



Personnel Policy

City of Sevierville

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Article I. Policy

Section 1. Policy Statement

- (A) The employment relationship between the City and the employee is terminable at the will of either at any time and with or without cause and with or without notice. No policy or provision contained herein shall alter the “at will” nature of the employment relationship between the City and the employee. No employee, officer, agent or representative of the City has any authority to enter into any agreement or representation, verbally or in writing, which alters, amends or contradicts this provision or the provisions in these policies. Any exception to this policy of “at will” employment must be expressly authorized in writing, approved by the Board of Mayor and Aldermen and executed by the officers designated by the Board of Mayor and Aldermen.
- (B) None of the benefits or policies set forth in these policies is intended because of its publication to confer any rights or privileges upon employees or to entitle them to be or remain employed by the City. The contents of this document are presented as a matter of information only. These personnel policies are not and do not create a contract of employment, but are a set of guidelines for the implementation of personnel policies. The City explicitly reserves the right to modify any of the provisions of these policies at any time. Notwithstanding any of the provisions within these policies, employment may be terminated at any time, either by the employee or by the City, with or without cause and with or without advance notice.
- (C) All City positions are subject to budget review and approval each year by the City Board of Mayor and Aldermen, and all employees’ work and conduct must meet standards of performance and behavior as established by the City Administrator. Therefore, reference to regular positions should not be construed as a contract or right to perpetual funding or employment.
- (D) These policies are meant to be a minimum standard of acceptable requirements, practices, and procedures that apply to all City employees. Department Heads may, with approval of the City Administrator, develop written policies for their employees of a stricter or more defined nature based on the needs and activities of their department. Such policies will have the same applicability within the affected departments as the City-wide Personnel Policy.

Article II. General Provisions

Section 1. Guiding Principle/Purpose

The purpose of these policies is to establish a personnel system for the City that will recruit, select, develop and maintain an effective and responsible work force. All appointments of City employees subject to the authority of and exercised by the City Administrator shall be made on the basis of merit, fitness for duty and demonstrated ability. This policy also covers employment, employee benefits, working conditions, work expectations and rules, grievance procedures, position classification, and pay administration. These policies are established under the authority of the Charter for the City of Sevierville, Tennessee, Article VIII, Section 3.

Section 2. Coverage

Unless specifically stated otherwise, the City of Sevierville Personnel Rules apply to all employees, i.e., regular full-time, regular part-time, seasonal, etc.

Section 3. Definitions

- (A) Probationary Employee. A person appointed to a regular full-time or part-time position who has not yet completed the probationary period (See Article III, Section 14 of these policies).
- (B) Regular Part-time Employee. An employee who is normally scheduled to work less than 40 hours per work period. These employees may be eligible for partial benefits.
- (C) Regular Full-time Employee. An employee who is normally scheduled to work a minimum of 40 hours per work period for general City employees, 160 work hours per 28 day work period for Police Officers, and 216 work hours per 28 day period for Fire Fighters..
- (D) Exempt Employee. Employees in positions that meet the criteria for exemption under the "Fair Labor Standards Act of 1938 with latest amendments". These positions are not entitled to overtime compensation.
- (E) Non-Exempt Employees. Employees in positions that do not meet the criteria for exemption under the "Fair Labor Standards Act of 1938 as amended in March 2004." Employees in this category are entitled to overtime pay for hours worked in excess of their permitted work period maximum. These hours are spelled out in Article V Section 9 of these policies.
- (F) Seasonal Part Time Employee. A person appointed to serve in a position for a defined time period (usually less than six months) or a person who works year-round, but is not regularly scheduled. Seasonal employees are not eligible for leave time or other fringe benefits.
- (G) Grievance. A claim or complaint based upon an event or condition which affects the circumstance under which an employee works, allegedly caused by misinterpretation, misapplication, or lack of established policy pertaining to employment expectations.
- (H) Adverse Action. A demotion, dismissal, reduction in pay, layoff, suspension or an involuntary transfer.
- (I) Pay Grade. Vertical differentiation within the City of Sevierville Pay Plan.
- (J) Fiscal Year. July 1 through June 30.

- (K) Temporary Modified Assignment. Productive work for a defined amount of time that might be available and scheduled for an employee to work within his or her physical or mental restrictions as approved by his or her physician. This duty may or may not be within his or her normally assigned department and will more than likely be different from his or her normally assigned duties or job description. Recommendations for assigned duties and duration may be made by the Department Head and approved by the Human Resources and Risk Managers.

This policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA).

Section 4. Merit Principle

The merit principle refers to the selection of persons based on their fitness and ability for employment and the retention of employees based on their demonstrated appropriate conduct and productive performance.

The City will attempt to follow the following merit system principles in administering its personnel program:

- (A) Applicants and employees shall be assured of fair treatment in all aspects of personnel administration without regard to political affiliation, religious creed, gender, sexual orientation, gender identity, marital status, military service, national origin, age, color, race, genetic information, pregnancy status, disabilities, or any other characteristic protected by applicable federal, state, or local laws. Disabled persons shall be given equal consideration in all personnel actions providing their disabilities are not unreasonable barriers to the satisfactory performance of essential job functions. Reasonable accommodations are available if needed for persons with disabilities to perform essential job functions. Individuals shall likewise be treated with proper regard for their privacy and constitutional rights as citizens of the United States and the State of Tennessee.
- (B) Employees shall be recruited, selected, trained, and advanced on the basis of their ability, knowledge, skill, and performance.
- (C) Employees shall be retained on the basis of the adequacy of their performance. They shall be guided in ways to correct inadequate performance and terminated when inadequate performance cannot be corrected.
- (D) Employees shall be protected against coercion for partisan political purposes.
- (E) Employees shall receive equitable and adequate pay and benefits; and eligible employees may receive merit pay increases based upon their performance subject to the availability of funds.
- (F) The City of Sevierville does not discriminate based on race, color, gender, or national origin pursuant to Title VI of the Civil Rights Act of 1964.

Section 5. Responsibility of the City Board of Mayor and Aldermen

The Board of Mayor and Aldermen shall establish personnel policies and rules, including the classification and pay plan.

The Board of Mayor and Aldermen shall adopt or provide for rules and regulations, resolutions or ordinances concerning personnel policies, and other measures that promote the hiring and retention of capable, diligent, and honest employees under the authority of the Charter for the City of Sevierville, Tennessee, Article VIII, Section 3.

The Board of Mayor and Aldermen shall prescribe the office hours, workdays, and holidays to be observed by the various offices and departments of the City.

Section 6. Responsibility of the City Administrator

The City Administrator shall be responsible to the Board of Mayor and Aldermen for administration and maintenance of the position classification plan and the pay plan, and shall appoint, suspend, and remove all City officers and employees except those elected by the people or whose appointment is otherwise provided by law or by the City Charter. The City Administrator shall: recommend rules and revisions to the personnel system to the Board of Mayor and Aldermen for consideration; make revisions to the position classification plan; prepare and recommend revisions to the pay plan to the Board of Mayor and Aldermen for approval; determine which employees are exempt and non-exempt from the FLSA; establish and maintain a roster of all persons in the City service, setting forth each officer and employee, title of position, pay, and changes in title and status, and such other data as may be deemed desirable and useful; develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City; develop and coordinate training and educational programs for City employees; investigate periodically the operation and effect of the personnel provisions of this policy and at least annually report the findings and recommendations to the Board of Mayor and Aldermen; maintain an organizational chart of all City classified positions; and perform such other duties in connection with a modern personnel program as are required. All matters dealing with personnel shall be routed through the Human Resource Manager in coordination with the City Administrator, who shall maintain a complete system of personnel files and records. (The City Administrator may perform any or all of these duties and responsibilities or assign them to a staff employee).

Section 7. Amendments to These Policies

These policies will be considered for periodic review and shall be maintained in a standard format, which will be accessible to all employees and other authorized personnel. Personnel policies may be amended by vote of the Board of Mayor and Aldermen. Proposed amendments may originate within staff, Board of Mayor and Aldermen, or a combination of the two.

Article III. Recruitment and Employment

Section 1. Commitment to Diversity

It is the policy of the City to foster, maintain, and promote equal employment opportunity. The City shall select employees on the basis of the applicant's qualifications and without regard to age, gender, sexual orientation, marital status, gender identity, race, color, creed, religion, national origin, genetic information, pregnancy status, disability, or any other characteristic protected by federal, state, or local laws. Applicants with disabilities shall be given equal consideration with all other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of duties.

Section 2. Implementation of Equal Employment Opportunity Policy

All personnel responsible for recruitment and employment shall continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable performance-related job requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of political affiliation, religious creed, gender, sexual orientation, gender identity, marital status, military service, national origin, age, color, race, genetic information, pregnancy status, disabilities, or any other characteristic protected by applicable federal, state, or local laws. Notices with regard to equal employment matters shall be posted in conspicuous places in or on City buildings.

The City will not knowingly employ any person who is or becomes an unauthorized immigrant. In compliance with the Immigration Reform and Control Act, all employees hired after November 6, 1986, regardless of national origin, ancestry, or citizenship, must provide suitable documentation to verify identity and employability. This documentation must be provided before employment.

Section 3. Limitation of Employment of Relatives

A. Purpose:

The ability of relatives of certain employees to be hired by the City and of relatives to work closely together in some instances shall be restricted so as to prevent the potential for adversely impacting the safety, security, morale, or efficiency of supervision of other employees due to a potential conflict of interest.

Definitions:

1. "Close Relative" means a person who is related to the principal person as a spouse, child, grandchild, parent, grandparent, brother, sister, aunt, uncle, nephew or niece by blood, brother-in-law, sister-in-law, "step" relatives and adoptive ones. The brother-in-law and sister-in-law restriction does not include the husband or wife of an existing employee's spouse's sister or brother.
2. Department: an operational unit of the City consisting of the following designated departments:

1. City Administration
2. Finance
3. Fire
4. Police

5. Parks and Recreation
6. Development and Information Services
7. Convention Center
8. Golf
9. Public Works
10. Water Department
11. Or such other department(s) as may from time to time be hereinafter designated by the Board of Mayor and Aldermen of the City of Sevierville.

B. Prohibition:

No close relatives of currently serving members of the Board of Mayor and Aldermen, the City Administrator, or the Department Heads shall be hired in any full time capacity, notwithstanding any individuals meeting this description already in full time employment with the City prior to October 1, 2022.

No person shall be employed by the City of Sevierville for a position in any department of the City of Sevierville, as above defined, where there is already employed by the City of Sevierville, a City employee who would fall within the definition of a “close relative” as set forth above.

When any two employees become married to each other, and the result of which is that those two married persons then would be working within the same department, as defined above, one of them will be required to terminate his or her employment with the City of Sevierville. If the employees fail to determine which of the two will terminate his or her employment within two weeks from the day of the wedding, the less senior of the two employees will be terminated.

Failure to disclose a covered relationship may result in the immediate termination of both employees.

Situations not specifically addressed in this policy which, in the City’s opinion, create a conflict of interest or give the appearance of a conflict of interest, will be handled at the City’s discretion.

C. Part Time Employees:

This policy does not apply to part time employees, except that such employees may not directly supervise or be supervised by a close relative as defined above, any appearances of conflict of interest notwithstanding.

Section 4. Recruitment and Response Time Requirements

- (A) It is desirable for all employees to reside within the City limits or reasonable commuting distance. However, candidates for employment shall be recruited from as wide a geographic area as necessary to assure obtaining well-qualified applicants.
- (B) All Police Department sworn officers must reside in an area such that the maximum driving response time to return to the Police Department is 45 minutes. To be eligible for the take home car program, the officer must reside within a 15 mile radius of the Police Department.
- (C) All certified Fire Department employees must reside in an area such that the maximum driving response time to return to Fire Department Station Headquarters is one hour.

Section 5. Job Announcements

Employment announcements shall contain assurances of equal employment opportunity and shall comply with federal and state statutes regarding discrimination in employment matters. Notice of Full-time or Part-time vacancies will, at a minimum, be posted at designated conspicuous sites within City buildings for ten calendar days and on the City's website. Notices shall also be advertised in professional publications and other outlets for recruitment, as deemed appropriate for the position.

Section 6. Applications for Employment

Applications for employment will be accepted at all times. Each applicant will be required to indicate the position(s) being applied for on the application. Applications will remain active for a period of six (6) months.

After the active period of six months, applications shall be kept in a reserve file in accordance with Equal Employment Opportunity Commission guidelines.

Section 7. Eligibility for Internal Secondary Employment

Currently employed full time employees shall not be eligible for additional part time employment in any capacity by the City.

Section 8. Qualification Standards

- (A) Employees shall meet the employment standards established by the position classification plan and job description.
- (B) Qualifications shall be reviewed periodically to assure that requirements are fair and conform to the actual job performance requirements.
- (C) The City may employ an applicant in a trainee capacity that does not meet all minimum qualifications for a particular job if the deficiencies can be eliminated through orientation and on-the-job training.

Section 9. Selection

Department heads shall make such investigations and shall conduct such examinations as deemed appropriate to assess fairly the aptitude, education and experience, knowledge and skills, character, physical fitness, and other qualifications required for positions in the service of the City. These examinations may consist of medical, skills based, job knowledge and/or physical strength and agility tests. All selection devices administered by the City or by persons or agencies for the City shall be valid measures of bona fide occupational qualifications. The City will make reasonable accommodations in the application process to applicants with disabilities making a request for such accommodation. Before any commitment is made to an applicant or City employee, the Department Head shall submit a completed application form or resume with documentation of completed reference checks to the City Administrator with a recommendation as to the applicant to fill the position and the rate to be paid.

Section 10. Background Checks

Every prospective employee, as part of the employment application process, shall undergo a background check conducted by the City of Sevierville Police Department or other agencies as the City Administrator deems appropriate.

All prospective Firefighters, Police Officers and Communication Officers (Regular and Reserve) will be subject to a post offer of employment psychological test in accordance with State Law and will be subject to the departmental background check.

Section 11. Driving Background Checks

The City of Sevierville seeks to safeguard its employees and others when driving a motor vehicle is required to conduct business. As noted in the employee handbook under Article III, Section 10, and in compliance with our Automobile Liability coverage, motor vehicle record checks will be conducted on employees who will be covered by company insurance on an annual basis. A satisfactory driving status would be no more than one moving violation in the past 12 months.

Unsatisfactory driving records include but are not limited to:

- Suspended or revoked license.
- Three or more moving violations in the past 36 months.
- Any violations involving drugs, alcohol, controlled substances, etc. within the past 24 months.
- Leaving the scene of an accident within the past 24 months.
- Reckless driving within the past 24 months.
- At fault in an accident resulting in fatality or serious injury within the past five years.

Any covered employee without a valid driver's license will not be allowed to operate a company vehicle or drive on behalf of the City of Sevierville. If driving is an essential job function and the employee cannot be reasonably accommodated, employment may be terminated.

If an existing employee has a valid driver's license but the employee's driving record falls at or below acceptable status criteria (defined above), the employee will be placed on probationary status and will be subject to the requirements of that status until the end of the probation. If a subsequent periodic motor vehicle record check reveals further violations, the City of Sevierville will review the specific circumstances surrounding the individual and determine appropriate action.

