grandparent
16. Step-parents

Leave for the funeral shall be provided during at least one day of the funeral. Proof of death and relationship may be requested.

B. Special consideration may be given by the Mayor in regard to extending any approved leave with pay for the employee to attend the funeral in the death of other relatives. Normally vacation or compensatory time would be used for this purpose.

C. In the event that the death of an immediate family member requires an out-of-town trip, the Department Director may authorize up to an additional three (3) days leave, which the employee make take from accrued vacation, sick leave or from earned compensatory time.

8.20 WORKERS' COMPENSATION LEAVE

Paid leave may be granted to protect an employee against serious loss of income when that employee has sustained an injury which is compensable under workers' compensation. (See - Chapter 22).

8.21 CIVIL LEAVE

A. The Department Director will grant an employee a leave of absence, designated as civil leave, for the purpose of serving on a jury or attending court as a witness under subpoena. The employee must show the order requiring such

duty when leave is requested. Civil leave will be considered approved leave for purposes of performance evaluation.

B. Civil, vacation or compensatory leave time may be used by any City employee who is subpoenaed or otherwise directed to serve as a government witness, or as a juror for court.

1. Civil Leave - When on Civil Leave, employees shall turn over to the City of Bartlett all witness fees and compensation received by the employee as a government witness. The employee shall be entitled to keep the amount received for travel and meals. Civil Leave will only be granted for time actually served. **If not chosen for jury duty or dismissed as a witness, employee is to report for work for the remainder of the work day (where practical).** The leave keeper in the unit, section or division must be notified by the employee of actual time worked.
2. Use of vacation or Compensatory Leave - An employee may use vacation or compensatory leave in lieu of civil leave. In this case, any fees or any other pay as a witness or juror may be retained by the employee. Employee shall be entitled to also keep the amount received for travel and meals paid by the Court in any case.
3. Private Litigation Witness - If an employee is subpoenaed in private litigation to testify not in an official capacity, vacation or leave without pay must be taken. Any fees received by the employee shall be kept by the employee.
4. Employee Involved in Criminal or Civil Trial - An employee who is personally involved in litigation and is absent from duty will be charged with vacation or leave without pay at the discretion of the Department Director.
5. Witness in Official Job Capacity - An employee who serves as a government witness in an official job capacity will be considered on duty and not charged leave.

8.22 ADMINISTRATIVE LEAVE

Administrative leave is any leave with pay for when an employee is removed from their normal duties at the convenience of the Mayor, Department Director or other authorized supervisor. (See Chapter 12, Corrective and Disciplinary Procedures)

8.23 EDUCATIONAL LEAVE

A. Purpose

1. To provide opportunities for education and training which will increase the proficiency of employees in carrying out their present

duties and responsibilities as well as improving the quality of service to the people within the City.

2. To assist personnel in meeting required qualifications in occupational and professional fields where critical shortages exist.
3. To provide opportunities for continuing education and advanced study and training for purpose of keeping up-to-date with rapid technological changes.

B. Requesting Leave

An employee may be granted a leave of absence, with pay, to attend special educational programs which are job-related. The City will evaluate the request in view of the needs of the City and the benefits to be gained both by the City and the employee.

Requests for educational leave must be in writing and approved by the respective Department Director, the Personnel Director and the Mayor.

C. Credit Given Toward Salary Increases

Time served by employees while on educational leave will be counted on a month for month basis in determining the date on which an employee may receive consideration for earned salary increases.

D. Effect of Educational Leave on Service Time

During the period of absence on education leave, the employee shall retain any accumulated vacation and sick leave, and continue to earn time toward seniority and time for total years of service time. Employees on educational leave shall be considered to be on active pay status and eligible for longevity when it is due.

E. Eligibility for Educational Leave

Any full-time employee may be eligible if the training is directly applicable to the needs of the department and/or to the position the employee holds or for which they are being trained.

8.24 MILITARY LEAVE

It is the policy of the City of Bartlett to comply with all federal laws, specifically Chapter 43 of Part III of Title 38 U. S. Code, all State laws and court decisions concerning military personnel. Military leave shall be granted to eligible employees for periods of active duty or training activity with the Armed Forces of the United States, its Reserve Components, or the Tennessee National Guard.

A. Eligible Employees

Military leave without pay shall be granted to any employee of the City who is a member of the Armed Forces of the United States.

B. Military Reserve or National Guard

1. Eligible Employees - Military leave is provided for any member of the Reserve Components who is a City employee. This leave has no effect on other leaves provided by law, regulation, policy or practice.
2. Initial Entry Training
 - (a) Members will be granted leave without pay.
 - (b) Any employee required to leave for active duty or longer active tour duty shall be entitled to reinstatement with the City of Bartlett in accordance with the Federal and State laws governing such military rights and as follows:
3. Upon the employee's return from military service such employee shall be re-employed within a reasonable period of time in the same position or a similar position as he would have, had he remained on employment status, provided he is still qualified to perform the duties of his former position upon completion of military service and provided his tour of duty has not exceeded four (4) years or five (5) years by virtue of an extension for the convenience of the Federal Government. The employee must report from duty as required under Federal and State laws governing such military rights.
4. Unit Training Assemblies includes the regularly scheduled weekend or evening training commonly termed drills.
 - (a) The attendance at weekend drills shall be accommodated with or without compensation so long as it does not so adversely affect the operation of the department and does not conflict with the employee's regular schedule.
 - (b) Members attending weekend or evening drill may use any combination of compensatory time off, or vacation, however members are not required to use vacation.
5. Annual Training which describes the regularly scheduled required training (summer camp).
 - (a) Employees attending annual training shall be compensated with Military leave not to exceed twenty (20) days without loss of pay or benefits in compliance with T.C.A. 8-13-109.
 - (b) Military leave shall not be charged against any other leave credits.
 - (c) An employee on military leave status will receive compensation in compliance with State and Federal Law.
 - (d) Employees requesting military leave shall notify their Department Directors at least two (2) weeks in advance of the leave or as soon as notification is received by the employee.

Such requests shall be in writing and shall include copies of the employee's military orders. Military leave will be considered official leave for purposes of evaluation.

6. Special Schooling

- (a) Members are entitled, under the law, to train without regard to the mandatory or voluntary nature of the training.
- (b) Members will be granted military leave without pay not to exceed twenty (20) days.

7. Procedure for Obtaining Military Leave

- (a) Members of the National Guard or Reserve must submit a request for military leave to attend any training or schooling. The member cannot simply fail to show up for work because of a military obligation.
- (b) Employee's Responsibility - Send a copy of their military orders through their supervisor to the Department Director. Employees should cooperate with the unit supervisor by giving as much advance notice as possible when requesting military leave.
- (c) Department Director Responsibility - It is the responsibility of the Department Director to determine that the employee has met all of the requirements pertaining to military leave. All managers and supervisors shall cooperate with City employees requesting military leave by making adjustments to staffing levels and work assignments. If any questions arise, the department should contact the Director of Personnel.
- (d) Retention and Continuation of Benefits – The employee's seniority, status and pay will remain unchanged during their time of military leave. Continued health insurance coverage will be offered up to 18 months, with the employee paying premiums due for such policy. An employee wishing to continue health insurance coverage during their military leave shall provide a mailing address where notices of premium payments due may be sent.

C. Extended Active Military Duty

- 1. Call to Active State Duty with the Tennessee National Guard - The Governor has the power to order into active service all or any part of the Tennessee National Guard. Duty performed under the Governor's call to active duty does not count against any other leave.

2. Call to Active Federal Military Duty
 - (a) Leave without pay shall be granted to eligible employees entering the regular components of the Armed Forces of the United States as a result of involuntary draft or military conscription or for a period of one voluntary enlistment plus any involuntary extension.
 - (b) The job status of an employee entering active military duty will be protected in full compliance with current State and Federal laws.
 - (c) All employees, except temporary, casual, and provisional personnel, who are drafted or enlist in the Armed Forces, or who are presently members of Military Reserve component, shall be granted re-employment, leave of absence and the other rights unless granted in accordance with Federal and State laws governing such military rights and in accordance with the following:
 - (1) The process for reinstatement of employees returning from military leave begins when the employee submits an "application for re-employment." Said application must be submitted:
 - ❖ on the first work day back for employees deployed 30 days or less;
 - ❖ within 14 days of the end of service for employees deployed up to 180 days; and
 - ❖ within 90 days of the end of service for employees deployed 181 days or longer

The returning employee will be re-employed in the position they would have attained had they not been absent for military service, with the same seniority, status and pay.

D. Emergency Active Military Duty

1. Eligibility – Any fulltime non-probationary employee ordered to emergency active military duty by the Reserve or National Guard is eligible to be placed on Special Leave – Emergency Military Duty.
2. Duration – Twelve (12) months. (The Mayor has the authority to extend the leave on a case by case basis.)
3. Pay Formula – the City will continue to pay the base salary of the employee less the base salary paid by the military. (Base salary does not include any of the City's special supplemental or bonus pays, or any military pay supplements or allowances.
(Important – A copy of the military orders and confirmation of the employee's rank and years of military service are essential to setting up the leave and computing the amount of salary continuation.)

4. Pay Check – The City pay check will be direct deposited.
5. Deductions – Certain payroll deductions are mandatory and others must be terminated during the period of leave. The employee will authorize the continuation of any **optional deductions**.

8.25 MATERNITY LEAVE (Reference T. C. A. 50-1-501).

A. Definition

Maternity Leave is an absence from work granted because of pregnancy, child birth and bonding. If the employee has completed his/her initial probationary period, maternity leave must be granted.

B. Type of Leave Permissible for Maternity Leave

Both female and male employees are entitled to a total of up to 4 months leave for maternity and adoption purposes.

1. Vacation - Vacation may be used during a maternity absence.
2. Compensatory Time - Accrued compensatory time may be used during a maternity absence.
3. Sick Leave - Sick Leave may be used during a maternity absence based upon documentation of the pregnancy. Use of sick leave prior to and after delivery is subject to ordinary rules regarding the use of sick leave, i.e. the employee must be unable to work or must be using sick leave to care for a sick or disabled family member.
4. Special Leave Without Pay - Special leave without pay may be used during a maternity absence.

C. Request and Duration

At the request of an employee (in writing) an excused absence without pay for a period of time not to exceed six (6) months may be granted for maternity purposes upon approval of the Department Director, Personnel Director and the Mayor. Such request must be accompanied by a written statement from a licensed practicing medical doctor confirming the pregnancy, specifying the expected date of delivery, and containing the practitioner's medical opinion as to whether or not, and the dates during which, the employee shall be able to continue to perform the duties of her regular position. In order to be eligible for maternity leave, the employee shall notify his/her supervisor or Department Director of the condition as provided herein as soon as possible, and advise the Department Director as to whether or not he/she wishes to return to work after delivery.

D. Doctor's Statement

Additional information from the employee's doctor may be required if there are complications and the period of absence must begin sooner than agreed, extend further than agreed, or require the use of sick leave beyond the period beginning with the period of hospitalization and after delivery.

E. Employee May Continue to Work

The employee will be allowed to continue work in her regular position up to a time prior to the expected date of delivery that will allow a reasonable period for replacement to be made, provided there are no complications that would interfere with the employee performing the duties of her regular position. The request must be supported by written medical opinion as provided herein and at intervals as may be required by the Department Director.

F. Returning from Maternity Absence

Return to duty shall not be before the actual date of delivery, and must be supported by a written statement of concurrence by the attending physician. The Department Director may require advanced notice in writing of the employee's expected date of return up to, but not to exceed, thirty (30) days.

8.26 FAMILY AND MEDICAL LEAVE ACT

The purpose of this policy is to provide a Family and Medical leave policy in compliance with Public Law 103-3, titled Family and Medical Leave Act (FMLA) of 1993. The policy also provides the changes to Family and Medical Leave Act that come as part of the National Defense Authorization Act of 2008.

A. Eligibility

The Family and Medical leave policy is applicable to both male and female employees who have worked at least 12 months for the City and who have worked at least 1,250 hours during the preceding 12-month period. Such employees are eligible for a maximum of 12-26 weeks leave under the act. Special rules apply for husbands and wives employed by the same employer, for highly compensated employees, and for local educational agencies. People who are *not* covered include elected officials, political appointees, volunteers, independent contractors, and legal advisors.

B. Family and Medical Leave Circumstances

Employees may be eligible for Family and Medical Leave for one or more of the following reasons:

1. For the birth and care of the newborn child of the employee;
2. For placement with the employee of a son or daughter for adoption or foster care;
3. To care for an immediate family member (spouse, child, or parent) with a serious health condition;
4. Medical leave when the employee is unable to work because of a serious health condition;
5. To care for an immediate family member (spouse, son, daughter or parent) injured while on active duty if that injury renders the service member unfit for military duty;
6. To handle a “qualifying exigency” relating from an employee’s spouse or child being called to active duty.

C. Paid / Unpaid Leave

Family Medical Leave may be paid or unpaid. Family and Medical Leave runs concurrently with paid time off (i.e. sick, vacation). If the employee has the time available he/she must be paid Sick Leave, Vacation and compensatory time in that order. If the employee does not have the time available or he/she exhausts paid time while out on Family Medical Leave, the remainder of the approved leave will be unpaid. During periods of unpaid leave, an employee may not accrue any additional leave.

Employees requesting medical leave or family leave due to serious illness or injury (of themselves or eligible family members) must use their accumulated sick leave followed by vacation or compensatory time. Fathers requesting family leave for the birth of a child or adoption/foster placement must first use their sick leave, then vacation, followed by unpaid time. The combination of sick leave, vacation, and unpaid leave may not exceed the total allowable leave under Family and Medical Leave Act.

D. Guidelines

An eligible employee may take up to 12 weeks of FML in a 12-month period for the birth of a child or the placement of an adopted or foster care child. Leave may also be taken to care for one’s self, a child, spouse, or parent who has a serious health condition. The right to take leave applies equally to male and female employees who are eligible. Eligible employees may take up to 12 weeks of unpaid leave to deal with family issues resulting from a spouse, son, daughter or parent being called to active duty (including being notified of an impending call to active duty).

Eligible family members of military personnel, defined as the spouse, son, daughter, parent or next of kin of a covered service member, may take a maximum of 26 weeks leave under the Family and Medical Leave Act to care for a wounded member of the armed forces. This includes family members of the National Guard or Reserves who are undergoing medical treatment, recuperation, therapy or other medical treatment for a “serious injury or illness”.

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Inpatient care in a hospital, hospice or residential medical care facility, including any period of incapacity or subsequent treatment.
2. A period of incapacity of more than three consecutive calendar days that also involves treatment two or more times by a health care provider or treatment which results in a regimen of continuing treatment under the supervision of the health care provider.
3. Any period of incapacity due to pregnancy or for prenatal care.
4. A chronic condition that requires periodic treatments, continues over an extended period of time, and may cause episodic rather than a continuous period of incapacity.
5. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, requiring continuing supervision of a health care provider.
6. Multiple treatments either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatments, such as cancer, severe arthritis or kidney disease.

Serious Injury or Illness for an Injured Service member is defined as a covered service member’s injury or illness incurred in the line of duty on active duty in the Armed Forces that may render the service member medically unfit to perform the duties of the member’s office, grade, rank, or rating. This could include medical treatment, recuperation, therapy, outpatient care and other treatments for a serious injury or illness.

During periods of unpaid leave, an employee may not accrue any additional seniority or similar employment benefits during the leave period.

E. Spouse / Same Employer

If spouses are employed by the City of Bartlett and eligible to take leave for the birth or adoption of a child, their aggregate leave under Family and Medical Leave Act is limited to 12 weeks. For example, if the father takes four weeks leave to care for a child, the mother would be entitled to eight weeks leave, for a total of 12

weeks. If, however, the spouse experiences her own serious health condition as a result of the pregnancy, both employees are entitled to the full 12 weeks.

F. Right to Return to Work

Upon return from Family and Medical Leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his/her position has been restructured to accommodate the employee's absence.

If the employee is unable to perform the essential functions of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the Family and Medical Leave Act. The employer, however, may be required by the Americans with Disabilities Act to offer the employee an accommodation.

G. Notification and Scheduling

An eligible employee must provide the City at least 30 days advance notice of the need for leave for birth, adoption, or planned medical treatment when it is foreseeable. This 30-day advance notice is not required in cases of medical emergency or other unforeseen events, such as premature birth or sudden changes in a patient's condition that require altering scheduled medical treatment.

Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this 30-day notice.

It is the City's responsibility to designate leave in writing as Family and Medical Leave and to notify the employee. Employees may not retroactively claim that leave was for Family and Medical Leave. Failure to provide notification will result in the leave not being designated as Family and Medical Leave. The City will, if necessary, provide the Family and Medical Leave notice in alternate formats.

