

City of Pikeville, TN

PERSONNEL POLICY

Effective January 27, 2014



Philip Cagle, Mayor

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25 Municipal Drive
PO Box 225
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RESOLUTION NO. 4-12-R99

A RESOLUTION TO ESTABLISH A PERSONNEL POLCY FOR THE CITY/TOWN OF PIKEVILLE, TENNESSEE.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY/TOWN OF PIKEVILLE, TENNESSEE:

SECTION 1 – PERSONNEL POLICY

- A. PURPOSE. The purpose of this resolution is to establish a system of personnel administration in the City/Town of Pikeville, Tennessee.
- B. AT-WILL EMPLOYER. The City/Town of Pikeville, Tennessee is an at-will employer. Nothing in this resolution may be construed as creating a property right or contract right to any job for any employee.
- C. COVERAGE. The following personnel are not covered by this policy, unless otherwise provided:
 - 1. All elected officials
 - 2. Members of appointed boards and commissions.
 - 3. Consultants, advisers, and legal counsel rendering temporary professional service.
 - 4. The city attorney.
 - 5. Independent contractors and/or contract employees.
 - 6. Volunteer personnel.
 - 7. The city judge.
 - 8. All other employees of the municipal government are covered by this personnel policy.

SECTION 2 – EMPLOYEES

- A. FULL TIME. Full-time employees are individuals employed by the municipal government who normally work forty (40) hours per week.
- B. PART TIME. Part-time employees are individuals who may not work on a daily basis or work on a daily basis fewer than eight (8) hours a day and may work fewer than forty (40) hours per week or who are temporary and/or seasonal employees.

SECTION 3 – HIRING PROCEDURES

- A. **POLICY STATEMENT.** The primary objective of this hiring policy is to insure compliance with the law and to obtain qualified personnel to serve the citizens of the municipality. The municipality shall make reasonable accommodations in all hiring procedures for all persons with disabilities.
- B. **APPLICATION.** All persons seeking appointment or employment with the municipality must complete a standard application form provided by the municipal government. Applications for employment shall be accepted in the clerk's office during regular office hours only. Applications will remain on active status for six (6) months after being accepted or until the job for which the application is submitted is filled, whichever period of time is less.
- C. **INTERVIEWS.** All appointments will be preceded by an interview with the Mayor.
- D. **PRE-APPOINTMENT EXAMS.** For certain positions, the employee may be required to undergo a validated physical agility examination related to the essential functions of the job, validated written and/or oral tests related to the essential functions of the job, drug testing, and upon a conditional offer of employment, a medical examination to determine the employee's ability to perform the essential functions of the job. Reasonable accommodations shall be made in the physical agility exam for applicants with disabilities making a request for accommodations.
- E. **APPOINTMENTS, ETC.** All appointments shall be made in accordance with lawful provisions of the municipal charter if there are applicable provisions in the charter.

SECTION 4 – BENEFITS

- A. **HOLIDAYS.** Generally, full-time employees are allowed a day off with pay on the following holidays:
 - 1. New Year's Day
 - 2. Martin Luther King Day
 - 3. President's Day
 - 4. Good Friday
 - 5. Memorial Day
 - 6. Independence Day (July 4th)
 - 7. Labor Day
 - 8. Columbus Day
 - 9. Veteran's Day
 - 10. Thanksgiving Day
 - 11. Day after Thanksgiving
 - 12. Christmas Eve
 - 13. Christmas Day
 - 14. New Year's Eve

Employees must be in a pay status on the work day before and on the work day after the holiday, unless otherwise excused by the supervisor, to receive compensation for the holiday.

Any employee required to work on a regular holiday shall be granted eight (8) hours off on an alternate day approved by the supervisor or an additional eight (8) hours pay for the holiday.

- B. VACATION LEAVE – All full-time employees of the municipality shall accrue vacation leave upon the completion of each years of service. All vacation leave must be used for the year by the employee’s anniversary date. As the number of years of service increases, the amount of leave will increase as show in the table below.

