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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 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, temporary, 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 12 of these policies).
- (B) Regular Part-time Employee. An employee who is normally scheduled to work less than 40 hours per work period.
- (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 as amended in March 2004”. 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) Temporary 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. Temporary 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) Light Duty and/or Administrative Duty. Productive work 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.

Section 4. Merit Principle

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, national origin, age, color, race, genetic information, or disabilities. 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 City Board of Mayor and Aldermen shall establish personnel policies and rules, including the classification and pay plan.

The City 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 City 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. Statement of Equal Employment Opportunity Policy

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, race, color, creed, religion, national origin, or genetic information. 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 EEO 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 age, gender, race, color, creed, religion, national origin, disability, or genetic information. 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. Recruitment and Residence 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 within Sevier County or within a 25 mile radius from the Police Department building. To be eligible for the take home car program, the officer must reside within a 15 mile radius of the Police Department.
- (C) All firefighters must reside inside Sevier County or within a 30 minute drive from the intersection of Winfield Dunn Parkway and Main Street. A drive time map will be posted or available upon request using Microsoft Map Point 2010 edition, using an average speed. Current Fire Department employees whose current residence lies outside this radius are exempted, but must abide by the policy should they choose to relocate at a later time.
- (D) Notice of Regular Full-time or Regular Part-time vacancies will be posted at designated conspicuous sites within City buildings for a minimum of 10 calendar days.

Section 4. 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 Regular Full-time or Regular Part-time vacancies will, at a minimum, be posted at designated conspicuous sites within City buildings for 10 calendar days. Notices shall also be advertised in professional publications and other outlets for recruitment, as deemed appropriate for the position.

Section 5. 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.

Section 6. Application Reserve File

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. 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 8. 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 to the City Administrator with a recommendation as to the applicant to fill the position and the rate to be paid. After a thorough review, the City Administrator shall act on the recommendation of the department head.

Section 9. Background Checks

Every prospective regular full-time, regular part-time, and temporary 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.

In addition to this background check, all prospective regular full-time, regular part-time, and temporary Childcare employees and Safety Officer employees will be fingerprinted. The Federal Bureau of Investigation will conduct the fingerprint background check.

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 10. Driving Background Checks

Every prospective employee who is required to drive a City of Sevierville vehicle as part of his/her job will undergo a driving background check. This background check will be done every year on a regular basis.

Section 11. 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 class 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 and random drug testing will be conducted on all positions. 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 12. Probationary Period of Employment

An employee appointed to a regular full-time or regular part-time position shall serve a probationary period of six (6) months (twelve (12) months for sworn police personnel). 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. In extenuating circumstances, and with the approval of the City Administrator, a probationary period can be extended for up to an additional three (3) months. However, only one extension period will be permitted. In such cases, the employee must be notified of the purpose of the extension, the conditions and performance expectations, and the length of time of the extension. 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 initial appointment may be dismissed at any time during the 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 14 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 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 probationary period unless the denial of such leave shall create an unusual hardship. Vacation may be granted in such a case only with the approval of the Department Head.
2. Employees hired on or after July 1 will not be eligible for longevity pay for that calendar year.

Section 13. Limitation of Employment of Relatives

A. 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 Administrator
2. Finance
3. Fire
4. Police
5. Parks and Recreation
6. Planning
7. Codes Enforcement
8. Convention Center
9. Information Services
10. Golf
11. Public Works
12. Water Department
13. Facilities Maintenance

14. 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.

3. Building: a permanent four- walled roofed structure, which contains the primary assigned work area for a City employee.

B. Prohibition:

No person shall be employed by the City of Sevierville for a position in any department of the City of Sevierville or building, 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 or same building, 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.

C. Temporary Employees:

This policy does not apply to temporary employees, except that such employees may not directly supervise or be supervised by a close relative as defined above.

D. Not Retroactive

Setting this policy shall not be retroactive, and no action shall be taken concerning those “close relatives”, who would otherwise be in contradiction of the within policy prior to the adoption of this policy.

E. By the adoption of this policy, all prior Nepotism policies are hereby repealed.

Section 14. 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. Except in extraordinary circumstances, such a demotion shall be preceded by the warning procedures outlined in Article VIII, Section 1(A), 1(B), or 1(C) of these policies, whichever is applicable. 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 VIII, Sections 1(A), 1(B), and 1(C) of these policies.