Prospective employees with unsatisfactory driving records shall not be eligible for employment.

Section 12. Recruitment by Examination

The City Administrator or his designee will make such investigations and conduct such examinations as deemed appropriate to assess the aptitude, education and experience, knowledge and skills, physical fitness, and other qualifications required for positions in the service of the City. The City may utilize various testing formats and resources.

Please refer to the City's Drug and Alcohol policy for information about pre-employment testing.

Types of Examinations:

The examinations held to establish eligibility and fitness for any position may consist of one or more of the following types of examinations as determined by the City Administrator. The City Administrator will make

reasonable accommodations in the examination process to disabled applicants requesting such accommodations.

1. Written Test: This test, when required, includes a written demonstration designed to show the applicant's familiarity with the knowledge involved in the class of positions to which he/she is seeking a position.
2. Oral Test: This test, when required, includes a personal interview where the ability to deal with others, to meet the public, and/or other personal qualifications are to be evaluated. An oral interview may also be used in examinations where a written test is unnecessary or impractical or as reasonable accommodation to someone unable to take a written test because of a disability.
3. Performance Test: This test, when required, involves performance tests as would aid in determining the ability and manual skills of applicants to perform the work involved. The performance test may be given a weight in the examination process or may be used to exclude from further consideration applicants who:
 - a. Cannot perform the essential functions of a specific position due to a disability that cannot reasonably be accommodated.
 - b. Pose a direct threat to themselves or others.
 - c. Are unable to perform the essential functions of a specific position due to a temporary condition or disability not protected by ADA.
4. Physical Agility Test: When required, this consists of job-related tests of body conditioning, muscular strength, agility, and physical fitness of job applicants for a specific position. This test may be given a weight in the examination process or may be used to exclude from further consideration applicants who do not meet the minimum required standards.
5. Psychological Test: When required, this includes any test to determine mental alertness, general capability of the applicant to adjust his/her thinking to new problems, or to ascertain special character traits and attitudes.
6. Personality Test: When required, a personality inventory is an assessment tool used to determine which of these personality types a person falls into: extroverted, introverted, thinking, feeling, sensing, intuitive, judging, and perceptive. It is used as part of a self-assessment done for career planning purposes.
7. Drug Testing: Pre-employment testing will be conducted on all positions. Non-negative results on the drug test may result in an applicant being denied employment.

With the approval of the City Administrator, any employees of the City may be required by their department head to undergo periodic "fitness for duty" examinations to determine their physical and mental fitness to continue to perform the work of their positions. This periodic examination shall be at no expense to the employee. A physician designated by the City Administrator will make a determination of physical and/or mental fitness.

Section 13. Oath of Office

Before taking office (or position) with the City of Sevierville, every employee shall take, subscribe to, and file with the City Recorder the following oath:

"I, _____, do hereby solemnly swear to honestly, effectively, and impartially execute the duties of _____ and to support and defend the Constitution of the United States of America, the Laws of the State of Tennessee, and the Ordinances of the City of Sevierville to the best of my skill and ability, so help me God."

Section 14. Probationary Period of Employment

An employee appointed to a full-time position shall serve a probationary period of 12 (twelve) months. This time period is to be considered a continuation of the selection process and should be used as such. This is the time when the employer determines if the appointee is right for the position and the appointee can determine if the position is right for him or her. It is a period of training and adjustment. An employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period. Even after the probationary period, no employee is guaranteed indefinite continued employment. Employees will remain "at will employees" following conclusion of any probationary period.

An employee serving a probationary period following a movement to a different job within the City shall be demoted as provided in Section 15 of this article or terminated if unable to perform assigned duties of the new job satisfactorily. Before the completion of the probationary period, the Department Head shall indicate in writing via the appropriate form to the City Administrator that:

1. the Department Head or a designee has discussed the new employee's progress, accomplishments, strengths, failures, and weaknesses with the new employee; and
2. whether or not the new employee is performing satisfactory work; and
3. whether or not the employee should be retained.

Employees serving a probationary period following initial hiring in a regular position shall receive all benefits provided in accordance with these policies with the following exceptions or as otherwise provided:

1. A new employee may accumulate vacation leave but shall not be permitted to take vacation leave during the first three months of the probationary period unless the denial of such leave shall create an unusual hardship. Under such circumstances, vacation may be granted only with the approval of the Department Head, as negotiated during the pre-employment process.
2. Full time employees hired on or after December 1 will not be eligible for a full time bonus pay for that calendar year.

Section 15. Demotion

Any employee whose work in his or her present position is unsatisfactory or whose personal conduct is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion will usually be preceded by the warning procedures outlined in Article IX, Section 1(A), 1(B), or 1(C) of these policies, whichever is applicable, but the City retains authority to demote without warning if it deems it appropriate under the circumstances. An employee who wishes to accept a position with less complex duties and responsibility may request a voluntary demotion and be demoted for reasons other than unsatisfactory performance of duties or failure in personal conduct.

Representative causes for demotion because of failure in work performance, failure in personal conduct, or failure to follow the guidelines of the City of Sevierville Safety and Health Program are listed in Article IX, Sections 1(A), 1(B), and 1(C) of these policies.

See Article V, Section 8(A) for Pay Rates regarding Demotion.

Section 16. Transfer

If a vacancy occurs and an employee in another department is eligible for a transfer and is selected, the department head wishing to hire the employee shall request the transfer, subject to the approval of the City Administrator.

- (1) An employee in a probationary period is not eligible for internal transfers to another department.
- (2) An employee who has successfully completed a probationary period may be transferred to a different department and will be subject to a probationary period for the new position but will maintain all benefits.

See Article V, Section 8(B) for Pay Rates regarding Transfer.

Section 17. Reinstatement of Employment

A re-employed or reinstated employee will be paid at a salary rate within the approved salary range for the position in which he/she is reinstated, provided that separation was not for disciplinary reasons and that the employee gave at least two weeks' notice prior to leaving. Accrued benefits will not be reinstated.

Article IV. Classification Plan

Section 1. Adoption

The position classification plan set forth in this Article is hereby adopted as the position classification plan for the City. The position classification plan is available for review in the Human Resource Manager's office.

Section 2. Allocation of Positions

The City Administrator shall allocate each position covered by the classification plan to its appropriate pay grade in the Position Classification Plan. Position descriptions are prepared and maintained for each position in the City. These are reviewed and revised as needed.

Section 3. Administration of the Position Classification Plan

The City Administrator or his designee shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the pay grades to which their positions are allocated. Department heads shall be responsible for bringing to the attention of the City Administrator (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, working conditions or other factors that may affect the classification of any existing positions.

When the City Administrator finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the existing pay grade specification may be revised and reallocated to the appropriate pay grade within the existing classification plan; or the position classification plan may be amended to establish a new pay grade to which the position may be allocated.

Article V. The Pay Plan

Section 1. Adoption

The schedule of pay grades, as set forth in the City's budgetary documents is hereby adopted as the pay plan for the City. The pay plan shall include all pay grades of positions included in the classification plan. These budgetary documents are available for review in the Human Resource Manager's office.

Section 2. Maintenance of the Pay Plan

The City Administrator shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions reflecting differences in duties and responsibilities, comparable rates of pay for positions in private and public employment in the area, changes in the consumer price index and the labor market, the financial conditions of the City, compliance with FLSA, and other factors. To this end, the City Administrator shall each year prior to preparation of the annual budget make comparative studies of all factors affecting the levels of pay grades, including internal relationships between positions, to reduce or eliminate any inequities and shall recommend to the Board of Mayor and Aldermen such changes in pay grades as appear to be warranted.

Periodically the City Administrator may feel that substantial change has taken place in the organization and labor market and may, with the Board of Mayor and Aldermen's approval, contract for a complete review of all City positions, personnel policies, pay and benefits by an outside consultant or agency.

Section 3. Pay Plan Application Rules

The pay plan is designed to provide fair compensation for work performed. As such, it provides a reasonable path for salary growth for those employees that meet performance standards relevant to their job. No increases are guaranteed, but rather the result of continued improvement in one's job performance.

The following rules are designed to promote the objectives of the plan:

1. There are five pay schedules in the pay plan. These are:
 - a. General
 - b. Water (operational personnel)
 - c. Police (uniformed personnel)
 - d. Fire (uniformed personnel)
 - e. Executive
2. Except for the executive schedule, each plan consists of grades and steps. Jobs are classified by grade depending on a variety of factors including required knowledge, skills and abilities as well as other factors.
3. Each grade level consists of 8 steps. Steps 1 and 2 are further divided into half-steps (1, 1.5, 2, and 2.5). These steps are referred to as "Progression Steps." Steps 3 through 8 are referred to as "Merit Steps."
4. Progression Steps are designed to recognize newer employees (and those promoted into higher grades) who are making acceptable progress towards full competency in their job performance. On

their position anniversary dates, employees in these steps will be reviewed by their supervisors and department heads. Those judged to be making satisfactory will receive a half-step increase beginning the first pay period after the progress step is awarded. (There will be no “back-pay” should a department head fail to submit the progress step recommendation in a timely manner.) Employees in the Progression Steps will still be evaluated as part of the annual evaluation process.

There is no preset time frame for advancement through the Progression Steps. Employees are expected to make reasonable progress based on continued improvement in their performance. Only those employees improving as expected should be considered for Progression Step advancement. For those not performing as expected, step increases should be withheld. Consideration should be given to termination, demotion, or reassignment for those employees not making reasonable progress.

Employees exhibiting exceptional progress may receive Progression Step increases of two half-steps with the approval of the department head. Exceptional progress is defined as progress towards full competency at a rate significantly faster than what might normally be expected or observed in others.

Employees who have been promoted or reclassified shall be considered for progression step increases upon the anniversary date of the promotion or reclassification.

5. Merit Steps are designed to recognize superior and exemplary performance by employees who have mastered the essential job functions of their position. Employees at Step 3 and above in their respective grades are eligible for Merit Step increases. This merit pay increase may be granted if it will not exceed the maximum pay rate for the pay grade of their position. For employees who are at the maximum pay rate for the pay grade of the positions, a lump sum merit increase may be given. Merit can be earned by superior performance, superior productivity, or unique contributions that benefit the City. Merit awards are based upon the annual evaluation for the previous calendar year and shall become effective the first pay date after July 1.

Whereas progression steps are based solely on the individual’s performance in relation to their own potential, determination of merit requires comparing an employee’s performance to that of their peers. Such performance must be judged as superior to that of their peers. Merit increases are not to be assumed or promised, nor are they to reward favored employees.

6. Pay schedules may be adjusted annually as part of the budget process. Such adjustments shall be based on a number of factors including the City’s ability to fund such adjustments.

Section 4. Use of Pay Grades

Pay grades are intended to furnish administrative flexibility in recognizing individual performance among employees holding positions in the same pay grade by rewarding employees for meritorious service.

The minimum rate established for the pay grade is the normal hiring rate, except in those cases where unusual circumstances appear to warrant appointment at a higher rate. Above-the-minimum appointments will be based on factors such as the qualifications of the applicant being higher than the desirable education and experience for the position, a shortage of qualified applicants available at the minimum rate of pay

within a grade, or the refusal of qualified applicants to accept employment at the minimum rate of pay or other similar factors.

Each pay grade may be considered to be divided into quartiles. In situations meriting an offer of starting pay at a rate other than the minimum rate of pay within a grade, starting rates of pay for new employees shall be determined as follows:

- A) 1st Quartile: Department Head
- B) 2nd Quartile: Department Head and Human Resources Manager
- C) 3rd Quartile: City Administrator
- D) 4th Quartile: City Administrator

All conditional offers of employment must be approved by the City Administrator.

Section 5. Payment at a Listed Rate

All employees covered by the pay plan shall be paid at a fixed step rate within the pay grade established for their respective positions except for employees in a “trainee status” or employees whose present pay is above the established maximum rate for their pay grade following transition to a new pay plan.

Section 6. Pay of Trainee

An applicant hired or an employee transferred to a position in a higher pay grade, who does not meet all the established requirements of the position, may be appointed at a rate in the pay plan below the minimum established for the position. In such cases, a plan for training, including a time schedule will be prepared.

Trainee pay rates may be no more than 10% below the minimum pay established for the position for which the person is being trained. An employee in trainee status will remain at a determined rate of pay until the department head determines that the trainee is qualified to assume the full responsibilities of the position. The department head shall review the progress of each employee in a trainee status every three (3) months or more frequently as necessary, to determine when the trainee is qualified to assume the full responsibilities of the position. A trainee shall not be in such status for longer than one (1) year.

Section 7. Interim Pay

A position which is vacant for at least two weeks may be filled on an interim basis by a lesser-graded existing employee.

A temporary increase to an employee’s pay may be provided for taking on an interim assignment; however, it is not required. Interim pay may be established at two steps above the employee’s current rate of pay or at the base rate of the vacant position, whichever is more. Interim assignment pay is a temporary adjustment to an employee’s base salary and is not considered additional compensation.

Interim designation and anticipated timeframe must be established by the Department Head and City Administrator prior to the assignment of any additional pay. Interim pay shall not be awarded retroactively. An interim assignment shall not last longer than one year.

Employees serving in an interim capacity are not eligible for progression or merit pay at the interim pay rate; they are eligible for progression or merit increases at their original rate of pay.

Section 8. Pay Rates in Demotion, Transfer, and Reclassification

When an employee is demoted, transferred or reclassified, the rate of pay for the new position will be established in accordance with the following rules:

- (A) Demotion: If the demotion is for cause, the pay may be reduced to a pay range in the lower pay grade. In the case of a voluntary demotion, the employee's pay will be proportionately reduced to the pay grade level of the "demoted" position.
- (B) Transfer: An employee transferring from one position to another position within the same pay grade shall continue to receive the same pay.
- (C) Reclassification: The pay of an employee whose position is reclassified to a higher pay grade shall be increased to the lowest point within the new pay grade which is equal or above the employees current pay grade. For example, 11/3 is equivalent to 13/1. If the reclassification is the result of a significant change in the scope of work and level of responsibility of the position, the pay rate within the new pay grade may be adjusted accordingly subject to the written request of the Department Head and approval of the City Administrator. If the position is reclassified to a lower pay grade and the employee is receiving pay above the maximum pay rate established for the new grade, the base pay of the employee shall be maintained at the pre-reclassification rate until such time as the new pay grade is increased above the employee's current pay rate.

Section 9. Work Period

- (A) Many of the services performed by City employees are essential and some must be provided day and night, every day of the year. Therefore, City employees may be required to work changing shifts, and the number of hours per day may differ. Pay periods begin at 12:01 AM on Saturday.
- (B) Work periods are generally as follows:

General Government Employees 40 Work Hours per 7 day work period

Police Officers 160 Work Hours per 28 day work period

Fire Fighters 216 Work Hours per 28 day work period

Each employee shall adhere to the work times specified for his/her position.

When the activities of a particular department require some other schedule to meet work needs, the City Administrator may authorize a deviation from the normal schedule.

Exempt employees in administrative, professional or managerial positions shall work the number of hours necessary to assure the satisfactory performance of their duties, at a minimum of 40 hours per week.