YEARS OF SERVICE	VACATION LEAVE EARNED YEARLY
1 – 3	5 days
4 – 10	10 days
11 – 15	15 days
16 – 20	20 days
21 to Retirement	25 days with option of city buying back 5 of them.

Vacation leave exceeding the maximum accrual limit shall be forfeited.

Vacation leave shall be taken at a time approved by the employee’s supervisor. Upon separation, employees are entitled to be reimbursed for any unused vacation leave, not to exceed the maximum accrual allowed for the years of service completed.

- C. SICK LEAVE – All full-time employees shall accumulate eight (8) hours of sick leave with pay for each month of work completed for the municipality. Sick leave may be granted for any of the following reasons:
1. Personal illness or physical incapacity resulting from causes beyond the employee's control.
 2. Exposure to contagious disease so that employee’s presence at work might jeopardize the health of other employees.
 3. Medical, dental, optical, or other professional treatments or examination.
 4. Acute illness of a member of the employee’s immediate family (i.e., spouse, parents, children, siblings, grandparents).
 5. To be eligible for sick leave, an employee shall communicate with his department head, prior to or immediately after the time for beginning work.

6. You may use six (6) of your sick leave days per year as PTO (personal time off) which comes off of your sick leave total for the year.

A supervisor has the discretion to request a doctor's excuse for any sick day requested. Sick leave shall be taken in half (1/2) increments. Employees shall not be paid for unused sick leave upon the employee's termination, resignation or retirement. Any employee upon retirement may receive one (1) month of retirement credit for each twenty (2) days of unused leave up to a total of 120 days.

- D. FUNDERAL/BEREAVEMENT LEAVE – Full time employees shall be allowed three days of leave with pay for the death in an employee's immediate family. Immediate family shall include spouse, parents, brothers and sisters, and children. One day leave with pay will be allowed for the death of in-laws and grandparents. Employees wishing to attend services of other relatives and non-relatives must use annual leave for this purpose.

SECTION 5 – GRIEVANCE PROCEDURES

GRIEVANCE POLICY – The purpose of this section is to prescribe uniform disposition procedures of grievances presented by individual employees. A grievance is a written question, disagreement, or misunderstanding concerning administrative orders involving only the employee's work area, reasonable accommodations under Americans with Disabilities Act, physical facilities, unsafe equipment, or unsafe material used. The grievance must be submitted within five (5) working days of the incident causing the grievance.

Employees must remember that there is no grievance until the department head or other appropriate person has been made aware of the dissatisfaction by written notice. Once this is done, the following steps are to be taken:

Step 1 – Discuss the problem with the immediate supervisor. If satisfaction is not obtained, the grievance is advanced to the second step.

Step 2 – Discuss the problem with the appropriate department head. If the grievance is not resolved, it is advanced to the third step along with all documentation.

Step 3 – Discuss the problem with the Mayor of the municipality. The final decision is the last and final step in the process. The decision of the Board of Alderman is final and binding to all parties involved.

SECTION 6 – STATE AND FEDERAL PERSONNEL MANDATES

- A. DISCRIMINATION PROHIBITED – The municipality is an equal opportunity employer. Except as otherwise permitted by law, the municipality will not discharge or fail or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, gender, or national origin, or because of the individual is forty (4) or

more years of age. The municipality will not discriminate against a qualified individual with a disability, because of the disability, in regard to job application procedures, hiring or discharge, employee compensation, job training, or other terms, conditions, and privileges of employment. (Title VII of Civil Rights Act of 1964 – 42 U.S.C. 2000e – 2000e 15; Equal Pay Act 1963 – 29 U.S.C. 206 (d); Age Discrimination in Employment Act – 29 U.S.C. 621 et seq.; Americans With Disabilities Act – 42 U.S.C. 506 et seq.)