See Article V, Section 6(A) for Pay Rates regarding Demotion.

Section 15. 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.
- (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 6(B) for Pay Rates regarding Transfer.

Section 16. Oath of Office

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

“I, _____, do hereby solemnly swear or affirm 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 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.

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. 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: Board of Mayor and Aldermen

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

Section 4. Payment at a Listed Rate

All employees covered by the pay plan shall be paid at a 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 5. 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 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 6. 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:* An employee who is demoted for the benefit of the City may have the pay remain the same. 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. 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 7. 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

In order to keep the City functioning efficiently, each employee's job description will state specific time frames to be worked. 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 8. 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 only in emergencies 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 as amended in March 2004". 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 delivered to the City Recorder on the designated day proceeding payday.

Section 9. Stand-By

Non-exempt employees may be required to remain in the greater Sevierville area to answer emergency service calls. When assigned such duty, the employee may be assigned for not more than two (2) calendar weeks in any month, and shall be entitled to call-out pay as described below. Stand-by time shall not be counted toward hours worked. Employees who are on stand-by and fail to respond to an emergency call may be subject to disciplinary action.

If the stand-by 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.

Section 10. 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 paging 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.

Each employee serving as an emergency on-call crew member shall receive supplemental pay of \$150 per week or \$18 per day Monday through Friday or \$30 per day Saturday and Sunday.

Section 11. 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 12. Merit Pay Raises

When the quality of an employee's performance is worthy, the employee's pay may be given a merit increase within the same assigned pay grade. Such merit pay raises shall be granted only after recommendation of the Department Head and approval by the City Administrator, and shall be based on the quality of the individual's work performance. Such merit pay may be awarded to an employee who has performed the duties of his/her position in an exemplary or above average manner. 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.

Section 13. Longevity Pay

In order to reward satisfactory performing employees for their years of service to the City, each active regular full and part-time employee, hired prior to July 1st, is eligible to receive longevity pay. Each full-time employee will receive a check in the amount of \$300 net and each regular part-time employee, who works an average of 80 hours per month, will receive a check in the amount of \$150 net. Longevity 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) Employees absent from the City on official business will be covered by Worker's Compensation insurance in accordance with the "Tennessee Workers' Compensation Act."

- (3) 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 094-07, 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.

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 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 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 their own name badge cards 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 8 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, a time sheet correction request form must be filled out and turned in to the supervisor for approval.

- (D) Employees who violate this policy shall be subject to disciplinary action as outlined in Article VIII.

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) Give proper notice of termination (2 weeks for most employees, 30 days for department heads). Notice period shall not include vacation or sick leave or leave without pay.

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.

A formal evaluation shall be completed for an employee prior to the completion of his or her probationary period and annually thereafter in accordance with the Administration's schedule for employee review. The City's performance evaluation program provides a system for appraising the employee's work.

Section 5. 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 6. 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 7. 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 and future regular, 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 30 hours per week.

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

Section 8. 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 9. 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 10. 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.

Section 11. 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 or on duty. 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 employees will be subject to random drug/alcohol testing. Employees carrying job-related commercial driver's licenses (CDLs) will be in a separate pool from the rest of the employees in order to meet State of Tennessee guidelines.

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

Section 12. 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 13. 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.

Section 14. Discrimination/Harassment

No discrimination or harassment shall be exercised, threatened or promised against or in favor of applicants or employees because of their race, religion, national origin, age, political beliefs, gender or disabilities. No discrimination or harassment of any form shall be tolerated, and discriminatory or harassing behavior will subject the offending individual to disciplinary action up to and including termination. (See Sexual Harassment Policy, Article XIII).

Section 15. 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/her equipment upon retirement.

Section 16. Clothing

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, if requested by the Department Head, 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.

The City of Sevierville expects its employees to dress appropriately for work.