H. Certification

The City reserves the right to verify an employee's request for family/medical leave. If an employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the City may require that the request be supported by certification from the health care provider of either the eligible employee or the family member, as appropriate. Failure to submit proper certification may result in a delay of Family and Medical Leave approval. If the City has a reason to question the original certification, the City may, at its expense, require a second opinion from a different health care provider chosen by the City. The health care provider may not be employed by the City on a regular basis. If a

resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained from another provider, and that opinion will be final and binding.

Payment for the second opinion shall be borne by the City. Payment for the third shall be divided between the employee and the City. This certification must contain the date on which the serious health condition began, the probable duration, and appropriate medical facts within the knowledge of the health care provider regarding the condition. The certification must also state the employee's need to care for the family member. Medical certifications will be treated as confidential and privileged information under HIPAA and the State's Open Records laws as appropriate.

An employee may be required to report periodically to the City the status and the intention of the employee to return to work. Before return is granted, employees who have taken unpaid leave under this policy may be required to furnish the City with a medical certification from the employee's health care provider that the employee is able to resume work.

Failure to provide certification in a timely manner may result in delay or denial of Family and Medical Leave.

I. Reduced and Intermittent Leave

Family and Medical Leave may be taken intermittently or on a reduced schedule when medically necessary as certified by the health care provider. Intermittent leave is defined as whatever increment the system will accommodate. Intermittent or reduced leave schedules for routine care of a new child can be taken only with the City's approval. The schedule must be mutually agreed upon by the employee and the City.

Employees on intermittent or reduced leave schedules may be temporarily transferred by the City to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule.

Intermittent or reduced leave may be spread over a period of time longer than 12 weeks, but it will not exceed the equivalent of 12 workweeks total leave in a 12-month period.

J. Restoration

Employees who are granted leave under this Family and Medical Leave Act policy will be reinstated to an equivalent or the same position held prior to the commencement of their leave. Certain highly compensated key employees, who are salaried and among the 10 percent highest paid workers, may be denied restoration.

Restoration may be denied if:

1. the City shows that such denial is necessary to prevent substantial and grievous economic injury to the City's operations;
2. the City notifies the employee that it intends to deny restoration on such basis at the time the City determines that such injury would occur; and
3. in any case in that the leave has commenced, the employee elects not to return to work within a reasonable period of time after receiving such notice.

Employees voluntarily accepting a light duty assignment, if available, in lieu of continuing Family and Medical Leave, maintain their right to restoration to the original or an equivalent job until the twelve (12) weeks of Family and Medical Leave has passed.

K. The 12-Month Family and Medical Leave Period

The 12-month period during which an employee is entitled to 12 workweeks of Family and Medical Leave is measured as follows. An employee is entitled to 12 weeks of leave during the 12-month period after the leave begins. The next Family and Medical Leave period will begin the first time the employee requests Family and Medical Leave after the completion of the previous 12-month period.

L. Denial of Family and Medical Leave

If an employee fails to give timely, advance notice when the need for Family and Medical Leave is foreseeable, the City may delay the taking of Family and Medical Leave until 30 days after the date the employee provides notice to the employer of the need for Family and Medical Leave.

If an employee fails to provide, in a timely manner, a requested medical certification to substantiate the need for Family and Medical Leave due to a serious health condition, the City may delay continuation of Family and Medical Leave until an employee submits the certificate. If the employee never produces the certification, the leave is not designated as Family and Medical Leave.

If an employee fails to provide a requested fitness-for-duty certification to return to work, the City may delay restoration until the employee submits the certification.

M. Employee Benefits While on Family Medical Leave

During periods of Family and Medical Leave, the City will continue to provide health insurance benefits at the employee rate. If premiums are current, the City will maintain health insurance benefits during periods of unpaid leave without interruption. Any payment for premiums or other payroll deductible insurance policies must be paid by the employee or the benefits may be terminated. The City is obligated to reinstate benefits upon an employee's return to work.

The City has the right to recover from the employee all health insurance premiums paid during the unpaid leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job because of their own serious health condition, or because of the continued necessity of caring for a seriously ill family member, may be exempt from this recapture provision at the City's discretion.

Family and Medical Leave under this policy does not constitute a qualifying event that entitles an employee to Consolidated Omnibus Budget Reconstruction Act (COBRA) benefit; however, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not be returning to work. At that point, the employee ceases to be entitled to leave under this policy and may be offered COBRA.

N. Workers' Compensation While on Family Medical Leave

Workers' Compensation injury/illness meets the criteria for a serious health condition, therefore the workers' compensation absence and the Family and Medical Leave entitlement will run concurrently.

O. When Family and Medical Leave is Exhausted/Expires

When an employee has exhausted his/her Family and Medical Leave entitlement, the employee's right to job restoration and continuation of benefits have been met for this FML period. The City, at the discretion of the Mayor, may place the employee in a leave without pay status.

If the employee no longer has accumulated leave to cover the Family and Medical Leave absences, the employee will be placed in a leave without pay status. If the employee is still eligible for Family and Medical Leave, the employee will be placed in a leave without pay status and continue to be covered by the benefits of the Family and Medical Leave Act.

P. Secondary Employment during FMLA Leave

An employee who engages in other employment or engages in business for himself or herself while on FMLA leave may be subject to disciplinary action up to and including termination unless written authorization has been granted prior to the commencement of the leave or immediately following the commencement of any unplanned period of leave.

8.27 HANDLING LEAVE IN CASE OF DEATH

In the event an employee dies while actively employed by the city, pay will be handled in the following manner:

- A. A regular paycheck will be paid for the pay period in which the death occurs and for the following pay period.
- B. Accrued but unused vacation and/or compensatory time will be paid in a lump sum along with the final paycheck.
- C. Payment will be made to the employee's spouse, if any. Otherwise, payment will be made to the beneficiary or beneficiaries listed for the city's group term life policy, unless a court of law requires payment be made to the estate of the deceased employee.

The spouse or family representative should be referred to the Personnel Department to discuss other pension and insurance benefits.

8.28 LEAVE WITHOUT PAY

A regular employee who is in good standing and rendering satisfactory service may be granted a leave of absence without pay for a period not to exceed one (1) year for sickness, disability, or for other good and sufficient reasons which are considered to be controlling or in the best interests of the City. Such leave must be requested in writing and shall require the prior approval of the employee's immediate supervisor, the Department Director, Personnel Director and the Mayor. A regular employee may be granted a leave without pay for a period not in excess of fifteen (15) calendar days in any one (1) calendar year upon prior approval of the Department Director.

- A. Except under unusual circumstances, voluntary separation from the City Service in order to accept employment not in the City Service shall not be considered as sufficient reason for approval of a request for leave of absence without pay.
- B. If for any reason leave of absence without pay is given, such leave of absence may subsequently be withdrawn by the Mayor and the employee recalled to service.

C. Any employee, who requests a leave of absence without pay for personal reasons, such as a protracted illness extending beyond sick leave coverage, personal business, or travel, shall submit the request in writing to the Mayor, stating the reason for the request, the preferred date for the start of the leave, and the probable date of return.

D. Such leave shall not be approved unless the employee has exhausted all vacation leave, and in cases of extended illness, all sick leave.

E. Employees on leave without pay shall make arrangements with the Personnel Department to continue their health insurance coverage. The employee must pay the full cost of these benefits during the leave period.

8.29 SPECIAL LEAVE WITHOUT PAY

Regular employees may be granted a Special Leave Without Pay. Special Leave without pay may be granted to an employee who has satisfactorily completed an initial probationary period in City service may be granted special leave for a period not to exceed one (1) year.

A. Requesting Special Leave

Special leave must be requested in writing and be approved in advance by the Mayor, Personnel Director and Department Director. This approval must be submitted to the Director of Personnel as a matter of record.

B. Restoration Rights

The granting of special leave gives the employee the right to return to his position in accordance with the provisions of the written approval granted by the Mayor, Personnel Director and Department Director.

C. General Examples for Which Special Leave May Be Granted

1. Extended Illness - An employee ordinarily exhausts all accumulated sick and vacation before going on special leave in this situation. If the Department Director agrees, an employee may go on special leave and retain accumulated sick and vacation.
2. Vacation - An employee may be granted special leave for vacation purposes.
3. Maternity Leave - Special leave may be used during a maternity absence.
4. Seasonal - Seasonal leave is an enforced leave of absence without pay during a recess period from a permanent position which does not require the services of an employee for the entire year.

D. Accounting for Special Leave

In determining the beginning date for Special Leave, the effective date will be the date that the employee is without pay for the major portion of the day.

E. Returning from Special Leave

Immediate notification to the Director of Personnel is required in the form of a letter in order to reactivate on payroll an employee returning from extended special leave. Employees failing to return three (3) days after the end of an approved special leave period shall be considered to have resigned in accordance with City rules and regulations.

F. Effect on Probationary Period, Service and Salary Increases

An employee who is on special leave for more than 50% of a calendar month does not accumulate a day of sick or a day of vacation for that month. The expiration date of the probationary period and the anniversary date for service and salary will be changed accordingly.

G. Leave Without Pay

If the employee is on LWOP, the employee must pay 100% of his/her insurance premiums unless LWOP is in conjunction with Family and Medical Leave Act, then the employee is responsible for their regular portion.

8.30 TIME ACCOUNTABILITY

Time records are maintained to a quarter hour.

A. Recording tardiness when fifteen (15) minutes or less:

1. Nine (9) minutes or less, employee only subject to appropriate disciplinary measures.
2. Ten (10) through fifteen (15) minutes, deduct quarter hour from time record plus appropriate disciplinary measure.

B. Recording overtime when fifteen (15) minutes or less:

1. Nine (9) minutes or less, insignificant.
2. Ten (10) through fifteen (15) minutes, pay for quarter hour.

8.31 SERVICE CREDIT

A. Continuous Service

The time an employee works for the City of Bartlett without a break-in-service of one (1) year or more.

B. Break-In-Service (Effect on Employee Benefits)

Any person who is reemployed by the City of Bartlett after a break-in-service of one (1) year or more shall be considered as a new employee concerning the accumulation of employee benefits including, but not limited to, leave and seniority.

The period of "continuous service" is significant in determining eligibility for earning leave, longevity pay and pension service credit. Since temporary and part-time employees are not eligible for benefits, the only date of concern for them is their **EMPLOYMENT DATE**. This designated date means exactly what it says...the date of employment....regardless of the status of the employee.

C. Service Date (or Adjusted Service Date)

The employee's service date/adjusted service date is more important since this is the date upon which an employee's eligibility to earn benefits and leave is based (excluding pension). This date does not include a period of temporary or part-time service and may be adjusted due to a break in service.

D. Pension Service Date

The pension service date is the date upon which pension service is calculated for pension benefits and does not include any month in which no contribution is made to the pension system, or any break in service that resulted in a refund of pension contributions to an employee.

8.32 EMPLOYMENT DURING LEAVES OF ABSENCE

An employee who is on an approved leave of absence, including but not limited to, sick leave, FMLA leave, administrative leave, workers' compensation leave, maternity leave and leave without pay are prohibited from engaging in secondary employment or in self-employment unless written authorization has been granted prior to the commencement of the leave of absence or immediately following the commencement of any unplanned period of leave.

An employee who engages in other employment or engages in business for himself or herself while on a leave of absence may be subject to disciplinary action up to and including termination unless written authorization has been

granted prior to the commencement of the leave of absence or immediately following the commencement of any unplanned period of leave.

The above limitations specifically do not apply to any employee's use of vacation or absence resulting from a temporary reduction in force.

CHAPTER 9: CONDUCT

9.1 CONDUCT

It is the policy of the City of Bartlett that every employee will support the Constitution of the United States and the State of Tennessee and the Charter and Code of Ordinances of the City of Bartlett, and will faithfully discharge their duties with integrity and honesty.

Obviously these rules cannot cover all aspects of conduct, but any conduct that falls below the traditional standards for employees of this City shall be subject to the same disciplinary actions, ranging from an oral reprimand to immediate discharge.

9.2 PURPOSE

The purpose of the City of Bartlett's Employee Code of Conduct is to provide a basis for the proper discharge of duties and responsibilities of all employees. In order to further this purpose, certain ethical principles shall govern the conduct of all employees of the City.

9.3 RESPONSIBILITIES OF PUBLIC SERVICE

Employees of the City of Bartlett are expected to maintain high standards of morality and trust and are expected to faithfully discharge their duties. All City employees are employees at will.

9.4 DEDICATED SERVICE

- A. Employees should maintain good communication with all citizens and fellow employees. They should emphasize friendly and courteous service to the public, and seek to improve the quality and image of the public service.
- B. Employees should be dedicated to the objectives adopted by the City and the programs developed to attain those objectives.
- C. Employees should not exceed their authority, make false or reckless official statements, breach the law or ask others to do so. They should work as team members in full cooperation with other employees.
- D. Employees should give effort and thought to the performance of their duties and seek efficient and effective ways to deliver municipal services to all citizens. The effectiveness of these rules depends on the employee, and the employee's full cooperation is required.

E. Employees should retain a willing desire to competently serve the citizens; always endeavoring to be courteous, responsive, and cooperative.

F. Employees should practice respect and regard for each other as a personal work ethic.

9.5 PROHIBITED ACTS

The following acts are prohibited (Note – This list is not intended to be all inclusive):

1. Disclosure of Confidential Information – Employees shall not, unless required by law, disclose confidential information concerning the property, government, or affairs of the City.
2. Gifts and Favors – Employees shall not accept any valuable gifts or service(s) from any person, firm, or corporation which may be engaged or interested in business dealings with the City; nor shall any employee: (1) accept any gift, favor, or thing of value that may tend to influence them in the discharge of their duties; or (2) grant, in the discharge of their duties, any improper favor, service, or thing of value.
3. Representing Private Business Interests – Employees whose salaries are paid in whole or in part by the City shall not appear in behalf of private business interests before any agency of the City. They shall not accept a retainer or other compensation that is contingent upon a specific action by a City agency.
4. Contracts with the City – Any employee, who has a financial interest in any business entity, transaction, or contract with the City, or in the sale of real estate, materials, supplies, or services to the City, shall make such interest known to the Mayor.
5. Special Treatment – Employees shall not grant any special considerations, treatment, or advantage to any citizen.
6. Use of City Owned Vehicles, Equipment, etc. - Employees shall not request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally.
7. Personnel Policies – Employees are expected to be familiar with the City's Personnel Policies and Administrative Procedures and perform in accordance with rules and regulations established by their respective Departments.

8. Damaging City or Fellow Employee's Property – Intentionally or unintentionally damaging property belonging to fellow employee or the City.
9. Being under the Influence – Unauthorized possession of narcotics or hallucinatory drugs of any kind, alcoholic beverages, and/or other unlawful drugs, or bringing same while on duty onto City property. Having the odor of an alcoholic beverage on his/her breath while on duty, or reporting for duty, being under the influence of alcohol and/or drugs.
10. Insubordination – Insubordination including:
 - a. Refusal or failure to perform work assigned unless upon a good and sufficient showing that such assignment requires illegal, unethical, or unnecessarily dangerous measures to be taken by the employee, or;
 - b. The use of profane or abusive language to or about fellow employees, supervisors, subordinates, citizens or officers of the City.
11. Negligence or Carelessness – Negligence or carelessness in the performance of duties.
12. Loafing, Sleeping or Gambling – Loafing, sleeping or giving the appearance of sleep while on duty, gambling on City premises or gambling while on duty.
13. Fighting – Fighting, threatening or attempting bodily injury to another City employee or citizen. (Not in the performance of duty.)
14. Solicitation of Employees – Solicitation of employees by other employees or persons not employed by the City on City premises without prior approval of the Mayor or Department Director is prohibited.
15. Personal Use of City Supplies – Making personal use of City supplies or property, or removing any item from any department without approval of the Department Director.
16. Falsifying Records – Falsifying records of employee's working time or that of another employee for personal gain. Falsifying records or presenting fraudulent documents or claims.
17. Tardiness or Absenteeism – Excessive tardiness or absenteeism from one's assigned work location.