Section 10. Overtime

- (A) Department heads shall arrange the work schedules of their employees so as to accomplish the required work within the appropriate work periods. Employees shall be required to work overtime as necessary and the department head may order extensive overtime only with the approval of the City Administrator. Overtime work shall be considered work performed by an employee which exceeds

the established work period of the employee. All overtime practices shall comply with the “Fair Labor Standards Act of 1938” with the most recent amendments. The City Administrator, following FLSA regulations, shall determine which jobs are “non-exempt” and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Whenever practical, department heads will adjust schedules within the applicable work period for non-exempt employees, instead of paying overtime. Actual overtime worked will be paid at a time-and-one-half rate, in accordance with FLSA regulations. Employees in positions determined to be “exempt” from FLSA will not receive pay for hours worked in excess of their normal work periods. Job descriptions will indicate whether a position is exempt or not.

- (B) Employees required to work hours over the maximum allowed in the assigned work period shall be compensated for such overtime hours worked subject to the following provisions:
- (1) The position does not involve administrative, professional, managerial or other types of work exempt from coverage by FLSA.
 - (2) Overtime payments shall be earned once the employees’ worked hours exceed the overtime threshold as determined by FLSA. These standards are 40 work hours per 7 day work period for general government employees, 171 work hours per 28 day period for police officers, and 212 work hours per 28 day period for fire fighters.
 - (3) All overtime payments shall be earned at a rate of one and one-half hours for each hour of overtime worked.
 - (4) Department heads will schedule employees for overtime work when it is not feasible to adjust schedules within the applicable work period for non-exempt employees.
 - (5) Vacation, sick, and other types of paid leave shall not be counted as time worked for computing overtime during a work period.

Supervisors shall be responsible for maintaining appropriate and accurate records detailing hours worked each day and total hours worked each work period. All time records must be approved by the department head and authorized in the payroll system. The City will not intentionally make any deductions prohibited by law from any salaried employee’s pay. If any employee believes any deduction from pay is improper, the employee should immediately notify the Human Resources Department, and the City will review the issue.

Section 11. On-Call

As designated by the Department Head when conditions warrant, an emergency on-call crew may be established whose on-call duties will consist of being available for work during off-duty hours. As necessary, a duty roster shall be prepared and published for the benefit of department personnel for an advanced period, if possible. This roster may be amended from time to time as the needs of the department and its personnel dictate. If, for operational or other valid reasons, it becomes necessary to relieve an individual from on-call duty, the Department Head shall appoint another employee to serve in his or her place. On-call crew members may be issued a mobile device and shall be able to report for duty within thirty (30) minutes after notification. On-call personnel authorized to take City vehicles to their homes after normal working hours may not use them for personal business.

If the on-call employee is required to work six (6) hours or more on a night before a regularly scheduled work day (Sunday through Thursday nights), that employee will be entitled to one-half (1/2) day off the following day with pay, and with those four (4) hours off not counting toward overtime.

Each employee serving as an emergency on-call crew member shall receive supplemental pay in the amount of two (2) hours per day Monday through Friday, three (3) hours per day Saturday and Sunday, or sixteen (16) hours per week.

Section 12. Call-Out

When a regular full-time, non-exempt employee, after departing from his or her scheduled work period, is officially ordered to and does report back to work for emergency service, he/she shall be compensated for all additional hours worked at one and one-half times his or her regular hourly rate. The employee shall be paid a minimum of two (2) hours at this rate. Work time shall commence when the employee leaves his or her residence and shall end when the employee returns directly home.

With City Administrator approval, call-out pay may also be used for non-emergency events.

Section 13. Bonus Pay

In order to reward satisfactorily performing employees for their years of service to the City, each active regular full and part-time employee, hired prior to December 1st, is eligible to receive bonus pay. Each full-time employee will receive a check in the amount of \$300 net and each regular part-time employee eligible for partial benefits or seasonal part time employees who have worked a minimum of 960 hours during the calendar year will receive a check in the amount of \$150 net. Bonus pay checks will be paid in December.

Section 14. Compensation for Absence on Official Business / Business Travel

- (A) Absence due to official business:
 - (1) When an employee is away from the job on official City business or is participating in authorized training courses or attending authorized professional conferences, he or she will be considered as officially working and will be compensated based on an eight-hour day. This time will not be counted against the employee's vacation or other authorized leave.
 - (2) The travel portion of the personnel policies applies to City employees, City Attorney, Mayor, Board of Mayor and Aldermen Members or other persons who are traveling on official, approved City business.

- (B) Reimbursement for expenses:

By Ordinance Number 02021-017, the City of Sevierville adopted the Municipal Technical Advisory Services model travel policy using the same rates for travel reimbursement as the State of Tennessee. Copies of the travel policy, administrative procedures to be followed, and the required forms are available through the City Recorder's office (Staffnet).

Refer to the City of Sevierville Purchasing Manual, Travel Policy for more detailed information.

Section 15. Payroll Deductions

Only payroll deductions specifically mandated or authorized by Federal, State or City act, or amounts owed to the City, or voluntarily elected by the employee may be deducted at each period from each employee's pay.

Section 16. Pay Periods

All employees shall be paid on a biweekly basis via direct deposit with the payday being every other Friday. The pay received on Friday will pay the employee for work performed from the last pay period through the Friday preceding the current payday.

Section 17. Effective Dates of Pay Adjustments

Approved pay adjustments shall become effective at the beginning of the next pay period following the effective date indicated on the pay change form.

Section 18. Time Clock

- (A) All non-exempt employees will clock in and out using the official timekeeping system when entering and leaving work. Allotted lunchtime will automatically be taken out of time worked. Employees may never clock for another employee nor allow another employee to clock for them.
- (B) Employees are expected to follow their work schedule. The normal work periods of City employees are established in Section 9 of this Article. Employees should not report to work in more time than is normally needed to reach their workstation after clocking in. At the conclusion of the work shift, employees must leave work and clock out in the same reasonable time frame. There is a seven (7) minute allowance; meaning clocking in between 7:53 and 8:07 will be rounded to 8:00.
- (C) If an employee misses a clock in or out and requires a correction, the supervisor must be notified and the time corrected prior to the conclusion of the pay period. Any errors in pay will be corrected in the following period's pay check.
- (D) Employees who violate this policy shall be subject to disciplinary action as outlined in Article IX.

Article VI. Work Conditions and Expectations

Section 1. Responsibility of Employee

Employees of the City shall be expected to:

- (A) Report to work on time and to remain on the job until the end of the shift or workday.
- (B) Perform duties to the best of their ability and contribute a full day's work for a full day's pay.
- (C) Work well with other employees and accept additional assignments during peak workloads and emergency situations.
- (D) Request prior approval before taking leave of absence and before leaving the work site.
- (E) Refrain from spreading rumors or engaging in other activities that have a disruptive influence on morale or work progress.
- (F) Avoid displaying any attitudes, work habits or job performance that, in the opinion of their supervisor, impedes the proper delivery of service(s) to the citizens of the City of Sevierville.
- (G) Refrain from any act that is in conflict with the performance of their duties.
- (H) Report any unsafe equipment or hazard in the workplace.
- (I) Report if they have been arrested for any reason and maintain a satisfactory driving record.
- (J) Refrain from fighting, horseplay, and/or intentionally defacing or damaging City property.
- (K) Give proper notice of termination (2 weeks for most employees, 30 days for department heads). Notice period shall not include vacation or sick leave without a doctor's note or leave without pay. Terminal vacation pay will not be paid without proper notice.

Section 2. Responsibility of Department Head

Department heads shall meet responsibilities as directed by the City Administrator, being guided by the City Charter, ordinances, and policies. They will meet their responsibilities and require their supervisors to meet their responsibilities by:

- (A) Dealing with all employees in a fair and equitable manner and upholding the principles of equal employment opportunities.
- (B) Developing and motivating employees to reach their fullest potential through continued education and training.
- (C) Making objective evaluations of individual work performance and discussing these evaluations with each employee so as to bring about needed improvements.
- (D) Keeping employees informed of their role in accomplishing the work of their unit and of conditions or changes affecting their work.
- (E) Making every effort to resolve employee problems and grievances and advising employees of their rights and privileges.

Section 3. Attendance

- (A) Because City services are essential and continuous, an employee shall avoid unnecessary absences and tardiness. Attendance and punctuality are important responsibilities of the employee, which may influence his future eligibility for a merit pay award.
- (B) The employee shall be required to call his or her supervisor in advance to advise when illness prevents reporting to work or when the employee expects to be late for work because of unusual and unavoidable circumstances.
- (C) In emergency situations, the employee or his designee is required to notify the employee's supervisor about the situation as soon as possible.

- (D) Employees who report to work late repeatedly, without a legitimate reason, are subject to disciplinary action.

Section 4. Performance Evaluation

A supervisor is responsible for evaluating an employee's performance beginning with the employee's first day on the job. Through open communications with his or her supervisor, the employee should obtain a clear understanding of what is expected related to job performance and a periodic assessment of his or her job strengths and weaknesses.

Section 5. Conformance to Immigration Law Requirements

All employees are required to furnish proof of citizenship or other required documents indicating a legal right to work in the United States. Copies of the completed form I-9 shall be a permanent part of the employees' personnel files.

Section 6. Controlled Substances

No employee shall use intoxicating beverages or intoxicant or be under the influence of impairing herbal supplements, legend drugs, non-prescription drugs, or other controlled substances while reporting for duty, on duty, or while operating any City-owned equipment at any time. Any employee using medication or drugs, which may affect job performance or safety, shall notify his or her supervisor immediately upon reporting to work.

All public safety employees and employees carrying job-related commercial driver's licenses (CDLs) will be subject to random drug/alcohol testing.

Please refer to Article XIII Substance Abuse Policy for detailed information.

Section 7. Tobacco Products

For the purposes of this policy, 'tobacco products' shall be defined to include smoking and smokeless tobacco products, as well as electronic cigarette devices. The use of any tobacco products by employees of the City of Sevierville is prohibited inside City buildings and in City vehicles. Department heads shall designate tobacco-use areas outside of and in close proximity to City buildings and spaces where employees typically work; however, no employee shall be permitted to use tobacco products directly in front of any City-controlled building, entryway, or space including walkways and parking lots typically used by the public. Employees are not permitted to use tobacco products in plain view of visitors in areas to which the public is generally invited (i.e. public places).

Section 8. Breastfeeding/Lactation Accommodation

The City will provide a reasonable amount of time and a proper location to accommodate an employee desiring to express breastmilk for the employee's infant child. If possible, nursing mothers should take time to express breastmilk during their regular meal and/or rest breaks. For any questions regarding breastfeeding or lactation, the employee should contact the employee's supervisor and/or Human Resources.

Section 9. Surrender of Property

An employee who is suspended or discharged shall be required to return all items of equipment and supplies, including uniforms, owned by the City. Return of such equipment must precede the issuance of such an employee's final check. Each employee must return his or her equipment upon retirement.

Section 10. Tattoos and Body Mutilation

- (A) Tattoos are permanent markings that are difficult to reverse (in terms of financial cost, discomfort, and effectiveness of removal techniques.) Before obtaining a tattoo, employees should consider talking to their department head to ensure that they understand the City's tattoo policy.
- (B) Tattoos that are prejudicial to good order and discipline, or that are of a nature to bring discredit upon oneself or the City, are prohibited. Examples include, but are not limited to, tattoos that are drug-related, gang-related, extremist, obscene or indecent, sexist, or racist, as further defined below:
 - 1. Extremist: Extremist tattoos are those affiliated with, depicting, or symbolizing extremist philosophies, organizations, or activities. Extremist philosophies, organizations, and activities are those which advocate racial, gender, or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, gender, ethnicity, religion, or national origin; or advocate violence or other unlawful means of depriving individual rights under the U.S. Constitution, and Federal or State law.
 - 2. Indecent: Indecent tattoos are those that are grossly offensive to modesty, decency, propriety, or professionalism.
 - 3. Sexist: Sexist tattoos are those that advocate a philosophy that degrades or demeans a person based on gender.
 - 4. Racist: Racist tattoos are those that advocate a philosophy that degrades or demeans a person based on race, ethnicity, or national origin.
- (C) Tattoos, regardless of subject matter, are prohibited on the head, face, neck (anything above the t-shirt neckline to include on/inside the eyelids, mouth, and ears), and hands. (A single, small ring band is acceptable).
- (D) Employees may cover tattoos with bandages or make-up in order to comply with this tattoo policy.
- (E) Intentional mutilation of the hands, ears, head, face, nose, eyebrows, tongue, or any other body part that is visible when clothed is prohibited. Examples of prohibited mutilation include, but are not limited to: split or forked tongues, piercing(s) (other than ear piercing), foreign objects inserted under the skin to create a design or pattern or for purely cosmetic reasons unrelated to any reconstructive surgical or prosthetic treatment, and enlarged or stretched holes in ears or earlobes.

Section 11. Dress Code

Employees required to wear uniforms while on duty shall be furnished such uniforms by the City. The employee is responsible for the care and maintenance of the uniforms, will pay the cost of avoidable damage or loss, will not allow anyone else to wear them, and will return them to the City upon separation from employment with the City. Police and Fire Department employees will wear uniforms only when working. No City employee shall profit from the disposition of uniforms.

Employees of the City are required to dress appropriately for the jobs they are performing. This policy

shall apply when employees are engaging in official City business or are otherwise representing the City. All City employees are expected to maintain high personal and professional standards. One of the most noticeable expressions of these standards is dress and appearance. All employees are representatives of the City and therefore dress and appearance should:

- Present a professional or identifiable appearance to the public
- Promote a positive working environment
- Limit distractions caused by inappropriate dress
- Ensure and promote safety while at work
- Dress in a manner that is normally accepted in comparable operations

Appropriate Attire

- Neat and Well-Groomed — during working hours, employees should appear neat and professional at all times. Employees are expected to be suitably attired and well groomed, and ensure that their clothing is clean, ironed and not torn, ripped or stained
- Professional Attire — Employees should use common sense and good judgment in determining what to wear to work. Office employees should wear business casual type apparel. Generally, if the employee is doubtful about some clothing, it is not appropriate
- Where uniforms are required, they must be worn during work hours. The uniforms should be neat and clean when the employee arrives for work
- Job Specific — this dress code policy is a general guideline, but employees should take into consideration any job specific safety concerns or requirements. Employees who regularly lift machinery or heavy materials should not wear dangling clothing or jewelry that may get caught in machinery and should wear comfortable, slip-resistant, safety shoes at all times
- Good personal hygiene is required
- Attire and footwear must be appropriate for the work setting, particularly if there is public contact.
- Employees who wear hats or caps during business hours or when representing the City must wear City issued hats or caps only

Prohibited Attire

Some attire is unacceptable for work at any time. The following list provides some examples, although it is not a complete list:

- Any clothing that contains an offensive word, message or slogan or picture directed at race, sexual orientation, gender, age, religion, disability, or is otherwise considered to be offensive or harassing in some way
- Cut-offs or shorts (exceptions made for location-specific positions)
- Gym wear or beachwear (exceptions made for location-specific positions)
- Clothing that reveals the employee's under garments
- Form-fitting garments, unless covered by other garments
- Tank tops, tube tops, off the shoulder tops, halter-tops, or shirts with spaghetti straps.
- Lounge wear, pajama pants, or sweatpants
- Miniskirts
- Shower shoes or overly casual sandals (i.e. crocs or plastic flip flops)
- Any clothing that reveals the employee's stomach, full back, cleavage, or chest, or otherwise revealing attire
- If logos are on clothing, these logos should not promote contractors or vendors that

- may conduct business with the City
- Extreme color or styles of hair or makeup

This policy does not apply to an employee's hair in braids, locs, twists, or another manner that is part of the cultural identification of the employee's ethnic group or that is a physical characteristic of the employee's ethnic group, unless:

- (1) A public safety employee if it would prevent the employee from performing essential functions of the employee's job requirements during the course of employment; or
- (2) An employee's position must adhere to common industry safety standards, to maintain reasonable safety measures, or to comply with federal or state laws, rules, or regulations relative to health or safety.