NON-OFFICE DRESS CODE:

1. Jewelry – Employees that use machinery on the job are expected to leave jewelry such as rings, watches, necklaces, earrings, etc. at home for their own personal protection and to keep from damaging or losing valuable jewelry.
2. Clothing – Employees are expected to dress appropriately for their specific job classifications. For example, employees performing construction work should not wear tennis shoes but should wear heavy duty shoes or boots. Employees in labor intensive jobs should not wear expensive clothing that might become soiled or torn. Clothing in general should be neat, clean and not offensive to our citizens and co-workers.
3. Eye Glasses/Contacts – Employees in job classifications requiring physical labor, work in plants or with machinery that wear eye glasses during normal working hours, should use safety straps or ear pieces that wrap around the ears and use goggles to protect the eyewear from chemicals, etc. Employees who do not require glasses should still wear protective goggles when appropriate. Employees that wear contacts should use safety goggles or shields as needed.
4. Hair Length – Pony tails, long hair, etc. should be kept in such a manner so as not to be a hazard to the employee (e.g. getting hair caught in machinery or on fire).
5. Excessive or offensive tattoos of any type must be completely concealed at all times during business hours and at City business functions, either through the use of appropriate clothing or make-up. Tattoos existing upon hire may be visible during work hours only at the discretion of an employee's department head. Tattoos acquired after date of hire must be completely concealed at all times during business hours and at City business functions.

OFFICE DRESS CODE:

1. Clothing must be clean, neat, well-fitting, and business-like. Business casual is acceptable, if the employee is dressed appropriately for his or her business schedule. Leisure, recreational, and party-type apparel is inappropriate.
2. Business-like footwear, suitable for street wear, is appropriate including dress sandals. Tennis shoes, shower shoes, flip flops, and other obviously casual shoe styles are unacceptable unless medically necessary.
3. Extreme or novelty styles of dress, hair and makeup are to be avoided. Jewelry and other accessories should be chosen with a conservative, non-offensive approach that is not distracting as well as safety conscious.
4. Tattoos of any type must be completely concealed at all times during business hours and at City business functions, either through the use of appropriate clothing or make-up.

5. See-through, tight and/or revealing clothing, low necklines, strapless dresses, spaghetti-strap tops or dresses, tank tops, T-shirts, sweatshirts, and shorts are unacceptable. No midriff-revealing attire will be allowed. Proper foundation garments are required.
6. Dresses and skirts are acceptable, provided they are of a professional/reasonable length – supervisory discretion applies
7. Dress slacks and calf-length pants are permitted with coordinating professional attire.
8. Hair, mustaches, and beards must be clean and neatly trimmed.
9. Care must be taken in all areas concerning personal hygiene.
10. Business casual dress attire will always include specifically designated City logo shirts for this purpose. Business casual shirts or logo shirts must be worn with either dress slacks, skirts, or khaki-type pants.

Temporary exceptions to the dress code may be made at the City Administrator’s discretion. The preceding dress codes are meant to be a minimum standard. A department head may, by written policy or directive, require its employees to maintain a higher standard of dress or appearance as warranted.

Section 17. 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 18. 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 19. 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.

(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 VI, Section 6;
- 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 the 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 the 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 his or her Department Head 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 VIII.

Section 20. Cellular Telephones

Cellular telephone guidelines apply to the use of all City-issued wireless communication tools such as Blackberry handheld computers, radios, cell phones, or similar equipment.

(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 and as such are subject to the same discretion and regulations as outlined in Section 19, part (c) of this Article.
- 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 VIII of the City of Sevierville Personnel Rules and Regulations Handbook.

(B) Safety Guidelines

- 1.) Safety guidelines apply to usage of all cell phones, whether City-provided or individually owned.
- 2.) Avoid 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. 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. 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.	Veteran's 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. Department heads shall submit a roster to the Payroll Office including names of employees, position classification, and actual hours each employee worked on the holiday.
- (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.

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. This applies to all employees including Temporary.

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) Employees serving a probationary period following initial appointment may earn vacation leave, but shall not be permitted to take vacation leave during the probationary period unless the denial of such leave will create an unusual hardship. Vacation leave may be taken during this period only with the prior approval of the department head.
- (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) 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 vacation 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 vacation leave benefits. Temporary and 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 fire department employee 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 based on employee seniority and/or the order in which vacation requests are received and/or needed.

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 in the Department Head's office.