18. Poor Moral Character – Showing lack of good moral character as defined by community standards.
19. Weapons on City Property – Employees will not bring firearms or other lethal weapons on City property without permission, unless they are required in the line of duty.
20. Disloyalty – Disloyalty to the City such as unsolicited or unsubstantiated uncomplimentary remarks about the City or its personnel or publicly criticizing the official action of a superior.
21. Inefficiency or Incompetence – Inefficiency or incompetency in the performance of duties.
22. Carelessness – Careless, negligent, or improper use of City property or equipment.
23. Harmonious Work Relations – Failure to maintain satisfactory and harmonious working relationships with the public and employees.
24. Driver's License and Professional Certifications, etc. – Failure to obtain or maintain a current license or certificate as required by law or as a condition for performing the job.
25. Gross Misconduct – Guilty of gross misconduct or conduct unbecoming a City employee and/or detrimental to the reputation of the Department or City.
26. Conviction – Conviction of a felony or any criminal offense, conviction of a misdemeanor involving moral turpitude, or the theft of City or other employee's property.
27. Misappropriation of City Funds – Willful abuse or misappropriation of City funds, materials, property, or equipment.
28. False Statements or Fraud – Falsification, fraud or omission of information on the employment application or other documents used in applying for a position or during the course of any investigation.
29. Disrupting Normal Agency Operations – Participation in any action that would in any way seriously disrupt or disturb the normal operation of the agency, institution, department or any other segment of City government.

30. Trespassing – Trespassing on the property of any City official or employee for the purpose of harassing or forcing dialogue or discussion from the occupants.
31. Destruction of Property – Willful damage or destruction of property.
32. Endangering the Lives of Others – Willful acts that would endanger the lives or property of others.
33. Workplace Violence – Brutality or excessive force in the performance of duties.
34. Leaking Confidential Information – Betrayal of confidential information from official records.
35. Injury Report – Failure to report injury to supervisor.
36. Truthfulness – making false or misleading statements (Lying).
37. Bribes – Employees are prohibited from receiving, accepting, or soliciting a bribe.
38. Political Activity – Political activity prohibited by TCA Title 2, Chapter 19 (The Little Hatch Act).
39. Failure to report to proper authority, any member or employee who may be guilty of violating any City or Departmental policy, order, rule, regulation or procedure.
40. Use of undue influence to gain, or attempt to gain promotion, leave, favorable assignment or other individual benefit or advantage.
41. Unauthorized or improper use of any type of leave or abuse of meal and rest periods.
42. Other acts, which will bring discredit upon the City or Department.

9.6 UNAUTHORIZED USE OF TIME, FACILITIES, AND SUPPLIES

No employee in the City shall use or authorize the use of municipal time, facilities, equipment or supplies for private gain or advantage to himself or any other private persons or group.

9.7 STANDARDS OF COOPERATION

It shall be the duty of each employee to maintain high standards of cooperation, efficiency and economy in his work for the City. Department Directors and supervisors shall organize and direct the work of their units to achieve these objectives. When work habits, attitude, production, or personal conduct of an employee falls below a desirable standard, supervisors should point out the deficiency at the time it is observed. Warning in sufficient time for improvement should precede formal disciplinary action, but nothing in this section shall prevent immediate formal action whenever the interest of the City requires it.

9.8 PRIVATE PURCHASES

No employee of the City shall make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. 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 within the City of Bartlett generally, 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 other person, or for any other consideration.

9.9 GRATUITIES

No employee of the City shall accept, directly or indirectly, any money, gift, gratuity or favor, preferred services, benefits, concessions or considerations of any kind from any person or company other than the City of Bartlett which might reasonably be interpreted as an attempt to influence action with respect to City business.

9.10 FINANCIAL INTEREST

Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any employee of the City to be privately interested in, have any financial interests in, or to profit, directly or indirectly from any business dealings with the City of Bartlett; to have any financial interests in the profits of any contract, service, or other work performed by the City; to personally profit directly or indirectly from any contract, purchase, sale, or service between the City 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.

Any employee who violates the provisions of this Section shall be guilty of misconduct in his service and subject to immediate discipline.

9.11 ABSENTEEISM

Absenteeism refers to habitual absences from the work place. Employees who are frequently away from their duty assignments cause an undue burden on the department as other co-workers must assume additional duties and responsibilities in order to provide services to the citizens. In order to address chronic absenteeism, all administrative remedies are available up to and including termination or deferral of pay increases.

Any employee who is absent for three (3) consecutive days other than for approved or official leave and does not contact their immediate supervisor prior to the expiration date of the three (3) days will be considered as having resigned and abandoned the job and will be terminated.

9.12 ABUSE OF SICK LEAVE

Discovery of abuse of sick leave will result in disciplinary action. Suspension or termination will depend upon individual circumstances and past attendance patterns.

9.13 TARDINESS

Tardiness includes not only failure to arrive and depart at the specified work hours, but also considers the time in which an employee arrives back on the job following breaks and lunch periods. Any employee reporting late for work or late from breaks and lunch periods is subject to disciplinary action. Habitual tardiness may result in more severe disciplinary action up to and including termination.

CHAPTER 10: ALCOHOL AND SUBSTANCE ABUSE POLICY

10.1 BACKGROUND

The City of Bartlett has a legal responsibility and management obligation to ensure a safe work environment, as well as paramount interest in protecting the public by ensuring that employees are mentally, physically and emotionally fit to perform their assigned duties. The City and the employee could be found liable if the City fails to assure that employees can perform their duties without endangering themselves, other employees or the public.

There is sufficient evidence to conclude that the use of illegal or banned substances, including drugs or those substances that create the same effect as those drugs; the abuse of prescription medications, including the mixing of similar medications; the illegal use or abuse of alcohol; or drug or alcohol dependence; can impair an employee's performance and general physical and mental health.

10.2 POLICY

The possession and/or use of illegal drugs or the excessive use of alcohol by an employee of the City of Bartlett is a crime in this jurisdiction and clearly unacceptable. Therefore, the City of Bartlett has adopted this written policy to ensure an employee's fitness for duty as a condition of his/her employment. All City employees are employees at will.

A. City employees shall not take or be under the influence of any drug or dangerous substance unless prescribed by the employee's licensed physician. An employee who is required to take prescription medicine that may limit their ability to perform any assigned job task shall notify their immediate supervisor of the medication prescribed and the duration of time the employee is expected to be taking the medication.

Such notification is of special importance for Fire and EMS personnel, Law Enforcement personnel (including jailers and dispatchers) and any employee assigned to drive a city vehicle or equipment. Failure to notify is a violation of this policy and the employee is subject to disciplinary action, up to and including termination.

B. City employees are prohibited from the use, possession, manufacture, distribution, and/or sale of drugs, or any other controlled substance on or off the job. Any violation will be subject to disciplinary action as set forth in #10.12 and 10.13 of this section.

C. Any City employee who has reason to believe that another employee is using illegal drugs, abusing alcohol or prescription drugs, or illegally in possession of drugs or alcohol shall report the facts to management immediately. Failure to do so is a violation of this policy and is subject to disciplinary action up to and including termination.

D. Any employee convicted of an off-duty drug or alcohol-related crime will be deemed to be in violation of this policy and subject to disciplinary action up to and including termination.

E. The City will comply with current published regulations of the U.S. Department of Transportation as they relate to employees licensed to operate vehicles or equipment with a loaded capacity of 26,000 lbs. or more.

F. All property belonging to the municipality including computers is subject to inspection at any time without notice as there is no expectation of privacy in such property.

1. Property includes, but is not limited to, vehicles, desks, containers, files, and storage lockers.
2. Employees assigned lockers (that are locked by the employee) are also subject to inspection by the employee's supervisor after reasonable advance notice (unless waived by the Mayor or Chief Administrative Officer) and in the presence of the employee.

G. As a condition of continued employment with the City, all employees must abide by the City's policy and notify their immediate supervisor of any criminal drug statute convictions within five (5) work days after such conviction. The City, in turn, is required to inform any granting or contracting agency within ten (10) work days of such notification, if applicable.

H. Failure to comply with the provisions or intent of this policy will be grounds for disciplinary action up to and including termination. Certain employees may be required to complete an approved employee assistance or rehabilitation program.

K. The City shall provide written notice of its Alcohol and Substance Abuse Policy to all employees.

10.3 DRUG TESTING

It is the City's policy to require a drug test in the following situations:

1. New Employee (Post job offer test).
2. Random under U.S. DOT regulations.
3. Random with approval by the Mayor.

4. When an employee is involved in an at-fault vehicle or equipment accident while in the course of work for the City.
5. When the Department Director determines there is reasonable suspicion or reasonable cause to warrant testing.

10.4 DRUGS & ALCOHOL SCREENING SUBSTANCES

When drug and alcohol screening is required under the provisions of this policy, a urinalysis test will be given to detect the presence of the drug groups listed below, and alcohol will be tested for using a DOT-approved evidential breath testing instrument. Following DOT Testing rules, having a blood alcohol concentration (BAC) of 0.04% or greater will be considered as a level that is positive. This provided list is not intended as an exhaustive inventory of every drug for which an employee can be tested. The selection of drugs subject to testing will be based on the ability of each drug to affect job performance and on known abuse in the community, which can include but is not limited to:

1. Alcohol
2. Amphetamines
3. Barbiturates
4. Benzodiazepines
5. Buprenorphine
6. Cocaine
7. Marijuana
8. Methadone
9. Opiates / Opioids
10. Oxycodone
11. Phencyclidine
12. Other illegal substances, as requested by the City

10.5 VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL USE

No disciplinary action may be taken pursuant to this drug policy against employees other than a Fire, EMS, Law Enforcement (including jailer and dispatcher), water safety employee, or classroom instructors who voluntarily identify themselves as drug or alcohol abusers, obtain counseling and rehabilitation through the City of Bartlett's Employee Assistance Program or other program sanctioned by the City of Bartlett, and after that refrain from violating the City of Bartlett's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for violating the City of Bartlett personnel policies and procedures outside of what is being disclosed.

For Fire, EMS, Law Enforcement (including jailer and dispatcher), water safety employees, and classroom instructors, no disciplinary action may be taken pursuant to this drug policy against such employees who voluntarily identify themselves as prescription drug or alcohol abusers, obtain counseling and rehabilitation through the

City of Bartlett's Employee Assistance Program or other program sanctioned by the City of Bartlett, and after that refrain from violating the City of Bartlett's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for violating the City of Bartlett personnel policies and procedures outside of what is being disclosed.

These provisions apply to voluntary disclosure of a substance abuse problem by any employee of the City of Bartlett. The voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test. An employee with a positive, confirmed test for drugs or alcohol is subject to disciplinary action up to and including termination of employment. Voluntary disclosure provisions do not apply to applicants.

Leave for substance abuse treatment will be counted as family and medical leave to the extent the employee is eligible for such leave. Employees not eligible for FMLA leave are entitled to an unpaid leave of up to thirty (30) consecutive calendar days for substance abuse treatment. The employee must first exhaust all vacation, sick, and compensatory time available.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the City of Bartlett's substance abuse professional. The substance abuse professional may suggest conditions of reinstatement of the employee, including after-care and return-to-duty and /or random drug and alcohol testing requirements. The Department Director and Personnel Director of the City of Bartlett will consider each case individually and set forth final reinstatement conditions to active duty. The employee must meet these conditions of reinstatement.

Failure to complete treatment, follow-up care conditions, or the failure of any drug or alcohol screening required by the City of Bartlett or the care provider will result in disciplinary action, including termination of employment. Applicants for all employment classes with the City will be required to undergo a drug screening upon the offer of employment.

Employees are allowed one (1) instance of Voluntary Disclosure during their employment with the City.

10.6 CONSENT

All applicants for employment with the City of Bartlett are made aware of required drug testing by a statement on the application form, and the applicant acknowledges understanding when signing the application. Before a drug screening is administered, employees and job applicants are asked to sign a consent form at the test site authorizing the test and permitting the release of test results to those City officials with a need to know. The consent form shall also provide space for

employees and applicants to indicate current or recent use of prescription or over-the-counter medication.

10.7 JOB APPLICANT TESTING: GENERAL STANDARD

Applicants for all classes of employment with the City will be required to undergo a drug screening upon the offer of employment and prior to their final appointment.

10.8 EMPLOYEE TESTING: REASONABLE SUSPICION

The City may require a current City employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during working hours, or there is reasonable information that the employee is involved in illegal drug use, prescription drug abuse, or excessive use of alcohol off the job.

Reasonable suspicion means a belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol on the job or abusing drugs or alcohol off the job. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

1. A pattern of abnormal or erratic behavior;
2. Information provided by a reliable and credible source;
3. A work-related accident;
4. Direct observation of drug or alcohol use; or
5. Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).

Supervisors are required to detail in writing, the specific facts, symptoms, or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate Department Director or designated alternate.

10.9 REFUSAL TO CONSENT: APPLICANT

A job applicant who refuses to consent to a drug screening will be denied employment with the City.

10.10 REFUSAL TO CONSENT: EMPLOYEES

An employee who refuses to consent to, or unnecessarily postpones a drug and/or alcohol test when reasonable suspicion of drug or alcohol use has been identified, is subject to disciplinary action up to and including termination. The reason(s) for the

refusal or delay shall be considered in determining the appropriate disciplinary action, if any.

10.11 CONFIRMATION OF TEST RESULTS

When an employee or job applicant's drug test yields a positive result, the testing agency shall administer a second test using a gas chromatography/mass spectrometry test. The second test shall use a portion of the same test sample provided by the employee or applicant for use in the first test.

If the second test is confirmed as a positive test result by the Medical Review Officer (MRO), the employee or applicant shall be notified of the results by the testing agency or appropriate Department Director or designated alternate after confirmation from the Medical Review Officer. The individual will be made aware of the particular substance found and its concentration level.

10.12 CONSEQUENCES OF A CONFIRMING POSITIVE TEST RESULT: JOB APPLICANTS

Job applicants will be denied employment with the City if their initial positive test results have been confirmed by a second test. Applicants shall be informed if they are rejected on the basis of confirmed positive drug test results.

10.13 CONSEQUENCES OF A CONFIRMING POSITIVE TEST RESULT: CURRENT EMPLOYEES

If a current employee's positive test result has been confirmed by the second test, the employee is subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include: the employee's job assignment, work history, length of employment, current job performance, and record of prior disciplinary action.

10.14 THE RIGHT TO A HEARING

If an employee's positive test results have been confirmed, the employee is entitled to a departmental administrative hearing before any disciplinary action is finalized. The employee may have legal representation present, but the representative will not be allowed to participate during this administrative process.

If disciplinary action is taken, the employee can appeal any action taken as a result of a drug/alcohol test to the City's Grievance Review Board. This appeal must be made in writing to the Mayor or Personnel Director within five (5) workdays of receiving notice of the discipline. Employees may be represented by legal counsel, present evidence and witnesses on their behalf, and confront and cross-examine the evidence and witnesses used against them. The time limitations for scheduling a

Review Board hearing and the rendering of a written decision by the Board are set forth in Chapter 13, Complaint and Grievance Procedures, in this Personnel Policy.

10.15 MANDATORY EMPLOYEE ASSISTANCE PROGRAM REFERRAL

- A. Upon the first confirmed determination that an employee, other than a Fire, EMS, Law Enforcement (including jailer and dispatcher), water safety employee, or classroom instructor, has tested positive for drugs and alcohol, the City shall refer the employee to an Employee Assistance Program (EAP) for assessment, counseling, and rehabilitation. The employee is expected to cooperate fully with the EAP and complete the program recommended by the EAP.
- B. Failure to report to the EAP, failure to cooperate, or the failure of a subsequent drug or alcohol test while employed by the City will be grounds for termination.
- C. Employees attending counseling and rehabilitation may take sick leave, vacation, compensatory time, or be given a leave of absence without pay.
- D. Employees assigned to drive City equipment or a City vehicle will be removed from driving status, even if such requires a position and/or pay downgrade, and will be directed to the EAP for assessment.
- E. There will be no second referral to the Employee Assistance Program because of positive drug or alcohol tests.

10.16 CONFIDENTIALITY OF TEST RESULTS

All information from an employee's or applicant's drug and alcohol test is confidential and only those individuals with a need to know are to be informed of test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant. The results of a positive drug test shall not be released until the results are confirmed by the second test. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory.

10.17 LABORATORY TESTING REQUIREMENTS

All drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the City and shall be done by accredited laboratories certified by the National Institute on Drug Abuse (NIDA), an arm of the U. S. Department of Health and Human Services. Factors to be considered by the City in selecting a testing facility include:

- A. Testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering; methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results;
- B. Chain-of-Custody procedures which ensure proper identification, labeling, and handling of test samples; and
- C. Retention and storage procedures which ensure reliable results on confirmatory test of original samples.

10.18 EXCEPTIONS

This policy does not apply to an employee's exposure or possession of alcohol and/or illegal drugs in the context of an authorized work assignment (i.e., police, fire or EMS duties, undercover law enforcement operations, intoxilyzer demonstrations, etc.). In all cases of exposure to illicit drugs or substances that may be harmful to an employee's health, the individual must report the incident to their Department Director, through their effective chain of command, and the City's Health and Safety Officer.