Exceptions to this policy require the prior approval of the Department Head and the City Administrator. Enforcement of the Dress Code Policy is the responsibility of the Department Head; a Department Head may, by written policy or directive, require its employees to maintain a higher standard of dress or appearance as warranted. If questionable attire is worn, the respective Department Head or department supervisor/manager will hold a personal, private discussion with the employee to advise and counsel the employee regarding the inappropriateness of the attire. The employee may be asked to change their attire and disciplinary action may be taken upon repeated violation of the policy.

Section 12. Safety Plan

All employees shall receive and read the City's Safety Plan. A copy of the Safety Plan is also available from your Department Head.

The City's Safety Plan can be found in the Municipal Code, Title 4, Chapter 3.

Section 13. Solicitations

Employees may not solicit any other employee or non-employee during working time, nor may employees distribute literature in work areas at any time. Under no circumstances may an employee disturb the work of others to solicit or distribute literature to them during their working time. Solicitations may be posted on the designated boards in the break rooms. The City's electronic mail system shall not be used by employees for solicitation purposes.

Individuals not employed by the City and those representing for-profit organizations and companies may not solicit City employees for any purposes on City premises. Representatives of non-profit organizations may not solicit in work areas.

Section 14. Computers, Internet and Email

- (A) Computers and the Internet are provided by the City for business use. Employees should not expect privacy with respect to any of their activities using these systems. The City reserves the right to review any files, messages, or communications sent, received or stored on its computer systems. Further information can be found in the City's Information Security Policy.

(B) Internet Policy:

The following activities are prohibited:

- 1.) Engaging in illegal, fraudulent, or malicious conduct;
- 2.) Transmitting or storing material that is threatening, offensive, disruptive, obscene, sexually explicit or disparaging of others;
- 3.) Transmitting or storing material that discriminates against any person because of race, color, creed, religion, sex, age, handicap, or national origin;
- 4.) Harassing or threatening individuals;
- 5.) Obtaining unauthorized access to any computer system;
- 6.) Using another individual's account or identity without explicit authorization;
- 7.) Distributing or storing solicitations or offers to buy or sell goods;
- 8.) Activity used for personal gain or financial profit;
- 9.) Conducting political campaigns or other activity prohibited under Article VII, Section 2;
- 10.) Gambling or playing a game for money or other stakes;
- 11.) Soliciting or proselytizing for commercial ventures, religious or political causes, outside organizations or other non-job-related solicitations;
- 12.) Communicating to groups of employees or to employee organizations for purposes not related to City business or City sanctioned activities;
- 13.) Using copyrighted material or trade secrets or similar materials without prior authorization of the author/publisher and the City Attorney.
- 14.) Internet activity should not interfere with an employee's job performance.

(C) Email Policy:

- 1.) Email is a useful tool. Appropriate use of email makes communication more efficient and effective. Employees are expected to exercise good judgment regarding their use of the email system. Personal email should be limited to essential communication and should not interfere with an employee's job performance.
- 2.) The electronic mail system hardware is the city's property. All messages composed, sent or received on the electronic mail system are and remain the property of the City. They are not the private property of any employee.
- 3.) The city reserves the right to review, audit, intercept, access and disclose all messages created, received or sent over the electronic mail system for any purpose.
- 4.) The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality.
- 5.) All electronic mail messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees should not attempt to gain access to another employee's messages without the latter's permission.
- 6.) The electronic mail system may not be used for any other non-job-related solicitations.
- 7.) The electronic mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.

D) Social Media:

The City respects the right of employees to use social media and does not want to discourage employees from self-publishing and self-expression. Employees are expected to follow the guidelines and policies set forth to provide a clear line between you as the individual and you as the employee.

- 1) All participants in social media can be held personally liable for commentary that is considered defamatory, obscene, proprietary or libelous by any offended party, not just the City.
 - 2) Employees cannot use employer-owned equipment, including but not limited to computers, company licensed software or other electronic equipment, nor facilities or company time, to conduct personal blogging or social networking activities.
 - 3) Employees must not use social media to harass, threaten, discriminate or disparage employees or anyone associated with or doing business with the City.
 - 4) If you choose to identify yourself as a City employee, please understand that some readers may view you as a spokesperson for the City. Because of this possibility, we ask that you state that your views expressed via social media are your own and not those of the City, nor of any person or organization affiliated or doing business with the City.
 - 5) Employees cannot post via social media the name or logo of the City of Sevierville or any business with a connection to the City for personal gain. Employees cannot post company-privileged information, including copyright information or City-issued documents or other material protected by law.
 - 6) Any postings on a non-city social media site made in an official capacity shall be subject to the Tennessee Open Records Act and the Tennessee Open Meeting Act.
 - 7) If contacted by the media or press about a post that relates to City business, an employee must obtain permission from the Public Information Officer before responding.
 - 8) For further information, refer to the City's Social Media Policy.
- E) Employees who violate this policy shall be subject to disciplinary action as outlined in Article IX.

Section 15. Cellular Telephones

Cellular telephone guidelines apply to the use of all City-issued wireless communication tools such as portable or handheld computers, radios, cell phones, or similar equipment. Safety guidelines apply to usage of any wireless communication tool while on duty.

- (A) Regulations:
- 1) Cellular telephones are to be issued to Department Heads and other employees with the approval of the City Administrator. The City Administrator shall approve all purchases and assignments of cellular telephones.
 - 2) Cellular telephones are issued for use in duty related necessary communications while traveling and for ordinary business when other means of communication are unavailable, inadvisable, impractical, more expensive or unsuitable to the circumstances.
 - 3) Cellular telephones are useful tools. Appropriate use of a cell phone makes communication more efficient and effective. Employees are expected to exercise good judgment regarding their use of the City's cell phones. Personal use should be limited to essential communication and should not interfere with an employee's job performance.
 - 4) Employees are advised that texts sent using publically-owned devices are subject to open records laws.

- 5) Free airtime on City issued cellular telephones is the property of the City of Sevierville.
- 6) An inventory of all cellular telephones and users with an explanation of necessity will be kept in the office of the City Administrator.
- 7) Employees who are found to be offenders of this policy shall be subject to disciplinary action as outlined in Article IX of the City of Sevierville Personnel Rules and Regulations Handbook.
- 8) While at work, employees are expected to exercise discretion in using personal cell phones. Excessive personal calls during the workday can interfere with employee productivity and be distracting to others. Employees are encouraged to make any personal calls during nonwork time when possible and to ensure that friends and family are aware of the City's policy.

(B) Safety Guidelines:

- 1) Safety guidelines apply to usage of all cell phones, whether City-provided or individually owned. Employees shall follow all applicable state, local and federal guidelines regarding cell phone usage.
- 2) Avoid any and all use of cellular telephones on busy streets, at dangerous intersections, during rush hour, in heavy or congested traffic, during inclement weather, or any similarly demanding time.
- 3) Phone calls should be limited to brief and routine communications while operating a vehicle to avoid distraction. In Tennessee, it is illegal for a driver to hold a cell phone or mobile device, and employees are expected to fully comply with the law at all times. Conversations that are mentally challenging or emotional require too much mental concentration and should not be held when operating a vehicle. This applies to hand-held and hands-free technology.
- 4) Cellular telephones must not be used while operating heavy equipment, large commercial-type vehicles, or off-road vehicles unless the equipment is stopped in a safe location and out of gear or turned off.
- 5) Cellular telephones must not be used in hazardous work environments at any time. The employee must move to a safe area before initiating or receiving communication.
- 6) Cellular telephones may not be used while fueling vehicles or around highly volatile materials. Cellular telephones can create a static charge that ignites these materials.

Article VII. Ethics

Section 1. Gifts and Favors

- (A) The conduct of an employee in City service shall be free from influence arising from gifts, favors or special privileges.
- (B) No official or employee shall accept any gift, favor or thing of value that may tend to influence that employee or official in the discharge of duties.
- (C) No official or employee shall grant, in the discharge of duties, any improper favor, service or thing of value.
- (D) No official or employee shall seek personal or financial advantage because of his or her position with the City.

Refer to the City's Ethics Policy in the Municipal Code, Title 1, Chapter 5 for more detailed information.

Section 2. Political Activity Restricted

- (A) Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. The City encourages an employee to exercise this responsibility to support all levels of government by voting for the political candidates and issues of their choice.
- (B) Employees may join or affiliate with civic organizations of a partisan or political nature; may attend political meetings; may advocate and support the principles or policies of civic, social, fraternal or political organizations in accordance with the Constitution and laws of the State of Tennessee and in accordance with the Constitution and laws of the United States of America.
- (C) However, no employee shall:
 - (1) Engage in any political or partisan activity while on duty.
 - (2) Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
 - (3) Be required as a duty of employment or as a condition for employment, to contribute to, solicit for or act as custodian of funds for political or partisan purposes.
 - (4) Coerce or compel contributions for political or partisan purposes from another employee of the City.
 - (5) Use any supplies or equipment of the City for political or partisan purposes.
 - (6) Display any political advertisement in or on City property.
 - (7) Be a candidate for or hold elective City of Sevierville office.

Any violation of this section shall subject such employee to disciplinary action up to and including dismissal.

Section 3. Outside Employment

The City has no intention of regulating what an employee does during his or her own time away from the job, as long as off-duty activities do not represent a conflict of interest or reflect negatively on the City. A potential or actual conflict of interest occurs whenever an employee is in a position to influence a decision that may result in a personal gain for the employee or an immediate family member (i.e., spouse or significant other, children, parents, siblings) as a result of the City's business dealings. The work of the City will take precedence over other occupational interests of employees. In order to make

certain that no conflict of interest or situations likely to reflect discredit on the City exists, all regular full and part-time employees desiring outside employment for pay, wages or commission and/or self-employment must submit a written request (form available from the Human Resource Manager's Office) for approval to the department head, who will forward the request and a recommendation to the City Administrator for final written approval. In general, outside work activities may not be allowed when they:

- prevent the employee from fully performing work for which he or she is employed at the City, including overtime assignments;
- involve organizations that are doing or seek to do business with the City, including actual or potential vendors or customers when the employee is involved in the purchase decision process; or
- violate provisions of law or the City's policies or rules.

From time to time, City employees may be required to work beyond their normally scheduled hours. Employees should perform this work when requested. In cases of conflict with any outside activity, the employee's obligations to the City should be given priority. Current full time employees work with the understanding that the City is their primary employer and that other employment or commercial involvement which is in conflict with the business interests of the City is strictly prohibited.

Part-time City employees may, with appropriate approvals, hold more than one part-time position with the City, provided the combined number of hours worked does not exceed an average of 29 hours per week.

Conflicting outside employment will be grounds for disciplinary action up to and including dismissal.

Section 4. Information Communication

Disclosure of any information concerning the City shall be in accordance with applicable statutes of the State of Tennessee which includes the open records act, and the confidential record information statute.

Section 5. Prohibition of Tape Recording

Except in cases of official active criminal investigation, no employee of the City shall record by electronic device a conversation with another employee unless the employee has first obtained written permission to do so by the City Administrator. Such permission shall clearly state the following:

- the person who is authorized to do the recording
- the person or persons whom they are authorized to record
- the specific period of time when recordings are authorized
- the reasons for the authorization

Such authorization shall only be granted when there is a reasonable assurance that the recordings will provide evidence of a violation of City Personnel Policies related to sexual harassment, drugs or alcohol abuse, misuse or theft of City property, or misuse of position. All copies of recordings shall be turned over to the City Administrator and shall be used for no other purpose than that for which they were authorized. This prohibition on recording shall not apply to picketing, documenting unsafe or hazardous

workplace conditions, documentation terms and conditions of employment or any other activity protected under that National Labor Relations Act.

Section 6. Use of City-Owned Equipment

- (A) City equipment, materials, tools, and supplies shall not be available for personal use nor be removed from City property except in the conduct of official City business.
- (B) Employees shall care for City-owned vehicles in the same responsible way that they would care for their own. These vehicles are to be used exclusively for City business, except that, by special approval of the City Administrator, an employee may be directed to take the vehicle home when doing so shall serve the best interest of the City.
- (C) No employee shall profit from the sale of City-owned property.

Article VIII. Leaves of Absence

Section 1. Holidays

The following days, and other days as the Board of Mayor and Aldermen may designate, are holidays with pay for regular full-time employees.

New Year's Day	Labor Day
Martin Luther King, Jr.	Veterans Day
Presidents' Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Day
Independence Day	
Floating Holiday (To be determined annually by City Administrator)	

- (A) When a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. When a holiday falls on a Sunday, the following Monday shall be observed as a holiday. All employees will receive holiday pay for the designated holiday. In addition, non-exempt employees who work the holiday will receive pay for actual hours worked. Departments whose schedules will not be adversely affected by the rescheduling of the "day off" may be permitted to do so by the City Administrator, and that day will be without pay.
- (B) Only regular full-time non-exempt employees who are in pay status on the scheduled full workday before and after the holiday shall be eligible for holiday pay. For employees having a work period with greater hours than the basic work period, compensation shall be granted in the same proportion as their work period is to a forty (40) hour work period.
- (C) Any veteran (defined as a former member of the armed forces of the U.S., or a former or current member of a reserve or Tennessee national guard unit who was called into active military service of the U.S.) is entitled to observe Veterans Day as a holiday, should it not cause operational disruption to the employee's department. Should the employee otherwise be scheduled to work on this day, the employee must provide the City at least one month's written notice of the intent to take the day as a holiday. This will not count against any leave accrual.

Section 2. Effect of Holidays on Other Types of Leave

Regular holidays, which occur during a vacation, sick or other leave period of any regular full-time employee of the City shall not be considered as vacation, sick or other leave.

Section 3. Injury or Illness-related Leave

Regardless of type of leave taken, the employee's supervisor or department head may require a physician's certificate concerning the nature of the illness and the employee's physical capacity to resume duties for each occasion on which an employee has an injury or illness-related absence. A physician's certificate may be required by the department head if absence occurs the day before or the day after a holiday. The employee may be required to submit to such medical examination or inquiry as is deemed desirable. A physician's release will be required in the event of an off-the-job injury or serious illness, which could potentially limit job performance or capabilities. The department head shall be responsible for the enforcement of this provision to the end that employees shall not be on duty when their presence may endanger their health or the health of other employees.