(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, 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 or 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 VIII, 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 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/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. Temporary and 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

An employee must be employed for three (3) months before he or she is eligible to use accumulated sick leave. Sick leave continues to accumulate while an employee is on approved 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 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 City Administrator is responsible for monitoring sick leave usage. The City Administrator reserves the right to deny use of sick leave for any claim, which 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 – Policy

Employees may request and be granted a leave of absence without pay for a maximum of 3 months if approved by the City Administrator. Multiple requests will be considered under extreme circumstances.

Combination of leave types cannot exceed 25 months.

The employee shall apply in writing to his/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 year 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.

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.

State Medical Leave Law provides for an additional 4 weeks of unpaid maternity leave.

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 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. 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.

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 and will be paid at that particular job's rate. Worker's Compensation Insurance may pay the standard percentage of the difference between the light-duty job 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.

Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged 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. Death 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.

Section 10. Disability Leave

Short-term disability insurance is provided for a period of 26 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.

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/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 her/her former position. His/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/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 workweeks 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 workweeks of leave for any FMLA-qualifying reason during the single 12-month period.

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. Civil 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/her immediate supervisor. Upon release from jury duty during the employee's normal work

hours, he/she is expected to return to duty. Law enforcement officers may not receive any witness fees for appearing in court in connection with their official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

Article VIII. Disciplinary Actions and Separation

Section 1. 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 VIII, 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.

(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 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

(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.

(D) Suspensions: 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.

Section 2. 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. No regular employee shall be separated while there are temporary employees serving in the same or lower pay grade in the department, unless the regular employee is not willing to transfer to the position held by the temporary employee.
- (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 VII, Section 4(G) of these policies will be paid to the designated beneficiary 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 for cause in accordance with Section 1 of this article.

Section 3. Employee Appeal

A regular 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 IX, Section 4 of these policies.

Article IX. 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/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 this 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 One.

The employee makes a written presentation of the 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/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.

Step Two

If the grievance cannot be resolved on an informal basis between the employee and supervisor, the employee may proceed to the second procedural step. An employee must submit a written statement to the department head within 7 calendar days of the response from the employee's supervisor. If an employee wishes a hearing, 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 hearing.

Step Three.

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.

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 Personnel Office 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. Regular 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 Personnel office 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/her final consideration and review for the disposition of the case. The City Administrator shall provide a written account of his/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/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/she has made complaints, testified, or assisted in any manner in the above-state grievance and appeals procedures.

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

Article X. Insurance/Retirement/Benefits

Section 1. Benefits

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

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 the amount of time the employee must work based on the value and cost of the training/schools prior to attendance.

(C) Educational Reimbursement.

Employees must submit a written request with a proposed curriculum of study to their Department Head at least fifteen (15) days prior to the registration deadline for such classes. Requests will be considered for attendance at accredited colleges, universities, and business and technical schools for single courses or programs that are job-related and leading to a degree or certificate.

If a written request is approved, the employee shall receive the following percentage of out-of-pocket expenses for registration, tuition, and books upon proof of successful completion of the course(s):

- 50% reimbursement for a grade of A
- 40% reimbursement for a grade of B
- 30% reimbursement for a grade of C
- 0% reimbursement for a grade of D or F.

A maximum of 50% of the employee's out-of-pocket expenses for registration, tuition, and books will be reimbursed. When the employee completes such courses, he or she will provide an official transcript or report card, and an itemization of reimbursable expenses (with receipts if possible) to the Department Head for processing the reimbursement.

If an employee voluntarily separates from the City within two (2) years of receiving educational or training expense reimbursement, he or she shall have 50% of the amount reimbursed deducted from the employee's final paycheck.

In cases where employees have special scheduling problems while attending approved education or training programs, every effort will be made to allow the employee release time from his or her work schedule to attend classes, subject to departmental scheduling and workloads. In situations of this type, the employee must make up the release time on a weekly basis. Written approval of the employee's department head must be obtained prior to using release time.

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 XI. 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 at City Hall.

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 3 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. 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 4. Records of Former Employees

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

Section 5. 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 6. 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 XII. 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.
- (2) It is a violation of policy for an employee to report to 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 policy for an employee to report to work under the influence of or impaired by alcohol.
- (4) 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 for a purpose other than as prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medications.
- (5) Violations of this policy are subject to disciplinary action up to and including termination.

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.

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.

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 and supervisor, nor will it be included in the permanent personnel file.