- B. **SEXUAL HARASSMENT PROHIBITED** – Sexual harassment by an employee or elected or appointed official of the municipality will not be tolerated. Sexual harassment is unwanted sexual conduct, or conduct based upon sex, by an employee’s supervisor(s) or fellow employees or others at the workplace that creates a hostile work environment, makes decisions contingent on sexual favors, or adversely affects an employee’s job performance. Examples of conduct that may constitute sexual advances, requests for sexual favors, propositions, physical touching, sexually provocative language, sexual jokes, and display of sexually oriented pictures or photographs.

Any employee who believes that he or she has been subjected to sexual harassment should immediately report this to the Mayor or Board of Alderman. Within the limits of the Tennessee Open Records Law, the municipality will handle the matter with as much confidentiality as possible. There will be no retaliation against an employee who makes a claim of sexual harassment or who is a witness to the harassment.

The municipality will conduct an immediate investigation in an attempt to determine all the facts concerning the alleged harassment. If the municipality determines that sexual harassment has occurred, corrective action will be taken. The municipality will attempt to make the corrective action reflect the severity of the conduct. If it is determined that no harassment has occurred, this will be communicated to the employee who made the complaint, along with the reasons for the determination.

- C. **OCCUPATIONAL SAFETY AND HEALTH** – The municipality shall provide job safety and health protection for all employees in accordance with the Occupation Safety and Health Administration (OSHA) Legislation (29 U.S.C. 656 et seq.) and the Tennessee OSHA law (T.C.A. 50-3-101 et seq.)
- D. **PAYDAY** – If an employee is absent on payday and wishes to have someone else obtain his/her paycheck, identification and a signed note authorizing the city to give the check to the bearer must be provided to the City Recorder.
- E. **OVERTIME COMPENSATION** – The Fair Labor Standards Act (FLSA) shall govern the overtime compensation of municipal employees (29 C.F.R. 533.1 et seq.).
- F. **MILITARY LEAVE/VETERANS’ RE-EMPLOYMENT** – All employees who are members of reserve components of the armed forces, including the National Guard, are entitled to leave while engaged in “duty or training in the service of this state, or of the United States, under competent orders,” and they must be given such leave with pay not exceeding fifteen (15) working days in one calendar year (T.C.A. 8-33-109). Also, any

employee of the municipality who leaves his/her job, voluntarily or involuntarily, to enter active duty in the armed forces may return to the job in accordance with Veteran's Re-employment Rights (38 U.S.C. 202-2016) and the Tennessee Military Leave Act (T.C.A. 8-33-101 et seq.)

- G. FAMILY AND MEDICAL LEAVE – If the municipality has fifty (5) or more employees on the payroll an eligible employee (one who has been employed at least twelve (12) months and worked at least 1,250 hours in the preceding twelve (12) months) will be provided twelve (12) calendar weeks of unpaid leave for medical conditions of the employee or his/her family members in accordance with the Family and Medical Leave Act (P.L. 103-3)
- H. COMMERCIAL DRIVER'S LICENSE – All employees that drive (1) a vehicle with a gross weight of more than 26,000 pounds; (2) a trailer with a gross weight of more than 10,000 pounds; (3) a vehicle designed to transport more than fifteen (15) passengers, including the driver; and (4) any size vehicle hauling hazardous waste requiring placards are required to have a Tennessee Commercial Driver's License in accordance with T.C.A. 55-50-101 et seq. Fire truck, police vehicle, and emergency medical vehicle operators are exempt from the CDL requirements.
- I. EMPLOYEE DRUG TESTING – All employees in safety-sensitive positions (such as gas employees, equipment/vehicle operators that require a Commercial Driver's License, etc.) are subject to alcohol and drug testing in accordance with the Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143, Title V) and the Natural Gas Pipeline Safety Act (49 CFR Part 199). Other employees may be subject to drug testing in accordance with the drug testing policy of the municipality. The municipality's procedures for drug testing can be found in Ordinance/Resolution number _____.
- J. RESIDENCE REQUIREMENTS – No person "currently employed" by the municipality can be dismissed or penalized "solely on the basis of non-residence" (T.C.A. 8-50-107). However, all future employees shall be required to live within thirty (30) minutes driving time.
- K. EMPLOYEE RIGHT TO CONTACT ELECTED OFFICIALS – No employee shall be disciplined or discriminated against for communicating with an elected official. However, an employee may be reprimanded for making untrue allegations concerning any job-related matter (T.C.A. 8-50-601 - -604).
- L. CIVIL Leave – Civil leave with pay shall be granted to employees for the following reasons:
 - 1. JURY DUTY (T.C.A. 22-4-208).
 - 2. TO ANSWER A SUBPOENA TO TESTIFY FOR THE MUNICIPALITY.