Section 4. Vacation Leave

Vacation leave shall be used for rest and relaxation and may be used for medical appointments and other personal needs.

(A) Initial Appointment

(1) A probationary employee may accumulate vacation leave but shall not be permitted to take vacation leave during the first three months of the probationary period unless the denial of such leave shall create an unusual hardship. Under such circumstances, vacation may be granted only with the approval of the Department Head, as negotiated during the pre-employment process.

(2) Persons employed for partial months will earn vacation leave for that month on a prorated basis.

(B) Vacation Leave - Manner of Accumulation

Any regular full-time employee, working the basic work period, shall earn vacation leave at the following rates:

Year of Service	Hours Earned Each Month	Hours Earned Each Year	* Hours Earned Each Month	*Hours Earned Each Year
1st Year	6 2/3	80	9	108
2nd - 5th	8	96	10 5/6	130
6th - 10th	10	120	13 1/2	162
11th - 15th	12	144	16 1/6	194
16+	13 1/3	160	18	216

*In regard to leave accrual for a full-time fire fighter regularly scheduled to work a minimum of 216 hours per 28 day work period.

- (1) Any regular part-time employee working 80 hours per month for six consecutive months will earn vacation leave at 4 hours per month. The Department Head must submit the request to Human Resources to be approved by the City Administrator. Seasonal part-time employees will not be eligible to accrue vacation leave.
- (2) Vacation leave continues to accumulate while an employee is on approved leave and paid by the City of Sevierville.
- (3) An employee on vacation cannot work for the City.
- (4) An employee cannot use vacation that has been earned by another employee.

(C) Vacation Leave - Maximum Accumulation

Vacation leave may be accumulated to a maximum of 240 hours per fiscal year. At the end of each fiscal year, any employee with more than 240 hours of accumulated leave shall have the excess accumulation converted to sick leave so that no more than 240* hours is carried forward. (The maximum amount of vacation leave for a Firefighter to carry forward is 324 hours.)

Employees are cautioned not to retain maximum accumulation of vacation leave. Due to the necessity to keep all City functions in operation, large numbers of employees cannot be granted leave at any one time. No employee shall be allowed to schedule vacation at a time that will

create a burden for the remainder of the staff. If a conflict arises between employees wishing to schedule vacation during the same period, the conflict will be resolved by the Department Head.

No employee may take more than six weeks of vacation in any calendar year regardless of the amount of vacation leave accrued. Vacation leave may be taken in increments of one-half hour subject to the approval of the Department Head.

Employees are eligible to convert a maximum of forty hours of accumulated vacation leave to cash each year, provided the employee has a remaining balance of forty hours after converting. Such requests shall be received only in May of each year for payment in June.

(D) Vacation Leave - Manner of Taking Leave

Vacation leave may be taken as earned by an employee subject to the approval of the supervisor. Such leave should be scheduled in advance (30 days if possible). Leave records will be maintained electronically.

(E) Vacation Leave - Adverse weather

Ordinarily, adverse weather does not warrant the closing of City offices. Loss of work time for this reason is charged against the employee's accumulated vacation leave. If the employee has no vacation leave, the time absent is considered leave without pay.

(F) Vacation Leave - Terminal Pay of Vacation Leave

An employee who is separated without failure in performance of duties or personal conduct shall be paid for vacation leave accumulated up to the date of separation not to exceed the maximum of 240 hours (324 hours for Firefighters), provided completion of twelve (12) months or more of continuous service has occurred and provided that written notice has been submitted to the employee's immediate supervisor at least two weeks in advance of the effective date of separation. The notice period shall not include any sick leave without a doctors note or vacation leave or leave without pay.

For involuntary separation due to failure in performance of duties, failure in personal conduct, or failure to follow the guidelines of the Safety and Health Program as outlined in Article IX, Sections 1(a), 1(b), and 1(c) of these policies, accumulated vacation leave may be withheld at the discretion of the department head at the time of an employee's separation.

(G) Vacation Leave - Payment for Accumulated Vacation Upon Death

The designated beneficiary of an employee who dies while employed by the City shall be entitled to payment for all of the accumulated vacation leave credited to the employee's account not to exceed a maximum of 240 hours (324 hours for Firefighters) at the time of death made payable to the employee.

Section 5. Sick Leave

Sick leave with pay is not a right that an employee may demand, but a privilege granted by the Board of Mayor and Aldermen for the benefit of an employee when sick. Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, quarantine, required medical or dental examinations or treatment or exposure to a contagious disease, when

continuing work might jeopardize the health of others. Sick leave may be used when an employee must care for his or her spouse, child or parent.

Notification of the desire to take sick leave should be submitted to the employee’s supervisor prior to the leave, when possible. Unexcused absences are serious matters and must be avoided.

(A) Sick Leave - Manner of Accumulation

- (1) Any regular full-time employee, working the basic work period, shall be granted sick leave at the following rate:

Hours Accrued Each Month	Hours Accrued Each Year	*Hours Accrued Each Month	*Hours Accrued Each Year
8 hours	96 hours	10 5/6 hours	130 hours

*Regard to leave accrual for a full-time fire fighter regularly scheduled to work a minimum of 216 hours per 28 day work period.

- (2) For regular full-time employees having a work period with greater hours than the basic work period, sick leave shall be granted in the same proportion as their work period is to a forty (40) hour work period.
- (3) At the request of the Department Head and approval of the City Administrator, any regular part-time employee who has worked an average of 80 hours per month for six consecutive months will earn sick leave at 4 hours a month. Part-time employees must be scheduled to work an average of 80 hours a month on a regular basis to be eligible for accruing sick leave benefits. Seasonal part-time employees will not be eligible to accrue sick leave.
- (4) Persons employed for partial months will earn sick leave for that month on a prorated basis .
- (5) Sick leave continues to accumulate while an employee is on approved Family Medical leave up to 12 weeks, an additional 4 weeks with TN Maternity Leave and paid by the City of Sevierville.

(B) Sick Leave - Maximum Accumulation

Sick leave is allowed to accumulate without a maximum limitation. Credit for any unused sick leave may be added to length of service at retirement if it would be advantageous to the employee in calculating TCRS retirement benefits.

For those employees that were employed by the Water Department before July 1, 2005, sick leave will be allowed to accumulate with a maximum limitation of 800* hours. At retirement or death, accrued sick leave is to be paid in full.

*Those employees who have been authorized to accumulate more hours than the maximum limit set forth in the Personnel Rules and Regulations as of the effective date of August 19, 1999 shall be allowed to keep those accumulated hours as their maximum limit.

(C) Use of Sick Leave

Sick leave is not to be abused and will be granted with pay only when the employee:

- (1) Calls his or her supervisor and gives proper notice.
- (2) Tells his or her supervisor the expected duration of the illness.
- (3) Provides a physician certificate, if requested by the Department Head.
- (4) Keeps the supervisor informed, daily if necessary, of the status of the illness.
- (5) Failure to give proper notice, keep the supervisor informed or give an expected return date may cause the employee to be placed on leave without pay.
- (6) An employee will not work at the same time that he or she is on paid sick leave nor will an employee engage in any activity that may or might ultimately result in financial gain to the employee or his family.
- (7) An employee will not give his or her accumulated sick leave to another employee.
- (8) An employee absent from work for more than 60 consecutive scheduled work days because of sickness or injury shall file application for short-term disability, early or service retirement or show evidence to the satisfaction of the department head that the disability is not permanent.
- (9) Using sick leave under false pretenses is a serious violation of City policy, and is grounds for dismissal. The Department Head is responsible for monitoring sick leave usage. The City Administrator reserves the right to deny use of sick leave for any claim that is not substantiated.
- (10) No employee (excluding Water Department employees employed before July 1, 2005) shall be paid for unused sick leave.
- (11) Employees may not use sick leave during their termination period without a doctor's note.

(D) Sick Leave on Separation

No employee shall be paid for any accrued sick leave except for those Water Department employee's hired before July 1, 2005. At their retirement or death, accrued sick leave is to be paid up to their authorized maximum.

Section 6. Leave Without Pay

Employees may request and be granted a leave of absence without pay for a maximum of three months, or as necessary to provide a reasonable accommodation for a disability, if approved by the City Administrator. Multiple requests will be considered under extreme circumstances. Employee benefits will cease to accrue after 30 days of approved leave without pay.

The employee shall apply in writing to his or her Department Head for recommendation to and consideration by the City Administrator.

The employee is obligated to return to duty within or at the end of the time determined appropriate by the City Administrator. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the employee decides not to return to work, the supervisor should be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested and approved, shall be considered a resignation.

Leave without Pay - Effect on Benefits:

An employee must exhaust all accumulated leave, but may retain up to a total of 40 hours of unused sick leave while on leave without pay. An employee ceases to earn leave credits on the date leave without pay begins. The employee will continue to be eligible for City-provided benefits only as provided for in Sections 7 through 12 as follows:

Section 7. Family/Medical Leave

“Eligible” employees of the City of Sevierville may take up to 12 weeks of unpaid family leave per fiscal year. To be “eligible”, an employee must have worked for the employer for at least 12 months with at least 1,250 hours during the twelve months preceding the start of the leave.

Family leave is available for the following reasons:

1. To care for the employee’s child after birth, placement, adoption or foster care;
2. To care for an employee’s spouse, child or parent who has a serious health condition;
3. For a serious health condition that makes the employee unable to perform his or her job.

Eligible spouses who work for the same employer are limited to a combined total of 12 work weeks of leave in a 12-month period for the following FMLA-qualifying reasons:

1. The birth of a son or daughter and bonding with the newborn child,
2. The placement of a son or daughter with the employee for adoption or foster care and bonding with the newly-placed child, and
3. The care of a parent with a serious health condition.

An employee desiring family leave must provide 30 days of advance notice when the leave is foreseeable and provide medical certification to support a leave request because of a serious health condition. The City will provide for the cost of benefits as provided under the Family and Medical Leave Act. Employees on approved Family/Medical Leave will continue to receive all benefits just as if they were still working. Details on the Family and Medical Leave Act are available in the Human Resource Manager’s office.

Tennessee’s Maternity Leave Act provides for an additional 4 weeks of unpaid time off for pregnancy, childbirth, and nursing an infant for employees who have worked full time for 12 consecutive months.

If an employee is eligible for leave under both the FMLA and Tennessee Maternity Leave Act, her leave time will run simultaneously under both laws.

Section 8. Workers’ Compensation Leave

An employee absent from duty because of sickness or disability covered by the Tennessee Workers’ Compensation Act shall receive benefits as outlined by the Act. The employee may elect to use accumulated vacation and sick leave per day as a supplemental payment for the difference between the employee’s regular net pay and the net payments received under the Workers’ Compensation Act for no longer than 90 days from the date of injury. Supplemental payments are intended to be used to maintain any premiums that are the employee’s responsibility so benefits can continue while off work. This amount shall not exceed the difference between the net payments received under the Workers’ Compensation Act and the employee’s regular net pay. Vacation and Sick leave will continue to accrue as if the injured employee was still working. Upon reinstatement, an employee’s pay will be computed

on the basis of the last pay earned plus any increment or other pay increase to which the employee would have been entitled during the disability covered by Workers' Compensation.

Workers Compensation shall run concurrently with leave under the FMLA and will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.

Light duty work will be required, if available and with physician's release based upon the light-duty job description, for employees on approved Worker's Compensation Leave. Light duty assignments are only temporary. Employees will be paid at that particular job's rate if the light duty work can be performed on a full time basis. Worker's Compensation insurance may pay the standard percentage of the difference between intermittent or reduced schedule work and the injured employee's regular rate of pay. Light duty or administrative duty work is a privilege and not a right. Employees may be assigned to any department in the city where help is needed, even if it is outside of the employee's department. Assigned duties while performing light duty/administrative duty work may be different from normal job description and/or duties.

Seasonal employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudicated eligible under the Workers' Compensation Act.

Employees must report work-related accidents during the shift in which they occur. Failure to do so may result in benefits being denied. Reports will be submitted on the appropriate claim/accident reporting form. The Risk Manager's office shall provide all necessary assistance in completing accident reports. Worker's Compensation Leave will be denied if the post-accident Alcohol/Drug test is failed.

Section 9. Bereavement Leave

A regular full-time employee may have up to twenty-four (24) hours and a regular full-time fire fighter may have up to thirty (30) hours of leave at full pay granted when attending to matters surrounding the death of the employee's parent, spouse, or child. An employee may have eight (8) hours and a regular full-time fire fighter may have ten (10) hours of leave at full pay granted when attending the funeral of the employee's grandparent, grandchild, brother, sister, or when attending the funeral of his/her spouse's parent or child. Additional time to settle affairs of the family may be taken with the approval of the department head and should be charged to sick leave. Leave to attend funerals of other than the aforementioned family members may be granted by the department head and charged to vacation leave.

The City wishes to express sympathy to the family of a full time city employee upon the employee's death or upon the death of a member of his or her immediate family. Immediate family is defined as an employee's parent, spouse, or child. The City will purchase flowers in the amount of \$50 to honor the death of an employee's immediate family member. The City will purchase flowers in the amount of \$100 to honor the death of a current employee.

Section 10. Disability Leave

Short-term disability insurance is provided for a period of 22 weeks following a 30 day waiting period. Sick leave and/or vacation leave may be used during the waiting period.

Light duty work may be requested and provided, if available and with physician's release based upon the light-duty job description, for employees on approved Short-term Disability Leave. Light duty assignments are temporary and will be paid at that particular job's rate. Light duty work is a privilege and not a right.

During the period of short-term disability leave, the City will continue to provide all health benefits in the same manner as if the employee was still working.

Vacation and sick leave will not accumulate during periods of disability unless the employee qualifies for Family/Medical Leave.

Reinstatement to the same position or one of like classification, seniority, and pay shall be made upon the employee's return to work.

Long-term disability insurance is provided in accordance with the City's long-term disability insurance policy.

Upon receipt of long-term disability leave, employment will terminate without reinstatement rights.

Section 11. Military Leave

Any regular full-time employee who is called into the Armed Forces of the United States will be placed on military leave. The City Administrator shall approve military leave when the employee presents his or her official orders. The employee must apply for reinstatement after release from active military duty per the following schedule based on the amount of time served in active military duty. For a period of duty from 1 – 30 days, you must report for work on the next scheduled shift following a minimum of 8 hour after release from active duty. Following a service of 31 – 180 days, you must apply for reemployment within 14 days of release. For periods of 181 days or more, you must apply for reemployment within 90 days after release.

An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service or with a Reserve component of the Armed Forces will be granted reinstatement rights commensurate with Federal and State Law.

The employee will be reinstated to a position in the current classification plan at least equivalent to his or her former position. His or her pay will be the pay provided under the position classification and compensation plan prevailing at the time of reinstatement or re-employment for the position to which he or she is assigned.

If no position is available at the time of the employee's return, the employee will be reinstated into the first available appropriate position. No current regular full-time employee will be terminated or laid-off to allow for the reinstatement.

