

Resolution #2006-11

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ASHLAND CITY
UPDATING A PERSONNEL POLICIES AND PROCEDURE MANUAL
GOVERNING EMPLOYMENT WITH THE TOWN OF ASHLAND CITY

WHEREAS, the City Council for the town of Ashland City has adopted an ordinance establishing a personnel system designed to provide a means to select, develop and maintain an effective municipal work force; and


WHEREAS, the personnel system ordinance authorizes the Mayor to develop personnel rules and regulations in the form of a Policies and Procedures Manual; and

WHEREAS, the personnel system ordinance requires that the Policies and Procedures Manual shall be approved by the City Council;

NOW, THEREFORE, be it resolved by the City Council of the town of Ashland City:

That the Personnel Policies and Procedures Manual, attached hereto, is hereby approved and adopted and shall become effective immediately following passage of this resolution.

Adopted this 14 day of Nov., 2006.



Gary Norwood, Mayor



Phyllis Schaeffer, City Recorder

AFFIRMATION OF COMPLIANCE WITH TITLE VI REGULATIONS

The Mayor and Council have adopted resolutions and otherwise made known their intent that Ashland City is to be fully compliant with the mandates of Title VI of the Civil Rights Act of 1964 and the Civil Restoration Act of 1987. These acts state in part that – “no person shall, on the grounds of race, color or national origin be excluded from participation in , be denied the benefits of or be subjected to discrimination under any program or activity receiving federal assistance.”

No employee or applicant will be discriminated against as described under the provisions of Title VI and no employee will discriminate against any member of the public under those same provisions.

New hires with the city will be required to read this provision as part of the Personnel Policy Manual orientation and acknowledge their understanding of this provision. At least annually all employees will be reminded of the existence of this provision and the location of posted notices concerning Title VI.

A complaint of violation of this provision will be logged on the complaint log maintained for that purpose; stating the date, name, address and brief grounds of the complaint in order to create a record of such complaint. The complaint shall be forwarded to the Tennessee Department of Transportation within three (3) days and the The Complaint and Hearing procedure will be followed.

CITY OF ASHLAND CITY, TENNESSEE PERSONNEL POLICIES AND PROCEDURES MANUAL

SECTION 1 – PERSONNEL POLICIES

These personnel policies and procedures are for information only. This is not an employment contract. This document is a statement of current policies, practices, and procedures. Nothing in this document is to be interpreted as giving employees any more property rights in their jobs than may already be given by the city charter. These personnel policies, rules, and regulations shall be reviewed periodically. The city of Ashland City reserves the right to change any or all such policies, practices, and procedures in whole or in part at any time, in accordance with the procedures included herein.

A. PURPOSE AND OBJECTIVES

The main purpose of these policies and procedures is to establish a high degree of understanding, cooperation, efficiency, and unity among municipal government employees fostered by a systematic application of good procedures in personnel administration. Another purpose is to provide uniform policies for all employees with all the benefits such a program ensures, without regard to race, gender, age, national origin, creed, ancestry, and disability.

The fundamental objectives of these personnel administration policies and procedures are to:

1. promote and increase efficiency and economy among employees of the city of Ashland City;
2. provide fair and equal opportunity to all qualified citizens on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection;
3. develop a program of recruitment and advancement that will make employment with the city attractive as a career and encourage each employee to render the best service;
4. establish and maintain a uniform plan of evaluation and compensation; and
5. establish and promote high morale among the employees by providing good working relationships, a uniform personnel policy, opportunity for advancement, and consideration for employee needs and desires.

B. PERSONNEL POLICY STATEMENT

It is the policy of the city of Ashland City to apply and foster a sound program of personnel management. The policies of the municipal government are established to:

1. Employment and Placement

- a. fill all positions without undue delay in accordance with job qualifications and requirements without discrimination as to race, color, gender, creed, national origin, ancestry, disability, or political affiliation; and
- b. establish programs for the promotion, transfer, demotion, dismissal, and reassignment of personnel.

2. Position Classification and Pay Administration

- a. establish and maintain job descriptions for every position with the descriptions maintained on file with the City Clerk/Recorder and department head;
- b. review position descriptions periodically and systematically with the employee to ensure currency and accuracy;
- c. establish appropriate position standards and to group positions in classes with similar standards; and
- d. conduct area wage and salary surveys periodically to provide competitive wage and salary scales.

3. Employee Relations and Services

- a. develop a system of job performance standards and evaluation and inform each employee periodically and systematically of the status of his/her job performance;
- b. establish rules and standards governing employee conduct both on and off the job;
- c. administer a uniform leave program;
- d. provide and maintain a safe and healthful work environment.