CHAPTER 11: EMPLOYEE TRAINING, DEVELOPMENT AND EVALUATION

11.1 POLICY

The Personnel Director is designated by the Mayor as the City's Training Officer to promote employee training and development. In order to accomplish this, cooperative arrangements may be made with public agencies and educational institutions in addition to using in-house resources.

11.2 TUITION ASSISTANCE

A. Tuition Assistance is a plan which offers the City's financial help to full-time employees who take courses which are work-related and which are likely to increase the employee's value to the City.

B. Tuition assistance is not available to employees on probationary status. This program is not intended to support a full-time course of study, but is designed to enhance the quality of work that the individual brings to the job. Tuition assistance is limited to \$750.00 per employee per fiscal year and may be applied only to tuition costs.

C. Tuition assistance is available to regular full-time employees when the following have been met:

1. The employee must request in writing and receive permission from the Department Director to enroll in a class approved by the Training Officer as being reimbursable.
2. Applications for tuition assistance may be secured from the Training Officer.
3. The employee attends a college or university accredited by the Southern Association of Colleges and Schools (SACS) or equivalent.
4. At the completion of the course, the employee submits to the Personnel Department proof that a grade of "C" or better has been received. If the employee fails to complete the course or makes a grade below "C" the employee will not receive the tuition assistance.
5. The employee must affirm that no reimbursement has been received for this educational training by any other funding source.
6. Employees who are approved to take adult basic education courses or other job-related courses which result in only a pass or fail designation rather than a grade (A to F) may be eligible for a fifty percent (50%) cost reimbursement up to \$150.00 during any fiscal year (July 1 - June 30).
7. Employees who, with appropriate approvals, are scheduled to test or interview for promotional opportunities within the City or who are

scheduled to attend work-related programs, i.e., workshops, seminars, conferences, will be granted time off with pay for such purposes.

11.3 PARAMEDIC PROGRAM ASSISTANCE

- A. The City agrees to pay the cost of tuition and books necessary for firefighters to attend a Paramedic program necessary to obtain a State of Tennessee Paramedic license, with the express written approval of the Mayor, Fire Chief and the Personnel Director of the City of Bartlett. Such cost shall not exceed \$8,000. Funding of tuition and books will be payable to the educational institution.
- B. In consideration of such payments, employees agree to take all actions necessary to obtain a State of Tennessee Paramedic license within twelve (12) months of completion of the Paramedic program and clinical. Should an employee fail to obtain a Paramedic license within said time period, the employee agrees to reimburse the City for all tuition and other expenses paid by the City related to the employee's participation in the Paramedic program not less than sixty days (60) from the date of the notice from the City seeking reimbursement.
- C. Upon receiving a State of Tennessee Paramedic license, the employee seeking tuition assistance will be assigned to a Bartlett Fire Department Ambulance for 6 months to obtain the necessary training and experience.
- D. The Fire Department Administration reserves the right to transfer said applicant requesting funding to the Medical Division should personnel staffing needs arise after State of Tennessee Paramedic license has been obtained. Transfer to the Medical Division would be accommodated with Paramedic/Firefighter salary paygrade.
- E. In consideration of such payments, the employee agrees that, should the employee's employment with the City terminate for any reason within four (4) years from the date of issuance of the State of Tennessee Paramedic license, the employee shall reimburse the City for all tuition and other expenses paid by the City related to the employee's participation in the paramedic program, not less than sixty days (60) from the date of the notice from the City seeking reimbursement.
- F. Should it become necessary for the City to initiate legal action to enforce the terms of this arrangement, the employee agrees to pay any cost and expenses incurred by the City in connection with said lawsuit, including but not limited to reasonable attorney's fees.

- G. The employee must indicate that he/she understands the terms and conditions surrounding the Paramedic training; and the employee executed the agreement voluntarily and with full knowledge of its significance.

11.4 PERFORMANCE EVALUATION PROGRAM

The Personnel Director shall administer a program to evaluate the work performance of City employees. Each Department Director is responsible for ensuring that employee evaluations are conducted timely and in a manner prescribed by the Personnel Director. The Personnel Director shall periodically monitor employee evaluations with regard to clarity of job expectations, the review of accomplishments and deficiencies, the planning of future performance and development efforts, and examining patterns in employee performance by department. Performance evaluation of Department Directors and other administrative employees who answer directly to the Mayor shall be conducted by the Mayor.

A. Frequency of Assessments

A Performance Evaluation shall be conducted for each full-time employee at least once each fiscal year. Normally the evaluations will take place one (1) month prior to the end of the calendar year. The Department Director has discretionary authority to conduct other evaluations during the year, as may be necessary, due to repeated problems in an employee's job performance, promotional considerations, lay-offs or other circumstances which may warrant a special evaluation. The evaluation of new employees in the Police and Fire Departments are conducted by departmental policy.

B. Processing of Employee Evaluations

The processing of Employee Performance Evaluations is directly related to salary increases. Employees are required to sign their evaluation forms. The employee's signature will not be an indication of whether or not the employee agrees or disagrees with the evaluation; rather, it will indicate that the evaluation has been discussed with the employee. Processing of the evaluation form will not be completed until the employee has signed it. In situations when an employee adamantly refuses to sign the evaluation form, it is suggested that the supervisor obtain an impartial witness, or a co-worker of the employee, to initial the form for the reason stated above.

C. Probationary Evaluations

Performance evaluations may be conducted and discussed with the probationary employee each month during the employee's probationary period. The purpose of Probationary Evaluations is to assist the new employee in adjusting to the job, to advise the employee of any problem areas, and to formulate strategies to enhance the employee's performance. New employees in probationary employee status do not have the right to appeal administrative decisions concerning their employment. This subsection does not alter provisions of the Charter or these Personnel Policies with respect to an employee's eligibility to utilize the City's Complaint and Grievance provisions set forth in Section I3 herein.

D. Employee Comments

All employees, whether full-time or probationary, are encouraged to make comments regarding their respective evaluations. An employee may attach a separate page of comments to the evaluation form. This will become a part of the overall evaluation.

CHAPTER 12: CORRECTIVE AND DISCIPLINARY PROCEDURES

12.1 POLICY

It is the policy of the City to act with integrity, fairness, and justice toward each employee and each employee is expected to comply with instructions and established policies, procedures, standards, and rules of the City and his Department. All City employees are employees at will.

The term discipline is not synonymous with the term punishment. Discipline is a state of control or self-control. It is any training instruction, direction or other action which is designed to improve or modify behavior or performance. Discipline can be achieved without punishment. A person can be self-disciplined through past experience or background. He can achieve discipline through personal observation, self-criticism, learning or merely maintaining self-control, all of this without punishing oneself. Correction and evaluation are other methods of achieving discipline.

Discipline is the responsibility of a supervisor, and he should keep in mind that as a supervisor he is judged by the methods he uses to achieve discipline, through the fairness, discretion, and judgment he exercises. When an employee demonstrates a lack of discipline or his performance, attitude, work habits, or personal conduct falls below a desirable level, supervisors shall inform the employee promptly of such lapses and give counsel and assistance, and if appropriate and justified, allow a reasonable time for improvements before initiating disciplinary action. In some instances immediate, severe and /or progressive disciplinary action may be justified. While the City may elect to follow its progressive discipline procedure, the City is in no way obligated to do so. Using progressive discipline is at the sole discretion of the City of Bartlett in an employment at will workplace.

12.2 CORRECTIVE AND DISCIPLINARY ACTION

It shall be a City goal to maintain professional standards of conduct for employees while remaining responsive to all citizens. The philosophy of the City is to utilize corrective action or counseling techniques whenever possible and practical to train or habilitate employees. Imposition of disciplinary actions becomes necessary when such corrective actions or counseling fails to rectify improper action(s) or when an employee commits a pronounced deviation from standards set forth in the City's Policy Manual, or Departmental Procedures, instruction, standards or rules.

Corrective actions do not affect pay or status and are imposed to correct an employee's job performance.

Disciplinary actions are those actions which may affect pay or status and are imposed to admonish an employee for actions which are harmful to the best interest of the City

or Department, or for failure to improve performance or conduct, following imposition of corrective action(s).

A. Corrective Action

The severity of any corrective action imposed shall be consistent with the matter requiring correction and shall consist of either formal or informal counseling. Note: Counseling is a formal or informal supervisory guidance especially conceived and offered to the designated employee to improve performance and avoid the need for further disciplinary measures. Although, informal counseling may ordinarily precede formal counseling, the appropriate choice is that of the supervisor concerned.

1. Informal Counseling - Informal counseling consists of a meeting between a supervisor and the concerned employee regarding a matter which could evolve into a disciplinary action. The supervisor shall explain in detail the reason for such corrective action and indicate the required conduct or performance expected, or the action(s) necessary to correct weakness. Informal counseling is not to be recorded in the employee's personnel record, however, supervisors are encouraged to retain supervisory notes on such informal actions, in the event such conduct reoccurs and for the purpose of later evaluating the employee's performance.
2. Formal Counseling - Formal counseling is recorded guidance concerning deviations from City or Department standards that necessitated the counseling session, what the supervisor expects of the employee, and a time table to correct weaknesses established by the supervisor and conveyed to the concerned employee. This is the proper time to caution or remind the employee that disciplinary action may be necessary if conduct or deviations are not corrected. Applicable policies, rules, orders and procedures shall be discussed. Formal counseling requires a written and dated record that the counseling took place, to include a general statement as to the nature of the counseling. This shall be completed and signed by the supervisor and acknowledged by the employee's signature. Such record shall be placed in the employee's permanent personnel record and the employee shall be so informed and given a copy.

An employee who has received formal counseling shall have the privilege of discussing the action with the next level supervisor immediately above the issuing supervisor. The request must be in writing through the immediate supervisor within five (5) working days. The supervisor may waive the necessity of a written request. The discussion shall be an informal administrative action to ensure that

proper procedure has been followed in issuance of the recorded formal counseling.

B. Disciplinary Procedure

The decision to impose either corrective or disciplinary action shall be governed by the nature, severity and effect of the offense; the type and frequency of previous offenses; the period of time elapsed since a prior offensive act (if any); and consideration of extenuating circumstances. The supervisor, upon obtaining information which would indicate the possibility of administering corrective action or disciplinary action, shall attempt to verify the validity of the information or present mitigating evidence.

1. Supervisor's Responsibility - A supervisor who becomes aware of an alleged act of misconduct shall:
 - (a) Take appropriate action to prevent aggravation of incident;
 - (b) Conduct a preliminary investigation; and impose the appropriate corrective or disciplinary action if within the supervisor's authority.
 - (c) Prepare a written complaint to be forwarded to the Department Director if not within the supervisor's authority.

Exception: When the alleged misconduct is of a nature that the integrity of the investigation might be jeopardized by reducing the allegations in writing or notifying the concerned employee(s), then the supervisor shall orally report to the employee's Department Director who shall assume responsibility of the investigation. When immediate action is necessary and alleged misconduct is such that it may subject the City or Department to severe criticism or liability, the supervisor shall ensure that the Department Director is notified immediately.

2. Employee's Responsibility - When an employee who is not a supervisor becomes aware of possible misconduct by another employee of the Department, he shall immediately notify their supervisor.

If a corrective action is administered, the employee shall be advised in writing of the reason, the remedial actions to be taken and the consequence of failure to follow corrective instructions. The affected employee shall acknowledge receipt by signing the document. A copy of this notice shall be placed in the employee's personnel file in the Personnel Department Records Division.

If a disciplinary action is imposed, the employee shall be advised in writing of the nature of the offense, the disciplinary action being administered and, if appropriate, the corrective actions to be taken and the consequence of future violations. The action shall be entered in the employee's personnel file. The employee should

acknowledge receipt by signing the document. The employee's signature does not constitute agreement or an admission to the content of the document. If the employee refuses to sign the document the supervisor and a witness shall write and sign a notation of the employee's refusal on the document and shall furnish the employee a copy.

When an incident calls for the application of corrective or disciplinary action, the action shall be imposed only once for that incident. Further action may be imposed for any other subsequent incidents.

C. Administrative Advisory Board

Department Directors may create and utilize the service of an intra-departmental administrative advisory board to ensure proper application of the principles essential for the just and equitable treatment of all disciplinary matters.

D. Pre-disciplinary Action Hearing

Department Directors must provide employees an opportunity for a pre-disciplinary action hearing, either personally or through an Administrative Advisory Board, where they can explain their actions.

12.3 TYPES OF DISCIPLINARY ACTION

The following types of discipline are available, though not necessarily in the order outlined below.

The Mayor or Department Director shall impose, or cause to be imposed, one or a combination of the following formal disciplinary actions:

1. Oral reprimand/warning
2. Written Reprimand
3. Suspension without pay
4. Administrative Probation
5. Deferral of salary increases
6. Demotion for cause(s)
7. Dismissal - Disciplinary Termination

The supervisor is responsible for maintaining the proper performance level, conduct and discipline of the employees under their supervision.

12.4 ORAL REPRIMAND/WARNING

It is the responsibility of the immediate supervisor to recognize and handle disciplinary cases. Employees who violate a policy, procedure, rule, code of conduct, or other requirement of the City are subject to disciplinary action. A consultation between the employee and the supervisor is advised. It is the first step in the disciplinary procedure. This discussion, in which the supervisor tries to reach an understanding of the causes for the offense and to impress upon the employee the need for corrective action, is called an oral reprimand. It can eliminate misunderstandings immediately and set the desired standards of conduct and performance. The employee should be advised that the reprimand is a step in the disciplinary process and that it shall be documented in the employee's personnel file.

The supervisor will meet with the employee to:

1. Review with the employee exactly what is expected on the job and why.
2. Explain to the employee how he has not met requirements and why present conduct or performance is unacceptable.
3. Allow the employee to give reasons for his actions or failure.
4. Make suggestions for correction.
5. Have the employee restate what he thinks the agreed upon corrective measures are.
6. Record the date of the discussion and other necessary information for future reference.
7. Written follow-up to the discussion may be forwarded to the employee, but is not necessary. Written follow-up to an oral warning should not be construed as a written warning as described below and will not become part of the employee's official personnel file.

12.5 WRITTEN REPRIMAND

A. Should oral reprimands fail to achieve improved behavior, it is likely a written record is needed. This is called a written reprimand. In the interest of effective discipline, the Department Director or an immediate supervisor may issue an official formal written reprimand. A copy of the reprimand is sent to the Personnel Director and Mayor for approval before presenting to the employee.

B. The reprimand notice must state clearly that the employee is formally reprimanded, and that he may appeal the action within five (5) business days. It shall also include a complete statement of the specific violation and cite the specific reference number(s) and facts supporting the violation. When previous rehabilitative efforts, such as counseling or other actions have been taken such information shall be included as they are relative to the violation. The notice shall inform the employee of the action required for improvement and the consequences for failure to improve.

C. Supervisors who issue written reprimands are expected to discuss the reprimand with the employee and advise the employee that the document will be retained as a part of the employee's personnel file. After discussion, the employee should sign the document. The employee's signature will not indicate either agreement or disagreement with the document unless the employee specifically intends to do so; rather the signature merely indicate that the document has been discussed with the employee. The employee may submit a reply to the written reprimand if so desired.

If the employee, for any reason, refuses to sign, the supervisor will write "Refused to sign" and then the supervisor will sign and date the document. A witness signature shall be obtained for such a response.

D. A copy of the written reprimand shall be forwarded to the Personnel Director for placement in the employee's personnel file. The employee, the Department Director, and the employee's immediate supervisor shall receive copies of the written reprimand for their records.

E. Should any employee accumulate two (2) or more such reprimands during the same twelve (12) month period, the Department Director shall automatically cause a more severe type of disciplinary action to be imposed. The severity of such action, unless unusual or extenuating circumstances exist, shall consist of a suspension without pay, for a period of not less than one (1) working day for each written reprimand accumulated.

12.6 SUSPENSION WITHOUT PAY

A. General Rule

The City reserves the right to immediately suspend any employee whose conduct constitutes a danger to the employee or to others. Suspension is a severe disciplinary action through which an employee will suffer a loss in pay.