The EAP can be accessed by any employee through self-referral or through referral by a department head and/or supervisor. We will distribute information about the EAP to employees for their confidential use.

General Procedures

Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible, the employee's department head or supervisor will seek another department head or supervisor's opinion to confirm the employee's status. Next, the department head or supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the department head or supervisor, the employee is considered impaired, the employee will be sent home or to a medical facility by taxi or other safe transportation alternative - depending on the determination of the observed impairment - and accompanied by the department head or supervisor or another employee if necessary. A drug or alcohol test may be in order. An impaired employee will not be allowed to drive.

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 Tennessee Department of Labor.

Confidentiality

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained, except as otherwise provided by law.

Job Applicant Drug Testing

All job applicants for the City of Sevierville will undergo testing for substance abuse as a condition of employment. Any applicant with a confirmed positive test result will be denied employment.

Applicants will be required to submit voluntarily to a urinalysis test at a laboratory chosen by the City of Sevierville, and by signing a Consent Agreement will release the City of Sevierville from any liability.

If the physician, official, or lab personnel has reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.

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 of Sevierville will not tolerate.

Employee Drug Testing

The City of Sevierville has adopted testing practices to identify employees who illegally use drugs on or off the job or who abuse alcohol on the job. It shall be a condition of employment for all employees to immediately submit to substance abuse testing under the following circumstances:

1. When there is reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol. "Reasonable suspicion" is based on a belief that an employee is using or has used drugs or alcohol in violation of the City of Sevierville's policy drawn from specific facts and reasonable inferences 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 of Sevierville;
 - (E) Information that an employee has caused or contributed to an accident while at work; or
 - (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.
2. When employees have caused or contributed to an on-the-job injury that resulted in a loss of work time, which means any period of time during which an employee stops performing the normal duties of employment and leaves the place of employment to seek care from a licensed medical provider. Employees will be sent for a substance abuse test if they are involved in on-the-job accidents where personal injury or damage to the City of Sevierville property occurs. The employee will be accompanied by a supervisor or other designated employee.
3. As part of a follow up program related to treatment for drug abuse.
4. All public safety employees (sworn police officers, dispatchers, and firefighters only) and employees whose positions require a commercial driver's license (CDL) will be subject to random drug/alcohol testing. CDL

employees will be in a separate pool from the rest of the employees in order to meet State of Tennessee guidelines.

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 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, out of City, work-related causes, etc.) to produce a specimen on the date random testing occurs, the City may omit that employee from that random testing

Alcohol Testing

The consumption or possession of alcoholic beverages on City of Sevierville's premises while in the scope of employment 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.

Refusal to Submit

Failure to submit to a required substance abuse test also is misconduct and shall be subject to discipline up to and including termination. If an employee refuses to submit to post-accident drug or alcohol testing they shall lose eligibility for medical and disability benefits under the Workers' Compensation Laws of Tennessee.

Important Information for Job Applicants and Employees

When an employee or job applicant submits to a drug and/or alcohol test, they will be given a form by the specimen collector that contains a list of common medications and substances which may alter or affect the outcome of a drug or alcohol test. This form will also have a space for the donor to provide any information that he/she considers relevant to the test, including the identification of currently or recently used prescription or non-prescription medication or other relevant information. The information form should be kept by the job applicant or employee for their personal use. If the job applicant or employee has a positive confirmed test result, a Medical Review Officer will attempt to contact the individual in order to privately discuss the findings with that person. The job applicant or employee should keep the form as a "reminder" to discuss this information at that time. The Medical Review Officer will take this information into account when interpreting any positive confirmed test

result. The information shall be treated as confidential and will not be given to the employer. Employees and job applicants have the right to consult with a Medical Review Officer for technical information regarding prescription and non-prescription medicine.

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.

The provisions of this policy are subject to any applicable collective bargaining agreement or contract and include the right of appeal to the applicable court.

Substance abuse testing for job applicants and employees will include a screen for the minimum following drugs:

Alcohol:

Any “alcoholic beverage”, all liquid medications containing ethyl alcohol (ethanol). Please read the label for content. For example, Vicks Nyquil™ is twenty-five percent (25%) (50 proof) ethyl alcohol, Comtrex™ is twenty percent (20%) (40 proof), Contac Severe Cold Formula Night Strength™ is twenty-five percent (25%) (50 proof), and Listerine™ is twenty-six point nine percent (26.9%) (54 proof).