4. Employee Development and Training

- a. establish training standards and requirements for all positions; and
- b. motivate and stimulate employees to achieve their highest potential usefulness.

5. Records

- a. establish and maintain comprehensive and uniform personnel records.

C. COVERAGE

These rules and regulations shall cover all employees in the city service unless specifically exempt by this document, the city charter, and/or the ordinances of the

municipality without regard to race, religion, national origin, political affiliation, sex, age, or disability.

All municipal government offices and positions are divided into the classified service and the exempt service. The classified service shall include all regular full-time and regular part-time positions in the city's service unless specifically placed in the exempt service. All offices and positions of the municipal government placed in the exempt service are:

1. all elected officials;
2. members of appointed boards and commissions;
3. consultants, advisers, and legal counsel rendering temporary professional services;
4. the city attorney;
5. independent contractors;
6. people employed by the municipality for not more than 6 months during a fiscal year;
7. part-time employees paid by the hour or the day who are not considered regular part-time;
8. volunteer personnel appointed without compensation;
9. the city judge;

All employment positions of the municipal government not expressly exempted from coverage by this section shall be subject to the provisions of the city charter.

D. ADMINISTRATION

These rules shall be administered by the Mayor in conformity with the ordinance establishing a personnel system. Amendments to the rules and regulations shall be made in accordance with the procedure herein.

SECTION II – COMPENSATION PLAN

A. PURPOSE

The pay plan is intended to provide fair compensation for all employees in consideration of pay ranges for other employees, general pay rates for similar employment in private establishments and other public jurisdictions in the area, cost of living data, the financial condition of the municipality and other factors.

B. COMPOSITION

The pay plan for the town of Ashland City shall consist of minimum and maximum pay rates with intermediate steps for each existing pay grade.

C. MAINTENANCE OF THE PAY PLAN

2. **Regular Part-time Employee** – A regular part-time employee is an employee who does not work on a daily basis, and whose hours cannot exceed 30 hours per week unless approved by the Mayor. Regular part-time employees are eligible for city benefits on a prorated basis according to the actual hours worked (except health and/or life insurance benefits).
3. **Volunteer Firefighter** – Volunteer firefighters are appointed by the Fire Chief when necessary. Volunteer firefighters are compensated per fire-call with no other benefits except Worker’s Compensation coverage under the Volunteer Firefighters’ Insurance Coverage Policy.
4. **Temporary Part-time Employee** – A temporary part-time employee is an employee who does not work on a daily basis and whose hours cannot exceed 30 hours per week unless approved by the Mayor. Temporary part-time employees are not eligible for city benefits.
5. **Reserve/Auxiliary Police Officer** – Reserve officers are appointed by the Police Chief. Reserve officers will not have any benefits except Worker’s Compensation coverage while acting in the capacity of a Reserve officer.

I. APPOINTMENTS, PROMOTIONS, DEMOTIONS, AND TRANSFERS

1. **Appointments** – Pursuant to the Town’s charter, the Mayor has the authority to appoint, promote, demote, transfer, suspend, and remove any/all employees of the town of Ashland City, except for the City Administrator, City Clerk/Recorder, and City Attorney, who shall be appointed by the City Council. All vacancies in the municipal government service shall be filled by original appointment, re-employment, promotional appointment, provisional appointment, transfer, or demotion.
2. **Promotions** – A promotion is assigning an employee from one position to another that has a higher maximum pay rate, rank, and responsibility. Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of effecting an increase in compensation. Under Section 25 of the city charter, the Mayor, or the appropriate department head, if so designated by the Mayor, has the authority to make promotions.
3. **Transfers** – The Mayor, or appropriate department head if so designated by the Mayor, has the authority to transfer employees among positions within the municipal government. An employee who transfers from one municipal government department to another will retain and carry forward all benefits earned, accrued, or both as of the date of transfer. As a general rule, lateral transfers require no increase in compensation.

4. **Demotions** – A demotion is assigning an employee from one position to another that has a lower pay rate, rank, and responsibility. The Mayor, or appropriate department head if so designated by the Mayor, has the authority to demote an employee. When an employee in one classification is demoted to a position in a lower classification and the employee pay rate is higher than the minimum rate for the new position, the employee's salary shall be reduced to the lower rate.

J. CITIZENSHIP AND IMMIGRATION STATUS VERIFICATION

The city will not discriminate on the basis of a person's national origin or citizenship status with regard to recruitment, hiring, or discharge. However, 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 Nov. 6, 1986, regardless of national origin, ancestry, or citizenship, must provide suitable documentation to verify identity and employability. The documentation must be provided within three days of employment or the individual will be terminated.