1. Upon recommendation to and approval by the Mayor, the Department Director may suspend an employee without pay, for a period commensurate to the severity of the performance problems. Notice of such suspension shall be in written form by the Department Director and shall state the grounds for the suspension and its duration. A copy of the notice shall be sent to the Personnel Director, Mayor and Supervisor, and a copy should be retained by the Department Director.
2. In the interest of effective discipline, the Department Director or in his absence, the Assistant Department Director, upon approval of the Personnel Director and the Mayor may suspend any employee without pay for any length of time up to thirty (30) working days,

provided the regulatory provisions are followed. An employee who is suspended shall be given notice of the reasons for the action and advised of his appeal rights and the procedure to follow. Suspensions without pay shall be governed as follows:

- (a) "Working Days" means days in which the employee would normally be scheduled for duty. Regular days off are not included in computing the period of suspension.
 - (b) A suspension without pay may be imposed in conjunction with an administrative probation.
 - (c) Employees placed on suspension without pay shall not be granted sick or holiday leave time off.
 - (d) Employees placed on suspension without pay shall not accrue the benefit of vacation or sick leave during the period of suspension. When the loss of fifty (50) percent or more of an employee's working days occur as a result of a suspension without pay during a monthly period, then the vacation and sick leave benefits shall not accrue for that period.
 - (e) If the suspension for disciplinary action is later found to be unwarranted, the employee shall be restored to his position and granted full retroactive loss of pay and benefits for the period of suspension.
 - (f) The right of appeal does not delay implementation of the suspension without pay.
3. During an investigation, hearing or trial of an employee on any criminal charge or when any civil action has been brought against said employee and when the Department Director determines that suspension would be in the best interest of the City or Department, an employee may be suspended without pay, or placed on leave-without pay, until the investigation, hearing or trial is concluded. **NOTE:** This suspension may be extended for a period in excess of thirty (30) working days.
4. An official suspension shall be regarded as an integral part of the employee's permanent personnel record, and will be maintained in the permanent personnel records of the City of Bartlett.

B. Immediate Suspension by a Supervisor

A Supervisor is vested with discretionary authority to immediately suspend an employee without pay for a period not to exceed three (3) days, pending review by the Department Director, Mayor and the Personnel Director. This review may result in suspension or termination. Such extreme disciplinary actions by the supervisor are to be used only when circumstances arise which cause the supervisor to believe that it is in the best interest of the City and/or the employee.

The following are examples of extreme conduct which may result in immediate suspension by a supervisor. This list is inclusive but not limited to:

1. Gross insubordination:
 - a. Refusing to obey instructions or to perform work as reasonably directed by a supervisor or other proper authority.
 - b. Malicious and intentional abuse or misuse of City equipment or property.
2. Reporting to work under the influence of alcohol, or the use of intoxicating beverages on company premises or job sites.
3. Reporting to work under the influence of drugs not prescribed by a physician, or the abuse of drugs, on City of Bartlett premises or job sites, including possession of drugs not prescribed for the employee by a licensed physician.
4. Intolerable Conduct:
 - a. Using threatening or abusive language to management or supervisory personnel.
 - b. Physical assault upon anyone.
 - c. Theft of City property or the property of other employees.
 - d. Gambling on work premises.
 - e. Distribution or sale of controlled drugs.
 - f. Carrying firearms, except as authorized by law.
5. Failure to comply with City Policy or any other regulatory procedures which impact employment or conditions of employment, inequitable assignment of job duties, or action which can be construed as causing the work environment to be a hardship on other employees.
6. Job Abandonment:
 - a. Absence without permission for three (3) consecutive work days.
 - b. Excessive occurrence of tardiness or unexcused absences.

An employee suspended from duty by a supervisor shall be notified in writing of the reason and the length of the suspension by the respective Department Director, and a copy of this letter shall be forwarded to the Personnel Director and the Department Director, if the suspension cannot be justified, the employee will not suffer a loss of pay.

C. Extenuating Circumstances

Except for unusual or extenuating circumstances only Department Directors, with the approval of the Mayor, have the authority to suspend an employee. However, in recognizing that there may be situations, conditions or extenuating circumstances where the City or Department may be severely imperiled and thereby necessitate immediate remedial or corrective action, each Department Director in further facilitating his obligation to maintain established standards of conduct shall delegate to all members of the Department having supervisory responsibility and such other persons as he may designate, the authority to

immediately suspend an employee without pay. This authority shall be controlled through observance of the following provisions.

1. Any member of the Department having supervisory responsibility of another employee, and any other person designated by the Department Director, who believes that any employee of the Department has committed any act or been involved in any incident of misconduct severely imperiling the integrity of the City or Department, shall then and there cause the employee to be relieved from duty (thereby constituting an imminent or temporary suspension) pending further disposition by the Department Director. **NOTE:** The phrase...."severely imperiling the integrity of the City or Department"... shall mean: those actions, situations, conditions, or circumstances where an employee has willfully and knowingly committed an act or become involved in an incident which in itself reflects discredit upon the employee and/or the City and/or the Department.
2. Such immediate corrective action, or imminent suspension, shall be for a period of NOT MORE THAN ONE (1) WORKING DAY, unless the action occurs during a weekend or holiday period when the administrative elements of the Department are not in operation. Suspensions may be extended to a period of THREE (3) WORKING DAYS.
3. Any employee of the Department having supervisory responsibility, and such other person(s) as designated by the Department Director imposing such immediate corrective action, or imminent suspension will cause the following to be accomplished:
 - (a). The relieving supervisor will immediately by the most expeditious means notify the Department Director.
 - (b). The relieving supervisor will, as soon as is practicable, prepare written notification for the affected employee's signature certifying relief from duty. The employee will receive a copy; a copy will be attached to investigative reports concerning the incident; and a copy will be placed in the employee's personnel file.
 - (c). A detailed memorandum will be forwarded to the office of the Department Director through the relieving supervisors chain of command following such event.
 - (d). The supervisor shall further be required to report directly to the office of the Department Director on the next business day at 9:00 A.M., unless otherwise directed by that office, with the accused employee, so as to present competent evidence in justifying his reason for imposing such immediate corrective action, or imminent suspension.

12.7 ADMINISTRATIVE PROBATION

A. In the interest of good discipline, if the Department Director or in his absence the Assistant Department Director finds that the imposition of a written reprimand or suspension without pay will not alone achieve the desired results, an Administrative Probation may be administered for a period of not more than six (6) months for a single violation. The employee shall acknowledge receipt of the probation as stated in this section.

B. The Administrative Probation shall be governed as follows:

- (1) Administrative probation may be imposed in addition with other disciplinary actions.
- (2) Employees placed in an administrative probationary status shall not be promoted or granted a merit increase.
- (3) Employees granted any approved leave over fifteen (15) days while placed on this status may have their probation extended by the number of days on leave.
- (4) The termination of an employee while on administrative probation does not preclude an appeal.
- (5) An employee may be placed on administrative probation upon returning to work following a suspension without pay providing that the employee was informed of the administrative probation when the suspension was imposed.
- (6) An employee may be removed from administrative probation at any time.

12.8 DEFERRAL OF INCREASES

Upon recommendation to and approval by the Mayor and Personnel Director the Department Director may defer an employee's pay increase for a period commensurate to the severity of the performance problem. Deferred pay increases are not retroactive.

12.9 DISCIPLINARY DEMOTION

A Department Director may, as a means of discipline, demote an employee to a lower paid classification and/or reduce the employee to probationary status for a specified period of time. In such an event, the Department Director shall notify the Mayor and the Personnel Director in writing of the proposed demotion and the reason. Employees shall be demoted to probationary status only for the purpose of allowing time for correction of specific problems before more drastic action must be taken. Such probationary employees shall be rated by their supervisors in accordance with the probationary procedures.

12.10 DISCIPLINARY TERMINATION

A. In the interest of good discipline, when other disciplinary efforts have failed to result in appropriate behavior, or an employee has committed an act that warrants immediate termination, the Department Director shall recommend termination of the employee to the Mayor and Personnel Director.

B. The employee who is to be terminated may be placed on administrative leave or suspended without pay for five (5) working days. The employee has five (5) days to appeal the termination decision.

C. Upon the Mayor's approval of termination, the employee shall be notified by US mail of the impending termination.

The notice shall include:

- a. the termination notice and effective date;
- b. the reason(s) for the impending termination
- c. the hearing and appeal rights of the employee provided that the employee is not a probationary employee. Probationary employees may be terminated with or without cause and have no right of appeal.

D. Full-time, non-probationary employees who have been employed for at least twelve (12) months and who have been placed on disciplinary probation will have the right to the appeal process in the grievances procedures in Chapter 13.

This section does not apply to Department Director level employees, confidential employees or employees who report directly to the Mayor. (See listing on Appointed Officials).

E. Upon a recommendation for termination due to disciplinary problems, an employee may request a hearing within five (5) work days following the notice of recommended termination. The request shall be in writing to the Personnel Director and the hearing shall be conducted as provided in Chapter 13, Complaint and Grievance Procedures.

F. The Mayor is not bound by the Grievance Review Board's recommendation(s).

- 1. Termination of an employee becomes final only after his hearing by the Grievance Review Board and the Mayor has taken final action, or the employee does not appeal.
- 2. When an employee does not appeal within the prescribed time, termination becomes final on the date of the termination letter.

12.11 NON-DISCIPLINARY TRANSFER OR DEMOTION

If it is determined by the Department Director or Mayor that an employee's ability to satisfactorily perform his or her duties is beyond the capabilities of the employee but other actions are not warranted, the employee may be transferred or demoted to a position that is more appropriate. This type of remedy should not be considered as disciplinary action and must not negatively reflect on the employee's work record.

12.12 DURATION OF DISCIPLINARY NOTICES IN EMPLOYEE FILES

All disciplinary documents including counseling, oral, written, suspension, termination, etc., will be retained in the employee's master personnel file and will not be removed.

12.13 GRIEVANCE REVIEW BOARD

The Grievance Review Board shall be selected and conduct hearings in the manner prescribed in Chapter 13, Complaint and Grievance Procedures, of this manual.

12.14 ADMINISTRATIVE LEAVE (SUSPENSIONS WITH PAY)

Suspension with pay shall be considered an administrative procedure and not a disciplinary action, as in the case of suspension without pay, and must be approved by the Mayor. A Department Director may suspend an employee when it is determined that such action is necessary. Such periods shall be with pay pending administrative action.

In the event that an employee is suspended, the Department Director shall reduce the order to writing, giving reasons for and length of the suspension. Copies of the order shall be forwarded to the Mayor's office and to the Personnel Director. Depending upon the circumstances involved, periods of suspension may result in reinstatement, suspension or recommendation for termination. This administrative action is not subject to review. (See Chapter 8; Leave and Attendance, Section 8)

CHAPTER 13: COMPLAINT AND GRIEVANCE PROCEDURES

13.1 POLICY

It shall be the policy of the City of Bartlett to provide a procedure for the presentation and adjustment of misunderstandings or disagreements which arise between employees and their supervisors and to assure employees that their problems shall be considered fairly, rapidly, and without reprisals.

A. Occasionally situations of a personal or emergency nature may occur wherein an employee does not wish to discuss the situation with a supervisor or Department Director. In such situations the employee may request an appointment with the Personnel Director through the Department Director.

1. Under no circumstances shall an employee be reprimanded, chastised or otherwise penalized for consulting with the Personnel Director.
2. In the event that this consultation does not remedy the employee's concern, the employee may schedule an appointment to discuss the matter with the Mayor.

B. The Mayor actively promotes and adheres to an Open Door Policy. This policy is available to all employees and is offered as an alternative to the procedures described herein. If an employee wishes to utilize the Open Door Policy, the employee must request an appointment with the Mayor through the Department Director.

C. The complaint and grievance procedures do not apply to employees during the initial twelve (12) month probationary period or during any extended probationary period, nor to Department Directors or to other employees who report directly to the Mayor.

13.2 COMPLAINT - DEFINED

A complaint is herein defined as an employee's expressed dissatisfaction concerning conditions of employment or treatment by management, supervisors or other employees whenever the employee:

- A. Believes that a violation, misinterpretation or misapplication of the City's rules and regulations, existing policy and/or orders applicable to the employee's department has occurred;
- B. Is not satisfied with an action which the employee believes adversely affects conditions of employment, such as, but not limited to: disciplinary actions, promotions, merit increases, pay raises or assigned duties.

C. Any other work-related issue, condition, or concern which the employee feels is inequitable, unfair, or unreasonable.

13.3 COMPLAINT PROCEDURE

A. The City of Bartlett adheres to the belief that complaints can normally be adequately addressed at the supervisory level if they are responded to promptly and efficiently. The success of the system is directly dependent upon open channels of communication, prompt attention to the problems and complete objectivity. Free discussion of such matters between employees and their respective supervisors is strongly encouraged.

B. Whenever situations occur wherein a complaint is not or cannot be resolved at the supervisory or Department Director level, an employee has the right to consult with the Personnel Director or present the complaint to a formal grievance.

C. An employee who has a complaint shall bring the complaint to the attention of the immediate supervisor for discussion and possible resolution. The supervisor shall take immediate steps to resolve the complaint to the mutual satisfaction of the employee and the City, inclusive of discussions with relevant employees, the Department Director and/or Personnel Director. The Supervisor shall reply to the complaint within five (5) working days after the complaint has been initiated. The reply is not required to be written.

D. If the supervisor's response to the complaint is unacceptable, the employee may submit the complaint in writing to the Department Director within five (5) working days after receipt of the supervisor's response.

E. The Department Director will promptly investigate to obtain additional clarification of the complaint, obtain additional information or attempt to mediate a resolution to the complaint. The Department Director shall submit a written, detailed response to the complainant within ten (10) work days following receipt of the complaint, with a copy to the Personnel Director. The Department Director shall render a final decision, or indicate that the matter has been deferred pending receipt of additional information. In either case, specific time references should be stated regarding a final response or decision from the Department Director.

F. If the final response from the Department Director is unacceptable, the employee may initiate a formal grievance utilizing the grievance procedures.

13.4 GRIEVANCE - DEFINED

A grievance for the purpose of this section is defined as a misunderstanding, a complaint, a point of view, or an opinion pertaining to employment conditions, relationship between an employee and their supervisor, or relationships with other employees.

The following are examples of actions through which complaints may result in the filing of a grievance:

- A. Improper application of rules, regulations and procedures believed to be to the detriment of an employee.
- B. Unfair or biased treatment inclusive of; coercion, restraint, reprisal, harassment or intimidation of an employee.
- C. Improper or unfair application of the promotional opportunity/career/professional development program.
- D. Discrimination because of race, color, sex, age, religion, national origin, marital status or any other non-merit factor.
- E. Improper or unfair application of personnel benefits, retirement, holidays, performance standards, salary, classification, or promotions.
- F. A terminated employee who feels that the termination is unjust, unwarranted, or otherwise improper.

13.5 GRIEVANT - DEFINED

A grievant is defined as an employee whose expressed complaint regarding conditions of employment or treatment by management, supervisors or other employees has been unresolved and who has initiated a formal grievance.

13.6 GRIEVANCE PROCEDURE

This procedure is provided to govern the presentation and adjustment of grievances with the purpose being to determine what is fair, rather than who is right. To accomplish this purpose a Grievance Review Board is established.

The Personnel Director has the responsibility of informing employees of the grievance procedures and of insuring that such procedures are processed promptly and properly. The Personnel Director and the respective Department Director will have the responsibility of supervising the administration of the procedures.

A. Grievance Review Board

The Grievance Review Board shall be a fact finding committee only and shall have no authority to make final decisions on the grievance, but will assemble only for the purpose of determining, without prejudice, all the facts on both sides of the grievance and recommend a disposition to the Mayor.

The Grievance Review Board shall be composed of five (5) members from among the following six (6) persons who shall be appointed by the Mayor and approved by the Board of Mayor and Aldermen.

1. An elected Alderman who shall act as Chairman of the Grievance Review Board.
2. Two (2) independent and non-partisan citizens of the City of Bartlett not otherwise employed by the City.
3. Three (3) Supervisory or Lead employees of the City;
 - a. One (1) from the Public Safety area (Police, Fire, EMS and Code Enforcement);
 - b. One (1) from the Public Works/Utility/Engineering area;
 - c. One (1) from the Administrative area (City Administration, Parks and Recreation, Water Administration, Court, BPACC)

Note: The employee member appointed from the area representing the Grievant's department is excused from serving on his hearing panel.
4. All members shall serve for a period of one (1) year, or the remainder thereof, if appointed to complete a term, and shall be appointed, or re-appointed, on a calendar year basis.

B. Employee Submission of Formal Grievance

An employee who feels that a grievance is justified shall utilize the following procedure:

1. Upon receipt of the Department Director's final response to a complaint, the employee may within five (5) work days submit to the Personnel Director a written grievance stating the issue, the relief that the employee requests, and a request for a hearing.
2. Where the subject of an employee's grievance involves the immediate supervisor, the supervisor may direct the employee to consult the Personnel Director for assistance in preparing the grievance.
3. No grievance shall be summarily rejected for reasons of incomplete information or other technical defects.
4. Copies of the grievance should be submitted to the Department Director, the immediate supervisor and the Personnel Director.