- M. VOTING – When elections are held in the state, leave for the purpose of voting, if requested, shall be in accordance with T.C.A. 2-1-106.
- N. POLITICAL ACTIVITY – Employess have the same rights as other citizens to be a candidate for state or local political office (except for membership on municipal governing body) and to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. No employee may campaign on municipal time or in municipal uniform nor use municipal equipment or supplies in any campaign or election (T.C.A. 7-51-1501).
- O. TRAVEL POLICY – All employees, included elected and appointed officials are required to comply with the municipality’s travel policy, ordinance number 10C-19-093, as required by T.C.A. 6-54-901.
- P. ABSENCE WITHOUT LEAVE – No employee shall absent himself from duty without the express permission of his immediate supervisor. All absences must be reported to Supervisor by 7:15 A.M. If Supervisor is not available, employee must report to City Hall by 8:15 A.M. to City Recorder or Administrative Assistant or employee will be given an un-excused absence. Absence without leave will be sufficient cause for forfeiture of all rights and privileges earned while employed. After three (3) consecutive days of unsatisfactorily explained absence, the employee will be considered as having voluntarily terminated his employment.

SECTION 7 – MISCELLANEOUS PERSONNEL POLICIES

- A. OUTSIDE EMPLOYMENT – No full-time employee of the municipality may accept any outside employment without written authorization from the Board of Alderman.
- B. USE OF MUNICIPAL TIME, VEHICLES, FACILITES, ETC. – No employee may use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to oneself or any other person, group, or organization other than the municipality. Decisions about aid to charitable, civic or other organizations will be made exclusively by the governing body.
- C. PERSONAL TELEPHONE CALLS – Using the office telephone during regular work hours for local and/or long-distance personal calls, except in emergency cases, is discouraged. Cell phones that are purchased by the municipality and being paid for by the municipality are for business use only.
- D. USE OF TOWN VEHICLES AND EQUIPMENT – All municipality vehicles and equipment are for official use only. No person other than a municipality employee may operate a municipality vehicle or piece of machinery. Drivers and/or operators must have a valid Tennessee driver's license and be approved by the Mayor.
- E. ACCEPTING OF GRATUITIES – No employee shall accept any money, other considerations, or favors from anyone other than the municipality for performing an act

that he/she would be required or expected to perform in the regular course of his/her duties. No employee shall accept, directly or indirectly, any gift, gratuity or favor of any kind that might reasonably be interpreted as an attempt to influence his/her actions with respect to the municipality's business.

- F. ETHICS – Each employee shall perform his/her duties ethically and with the highest degree of integrity and shall avoid potential or actual conflicts of interest regarding his/her duties.
- G. CONFLICT OF INTEREST – Personnel in position a trust are not related to each other; employees are prohibited from having business dealings with companies affiliated with, or acting as major customers or suppliers of the District; transactions with officials of the municipality are adequately controlled and disclosed in the records; and such transactions occur only in the normal course of business and are legally authorized.
- H. POLICY ON DISCLOSURE – Any employee who becomes aware of, or that witnesses any theft or misuse of municipality funds, property or equipment should advise the manager or a Board member as soon as possible.

SECTION 8 – DIMISSAL

- A. AT-WILL – Employees may be dismissed for cause, for no cause, or for any cause as long as it does not violate federal and/or state law or the municipal charter.
- B. NAME-CLEARING HEARING – A name-clearing hearing will be given to any terminated, demoted, or suspended employee that requests one. This hearing will not be conducted to provide an employee any property rights. The purpose of this hearing is solely to let the employee clear his/her name.