K. PROBATIONARY PERIOD

The probationary, or working test period, is an integral part of the examination process and shall be used for:

1. closely observing the employee's work;
2. securing the most effective adjustment of a new or promoted employee to his/her position; and
3. rejecting any employee whose performance does not meet work standards.

The probationary period for all regular appointments shall be for a period of three months. Department heads may request an extension of any employee's probationary period with the prior approval of the Mayor. In no event may a probationary period be extended beyond six months.

An employee may be terminated during the probationary period for any reason without respect or reference to the procedures set forth in this document, the Charter or other ordinances. If the employee's work performance during the probationary period is satisfactory, the employee shall be recommended for regular full-time status.

L. FIRST DAY OF EMPLOYMENT

After an applicant has been appointed to fill a job vacancy by the Mayor, the new employee shall be required to complete or provide the following documents and forms before beginning work:

1. W-4 form;

2. Immigration Control and Reform Act form (I-9);
3. a copy of educational certification, professional license, or certificate required per the job description;
4. emergency telephone numbers;
5. a copy of driver's license and social security card;
6. list of dependents as required by Consolidated Omnibus Budget Reconstruction Act (COBRA); and
7. fill out insurance forms, retirement forms, and order gas cards if using city vehicles.

M. OUTSIDE EMPLOYMENT

No full-time employee of the town of Ashland City shall accept any outside employment without written authorization from the Mayor. The Mayor shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the employee's duties, or is incompatible with the employee's municipal employment, or is likely to cause discredit upon or create embarrassment for the town of Ashland City.

Before outside employment begins, employees must present a written request describing the work to be performed and proof of liability and worker's compensation insurance by other employer.

Employees missing work because of sickness or injury that can be attributed to a second job will not receive pay or other normal benefits for time lost from their municipal government job.

Approval of a second job may be withdrawn for any of the above reasons.

N. WORKDAY/WORKWEEK

The Mayor shall establish the hours of work per week for each position in the service of the town. All designated workdays and workweeks shall be in accordance with the FLSA.

O. ATTENDANCE

Punctual and regular attendance is necessary for the city to operate efficiently. Employees unavoidably late or absent from work due to illness or other causes must notify their supervisor within the time frame established by each department, unless unusual circumstances prevent the employee from making proper notification. Employees must explain the reason for the absence and, if possible, the anticipated time and date they will return to work. Failure to notify one's supervisor of absences may result in disciplinary action. Employees found cheating on their time sheets will be subject to immediate dismissal. Excessive tardiness is regarded as sufficient reason for termination.

P. BREAKS

During each eight-hour working period, employees are allowed a total of two fifteen-minute, work breaks. The breaks are to be taken with approval from your supervisor. Your supervisor will choose the proper time and place for rest breaks.

All employees who work eight-hour shifts on the evening or night shift can include a thirty-minute meal break in their work shifts.

Q. NEPOTISM

No member of an immediate family, which is defined as spouse, mother or stepmother, father or stepfather, children, sister, brother, grandparents, grandchildren, current mother-in-law and father-in-law, current brother or sister-in-law, step-grandparents, step-grandchildren, will be hired as an employee under the same line of supervision.

No immediate family member of a newly elected municipal official will be hired as an employee by the town of Ashland City.

SECTION IV – LEAVE AND BENEFITS

A. LEGAL HOLIDAYS

All offices and shops of the town of Ashland City, Tennessee, except emergency and necessary operations, will be closed and employees excused on the following legal holidays:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving Day	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25

When a holiday falls on Saturday, offices will be closed on the preceding Friday. When a holiday falls on Sunday, it shall be observed on the following Monday.

To receive compensation for a holiday, employees eligible for holidays must be in a pay status (not on leave without pay or on worker's compensation) on their last regular shift scheduled before a holiday and their first regularly scheduled shift after a holiday.

Employees required to work on one of the above listed holidays shall receive his regular pay for the holiday worked and an additional days pay as holiday pay. It shall be the department heads responsibility to report to payroll the names, hours, and dates of employees who work holidays. This shall be reported as soon as possible, but in no case, later than three workdays after the holiday.

Any employee on sick leave before and after a holiday is assumed to be sick on the holiday and will receive holiday pay.

B. VACATION LEAVE

Annual/vacation leave will be granted to regular employees. An employee WILL NOT earn vacation leave during his/her probationary, 90 day period. Vacation leave is only to be taken following the period of time in which is it earned. A maximum of 120 hours may be carried forward into the next year. For vacation purposes, time is earned beginning with the date of regular employment to the anniversary date each year.