C. Formal Review by the Grievance Review Board

Upon receipt of a written grievance involving a **termination, suspension without pay for more than three (3) work days, demotion in pay and class or disciplinary probation**, the Personnel Director shall notify the Chairman of the Grievance Review Board. The Chairman of the Grievance Review Board shall within two (2) weeks, (10 working days), set a time, date and place for a hearing and shall notify the Personnel Director who will in turn notify the Grievant, the Department Director, City Attorney and other members of the Grievance Review Board. Notification to the employee shall be in writing and shall be delivered by hand or by first class or certified mail. The notice shall inform the employee that he has a right to be represented by legal counsel, (at the employee's expense), that the hearing will be an open meeting, and that informal and sworn testimony will be taken. Both the employee and department management will be given the opportunity to present relevant witnesses and exhibits in evidence, and the Review Board has the discretionary authority to call any and all witnesses or to have the right to question any and all witnesses presented by the Grievant or the Department.

D. Formal Review by the Personnel Director

Upon receipt of a grievance involving job classification, pay issue, or any alleged violation of policy, procedures, rules, or regulations, or any other action not involving a termination, suspension without pay, demotion or disciplinary probation, the Personnel Director will lead a fact finding process and conduct an Administrative Hearing with the parties to the grievance, if necessary.

E. Formal Review by the Mayor

The Mayor will be provided with a written report of the findings and a recommendation for disposition at the conclusion of the process. The Mayor's final decision will be communicated to the Grievant and to the Department Director and cannot be appealed. The Mayor may direct the Grievance Review Board to conduct a special hearing on a matter not involving major discipline if the circumstances warrant Board review.

13.7 GRIEVANCE HEARING

The grievance hearing shall be informal to the extent that strict application of rules of procedure and evidence, as is applied in Courts of Law of Equity, shall not be applied. The Chairman of the Review Board may at his discretion admit or exclude any testimony or evidence except when an objection is raised by another member of the Board, at which time testimony or evidence shall be admitted or excluded by majority vote of the Board, with such decision as decided by the Chairman or majority vote being final.

When an employee requests a hearing and a time, date and place for the hearing has been properly disseminated to all interested parties, it is the responsibility of the employee to appear at the time, date and place of the scheduled hearing. If the

requesting employee does not appear and has no justifiable reason for not appearing, the employee's grievance will be dismissed.

Employees are entitled to a hearing before an impartial Board. A member of the Board may be excused or withdraw only if good and sufficient cause is shown. The hearing shall be conducted in a manner so as to provide the Department Director and the employee an opportunity to introduce testimony and other evidence to support their respective positions. The proceedings shall be tape recorded, and the witnesses shall be sworn. The Hearing Officer shall have complete discretion to call additional witnesses or to have additional evidence produced and shall further have the right to question any and all witnesses presented.

The Chair shall determine the order in which the case will be presented.

13.8 GRIEVANCE REVIEW BOARD'S RECOMMENDATION

At the conclusion of the hearing, the Grievance Review Board shall render to the Mayor a recommendation for a decision within ten (10) work days of the date of the grievance hearing. The Hearing Officer's recommendation shall be accompanied by a verbatim transcript or tape(s) of the grievance hearing, as well as all exhibits entered for consideration by the Mayor. The Hearing Officer shall at the same time transmit to the appropriate Department Director, the employee, or the employee's legal counsel a copy of the recommendation for a decision.

For the purpose of computation of time, the ten (10) work day period shall commence to run, in the case of delivery of decision by mail, three (3) days after the date of mailing, or in the case of hand delivery of the decision to the parties, the day immediately following the date of hand delivery.

13.9 REVIEW AND DECISION BY MAYOR

The Mayor, upon receipt of the Grievance Review Board's recommendation and record of the evidentiary hearing, shall render a decision. The Mayor may affirm, modify in part, reverse or vacate the decision of the Grievance Review Board and enter an entirely new decision in accordance with the Personnel Policies and Administrative Procedures of the City of Bartlett as the Mayor may deem necessary and proper in the circumstances of each case.

The decision of the Mayor shall be presented in writing. The decision of the Mayor shall include the reason(s) for the ultimate decision. A copy of the Mayor's decision shall be hand delivered or mailed to each party, or to the employee's attorney of record, within ten (10) work days following the Hearing Officer's recommendation for decision. The Mayor's final decision will be communicated to the Grievant and to the Department Director and cannot be appealed.

CHAPTER 14: (Reserved)

CHAPTER 15: TYPES OF SEPARATIONS

15.1 GENERAL POLICY

It is the policy of the City of Bartlett to encourage employees to remain in the service of the City. All City employees are employees “**at will**” and as such employment status is subject to alteration. The responsibility for terminating an employee lies with the Mayor.

Separation from city services can be for the following reasons:

- a. Termination
- b. Resignation
- c. Lay-off and Recall
- d. Disability Termination
- e. Death

15.2 DATE OF TERMINATION

An employee's official date of termination is ordinarily the last day at work. An employee shall not be placed in a leave status when it is known that the employee will not return to work. If an employee is on authorized leave and does not intend to return, the employee must be separated as of the date the information is received. Terminating employees will be paid a lump sum for all money due after adjustments for amounts owed the City. This policy may be modified when federal and state funding requirements specify another procedure.

15.3 RESIGNATION

Any employee may resign from City service. Employees are encouraged to present a written letter of resignation to the Department Director a minimum of two (2) weeks prior to the effective date. The written resignation will be forwarded to the Personnel Department.

15.4 LAY-OFFS AND RECALL

When it becomes necessary to reduce the employment staffing levels of the City:

- A. The department will make a determination as to which job classifications have a surplus of employees on the affected jobs.

B. Employees occupying those jobs are then divided into three (3) groups.

1. Probationary employees
2. Non-probationary employees with less than four (4) years seniority.
3. Employees with more than four (4) years seniority.

C. Probationary employees are the first to be laid off. Should a surplus of employees still exist, employees with less than four (4) year's seniority on the affected jobs will be merit-rated by their supervisor. Such employees will be displaced from their jobs in order of ability as determined by their supervisor, beginning with the employee who attained the lowest merit rating score. If a surplus of employees still exists after displacement of all employees on the affected jobs with less than four (4) years seniority, the remaining employees will be displaced by seniority, beginning with least City seniority.

D. Employees who have been laid off are eligible for recall to work for a period of one (1) year from the date of layoff. In recalling laid off employees to vacancies, preference will be given to the most senior employees who had been displaced from the open jobs. Employees displaced to other jobs as a result of layoff, or recalled from layoff to jobs other than those from which they were laid off, will be given preference in filling vacancies on their former job classification. Employees who refuse opportunities to return to their former jobs in such cases will forfeit their preference rights for return at some later date. Laid off employees who reject recall offers to the jobs from which they were displaced, or who reject a second recall to a job other than that from which they were displaced will be considered to have voluntarily quit and their employment rights will be ended.

15.5 DISABILITY TERMINATION

An employee may be separated, either voluntarily or involuntarily, for disability when it can be sufficiently demonstrated that the employee cannot perform the essential functions of the position, with or without a reasonable accommodation, because of a physical or mental impairment. The termination may be initiated by the employee, a legal representative, or the City, but in all cases, it must be supported by medical evidence acceptable by the City.

15.6 DEATH

Separation shall be effective as of the date of death. Payments for earned salary and for accrued vacation shall be paid to the surviving spouse of the estate according to the laws of the State.

15.7 DISMISSAL

The Mayor may dismiss any employee in the service of the City at any time as described in the Personnel Manual of the City of Bartlett.

15.8 EXIT INTERVIEWS

Whenever an employee terminates employment from the City, the Personnel Department may schedule an Exit Interview. Often terminating employees can provide valuable information regarding their job, department, and other conditions of employment with the City, which will assist in the improvement of the City's overall management systems. Such interviews will normally be conducted by the Personnel Director, who will make sure all City property is returned, such as:

1. Keys
2. Fueling cards or fueling keys
3. Books/publications
4. Identification cards
5. Uniforms, tools, other equipment

15.9 EMPLOYMENT VERIFICATION

All requests for employment verification are to be referred to the Personnel Department. It is the policy of the City of Bartlett that, in responding to employment verifications, only employment, dates of employment, and job title will be verified.

Exception: Employees who wish to have their current or previous employment with the City verified must submit an authorization to release information. Such authorization must be signed and dated by the employee and submitted to the Personnel Department. Supervisors and Department Directors are not authorized to give employment references to any outside person, organization, or agency.

CHAPTER 16: CITY VEHICLES

16.1 ASSIGNMENT OF CITY VEHICLES

A. Key Personnel

The City may provide vehicles to elected, senior administrative or higher level employees as a part of their salary and benefits. Such positions are exempt from overtime benefits, per the Personnel Manual, but are required to attend Board of Mayor and Aldermen meetings and many other meetings in addition to their normal duties. In addition, such personnel are key personnel and are subject to being called in to work in case of problems or emergencies.

B. Other Employees

Vehicles may also be provided to other public safety and maintenance personnel who are “on call” when they are off duty. The City-owned vehicle may be provided to speed the response to problems and/or emergencies.

16.2 USE OF ASSIGNED VEHICLE

A. Key Personnel

Key personnel may use the City-owned vehicle for City business and personal business, provided however the vehicle may not be taken out of Shelby County unless approved by the Department Director or Mayor. In addition, the vehicle may not be used for any hauling, towing or any purposes other than that of a passenger vehicle.

B. Other Employees

Other employees shall use City-owned vehicles only for the following purposes:

- 1 Travel to and from work.
- 2 Other City business as authorized by the Department Director.
3. Personal use while the employee is officially on duty or “on call”.

16.3 POLICY ON VEHICLE ACCIDENTS

Employees involved in vehicle accidents must comply with the following rules:

A. Reporting

1. Any accident involving a City vehicle or mobile equipment must be reported to the employee's supervisor immediately on an accident form, regardless of whether repairable damage occurs.
2. Any accident involving damage to a vehicle or property not owned by the City while in the course of work for the City must be reported on an accident form.
3. Failure to immediately report an accident subjects the employee or supervisor to disciplinary action.
4. All such accidents must be reported to the Bartlett Police Department for an investigation.

B. Drug & Alcohol Testing

1. An employee is to be transported for drug and alcohol testing immediately after being involved in an at-fault accident, but no later than 8 hours.
2. The City's drug policy requires an employee to notify their supervisor if they are taking any prescription medication that may impair their ability to perform their work. This is very important when the employee operates a City vehicle or equipment.

C. Discipline

1. First at-fault accident – Written Reprimand
2. Second at-fault accident within one year – 3 day (24 hour) suspension without pay.
3. Third at-fault accident within one year – Progressive discipline advanced to suspension, demotion or possible termination.

CHAPTER 17: ELECTRONIC COMMUNICATION, COMPUTER USE AND SOCIAL MEDIA

17.1 PERSONAL USE OF CELL PHONES AND CITY OWNED COMMUNICATION EQUIPMENT

A. Use of a **personal cell phone** while on duty is discouraged and should be limited to important emergency family or family-related communications. Any personal cell phone usage that adversely affects the productivity of an individual employee or work group will be subject to disciplinary action. Use of a personal cell phone that results in the employee committing an unsafe act or practice, or being involved in an avoidable on-the-job accident, will be subject to disciplinary action.

B. **Any communication device provided by the City to the employee** is for business use. Personal use of this equipment is discouraged and, if necessary, is to be limited to important family or personal matters that are to be handled as quickly as possible. Excessive personal use, or use that adversely affects the productivity of an employee or work group, will be subject to disciplinary action. Use that results in an unsafe act or practice, or an avoidable on-the-job accident will be subject to disciplinary action.

C. Since the nature of the work and communications programs differ from department to department, it is understood that a department may choose to issue **departmental policies** regarding the use of cell phones or other communications devices that is more specific than this City-wide policy. Departmental policies require the approval of the Mayor prior to being issued to employees.

17.2 COMPUTER POLICY

Computers, computer files, software, Internet access, voice mail and the e-mail system furnished to employees are the property of the City and intended solely for business use. The Internet, voice mail, and e-mail are provided to help accomplish the City's business goals and are not considered private because certain electronic records may be "public records" under the public records law and subject to inspection under Section 10-7-512 of the Tennessee Code Annotated. As such, information may be open to law enforcement agencies, other third parties and may be admissible in a court of law. **Any employee who violates this policy is subject to disciplinary action, including possible termination.**

17.3 OWNERSHIP

All electronic systems, computers and other hardware, software, temporary and permanent files, and any related systems or devices used in the transmission, receipt or storage of documents, including e-mail, are the property of the City of Bartlett. These documents, including e-mail, may be retrieved from storage, even after they have been deleted by the sender and/or the recipient.

17.4 INFORMATION NOT CONFIDENTIAL

Computers, computer files, Internet, voice mail and the e-mail system are not private or secure and no material on the system will be considered personal and/or confidential. Employees are prohibited from using a password, accessing a file, or retrieving any stored communications without authorization. No employee shall access the City's computer, Internet, or e-mail system from a remote location, including but not limited to, while traveling on business or from home, without the permission of the City, and shall do so solely for the business purpose of the City.

17.5 NO OFFENSIVE USAGE

The City maintains a workplace free of harassment and is sensitive to the diversity of our employees. Employees are prohibited from using computers, the Internet, voice mail, and/or the e-mail system in any manner that is disrespectful, disruptive, harmful to employee morale, or offensive to any other person on the basis of race, gender, religion, ancestry, disability, or any other basis protected by law. Also prohibited is the use of vulgarities, threats, abusive language, obscenities, exaggerations of the truth, and hateful or harassing language in voice mail or e-mail messages, message posts, or downloading such information from e-mail attachments.

17.6 SOLICITATION

The Internet, e-mail and voice mail is not to be used to solicit others, to promote personal events or causes, commercial ventures, outside organizations, religious or political causes, or other matters not a part of the City's business or relevant to the delivery of services to our citizens. Employees are prohibited from uploading, posting, e-mailing or otherwise transmitting any unsolicited or unauthorized advertising, promotional material, "junk mail", "pyramid schemes" or any other form of solicitation.

17.7 DUPLICATION OR DOWNLOADING OF SOFTWARE

The City purchases and licenses the use of various e-mail and computer software programs solely for business purposes and does not own the copyright to this software or its related documentation. Employees are prohibited from illegally duplicating software and its related documentation, or downloading software from the Internet without the express authorization of the City.

17.8 EMPLOYEE ACCESS TO DATA

The City reserves the right to access computer data files, voice mail and e-mail messages for the following reasons:

1. During the course of an investigation;
2. To locate substantive information relevant to a breach of security;
3. When there is a system or hardware problem;
4. When it is relevant to a lawsuit, EEOC complaint or other legal action involving the City;
5. When there is suspicion of a crime or a violation of these policies.

The City reserves the right to ascertain whether or not an employee is misusing the City's computers, computer files, Internet, voice mail or e-mail system. (See Personnel Policy, Chapter 9 – Conduct, Section 9.4, #28, Misappropriation of City Funds - Willful abuse or misappropriation of City funds, materials, property, or equipment.)

17.9 PASSWORDS

Employees are to notify their manager of all password and password changes associated with any City computer, computer file, voice mail or e-mail. An employee is not to use another employee's password without their knowledge and consent.

17.10 E-MAIL ADDRESSES

An e-mail address should not be published or posted outside the City unless necessitated by the employee's job function.

17.11 INTENTIONAL DAMAGE

Any damage to computer hardware or software that is investigated and determined to be intentional will subject the employee to possible criminal charges in addition to disciplinary action up to and including termination.

17.12 NOTIFICATION OF VIOLATIONS

Management is to be notified when an employee learns of any violation of any provision of this policy. A violation will subject an employee to disciplinary action, including possible termination. Failure to disclose a known policy violation by another employee may also subject an employee to disciplinary action, including possible termination.

17.13 RECORDS/INFORMATION MANAGEMENT

The Mayor will designate an individual as coordinator of public records. Any request for public or special access to computer information will be referred to the coordinator

for determination and possible accommodation. This coordinator will also maintain a log of requests and develop an efficient procedure for use by the City in handling such requests.

17.14 SOCIAL MEDIA

To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, City of Bartlett departments may consider using social media tools to reach a broader audience. Social media should be used to further the goals of the City and the missions of its departments, where appropriate. The City of Bartlett has an overriding interest and expectation in deciding what is “spoken” on behalf of the City on social media sites. This policy establishes guidelines for the use of social media.

For purposes of this Policy, “social media” is understood to be content created by individuals using accessible, expandable, and upgradable publishing technologies through and on the Internet. Examples of social media include, but are not limited to; Facebook, blogs, MySpace, RSS, YouTube, Second Life, Twitter, LinkedIn, Delicious, and Flickr. For purposes of this Policy, “comments” include, but are not limited to; information, articles, pictures, videos or any other form of communicative content posted on a City of Bartlett social media site.