Amphetamines:

“Speed”, “uppers”, “meth”, etc.

Cannabinoids:

THC, marijuana, hashish, “pot”, “grass”, “hash”, etc.

Cocaine:

“Coke”, “crack”, etc.

Phencyclidine:

PCP, “angel dust”, etc.

Opiates:

Narcotics, “heroin”, “codeine”, “morphine”, “smack”, “dope”, “meth”, etc.

Article XIII. Sexual Harassment Policy

Sexual Harassment

I. General Statement of Policy

The City of Sevierville is committed to safeguarding the right of all City employees to work in an environment that is free from all forms of sexual harassment. It is the policy of the City of Sevierville to maintain a working environment that is free from sexual harassment. The City of Sevierville prohibits any form of sexual harassment. It shall be a violation of this policy for any employee of the City to harass an employee through conduct or communication of a sexual nature as defined by this policy. The City Administrator or his designee will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any employee who sexually harasses any employee of the City.

II. Sexual Harassment Defined

- A. 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:
1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
 2. 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
 3. 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. Any sexual harassment as defined when perpetrated on any employee by any employee will be treated as sexual harassment under this policy.
- B. Sexual harassment may include but is not limited to:
1. verbal harassment or abuse;
 2. subtle pressure for sexual activity;
 3. inappropriate patting or pinching;
 4. intentional brushing against an employee's body;
 5. demanding sexual favors accompanied by implied or overt threats concerning an individual's employment status;
 6. demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment status; or
 7. any sexually-motivated unwelcome touching.
 8. any unwelcomed sexual emails

III. **Reporting Procedures**

Any person who believes he or she has been the victim of sexual harassment by an employee of the City or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to an appropriate City official as designated by this policy.

- A. In Each Department. All department heads are responsible for receiving oral or written reports of sexual 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 sexual 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. City Wide. The Board of Mayor and Aldermen hereby designates the City Administrator to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the department heads as outlined above. If the complaint involves the City Administrator, the complaint shall be filed directly with the Mayor. The name of the City Administrator, including a mailing address and telephone number shall be conspicuously posted.
- C. Submission of a complaint or report of sexual harassment will not affect the individual's future employment or work assignments.
- D. Use of formal reporting forms is not mandatory.

The City will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible; consistent with the City's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred.

IV. **Investigation and Recommendation**

By authority of the Board of Mayor and Aldermen, the City Administrator, upon receipt of a report or complaint alleging sexual 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 sexual harassment.

In determining whether alleged conduct constitutes sexual 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.

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.

V. Action

- A. 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.
- B. 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.

VI. Reprisal

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

VII. 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 sexual 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.

VIII. 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.

IX. 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.

X. **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 it deems necessary and appropriate, including warning, suspension or immediate discharge to end sexual harassment and prevent its recurrence.

Article XIV. Miscellaneous Policies

Section 1. Garnishment

Employees can easily find themselves in financial trouble, occasionally requiring creditors to file garnishments against them. In an effort to prevent such occurrences, employees are encouraged to seek assistance from consumer finance counseling agencies located in the area. Names and telephone numbers of such agencies can be obtained from the City Administrator's office.

An employee who is garnished for more than one indebtedness (excluding child support) within a twelve- (12) month period may be subject to disciplinary action in accordance with the following schedule:

First Offense -	Oral Reprimand
Second Offense -	Written Reprimand
Third Offense -	May be discharged in accordance with the discipline and dismissal policy.

Section 2. Personal Telephone Calls

The use of the telephone during regular work hours for local calls of a personal nature is strongly discouraged. Long-distance calls, except in emergencies, are prohibited.

Section 3. Fighting, Horseplay, Damaging Municipal Government Property

Fighting, horseplay, and intentionally defacing or damaging City property is not permitted. Employees engaging in these activities will be subject to disciplinary action, which could include dismissal.

Section 4. Bereavement Memorials

The City wishes to express sympathy to the family of a full or part 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 make a monetary donation to the Sevier County Public Library System for the purchase of a book. The City will donate \$50 in honor of an employee and \$30 in honor of an employee's immediate family upon notification from the employee's department head.

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 May 5, 2014.

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