Any regular full-time employee who is a member of the United States Army Reserve, Navy Reserve, Air Force Reserve, Marine Reserve, National Guard or any of the Armed Forces of the United States, will be

granted military leave for any field training or active duty required pursuant to provisions in State Law. Such leave will be granted upon presentation of the employee's official order to the City Administrator. The City will compensate the employee his/her normal pay for such leave for a period not exceeding twenty (20) working days in increments of eight (8) hours up to a total of one hundred sixty (160) hours in any one (1) calendar year, plus such additional days as may result from any call to active State duty pursuant to State Law.

The City will compensate the employee the difference in his/her normal pay and the military compensation received including, but not limited to, base pay, per diem, and housing allowances for any time spent on active Federal duty. Military leave with pay shall not be charged against the employee's earned sick leave or vacation leave.

Section 12. Military Family Leave

An eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness will be granted up to a total of 26 work weeks of unpaid leave during a single 12-month period to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. An eligible employee is limited to a combined total of 26 work weeks of leave for any FMLA-qualifying reason during the single 12-month period.

Eligible spouses who work for the same employer are also limited to a combined total of 26 workweeks of leave in a single 12-month period to care for a covered service member with a serious injury or illness (commonly referred to as "military caregiver leave") if each spouse is a parent, spouse, son or daughter, or next of kin of the service member. When spouses take military caregiver leave as well as other FMLA leave in the same leave year, each spouse is subject to the combined limitations for the reasons for leave listed above.

Qualifying Exigency Leave:

An eligible employee will be granted up to a total of 12 workweeks of unpaid leave during the single 12-month period for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Qualifying exigency includes: short notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, and additional activities arising out of service. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family member of military members in the Regular Armed Forces.

Section 13. Jury Duty Leave

A City employee called for jury duty or as a court witness for the Federal or State governments or a subdivision thereof, during regular working hours, shall receive leave with pay for such duty during the required absence without charge to accumulated vacation or accrued sick leave. The employee is

required to provide a copy of the summons to his or her immediate supervisor. Upon release from jury duty during the employee's normal work hours, he or she is expected to return to duty. Non-exempt employees' compensation will be calculated as straight time by the regular hourly rate of the employee, not to exceed eight hours in any one day. Law enforcement officers may not receive any witness fees for appearing in court in connection with their official duties. While on Jury Duty leave, benefits and leave shall accrue as though on regular duty.

Section 14. Parental Leave

The City of Sevierville will provide up to 160 hours (216 hours for Firefighters) of paid parental leave to full time employees following the birth of an employee's child or the placement of a child with an employee in connection with an adoption. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave and Tennessee Maternity Leave, as applicable. This policy will be in effect for births and adoptions occurring on or after September 19, 2022.

Eligible employees must meet the following criteria:

- Have been employed with the City of Sevierville for at least 12 months.
- Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin.
- Be a full-time employee.

In addition, employees must meet one of the following criteria:

- Have given birth to a child.
- Be a spouse or committed partner of a woman who has given birth to a child.
- Have adopted a child (the child must be age 17 or younger). The adoption of a new spouse's child is excluded from this policy.

Amount, Time Frame and Duration of Paid Parental Leave

- Eligible employees will receive a maximum of 160 hours (216 hours for Firefighters) of paid parental leave per birth or adoption. The fact that a multiple birth or adoption occurs (e.g., the birth of twins or adoption of siblings) does not increase the 160 hour (216 hours for Firefighters) total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than 160 hours (216 hours for Fire employees) of paid parental leave in a rolling 12-month period, regardless of whether more than one birth or adoption occurs within that 12-month time frame.
- Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates.
- Approved paid parental leave may be taken at any time during the 12-month period immediately following the birth or adoption of a child with the employee. Paid parental leave may not be used or extended beyond this 12-month time frame.
- Employees must take paid parental leave in one continuous period of leave and must use all paid parental leave during the 12-month time frame indicated above. Any unused paid parental leave will be forfeited at the end of the 12-month time frame.
- Upon termination of the individual's employment at the City of Sevierville, he or she will not be paid for any unused paid parental leave for which he or she was eligible.

Coordination with Other Policies

- If you are eligible for leave under both the FMLA and Tennessee Maternity Leave Act, paid Parental Leave taken under this policy will run concurrently with both leaves; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption, will be counted toward the 12 weeks of available FMLA leave and 4 additional weeks of TN Maternity Leave per 12-month period.
- All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks and TN Maternity Leave exceed 4 weeks during the 12-month period. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA and TN Maternity Leave Act.
- After the paid parental leave (and any short-term disability leave for employees giving birth) is exhausted, the balance of FMLA leave and Tennessee Maternity Leave (if applicable) will be compensated through employees' accrued sick and vacation time. Upon exhaustion of accrued sick and vacation time, any remaining leave will be unpaid leave. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
- The City will maintain all benefits for employees during the paid parental leave period just as if they were taking any other company paid leave such as paid vacation leave or paid sick leave.
- An employee who takes paid parental leave that does not qualify for FMLA leave (such as exhaustion of FMLA leave) will be afforded the same level of job protection for the period of time that the employee is on paid parental leave as if the employee were on FMLA-qualifying leave.

Requests for Paid Parental Leave

- The employee will provide his or her supervisor and the Human Resource department with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary HR forms and provide all documentation as required by the HR department to substantiate the request.
- As is the case with all company policies, the City has the exclusive right to interpret this policy.

Article IX. Disciplinary Actions and Separation

The City's disciplinary policy and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues. Nothing in this policy provides any contractual rights regarding employee discipline or counseling. The City reserves the right to administer the level of discipline it deems appropriate given the unique circumstances surrounding each situation, regardless of whether the employee has previously received a lesser degree of discipline.

Section 1. Causes for Disciplinary Actions

An employee may be suspended, demoted or dismissed by the City Administrator upon recommendation of the department head (or department heads by the City Administrator) because of failure in performance of duties, failure in personal conduct, or failure to follow the guidelines of the City of Sevierville Health and Safety Program.

(A) Failure in Performance of Duties

Failure in the performance of duties includes any aspects of the employee's job, which are not performed as required to meet the standards set by the City Administrator.

Except in extraordinary circumstances, suspension, demotion, or dismissal for failure in performance of duties shall be preceded by two warnings before disciplinary action is taken. The first warning may be oral. The second is a written warning serving notice that corrective action must be taken immediately to avoid further disciplinary action.

Continued failure in performance of duties will result in dismissal proceedings. See Article IX, Section 2(E).

The department head and supervisor shall record the dates of their discussions with the employee, the deficiencies discussed, and the corrective action recommended. This record shall be placed in the employee's personnel folder.

The following causes relating to failure in the performance of duties are representative, but not all-inclusive, of those considered to be adequate grounds for suspension, demotion, and/or dismissal:

- (1) Inefficiency, negligence or incompetence in the performance of duties;
- (2) Careless, negligent or improper use of City property or equipment;
- (3) Demonstrated incapacity or inability to perform duties;
- (4) Discourteous treatment of the public or other employees;
- (5) Absence without approved leave;
- (6) Habitual improper use of leave privileges;
- (7) Habitual pattern of failure to report for duty at the assigned time and place;
- (8) Falsifying time records.
- (9) Refusing additional assignments during peak workloads and emergency situations.
- (10) Failure to abide by directions and protocols under the Employee Assistance Program as an approved element of a performance improvement plan.
- (11) Failure to obtain or maintain a valid license when required.

(B) Failure in Personal Conduct

An employee may be suspended, demoted or dismissed for causes relating to personal conduct detrimental to City service without warning in order to avoid undue disruption of work, to protect the safety of persons or property or for other serious reasons. The following causes relating to failure in personal conduct are representative, but not all-inclusive, of those considered to be adequate grounds for suspension, demotion or dismissal:

- (1) Fraud in securing or maintaining appointment.
- (2) Conduct unbecoming a public officer or employee.
- (3) Conviction of a felony or of a misdemeanor which would adversely affect performance of duties or the entry of a plea of “no contest” to either.
- (4) Misappropriation of City funds or property.
- (5) Falsification of City records for personal profit or to grant special privileges.
- (6) Reporting to work under the influence of alcohol or narcotic drugs or partaking of such things while on duty or while on public property, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary.
- (7) Willful damage or destruction of property.
- (8) Willful acts that would endanger the lives and property of others.
- (9) Acceptance of gifts in exchange for “favors” or “influence”.
- (10) Incompatible outside employment or conflict of interest.
- (11) Violation of political activity restrictions.
- (12) Insubordination.
- (13) Failure to report arrest for any reason.
- (14) Failure to report conviction for any reason.
- (15) Discrimination or harassment to the public or employees.
- (16) Failure to adhere to work conditions and expectations as defined by this Personnel Policy.
- (17) Failure to adhere to the City’s ethics policy.

(C) Failure to Follow the Guidelines of the City of Sevierville Safety and Health Program

All employees will comply with the provisions of the City of Sevierville Safety and Health Program. Therefore, any employee who knowingly commits an unsafe act or creates an unsafe condition, disregards the safety policy, or is a repeated safety or health offender, will be disciplined in accordance with this policy. The following causes relating to failure to follow the Safety and Health Program are representative, but not all-inclusive, of those considered to be adequate grounds for suspension, demotion or dismissal:

- 1) Failure to comply with the Drug and Alcohol Policy.
- 2) Failure to wear eye protection, hearing protection, safety helmets, seatbelts, etc., as required.
- 3) Not using safety belts and lanyards when there is a potential for falling.
- 4) Removing and/or making inoperative safety guards on tools and equipment.
- 5) Removing barriers and/or guardrails and not replacing them.
- 6) Failure to follow recognized department safety procedures.
- 7) Engaging in horseplay.
- 8) Improper or unsafe use of a cellular device while in operation of a City-owned vehicle.

- 9) Failure to notify immediate supervisor or Department Head of a hazardous situation.
- 10) Bringing firearms or illegal weapons into the workplace. (Exceptions would be for police officers, or other employees authorized to carry firearms by state law, as part of their job duties.)
- 11) Willful acts that would endanger the lives, safety, or property of others.

An employee may be suspended, demoted, or dismissed by the City Administrator upon recommendation by the Department Head, for failure to follow safety rules, as outlined in this program.

Section 2. Types of Disciplinary Actions

(A) Counseling and Verbal Warning

Counseling and verbal warnings create an opportunity for the immediate supervisor to bring attention to the existing performance, conduct or attendance issue. The supervisor should discuss with the employee the nature of the problem or the violation of company policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve his or her performance or resolve the problem. The supervisor may prepare written documentation of the verbal counseling. The employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action.

(B) Written Warning

The written warning involves more-formal documentation of the performance, conduct or attendance issues and consequences. The supervisor or director will meet with the employee to review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations. The written warning may also include a statement indicating that the employee may be subject to additional discipline, up to and including termination, if immediate and sustained corrective action is not taken.

(C) Suspension and Final Written Warning

An employee who is suspended for disciplinary reasons shall be relieved temporarily from all duties and responsibilities and shall receive no compensation for the period of suspension.

An employee may be suspended immediately without pay by the Department Head (or department heads by the City Administrator) for causes related to personal conduct and Safety and Health Program Requirements in order to avoid undue disruption of work, to protect the safety of persons or property or for other serious reasons. Suspensions of more than three (3) days require the approval of the City Administrator or his designee. When an employee is suspended, that employee shall be required to leave City property at once and remain away until further notice.

During the investigation, hearing or trial of an employee on any criminal charge or during the course of any civil action involving an employee, the department head may suspend the employee with or without pay for the duration of the proceedings as a non-disciplinary action. However, the investigation, hearing, trial or civil action must involve matters that may form the

basis for disciplinary suspension, demotion or dismissal in order for the non-disciplinary suspension to be allowed. Pay and benefits for the period of non-disciplinary suspension will be restored, if the suspension is terminated with full reinstatement of the employee.

(D) Recommendation for Termination of Employment

The last and most serious step in the discipline process is a recommendation to terminate employment. Generally, the City will try to exercise the progressive nature of this policy by first providing warnings, issuing a final written warning or suspending the employee from the workplace before proceeding to a recommendation to terminate employment. However, the City reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action. The City Administrator shall dismiss employees for cause in accordance with Section 1 of this Article.

Section 3. Types of Separation

All separations of employees from positions in the service of the City shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, retirement, dismissal or death.

- (A) Resignation: A minimum of two (2) weeks' written notice is expected of all resigning personnel. Such notice should be given to the department head (or in the case of department heads, to the City Administrator). The notice period shall not include vacation or sick leave without a doctors note or leave without pay. One scheduled workday without reporting to work or contacting the appropriate official shall be considered a resignation, effective the last day worked.
- (B) Reduction in Force: In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, seniority, and organizational needs, in that order, in determining those employees to be retained. Employees who are laid off because of reduction in force shall be given at least one (1) pay period notice of anticipated layoff.
- (C) Disability: An employee may be separated for disability when the employee cannot perform the essential functions of the job with or without reasonable accommodations, as required by the Americans with Disabilities Act (ADA). Action may be initiated by the employee or the City, but in all cases it shall be supported by medical evidence as certified by a physician. The City may require an examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to accommodate the employee.
- (D) Death: All compensation due in accordance with Article VIII, Section 4(G) of these policies will be paid to the designated account of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.
- (E) Dismissal: The City Administrator shall dismiss employees in accordance with Section 1 of this article.

Section 4. Employee Appeal

An employee wishing to appeal a demotion, suspension, or dismissal may present the matter in accordance with the provisions of the Disciplinary Review procedure prescribed in Article X, Section 4 of these policies.

Article X. Grievance/Disciplinary Review Procedure

Section 1. Policy and Purpose

It is the policy of the City to provide a means whereby employees may freely discuss problems with supervisors and to provide a procedure for the presentation and mutual adjustment of points of disagreement that arise between employees and their supervisors. The purposes of this policy are:

- (A) To provide employees a procedure by which their complaints can be considered rapidly, fairly, and without reprisal;
- (B) To encourage employees to express themselves about the conditions of employment which affect them as employees;
- (C) To promote better understanding of policies, practices and procedures that affect employees;
- (D) To develop in supervisors a greater sense of responsibility in their dealings with employees.

Section 2. Definition

A grievance is defined as differences, disagreements, or disputes arising between an employee and his or her supervisor and/or employer regarding some aspect of his/her employment, application or interpretation of regulations and policies, or some management decision affecting him/her. Certain matters of management discretion are not grievable. These areas of non-grievable subjects are as follows: Any condition of employment accepted at the time of employment and/or subsequent change(s) thereto; determining the employee benefit package; determining the proper classification and pay; determining types of training; scheduling and distribution of personnel; determining methods, means, and personnel to carry out operations; relieving employees from duties because of lack of work, funds or other valid reasons; hiring, transfer, non-disciplinary demotion, and assignment decisions; or maintaining the efficiency of governmental operations.

Complaint processes involving issues covered by other parts of the Personnel Policy are excluded from this procedure. Nothing herein shall be interpreted to change the status of any employee from that of an "employee at will". Employees of the City of Sevierville have no employment contract for any period of time and can be terminated at the will of the City.