Social media provides a new and potentially valuable means of assisting the City of Bartlett and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and 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 some City personnel. The personal use of social media can have bearing on City personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by City personnel.

A. On-the-Job Use

Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the department’s presence on the website. Where possible, the page(s) should link to the City’s official website. Social media page(s) shall be designed for the target audience(s) such as youth, potential employee recruits or applicants, etc.

All City departmental social media sites or pages shall be approved by the Department Director or his/her designee and the Mayor and shall be administered by the individual departmental information services section or as otherwise determined. Where possible, social media pages shall clearly indicate they are

maintained by the City and shall have City contact information prominently displayed. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.

Users and visitors to social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for communication between City departments and members of the public. These guidelines must be displayed to users or made available by hyperlink. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available. City of Bartlett social media site articles and comments containing any of the following forms of content shall not be allowed:

1. Comments not related to the original topic, including random or unintelligible comments.
2. Comments in support of or opposition to any political campaigns or ballot measures;
3. Profane, obscene, violent or pornographic content and/or language;
4. Defamatory or personal attacks;
5. Threats to any person or organization;
6. 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;
7. Sexual content or links to sexual content;
8. Solicitations of commerce, including but not limited to, advertising of any business or product for sale;
9. Conduct in violation of any federal, state or local law;
10. Encouragement of illegal activity;
11. Information that may tend to compromise the safety or security of the public or public systems; or
12. Content that violates a legal ownership interest, such as a copyright, of any party.

The City reserves the right to restrict or remove any content that is deemed in violation of the social media policy or any applicable law. Comments, topics or issues not within the jurisdictional purview of the City of Bartlett may be removed. Employees representing or purporting to represent the City of Bartlett via City social media sites must conduct themselves at all times as a representative of the City and in accordance with all City policies.

The City reserves the right to deny access to the City of Bartlett social media sites for any individual who violates the City of Bartlett's social media policy, at any time and without prior notice.

All departments shall monitor their social media sites for comments requesting responses from the City and for comments in violation of this policy. The City will approach the use of social media tools as consistently as possible. This Social Media Policy may be revised at any time.

B. Personal Use

City personnel shall abide by the following when using social media:

1. City employees are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the City.
2. As public employees, City personnel are cautioned that speech on duty, 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. City employees should assume that their speech and related activity on social media sites will reflect upon their position and the City.
3. City employees shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without the written permission from their Department Director or the Mayor.
4. For safety and security reasons, City employees are cautioned not to disclose their employment with the City or an individual department nor shall they post information pertaining to any other City employee without their permission. As such, all City personnel are cautioned not to do the following:
 - a. Display City or department logos, uniforms, or similar identifying items on personal web pages.
 - b. Post personal photographs or provide similar means of personal recognition that may cause someone else to be identified.
5. When using social media, City personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the City's code of conduct is required in the personal use of social media. In particular, City employees are prohibited from the following:

- a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
 - b. Speech involving themselves or other City personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
- 6. City employees may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of any department without express written authorization.
- 7. All City personnel should be aware that they may be subject to civil litigation for:
 - a. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation)
 - b. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not legitimate public concern, and would be offensive to a reasonable person
 - c. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose
 - d. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
 - e. All personnel should be aware that privacy settings and social media sites are constantly in flux, and they never should assume that personal information posted on such sites is protected.
 - f. All personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the City at any time without prior notice.
- 8. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provisions of this policy shall notify his/her supervisor immediately for follow-up action.

CHAPTER 18: (RESERVED)

CHAPTER 19: (RESERVED)

CHAPTER 20: SALARY ADMINISTRATION

20.1 FAIR LABOR STANDARDS ACT (FLSA)

A. Employment with the City of Bartlett is based upon an applicant's qualifications and the requirements of available positions. Careful attention is given to ability, experience, training, education, character, intelligence, physical fitness, and such other factors as a particular job may require. The City's employment practices adhere to the Fair Labor Standards Act.

B. The City of Bartlett will not employ children under the age of 16. All temporary or part-time employees must be at least 16 years of age. Provisions of this policy shall provide,

1. Employment is outside school hours.
2. Does not total more than eight (8) hours per day or forty (40) hours per week.
3. Occurs between the hours of 6:00 A.M. and 10:00 P.M.

20.2 PAY AND COMPENSATION

A. Salary and other benefit levels will be established by the Board of Mayor and Aldermen for all positions within the City in the budgetary process which establishes expenditure levels for each department during each succeeding fiscal year.

B. All hourly and salaried City employees will be paid on the 15th and last day of the month. When the 15th and last day of the month fall on a weekend or holiday, checks will be issued on the last working day preceding the normal payday.

C. All overtime reports, requests for vacation pay and/or changes in employee deductions or pay levels must be received by the payroll department no later than three (3) work days before each payday, in order to be included on that pay period check.

D. In emergency or extreme hardship, a variance in the above policies may be granted in accordance with the following procedures:

1. An employee must file a written request with his or her Department Director stating the nature of the variance requested and the reasons for the request.
2. If approved by the Department Director, the request should then be forwarded, together with any comments from the Department Director, to the Director of Personnel for his approval. Except in

cases where an employee's pay level is being changed, all changes in level of pay or compensation must have the approval of the Mayor before they can be processed.

20.3 OVERTIME

A. Non-exempt employees of the City of Bartlett are to receive compensatory time off for overtime, or overtime pay, if compensatory time off is not feasible when employees are required to work in addition to the normal daily work schedule.

B. The Department Director may require an employee to work additional hours if the safety or welfare of the residents of the City demands such action, or if required for the proper functioning of City Government.

C. Prior approval of the Mayor, Department Director, Manager or Supervisor is required before overtime work is scheduled. Overtime is defined as continuing functions performed by full time employees in addition to their normal daily work schedule.

D. Overtime pay, at "time and one-half" rate, is to be paid to all employees who are non-exempt under the provisions of the Fair Labor Standards Act when they are required to work in addition to their normal daily work schedule. An employee may elect to accept compensatory time off, except within the Fire Department who shall be compensated with overtime pay. Compensatory time is the preferred method with office/administrative employees.

E. Compensatory time off will be taken only within the fiscal year accumulated or within ninety (90) days if accumulated in the last three (3) months (April 1st through June 30th) of the fiscal year.

1. Compensatory time accumulated in the first nine (9) months (July 1st through March 31st) of the fiscal year must be used or compensated for by June 30th.
2. Compensatory time accumulated in the last three (3) months (April 1st through June 30th) of the fiscal year must be used or compensated for by September 30th.

F. Exempt employees under the Fair Labor Standards Act are expected to work whatever schedule or hours as may be necessary to perform the functions of their job and are not entitled to receive overtime compensation in any form. The Mayor may approve an irregular work schedule for any exempt employee.

G. The work schedule for all employees shall be on a work week that runs Sunday through Saturday (see 8.3 C). Vacation, Sick Leave and holidays are considered time worked for overtime purposes. Time lost for an unexcused

absence for which no pay is earned is not considered time worked and overtime will only be paid when time worked exceeds forty (40) hours in a work week.

20.4 OVERTIME WORK REQUIRED

When it becomes necessary for a department to work overtime in order to accomplish its mission, the Department Director may require overtime work in addition to the employee's regular work schedule.

20.5 THREE MAJOR CONDITIONS WHICH MAY JUSTIFY OVERTIME WORK

- A. An emergency involving an unusual, nonrecurring work load for which plans were not made.
- B. The recurrence of seasonal peak workloads for which plans were not made.
- C. An extra work load created by an act of God.

20.6 OVERTIME PAYMENT SCHEDULE

Any employee working in excess of the regular scheduled workweek, at the discretion of the employee, may be compensated by one of the following methods.

- A. Given compensatory time off at a rate of time and one-half or;
- B. Be paid at a rate of time and one-half.

20.7 PERSONNEL EXEMPT FROM OVERTIME

Executive, Administrative and Professional employees as defined by the FLSA will be exempt from overtime payments, and are expected to work whatever schedule is required to maintain proper operations.

20.8 WEEKLY WORK SCHEDULE

The work schedule for all employees shall be computed on a full week's schedule (exception police and fire). In the event the employee has an unexcused absence during a week in which he has worked overtime, the time off for unexcused purposes is to be deducted from the overtime.

20.9 IRREGULAR WORK SCHEDULE

Any department which, by the nature of its work, requires irregular work schedules may vary its work hours and work days accordingly; however, any schedule will be the equal of forty (40) hours per week. (**Exception:** For Fire Department shift personnel the workweek shall be the equivalent of fifty-six (56) hours per week).

20.10 UNIFORM ALLOWANCE

The Department Director shall have the responsibility to determine the need for uniforms in his department. A uniform allowance may be provided by the City if a determination of need is made by the Board of Mayor and Alderman after receiving a request from the Department Director.

20.11 OWNERSHIP

Any clothing or equipment purchased with a uniform allowance are to remain the property of the City of Bartlett. In the event employment ceases or is terminated, all items are to be turned in to the department, or the City is to be reimbursed.

20.12 PURCHASE OF UNIFORMS

No cash allowance is to be issued to the individual without prior approval of the Department Director. All uniforms are to be purchased through the City of Bartlett on a standard Bartlett purchase order. No order is to be placed without prior approval of the Department Director.

20.13 DISCIPLINE FOR WAGE GARNISHMENTS

The only law concerning the subject is a federal law that took effect on July 1, 1970, and provides that "no employer may discharge any employee by reason of the fact that his earnings have been subjected to garnishment for more than one indebtedness". This has been interpreted to mean that an employee may not be discharged due to any number of garnishments received from the same one creditor, but may be discharged if he receives garnishments from more than one creditor.

A. The policy of disciplining employees for excessive wage garnishments, under normal circumstances, is that the employee may be given a written warning for the first offense; a suspension of one (1) day for the second offense, which is a garnishment by a second creditor; and a discharge for the third offense, which is a garnishment by a third creditor within a three (3) year period.

B. The Personnel Department shall investigate the circumstances of the garnishment and counsel with the employee before taking action to make sure the employee is actually at fault, and extenuating circumstances such as more than one (1) year passing since the last garnishment, discharging the debt through bankruptcy, speedily lifting it prior to discharge, lack of knowledge of the debt, a good work record, or loss of income caused by a chronic lay-off, should be considered in determining the penalty or variation in the severity of a penalty. For example, under unusual circumstances, an oral warning might be given for the first

offense, a written warning for the second offense, a one (1) to three (3) day suspension for the third offense and discharge for the fourth offense.

20.14 EDUCATIONAL BONUS

The City shall pay educational bonuses based on the following criteria:

A. Eligibility

An employee must have been employed by the City a minimum of three (3) continuous years.

1. Appointed officials are not eligible for bonus pay under this section.
2. Firefighters may qualify for the EMT or Paramedic bonus after completion of the probationary period.
3. Dispatchers may qualify for EMT or Paramedic bonus after three (3) years of continuous service.

B. Special Licenses and Certain Specialized Training

Departmental policy may designate certain special licenses or specialized training programs of direct benefit to the City for which the City will pay an educational bonus of \$20.00 per month for each license or specialized training program (i.e. water/wastewater operator, etc..).

EMT Certificate – A Firefighter or Dispatcher shall receive \$40.00 per month for maintaining a current EMT Certificate and firefighters shall receive \$200 per month for maintaining Paramedic certification.

C. College Degree, Technical, Junior College (2 year certificate or degree)

If an employee has a two (2) year associates or technical degree from an institution of higher learning accredited by SACS (Southern Association of Colleges and Schools) or its equivalent accreditation agency, he or she may receive an educational bonus unless the degree is part of the educational requirements for the job. Evidence of graduation along with a grade transcript and description of courses taken must be submitted to the Personnel Office for approval by the Director of Personnel as to meeting the current work assignment criteria. If approved an educational bonus of \$60.00 per month will be paid as long as the work related criteria is met.

D. College Degree, University or 4 year college

If an employee has a four (4) year degree from an institute of higher learning accredited by SACS (Southern Association of Colleges and Schools) or its equivalent accreditation agency, he or she may receive an educational bonus

unless the degree is part of the educational requirements for the job. Evidence of graduation along with a grade transcript and description of courses taken must be submitted to the Personnel Office for approval by the Director of Personnel as to meeting the current work assignment criteria. If approved, an educational bonus of \$120.00 per month will be paid to the employee.

20.15 HOLIDAY PAY

Because of the nature of their work, Police Officers and Firefighters working shift work cannot be allowed time off for normal paid holidays. In lieu of time off, Police Officers or Firefighters working shifts shall receive one (1) day's pay for each holiday recognized by the City of Bartlett. For the purpose of holiday pay for Firefighters working twenty-four hour shifts, one (1) day shall equal twelve (12) hours. Holiday pay is paid in a lump sum twice a year (May and December).

20.16 LONGEVITY

All full time City employees will be eligible for a longevity bonus to reward employees for years of continuous full time service with the City of Bartlett at rates as follows:

- A. Over ten (10) years - 2% of base salary
- B. Over fifteen (15) years - 4% of base salary
- C. Over twenty (20) years - 6% of base salary

Longevity pay must be requested by the Department Director. It will begin accruing on the first of the month following the employee's anniversary date. Payments are spread over each pay period.

CHAPTER 21: INSURANCE

21.1 INSURANCE

It is the policy of the City to make available a program of group insurance benefits to employees and dependents who meet the requirements of the respective plans.

21.2 GROUP LIFE INSURANCE

A. Group Term Life Insurance

The City provides to each full-time employee, at no cost, life insurance coverage under a group term life insurance policy. The terms and conditions of said policy are set by the insurance carrier. Eligible employees must designate a beneficiary and may change said beneficiary designation at any time by notifying the Personnel Department in writing.

Life insurance is payable in the event of the employee's death, provided that all policy requirements have been met. Claim payment will be made to the beneficiary (or beneficiaries) designated by the employee in accordance with the provisions of the policy.

B. Other Life Insurance

The City may make available other life insurance plan options for employees to select on a voluntary basis. The group premiums for such optional plans are paid 100% by the employee.

C. Conversion of Life Coverage

Most group life insurance plans provide for possible conversion of coverage from a group plan to an individual plan within a specified time after termination of employment or in the event an insured employee becomes totally and permanently disabled and is eligible under the Retirement Plan for disability retirement. Please refer to the life insurance contract or contact the Personnel Office regarding possible conversion of coverage.

21.3 GROUP HEALTH INSURANCE

All full-time employees, including probationary employees, together with the Mayor and appointed officials (including Judges, City Attorney, City Prosecutor, Assistant City Attorney and Assistant Prosecutor) are eligible to participate in the City's group health insurance plan on a premium sharing basis. Currently all active full time employees that participate in the City's group health insurance plan pay a portion of the Total premium as approved by the Mayor. The option to participate is also available to:

- A. City of Bartlett retirees at the time pension benefit payments begin and have been enrolled in the City of Bartlett health insurance plan for a minimum of one year.
- B. The spouse of a deceased City of Bartlett retiree who was receiving pension benefits and is receiving a survivor pension benefit from the City of Bartlett Retirement System and was enrolled in the City of Bartlett health insurance plan prior to the death of their spouse.
- C. The spouse (and dependent children) of a deceased employee who was eligible to retire and draw benefits at the time of his/her death and was (were) enrolled in the City of Bartlett health insurance plan prior to the employee's death. *(This includes line-of-duty death. In this case the one year minimum requirement is waived.)*

In the case of a line-of-duty disability, the employee's share of the health insurance premium will be paid by the City of Bartlett at 100%. The employee will be responsible to pay 50% of the necessary additional premium to cover any dependents that were enrolled in the City of Bartlett Health Plan prior to the start of the line-of-duty disability. *(In this case, the one year minimum requirement is waived.) (Please see number 3 below if employee becomes Medicare eligible.)*

Any employee leaving employment after January 1, 2012 and eligible for a Deferred Vested Retirement Benefit will not have access to the City of Bartlett Health Insurance Plan when their retirement benefits start. The employee may have COBRA benefits and should consult with Personnel Office staff.

Retirees may not add new dependents (i.e. new spouse, children, grandchildren, etc.) to the Health Insurance Plan after their retirement date.

Aldermen of the City of Bartlett may participate in the Health Insurance Plan. Aldermen, who elect to participate, will pay at the same contribution rate for all participants as determined by the City of Bartlett.

It is the responsibility of the Board of Mayor and Aldermen of the City to select the source provider of the benefits and determine the employee/employer premium sharing formula. The premium will be deducted from the employee and/or retiree's regular pay check.

The current policy for retiree health and welfare benefits for retirements that are effective after January 1, 2012 is:

1. Employees and dependents must have been enrolled in the City of Bartlett health insurance plan for a minimum of one year prior to retirement.
2. Employees who retire under the provisions of the City of Bartlett Retirement System and are non-Medicare eligible will continue to be eligible to participate in the City of Bartlett health insurance plan. The retiree will be responsible to pay 50% or other such percentage of the total premium amount as determined by the City of Bartlett.
3. When a retiree and/or retiree's dependent become Medicare eligible, they will no longer be able to participate in the City of Bartlett health insurance plan. The retiree and/or retiree's dependent will be responsible for enrolling in Medicare parts A and B for health insurance and Medicare part D for prescription drug coverage. At that time, the City will make available a Medigap insurance reimbursement benefit. This benefit will reimburse the actual cost of a Medigap insurance plan up to \$200 per month. Verification of the plan will be required on an annual basis.

Note: Current employees, appointed officials and elected officials who are currently enrolled in the City's health insurance plan and who have 25 years of continuous service as of January 1, 2012, will be responsible to pay 30% of the total premium amount as determined by the City of Bartlett and will be allowed to continue in the City of Bartlett health insurance plan after they become Medicare eligible. Medicare eligible retirees in this group must enroll in parts A and B of Medicare and pay the appropriate premium as determined by the City of Bartlett at the time they actually retire.

21.4 SOCIAL SECURITY (FICA)

The City of Bartlett participates in Social Security (FICA) and Medicare. Both the City and employees are required by law to make the appropriate contributions.

21.5 UNEMPLOYMENT INSURANCE

The City of Bartlett adheres to the Tennessee Unemployment Compensation Act. The City is required by law to make appropriate payments on a reimbursable basis for all claims paid to former employees.

21.6 OTHER INSURANCE

The City may make available other types of group insurance plan options for employees on a voluntary basis (e.g. disability insurance, accidental death, etc.). The employee pays 100% of the premium for these optional benefits.

CHAPTER 22: WORKERS' COMPENSATION

22.1 INTRODUCTION

Any employee who has incurred an injury which is compensable under the State of Tennessee Workers' Compensation Act shall receive medical treatment injury leave for all days of absence as validated by the authorized treating physician.

22.2 INJURY LEAVE

Employees disabled due to bodily injury suffered in the course of performing their assigned duties may qualify for up to ninety (90) days injury leave with full salary providing the following requirements are met:

- A. The employee's immediate supervisor must be notified of the injury at the time of occurrence.
- B. The employee must select one of the health care providers from the approved panel provided by the City's Workers' Compensation Insurance carrier. If an employee is referred to a specialist, then a physician must be selected from the approved panel of specialists provided by the insurance carrier, unless there is an approved direct referral by the initial treating physician. The bodily injury and the attendant disability must be validated by the authorized treating physician in accordance with State of Tennessee Bureau of Workers' Compensation rules. Failure of an employee to furnish such evaluation will result in loss of leave benefits. Employees must have a "Return to Work Status Report" completed by the authorized treating physician upon returning to work.
- C. The City, at its discretion, may require an evaluation from physicians selected by the City (the expense of such evaluation will be borne by the City). Failure of the employee to cooperate in such evaluation will result in loss of leave benefits. In any event, leave benefits shall terminate at such time as the authorized treating physician or the physician selected by the City determines that the employee is physically able to return to work.
- D. In the event an employee takes other employment during the course of his/her injury leave, all injury leave benefits will cease immediately.
- E. The City may require an employee to return to an available job of any nature for which the employee has been certified by the authorized treating physician or the physician selected by the City as fit to perform. Failure of the employee to return to such available job will result in loss of leave benefits.
- F. If the employee has secondary employment it must also conform to any restrictions set by the authorized treating physician.

G. At the end of the ninety (90) day injury leave period, the injured employee's case will be subject to review by the Mayor and Personnel Director. If the injured employee continues on injury leave, his/her salary will be reduced to an amount payable from the City's Workers' Compensation Insurance carrier.

H. Injury leave will run concurrently with FMLA.

I. The City of Bartlett will pay the employee overtime on the date of the injury if the timing of the injury and treatment runs past the employee's normal work hours. Overtime is not to be paid on follow-up medical treatment or therapy visits which are scheduled outside of normal work hours.

22.3 LIMITED DUTY JOBS

The City of Bartlett will make every reasonable effort to return employees to work even if it is a limited duty job. *Injured employees will not automatically receive a limited duty job.* The limited duty will not be a permanent assignment or a regular job and may not be in the department where the employee normally works. The limited duty position will be work the injured employee is capable of performing. Limited duty assignments must comply with all restrictions as determined by the authorized treating physician and the employee's authorized treating physician must approve all limited duty assignments. All limited duty offers are made in writing and will clearly state that the limited duty position is not a permanent position. The limited duty position must be approved by the Department Director, Personnel Director and Mayor.

22.4 SUBROGATION OF THE CITY

Any employee injured in the course of employment by any act of another person must notify the Mayor and the City Attorney prior to the initiation of any legal proceeding against such other person and prior to the settlement of any claim which may result from the injury. In the event damages are recovered for an injury, the employee shall promptly reimburse the City for any compensation the employee may have received from the City as a result of the injury, but not to exceed the net amount recovered by the employee after deduction of Attorney fees. Under these subrogation provisions, the acceptance of injury leave payments by any employee shall constitute an agreement to make such reimbursement.

22.5 NOTICE OF INJURY

A. Every employee or his representative shall immediately upon occurrence of injury, notify his/her supervisor. No payment under Tennessee Code Annotated Title 50 Chapter 6 shall be given if notification is not received in writing within fifteen (15) days.

B. All Workers' Compensation reports will be filed with the Personnel Department. The supervisor will file a complete Bartlett Injury/Accident investigation report on all injuries. The original report will be forwarded to the Personnel office within twenty four (24) hours from time of accident. It must be signed by the injured employee and supervisor.

C. The Personnel Director will be notified immediately of any serious injury or accident.

D. The Health & Safety Officer must notify TOSHA as required for certain injuries.

CHAPTER 23: OCCUPATIONAL SAFETY AND HEALTH

23.1 PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program Plan for the employees of the City of Bartlett.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City of Bartlett in electing to update and maintain an effective Occupational Safety and Health Program Plan for its employees shall

- A. Provide a safe and healthful place and condition of employment.
- B. Require the use of safety equipment, personal protective equipment, and devices where reasonably necessary to protect employees.
- C. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Safety Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- D. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- E. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- F. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine Program Plan effectiveness and compliance with the occupational safety and health standards.
- G. Make a report to the Commissioner of Labor and Workforce Development annually, or as many otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the Occupational Safety and Health Program Plan.

- H. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to the employees' safety and health.

23.2 SAFETY COMMITTEE

The Safety Committee establishes safety rules and regulations with the approval of the Safety Director and the Mayor; administers the total safety program of the City; investigates all accidents involving personal injury; and makes recommendations and suggestions to the respective departments for corrective actions.

23.3 COMMITTEE MEMBERS

The City's Safety Committee is a permanent standing committee composed of the Director of Public Works, Director of Parks and Recreation, Director of Engineering, Police Chief, and Fire Chief, representing the uniform services. The permanent chairperson is the Safety Director.

CHAPTER 24: RETIREMENT

24.1 POLICY

It is the policy of the City of Bartlett to provide a measure of financial security for fulltime employees who have served the City over a period of years. The City provides a retirement program by making available one of two Retirement System of the City of Bartlett-Defined Benefit Plans in conjunction with participation in the Social Security System (FICA). The legacy plan is available for employees hired before July 1, 2014 and the 555 plan is available for employees hired on or after July 1, 2014.

24.2 ELIGIBILITY

- A. All employees paid on the city's payroll will participate in **Social Security** beginning on their first day of work.
- B. Full time employees, elected and appointed officials (including, Judges, City Attorney, City Prosecutor, Assistant City Attorney and Assistant Prosecutor) enter the City's **Retirement System** on their date of employment. Elected Aldermen may elect to enter the City's Retirement System at the start of their term in office.

24.3 CONTRIBUTION RATES

- A. Each employee covered by the legacy plan is required to contribute four percent (4%) of his/her annual compensation into the retirement plan. Employees cannot make any additional contributions to the plan. The City of Bartlett will contribute the additional amount necessary to fund each employee's retirement benefit, based on the advice of the plan's actuary.
- B. Each employee covered by the 555 plan is required to contribute five percent (5%) of his/her annual compensation in the retirement plan. Employees cannot make any additional contributions to the plan. The City of Bartlett will also contribute 5% of the employee's annual compensation as directed by the plan document.
- C. Employee and employer contribution rates to **Social Security** are established by the federal government.

24.4 BENEFITS

- A. Benefits available from the City of Bartlett **Retirement System** are set forth in the pension trust documents administered by the plan's Board of Administration. Any changes in the Retirement System may require a recommendation from the Board of Administration and a review and approval by the Mayor and approval by the Board of Mayor and Aldermen.

- B. Social Security benefits are established by the federal government.

24.5 VESTING

Participants in the City's **Retirement System** become vested after five (5) years of credited pension service.

24.6 SUPPLEMENTAL RETIREMENT

The City makes available a deferred compensation plan option under Section 457 of the Internal Revenue Service code. The 457 option is elective and the City makes no contribution to the plan. Under Section 457, the employee can invest funds through payroll deduction and federal taxes on these funds are deferred until the employee receives payments from the fund. The deferred compensation plan is designed to supplement benefits from a retirement plan and Social Security.

CHAPTER 25: TRAVEL REGULATIONS

25.1 COMPREHENSIVE TRAVEL REGULATIONS

A. The City of Bartlett recognizes the fact that City elected officials, employees and other representatives will have the occasion to travel on City business from time to time.

B. The City desires that persons required to travel on City business be provided reasonable accommodations, reasonable meals and reasonable allowances for NECESSARY expenses.

C. The City also desires that the taxpaying public be provided comfort that the City maintains a conservative stance toward use of the City's resources. Therefore, it is the policy of the City that travel expense claims should be ONLY for the most prudent use of City funds as circumstances permit.

D. To be reimbursed, travel must be on bona fide City business. Travel must be approved by the Department Director, Chief Administrative Officer or Mayor in advance of the trip. The only expenses allowed would be those falling within these guidelines. The expenses must fall within the City's budgetary allowance for each department.

E. Claims for reimbursement for travel expenses should be submitted no later than fifteen (15) days after completion of the travel. Claims submitted after this period must provide written explanation for the delay. The claim should be submitted on a form approved by the Director of Finance.

F. Approved City travel is designed to be on the basis of reimbursement for the necessary business expenses incurred --subject to the limitations set forth herein. Receipts are required for all items, fares in excess of \$5.00 except for tips, taxi fares, tolls and ferry fees.

G. Travel must be by the most direct route possible. Any individual traveling by an indirect route must assume any extra expense incurred.

H. If an employee is in a travel status (in route either to or from the approved travel site) or the travel destination (away from home) for the following time period(s), the employee may claim a meal for a partial day:

- | | | | | |
|----|-----------|-------------|----|------------|
| 1. | Breakfast | 7:00 A. M. | to | 8:00 A. M. |
| 2. | Lunch | 11:00 A. M. | to | 1:30 P. M. |
| 3. | Dinner | 5:00 P. M. | to | 7:00 P. M. |

Any employee who is at home or within Shelby County at these times will not be entitled to reimbursement, except for the purpose to attend a bona fide business meeting or City business purpose.

I. The limits on travel expenses set forth herein are maximum amounts beyond which reimbursements cannot be made. City employees should be as conservative as circumstances permit.

J. Expenses of books, supplies, material or services that do not constitute actual travel expenses should NOT be made a part of the travel claim. These items should be purchased through the normal purchasing policies and procedures of the City.

K. Following the City's guidelines for travel is expected for all persons traveling on City business. Failure to follow the travel guidelines may result in future restrictions or prohibitions from future trips on the City's behalf.

25.2 TRANSPORTATION

A. Common Carrier

Transportation for persons traveling should be by the most economical means practical. Persons traveling singly out of state should be by common carrier (air, train, bus) whenever practical and the fare must not exceed the regular tourist fare charged the general public. Advantage of round trip rates must be taken when available. A receipt in the form of a ticket stub must accompany the expense claim. The use of air travel is encouraged when time is an important factor, or where the trip is so long that other methods of travel would prove more expensive because of subsistence allowance.

B. Automobile Travel

Officials and employees should make use of City owned cars whenever possible. However, City owned vehicles should be used only on official business.

1. When transportation is by personally owned cars, the authorized mileage allowance will be according to the IRS Guidelines, for business expense deductions. Mileage allowed will be only for the most direct route available – for official business.
2. The total cost of an out of town trip in a personally owned car shall not exceed the total cost for the same trip if commercial transportation were used, including taxi fares and/or limousine charges.

C. Automobile Rental

Charges for automobile rental shall not be allowed unless the Department Director gives prior authorization. Reimbursement for automobile rentals will be limited to 'reasonable cost' as determined by the Mayor or Chief Administrative Officer. Tax exempt status and discounts for City rates should be requested for every rental.

25.3 TAXI FARES

If an individual travels by common carrier, reasonable taxi fares will be allowed for necessary transportation. It is expected that bus, hotel shuttle or limousine service to and from airports will be used when available and practical. In traveling between hotels or lodging and the meeting or conference, reasonable taxi fees will be allowed, unless free transportation is available and provided by the conference, hotel or sponsor.

25.4 PARKING

Necessary charges for hotel and airport parking will be allowed provided that airport parking fees do not exceed normal taxi fare to and from the airport. Receipts must be furnished on airport and hotel parking.

25.5 UNNECESSARY MEALS, LODGING AND OTHER EXPENSES

Unnecessary costs which are occasioned by the employee's personal convenience or which are due to travel by an indirect route will not be reimbursable.

25.6 LODGING & MEALS

A. General Lodging

Reimbursement for lodging will be on the following basis:

1. City of Bartlett per diem rates for lodging are based on the U.S. General Services Administration Guidelines for lodging designated by the destination travel city. (<https://www.gsa.gov/travel/plan-book/per-diem-rates>).
2. Trips requiring lodging must have prior approval of the Department Director or the Mayor or CAO. The City policy shall be to allow the basic single room rate at a place comparable to the Hampton Inn or Comfort Inn for the normal course of travel. Additional charges for things such as room service or health club fees or things beyond the "basic single rate" will not be allowed.

3. All lodging should fall within “reasonable” as defined by the Mayor and/or CAO. Prior approval is advisable. Tax exempt status and Government rate discounts should be requested in each instance.

B. Meals

City of Bartlett per diem rates are based on the U.S. General Services Administration Guidelines for Breakfast, Lunch and Dinner, which vary by city location. (<https://www.gsa.gov/travel/plan-book/per-diem-rates>) Meals and incidental expenses (M&IE), including expense for the first and last day of travel from the per diem tables may be claimed for each day while on official business. No receipts are required when the per diem rates are claimed. No allowance will be allowed when a meal is provided by the conference/meeting. Incidental food/snacks provided by the hotel or meeting site are not required to constitute a meal. Business purpose meals exceeding these amounts will be considered on a case by case basis. In these instances receipts will be required as well as documentation of the business purpose, and the approval as “reasonable” by the Mayor or Chief Administrative Officer.

C. Convention/Special Meeting Lodging & Meals

Additional allowances for lodging and meals may be made for convention sites and for special meeting purposes. Convention rates will be allowed at a location of a meeting or conference if documentation of the business purpose of the meeting is provided, with the approval of the Department Director, the item is within the budget, the rate is less than or equal to the convention rate and is determined as ‘reasonable’ by the Mayor or Chief Administrative Officer. The City recognizes the necessity of occasional trips to the State Capitol for meetings on legislative, administrative or state association purposes. Lodging in the Capitol area in Nashville will be given special consideration provided the business purpose of the meeting is documented and the Mayor or CAO” approves the rate as “reasonable”. Prior approval as “reasonable” is advisable. Tax exempt status and City/State rates should be requested in each instance. In these special situations, receipts must be included with the expense reimbursement request.

25.7 TRAVEL ADVANCES

Travel advances will be permitted to reduce the burden on the employee under the following circumstances: Travel advance requests will be on a form approved by the Director of Finance. Travel advances must be at least \$100. Travel expense

advances will be limited to 80% of documented expected allowable expenses. Documentation of actual expenses is expected within 15 days of return to the City.

25.8 ALLOWABLE TRAVEL EXPENSES

Allowable travel expenses will be reimbursed provided the spending was (a) for City purposes; (b) has appropriate documentation; (c) on a form approved by the Director of Finance; (d) is approved by the Department Director or designee; (e) is within the department's budget for travel and (f) is within these travel guidelines.

These guidelines are designed for City of Bartlett employees, elected officials and appointed officials. Persons outside these parameters traveling on City business need approval of a Department Director and either the Mayor or CAO.