Section 3. Grievance Procedure

It is the desire of the City of Sevierville to address grievances informally, and supervisors and employees are expected to make every effort to resolve problems as they arise. However, there will be occasions when only a formal appeal and review can resolve the issue(s). When the formal process is necessary, this procedure is established to ensure fair and impartial review. When an employee has a claim or complaint concerning the condition of his or her employment with the City, he/she may discuss the grievance with his/her immediate supervisor, following the chain of command. Every employee may present a complaint or grievance under the provisions of the grievance procedures free from fear, interference, restraint, discrimination, coercion, or reprisal. Steps of the grievance procedure are as follows:

Step 1: Informal discussion with Supervisor

Employee concerns or complaints should first be discussed with the employee's immediate supervisor. Many concerns can be resolved informally when an employee and supervisor take time to review the concern and discuss options to address the issue.

Step 2: Written complaint to Supervisor

If the employee is not satisfied with results of the informal discussion in Step 1, the employee may submit a written complaint or grievance to the immediate supervisor within 7 calendar days from the incident that prompted the grievance. It shall be the supervisor's responsibility to promptly investigate the circumstances surrounding the grievance, discuss the matter with the appropriate department head, and take action, if possible. The supervisor shall inform the employee in writing of the decision within 7 calendar days from the date the grievance was filed, and any action taken shall be taken within 7 calendar days from the date the grievance was filed, if appropriate. The supervisor shall prepare a written report of the complaint or grievance and provide a copy of it to the department head within 7 calendar days from the date the supervisor made his decision. Any supervisor in the chain-of-command shall attach his or her recommendation regarding the unresolved complaint or grievance if it proceeds to a higher level. No supervisor may hold an unresolved complaint longer than 7 calendar days from the date the supervisor made the decision without forwarding it to the next supervisory level.

If the employee complaint is regarding illegal harassment, discrimination or retaliation, the employee should submit the written complaint directly to Human Resources.

Step 3: Written complaint to Department Head

If the grievance cannot be resolved between the employee and supervisor, the employee may proceed to the third procedural step. An employee must submit a written statement to the Department Head and Human Resources within 7 calendar days of the response from the employee's supervisor. The request for review should include:

- An explanation of the grievance and details of all previous efforts to resolve the issue.
- A copy of the written complaint submitted to the immediate supervisor.
- A copy of the immediate supervisor's written response to the employee's complaint.
- Detailed information regarding the employee's dissatisfaction with the immediate supervisor's response.

If an employee wishes to have a meeting, the department head will accommodate the employee. Upon hearing the grievance, the department head must provide a written response to the employee and the immediate supervisor within 7 calendar days of the meeting.

Step 4: Written complaint to the City Administrator

If the grievance is not resolved with the Department Head, the employee may request in writing to the City Administrator a hearing with a review committee per Section 4(B) of the Disciplinary Review Procedure.

An employee wishing to appeal a dismissal may present the matter in accordance with the provisions of the Disciplinary Review procedure prescribed in Article X, Section 4.

Section 4. Disciplinary Review Procedure

- (A) Employees may request a meeting with the Disciplinary Review Committee in response to some employer action surrounding demotion, suspension, or dismissal within 24 hours of the action. This request must be in writing and directed to the City Administrator. The Committee will convene as soon as practical.
- (B) This Committee will consist of three employees: one department head, one supervisory level employee, and one regular full-time employee of the same or similar rank, none of which will be from the same department and none from the appealing employee's department.

The Human Resources department will maintain the lists of employees based on the above categories for serving on the Disciplinary Review Committee. Members shall be selected from the appropriate list on a rotating schedule in the following manner:

1. Department Head – this list shall consist of an alphabetical listing of the department heads. The first Disciplinary Review Committee shall consist of the first department head in alphabetical order and thereafter will proceed down the list alphabetically except in cases where the department head would have a conflict of interest with respect to the review process. In such cases, the next department head in alphabetical order shall serve on the Committee.
2. Supervisory Employee - this list shall consist of an alphabetical listing of the departments and an additional alphabetical listing of the supervisory personnel within the departments. The department shall be selected in alphabetical order except when the department is involved with the review process. The employee list likewise will be selected in alphabetical order within the selected department. Again, any conflicts shall cause the selection process to move to the next department and/or employee in alphabetical order
3. Full Time Employee – this list shall consist of a reverse alphabetical listing (Z-A) of the departments and a reverse alphabetical listing (Z-A) of the non-supervisory employees within the departments. Departments selected in this case shall begin with the last department listed alphabetically and likewise for the employee within that department. As with all other selections, a potential conflict with regard to the review process will cause the selection to move to the next department or employee.

The procedure for selection of the Disciplinary Review Committee shall be as follows:

Upon receipt of notice from the City Administrator of a Disciplinary Review Committee hearing, the Human Resources Department shall pull the eligibility lists and make the three member selections based on the guidelines contained herein.

The three Committee members upon assembling for the review shall elect a Chairman of the Committee. The Chairman shall be responsible for writing the Committee's summary and recommendations regarding the hearing proceedings. The written report shall then be forwarded to the City Administrator for his or her final consideration and review for the disposition of the case. The City Administrator shall provide a written account of his or her decision to the employee within 7 calendar days of receiving the Disciplinary Review Committee's written report.

The action of the City Administrator shall be final and binding, however an employee may submit a written appeal of a dismissal action to the Board of Mayor and Aldermen. Said written appeal shall be submitted to the City Administrator within 7 calendar days for distribution to the Board along with the findings of the Disciplinary Review Committee and the City Administrator's decision. Consideration of the appeal will be at the discretion of the Board of Mayor and Aldermen with a summary/opinion letter submitted to the City Administrator and employee as soon as practical.

Section 5. Policies Governing Grievance/Disciplinary Review Procedures

An employee requesting a disciplinary review procedure has the right to:

1. Present witnesses in his or her own behalf and cross-examine witnesses in support of City's action;
2. Examine and copy all documents that will be used by the City as justification for its actions; (copies at the employee's expense)
3. Be free from threats, coercion, intimidation, or discrimination from other employees because he or she has made complaints, testified, or assisted in any manner in the above-stated grievance and appeals procedures.

No attorney or legal representative is permitted to attend any internal review or appeal on behalf of the employee.

Article XI. Benefits and Career Development

Section 1. Benefits

A list of the current benefits is available in the Human Resource Manager's office.

All full time employees hired prior to March 1, 2017 may elect to remain on the City's 'Legacy' health insurance plan. All full-time employees hired after March 1, 2017 will only be eligible to participate in the City's 'Consumer Driven' health insurance plan. Any employee may elect to participate in the 'Consumer Driven' health insurance plan.

Section 2. Career Development and Training

Employees are encouraged to take advantage of education and training benefits to improve their job skills. These benefits are limited to training and education relevant to the employee's current position or "reasonable" transfer opportunities. "Reasonable" is defined as attaining the minimum qualifications for transfer with no more than two (2) years of additional training or education.

These benefits will be available to all employees on first come, first served basis, subject to the availability of budgeted funds.

Requests for education and training may be initiated by either the employee or department head. Reference to training requests and training received should be made on performance evaluation forms. Final decisions on requests for education and training will be made by the Department Head with final approval by the City Administrator.

(A) Conferences, Workshops, Seminars And The Like

Department Heads with approval of the City Administrator or his designee, may authorize or require employees' attendance at conferences, seminars, workshops or other functions of a similar nature that are intended to improve or upgrade the employees' job skills. Requests to attend training sessions should be made at least fifteen (15) days prior to the deadline for registration. The City Administrator or his designee, based upon the Department Head's recommendation, shall determine who shall attend conferences based upon availability of resources.

When a request for training is approved, the employee's cost for registration, tuition and publications, transportation, lodging, and other reasonable expenses will be covered by the City.

(B) Specialized and/or Advanced Training

Department Heads with the approval of the City Administrator or his designee may authorize or require employees' attendance at specialized or advanced training schools. A school or training will be considered specialized or advanced if it provides more involved, in-depth training that would provide a better opportunity for advancement inside or outside of the City of Sevierville. It must be job-related.

If an employee voluntarily separates from the City within the specified amount of time of receiving specialized and/or advanced training, he or she will have 100% of all expenses (tuition, material, room and board, and the value of the school) deducted from the employee's pay. The

Department Head with the approval of the City Administrator will determine and document the amount of time the employee must work based on the value and cost of the training/schools prior to attendance.

(D) Educational Assistance Plan

The City established an Educational Assistance Plan in accordance with Section 127 of the Internal Revenue Code (IRC) that will provide educational assistance to employees to improve existing job skills and prepare for development as it relates to future career promotional opportunities. This assistance will be provided based on the approval of the request by the Department Head, and concurrence with the Human Resources Manager.

This plan prohibits the City from offering eligible employees a choice between education assistance and other compensation. It also prohibits payments to those in the highly compensated group when such payments would violate the discrimination clause as set forth in IRC Section 127(b)(2).

Eligibility Requirements

- Full-time employee actively employed at the time of the educational assistance request.
- Completion of a minimum of one year of employment as a full-time employee.
- Received an overall performance rating of “meets requirements” or higher of his or her current position.

Course Requirements, Other Provisions

- Educational assistance will be made through the department’s professional development budget of each participating department and is limited to **\$5,250** (or the current Federal maximum limit) per calendar year per employee.
- Educational assistance is offered for specific courses at professional or educational institutions accredited by the U.S. Department of Education Office of Postsecondary Education.
- Educational assistance is available for courses that are not specifically job related provided they are **required** for degree or certificate completion.
- All requests are subject to the approval and the fiscal soundness of the City at the time of the request. In the event of budget constraints, applications for reimbursement will be determined based on City service, job performance, and date of application.
- This program also includes the full reimbursement for the cost of the GED Test. The City will reimburse the employee upon successful completion of each portion of the GED once proof of passing each test has been submitted.
- Educational assistance will cover tuition, registration, books, and lab fees upon proof of successful completion of the course(s):
 - 50% reimbursement for a grade A
 - 40% reimbursement for a grade B
 - 30% reimbursement for a grade C
 - 0% reimbursement for a grade of D or F
- The plan does not reimburse costs for tools or supplies the employee may keep after the course completion; education involving sports, games, or hobbies; or meals, lodging, or transportation.

- The City will also not reimburse any amounts otherwise covered by financial assistance or scholarships. Employees who receive tuition support or financial assistance from alternate sources must report such amount and shall not be eligible to be reimbursed for any amount that they do not have to repay.
- If an employee should voluntarily terminate employment after receiving educational assistance from the City, that employee shall have the below percent of the amount reimbursed deducted from the employee's final paycheck:
 - Within one year of completion of the course: 100%
 - Within 18 months of completion of the course: 75%
 - Within 24 months of completion of the course: 50%
- Employees may not attend classes during regular working hours and there is no overtime pay allowed for attending classes. The City of Sevierville will follow IRS guidelines regarding the taxability issues associated with tuition reimbursement.
- To be considered for educational assistance, please complete an Educational Assistance Application, and attached descriptive information regarding the course(s) or degree program you wish to enter. Submit the Educational Assistance Application with descriptive information to your Department Head. For more information about the Educational Assistance Plan, please contact Human Resources at (865)453-5504.

Procedure

To receive reimbursement for educational expenses, employees should follow the procedures listed here:

- At least fifteen (15) days prior to the registration deadline for classes, employees must submit a written request with a proposed curriculum of study to their Department Head with information about the course for which he or she would like to receive reimbursement and discuss the job-relatedness of the continuing education.
- An Educational Assistance Application should be completed by the employee, and the appropriate signatures obtained from his or her Department Head and HR Manager.
- The employee will maintain the original Educational Assistance Application until he or she has completed the educational course.
- Once the course is successfully completed, the employee should resubmit the original Educational Assistance Application with the reimbursement section filled out, including appropriate signatures, as well as receipts and evidence of a passing grade or certification attached within thirty (30) days of course completion.
- Educational Assistance does not exceed \$5,250 (or the current Federal maximum limit) per calendar year per employee.
- The HR Department will coordinate the reimbursement with the Finance Department.

Section 3. Personal Education and Training

Employees who desire to further themselves through education or training not related to their work for the City are encouraged to do so. The City will be unable to provide financial assistance for this type of education, but employees may be granted, upon written request, permission to take time away from

their job for training when such time is taken without pay-or as vacation time, and only so long as their absence will not cause hardship for their departments.

Article XII. Personnel Records and Reports

Section 1. Personnel Records Maintenance

Personnel records as are necessary for the proper administration of the personnel system will be maintained in accordance with Federal and State regulations. The official set of personnel records will be maintained by the Human Resources department.

Certain employee records will be kept separate from an employee's personnel file to protect the privacy rights of employees. This includes the following types of records:

- Medical – including medical exams, disability benefits claim forms, notes from doctors, request for Family and Medical Leave Act leave, request for ADA accommodations, worker's compensation history, claims and related documents, fitness-for-duty results, functional capacity assessments, referrals concerning an employee's participation in the City's employee assistance program, results of drug and alcohol tests, health-related information about an employee's family members, and any documentation about past or present health, medical conditions, or disabilities.
- Immigration forms – Form I-9 and supporting documents confirming employment eligibility.

Section 2. Access to Personnel Records

As required by State Law, any TN resident may have access to personnel information for the purpose of inspection, examination, and copying, during the regular business hours, subject only to such rules and regulations for the safekeeping of public records. Access to such information shall be governed by the following provisions:

- (A) All disclosures of records will be documented using the standard request form. This standardized request form will be placed in the employee's file.
- (B) Employees shall be notified in writing of the disclosure of their personnel records within three business days.
- (C) An individual examining a personnel record may copy the information. Any available photocopying facilities may be provided, and the cost will be assessed to the individual.

Section 3. Verification of Employment

Prospective employers, financial institutions and residential property managers routinely contact employers for information on a former or current employee's work history and salary. All requests of this type should be referred to and handled by the Human Resources department. Responses to written requests for verification of employment will be made on the form provided only when the request is accompanied by a former or current employee's signed authorization to release such information.

A written verification of employment form that has been completed by the HR department will be returned directly to the requesting party. Telephone requests for verification of employment by prospective employers, financial institutions, and residential property managers will be limited to confirming information stated by the external party.

Section 4. Confidential Information

All information contained in a City employee's personnel file will be maintained as confidential in accordance with the requirements of State and Federal Law and shall be open to public inspection only in accordance with these laws.

Section 5. Records of Former Employees

The provisions for access to records apply to former employees as they apply to present employees.

Section 6. Remedies of Employees Objecting to Material in File

An employee who objects to material in his file may place in the file a statement relating to the material considered being inaccurate or misleading. The employee may seek the removal of such material in accordance with established grievance procedures.

Section 7. Destruction of Records Regulated

No public official may destroy, sell, loan or otherwise dispose of any public record except in accordance with State and Federal Law.

Article XIII. Substance Abuse Policy

TN Drug Free Workplace Policy

The City of Sevierville is committed to providing a safe work environment and fostering the well being and health of its employees. That commitment is jeopardized when any City employee illegally uses drugs on or off the job, comes to work under the influence, possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. Therefore, the City of Sevierville has established the following policy, pursuant to State Law:

- (1) It is a violation of policy for an employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job, or while in operation of City-owned equipment at any time.
- (2) It is a violation of policy for an employee to be at work or engage in work under the influence of or while possessing in his or her body, blood, or urine, illegal drugs of any detectable amount.
- (3) It is a violation of the policy for an employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner or amount for a purpose other than as prescribed. The illegal use of prescribed medications will be dealt with in the same manner as the abuse of illegal substances.
- (4) Nothing in this policy precludes the appropriate use of legally prescribed medications. The City understands that employees and applicants under a physician's care may be required to use prescription drugs. An employee or job applicant may confidentially report the use of prescription or nonprescription medications to a Medical Review Officer, both before and after a drug/alcohol test by contacting the Medical Review Officer directly.
- (5) Violations of this policy are subject to disciplinary action up to and including termination.

The City of Sevierville participates in the Federal Motor Carrier Safety Administration (FMCSA) Drug & Alcohol Clearinghouse. The Clearinghouse is a centralized database that employers use to report drug and alcohol program violations and to conduct queries, which check that current or prospective employees are not prohibited from performing safety-sensitive functions, such as operating a commercial motor vehicle (CMV), due to an unresolved drug and alcohol program violation—that is, a violation for which the driver has not completed the return-to-duty (RTD) process. Queries must be conducted as part of a pre-employment driver investigation, and at least annually for current employees.

As a condition of employment, employees must abide by the terms of this policy and must notify the City of Sevierville in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.

Employee Assistance Program

Everyone shares responsibility for maintaining a safe work environment and co-workers should encourage anyone who has a drug or alcohol problem to seek help. The goal of this policy is to balance a respect for individuals with the need to maintain a safe, productive and drug free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that

the illegal use of drugs and the abuse of alcohol are incompatible with employment for the City of Sevierville.

The City of Sevierville offers an Employee Assistance Benefit (EAP) for employees and their dependents. The EAP provides confidential assessment, referral and short-term counseling for employees who need or request it. If an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by the employee's medical insurance; but the cost of such outside services is the employee's responsibility.

Confidentiality is assured. NO information regarding the nature of the personal problem will be made available to Department Heads or supervisors, nor will it be included in the permanent personnel file.

It is the responsibility of an employee to seek assistance from an EAP *before* alcohol and drug problems lead to disciplinary actions. Once a violation of this policy occurs, subsequently seeking treatment through an EAP on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action.

The City of Sevierville's EAP will provide appropriate assessment, evaluation and counseling and/or referral for treatment of drug and/or alcohol abuse. Employees may be granted leave with a conditional return to work, contingent upon successful completion of the agreed-upon treatment regimen, which may include follow-up testing.

Participation in the EAP will not affect your career advancement or employment, nor will it protect any employee from disciplinary action if substandard job performance continues. The EAP is a process used in conjunction with discipline, not as a substitute for discipline.

The EAP can be accessed by an employee through self-referral or through referral by a Department Head and/or supervisor. Information will be distributed about the EAP to employees for their confidential use.

Drug Testing

As a participating employer in the Tennessee Drug Free Workplace Program, the City of Sevierville is required to test the following drugs:

- Marijuana metabolites
- Cocaine metabolites
- Amphetamines
- Opiate metabolites
- Phencyclidine (PCP)

Important note: these drugs come in many different forms and have various "street names." For the required testing and drug cut-off levels, please refer to the TN Drug Free Workplace Program website.

Alcohol Testing

The consumption or possession of alcoholic beverages on City of Sevierville's premises while in the scope of employment or in any City-owned equipment at any time is prohibited. An employee whose normal faculties are impaired due to alcoholic beverages, or whose blood alcohol level tests .08% by weight for non-safety sensitive positions, or .04% for safety sensitive positions, while on duty/city business shall be guilty of misconduct and shall be subject to discipline up to and including termination.

Types of Drug/Alcohol Testing to Be Performed

It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances:

1. Pre-Employment/Job Applicant Testing

All job applicants who have been offered employment at the City of Sevierville must undergo testing for substance abuse as a condition of employment. An applicant with a confirmed positive test result may be denied employment, but after nine months can re-apply and be considered for open positions.

Notices will be placed on vacancy announcements for positions which require drug or alcohol testing. Applicants will be required to submit to a urinalysis test at a laboratory chosen by the City. If the physician, official or lab personnel have reasonable suspicion to believe that the job-applicant has tampered with the specimen, the applicant will not be considered for the position.

The City of Sevierville will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly, that the City will not tolerate.

2. Reasonable Suspicion Testing

“Reasonable suspicion” is based on a belief that an employee is using or having used drugs or alcohol in violation of the City’s policy and is based on specific, objective and articulable facts and reasonable inference drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:

- (A) Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse.
- (B) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- (C) A report of substance abuse provided by a reliable and credible source.
- (D) Evidence that an individual has tampered with any substance abuse test during his or her employment with the City.
- (E) Information that an employee has caused or contributed to an accident while at work.
- (F) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer’s premises or while operating the employer’s vehicle, machinery, or equipment.

3. Routine Fitness-for-Duty Drug or Alcohol Testing

Employees must submit to a drug or alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination where the examinations are required by law, regulation, are part of the City of Sevierville’s

established policy, or one that is scheduled routinely for all members of an employment classification group.

4. Follow-up to a Positive Test

For at least once per year for a two (2)-year period following a positive drug or alcohol test, employees must submit to a follow-up drug test, alcohol test, or both, as appropriate. In cases in which an employee voluntarily entered treatment not based on an employer-administered drug or alcohol test, the follow-up test is not required.

5. Post-Accident

All employees must submit to a test after a work-related accident which results in an injury to the employee, an injury to another individual or in property damage exceeding five thousand dollars (\$5,000), or such minimum amount as set by the U.S. DOT Guidelines, if less, at the time the injury is reported. Emergency medical care shall not be withheld or delayed for collection of drugs and/or alcohol test specimens. The employee will be accompanied by a supervisor or other designated employee.

6. As part of a follow up program related to treatment for drug abuse.

7. Random testing

It is the policy of the City of Sevierville to randomly test for drugs/alcohol at least 50 percent of the total number of drivers whose position requires a commercial driver's license (CDL) each year on a quarterly basis and 10 percent of the public safety employee (sworn police officers, dispatchers, and firefighters only) pool on a quarterly basis.

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random drug/alcohol testing and the actual presentation for specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, work-related causes, etc.) to produce a specimen on the date random testing occurs, the City may omit that employee from that random testing.

Refusal to Submit to a Drug or Alcohol Test

Failure to submit to a required substance abuse test shall be considered misconduct and shall be subject to discipline up to and including termination and the potential forfeiture of workers' compensation benefits.

Opportunity to Contest or Explain Test Results

Employees and job applicants who have a positive confirmed drug or alcohol test may explain or contest the result to the Medical Review Officer within five (5) working days after receiving written notification of the test results from the Medical Review Officer. If an employee's or job applicant's explanation or challenge is unsatisfactory to the Medical Review Officer, the Medical Review Officer shall report a positive test result back to the City of Sevierville. A person may contest the drug test result pursuant to

rules adopted by the Drug Free Workplace Program of the Tennessee Bureau of Workers' Compensation.

Employees in safety sensitive positions who show positive test results have the right to have the specimen tested by a second HHS-certified laboratory.

Confidentiality

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained as required by the rules adopted by the Drug Free Workplace Program of the Tennessee Bureau of Workers' Compensation.

It is the responsibility of every employee or job applicant to notify the testing laboratory of any administrative or civil action brought pursuant to Tennessee Drug Free Workplace Programs.

Article XIV. Nondiscrimination and Anti-Harassment Policy

The City of Sevierville is committed to a work environment in which all individuals are treated with respect and dignity. The City is committed to safeguarding the right of all City employees to work in an environment that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. It shall be a violation of this policy for any employee of the City to discriminate or harass others both on and off City's premises and during or outside of work hours. The objective of this policy is to define discrimination and workplace harassment.

It is the policy of the City of Sevierville to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law. The City of Sevierville prohibits any such discrimination or harassment.

The City Administrator or his designee will act to investigate all complaints, either formal or informal, verbal or written, of harassment or discrimination and to discipline any employee who discriminates or harasses any employee of the City.

Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

- (a) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
- (b) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
- (c) That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or creating an intimidating, hostile or offensive employment environment.

Sexual harassment can be physical and psychological in nature. Any sexual harassment as defined when perpetrated on any employee by any employee will be treated as sexual harassment under this policy. A combination of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.
- Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience.

- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
- Sexual or discriminatory displays or publications anywhere in City of Sevierville's workplace by employees.

TN Healthy Workplace Act

Employees are expected to maintain a productive work environment free from harassing or disruptive activity including threats of physical violence. No form of bullying or harassment will be tolerated, including sexual harassment and harassment based on race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information, communication with an elected public official, free speech, refusing to participate in or remain silent about illegal activities, exercising a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law. This policy applies to all City of Sevierville employees.

In accordance with T.C.A. § 50-1-502, the City of Sevierville will not tolerate bullying, or verbal or physical conduct by an employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.

- 1) 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:
 - a. Verbal harassment – Verbal threats toward persons or property; the use of vulgar or profane language directed towards 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.
 - b. Physical Harassment – Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.
 - c. Visual Harassment – Displaying derogatory or offensive posters, cartoons, publications or drawings.
 - d. Bullying – Workplace bullying refers to unwanted aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. The imbalance of power involves the use of physical strength, access to embarrassing information, or popularity to control or harm others. This behavior may be performed by individuals (or a group) directed towards an individual (or a group of individuals).
 - e. Abusive Conduct - acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, which can include but is not limited to:
 - i. repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
 - ii. verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or
 - iii. the sabotage or undermining of an employee's work performance in the workplace.

- 2) A single act generally will not constitute abusive conduct, unless such conduct is determined to be severe; multiple acts may rise to the level of pervasive. To aid employees in identifying abusive conduct, the following examples are provided. These examples are not exhaustive; they illustrate, however, the types of conduct that may violate this policy:
- a. Intimidating an employee by excessive yelling, repeated emotional outbursts, berating others, using an unreasonably harsh tone of voice;
 - b. Undermining another's work by withholding pertinent work-related information or purposefully giving incorrect information, or by not giving enough information to do what is required, as compared to others;
 - c. Persistent or constant criticism in front of others for the purpose of humiliating another employee;
 - d. Isolating an employee from co-workers, or launching a campaign not based on facts to provoke an employee to leave or be removed;
 - e. Making humiliating or degrading remarks about a person through or on social media; or
 - f. Any malicious behavior a reasonable person would find unprofessional, disturbing, and/or harmful to his or her psychological health.

Reporting an Incident of Harassment, Discrimination or Retaliation Procedure

Any person who believes he or she has been the victim of discrimination or harassment by an employee of the City may immediately inform the harasser that the conduct is unwelcome and needs to stop. If the inappropriate conduct does not cease, or if the employee is unable to or uncomfortable with addressing the alleged harasser directly, he or she or any third person with knowledge or belief of conduct which may constitute discrimination or harassment should report the alleged acts immediately to his or her own supervisor, or department head, or to the Human Resource's office. The City recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

- A. All supervisors, managers and Department Heads are responsible for receiving oral or written reports of discrimination or harassment at the department level. Upon receipt of a report, the Department Head must notify the City Administrator immediately. A written report will be forwarded to the City Administrator. If the report was given verbally, the Department Head shall reduce it to written form within 24 hours and forward it to the City Administrator. Failure to forward any discrimination or harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the Department Head, the complaint shall be filed directly with the City Administrator.
- B. The Board of Mayor and Aldermen hereby designates the City Administrator to receive reports or complaints of discrimination or harassment from any individual, employee or victim of discrimination or harassment and also from the department heads as outlined above. The name of the City Administrator, including a mailing address and telephone number shall be conspicuously posted. If the complaint involves the City Administrator, the complaint shall be filed directly with the Mayor.
- C. Submission of a complaint or report of discrimination or harassment will not affect the individual's future employment or work assignments.

The City will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible and information is disclosed strictly on a need-to-know basis; consistent with the City's legal obligations and the necessity to investigate allegations of discrimination

or harassment and take disciplinary action when the conduct has occurred. The identity of the complainant is usually revealed to the parties involved during the investigation and the investigator will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a discrimination or harassment complaint or investigation is maintained in secure files within the Human Resources department.

Responding to Conduct in Violation of Policy

By authority of the Board of Mayor and Aldermen, the City Administrator, upon receipt of a report or complaint alleging discrimination or harassment, shall immediately authorize an investigation. This investigation may be conducted by City personnel or by a third party designated by the Board of Mayor and Aldermen. The investigating party shall provide a written report of the status of the investigation within 10 working days to the City Administrator or to the Mayor if the City Administrator is involved in the allegation of discrimination or harassment.

In determining whether alleged conduct constitutes discrimination or harassment, the City Administrator should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved, and the context in which the alleged incidents occurred.

B. Investigation

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator. A written report summarizing the results of the investigation and making recommendations will be submitted to the City Administrator.

To ensure the prompt and thorough investigation of a discrimination or harassment complaint, the complainant should provide as much of the following information as is possible:

- The name, department and position of the person or persons allegedly committing discrimination or harassment.
- A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
- The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or conditions of his or her employment.
- The names of other individuals who might have been subject to the same or similar discrimination or harassment.
- What, if any, steps the complainant has taken to try to stop the harassment.
- Any other information the complainant believes to be relevant to the discrimination or harassment complaint.

C. Action

Upon receipt of a recommendation that the complaint is valid, the City Administrator will take such action as appropriate based on the results of the investigation.

The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the City Administrator. The report will document any disciplinary action taken as a result of the complaint.

D. Reprisal

The City Administrator will discipline any individual who retaliates against any person who reports alleged discrimination or harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a discrimination or harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

D. Non-Harassment/False Accusations

The City of Sevierville recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances.

False accusations of discrimination or harassment can have a serious detrimental effect on innocent parties. Any person who knowingly and intentionally makes a false accusation, for any reason, which would be contrary to the spirit and intent of this policy, may be subject to appropriate disciplinary action.

E. Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Tennessee Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law.

F. Sexual Harassment as Sexual Abuse

Under certain circumstances, sexual harassment may constitute sexual abuse under Tennessee Law. In such situations, the City Administrator shall comply with Tennessee Law regarding the reporting to appropriate authorities of sexual abuse.

G. Discipline

Any City action taken pursuant to this policy will be consistent with requirements of Tennessee statutes and City policies. The City Administrator will take such disciplinary action he/she deems necessary and appropriate, including warning, suspension or immediate discharge to end discrimination or harassment and prevent its recurrence.

Article XV. Implementation of Policies

Section 1. Conflicting Policies Repealed

All policies, ordinances or resolutions that conflict with the provisions of these policies are hereby repealed.

Section 2. Separability

If any provision of these policies or any rule, regulation or order thereunder of the application of such provision to any person or circumstances is held invalid, the remainder of these policies and the application of such remaining provisions of these policies of such rules, regulations or orders to persons or circumstances other than those held invalid will not be affected.

Section 3. Violations of Policy Provisions

An employee violating any of the provisions of these policies shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty, which may be imposed for the violation of the same.

Section 4. Effective Date

These policies shall become effective October 3, 2022.

All supporting budget documents and policies are available in the Human Resource Manager's Office.