Vacation time will be calculated according to the following schedule:

<u>Years of Service</u>	<u>Hours Earned per Pay Period</u>
0-3	3 hours
3+	4 hours

For leave purposes, the service an individual has to his/her credit includes all time spent as a full-time employee of the municipality.

Vacations will be scheduled in advance for the mutual convenience of the employee and the city government so proper adjustments can be made in the work schedules. No employee may begin his/her annual leave until his/her request has been approved by the Mayor and/or department head.

An employee who is separated from city employment shall be paid for his/her unused vacation leave on a regular pay-period basis. The termination date shall coincide with last day of pay. In no event will an employee who has not completed at least 90 days of satisfactory service receive terminal vacation pay.

Legal holidays falling within a vacation period are not to be counted as vacation days. There shall be no pay in lieu of vacation. When an employee is on "leave without pay" for 15 days during any calendar month, no annual leave accumulated. Employees may not borrow against future annual vacation or transfer earned leave to another employee.

Service in the Tennessee National Guard, state militia, or military reserves may be charged as annual vacation at the option of the employee. Employees electing to

coincide vacation time with military leave shall receive full pay for the amount of specified vacation leave.

C. SICK LEAVE

Each regular full-time employee will accrue sick leave at an average rate of one day (eight hours) per month beginning on the first day of regular employment and continuing until their termination. No sick leave will be accumulated during the 90 day probationary period. Sick leave benefits will commence on the first day of such absence and shall continue for as long as sick leave credit remains.

Generally, employees become eligible to use sick leave in the situations outlined below.

1. Employees are incapacitated by sickness or a non-job-related injury.
2. Employees are seeking medical, dental, optical, or other professional diagnosis or treatment.
3. Necessary care and attendance of a member of the employee's immediate family if approved by the Mayor or department head so authorized to approve such leave. Immediate family members include spouse, children and parents, including legal foster children and parents.
4. Employees may jeopardize the health of others because they have been exposed to a contagious disease. This must be certified by a qualified doctor's certificate.

Employees shall notify their immediate supervisor at the earliest possible time prior to the start of their shift but no later than 2 hours after the beginning of their regular work day of their absence due to illness. Every effort shall be made to notify the supervisor at the earliest possible time.

To prevent abuse of the sick leave privilege, the Mayor and department heads are required to satisfy themselves that the employee is genuinely ill before paying sick leave. Any absence may require a doctor's certificate, and any absence in excess of three workdays may also require a doctor's certificate to return to work (if, in the opinion of the immediate supervisor, such action is deemed appropriate).

Each day deducted from an employee's sick leave accumulation shall be for a regular workday and shall not include holidays and scheduled days off. Employees claiming sick leave while on annual leave must support their claim by a doctor's statement. When an employee is on "leave without pay" for 15 days during any calendar month, no sick leave accumulates.

After employees have exhausted their accrued sick leave, leave without pay may be granted at the discretion of the Mayor as a reasonable accommodation to disabled people. Also, employees may be placed on special leave without pay, or they may be terminated if unable to perform their job or another job with or without a reasonable

accommodation. Should employees later be able to return to work, upon presentation of certification by a doctor, they shall be given preference for employment in a position for which they are qualified, with a recommendation by the department head and the approval of the Mayor.

Employees may not borrow against future sick leave or transfer earned sick leave to another employee. An employee, upon exhausting all earned sick leave, must use earned annual vacation leave or take leave without pay. Upon exhausting all sick leave and annual/vacation leave, an employee can request time from the sick bank. Upon sick bank board approval time can be given to an individual up to 90 days. (See department head for sick bank procedures.) Only the governing body, by a majority vote in a regular meeting, may make exceptions to leave policy due to unusual and/or extenuating circumstances.

The town of Ashland City will follow the guidelines set out by the Family and Medical Leave Act of 1993

An employee who retires under the city retirement plan shall have all unused sick leave credited as additional time worked when calculating the employee's retirement benefits.

D. FUNERAL LEAVE

Full-time employees shall be allowed 3 days leave with pay for the death of an employee's spouse, parents or children. One day of leave with pay will be allowed for the death of other members of the employee's immediate family, as defined under Nepotism herein. An extra day may be allowed when out of state travel is required.

E. CIVIL LEAVE

Civil leave with pay may be granted to employees for the following reasons:

1. Serve on jury duty. In the event of release from jury duty during work hours, employees are expected to return to work.
2. Answer a subpoena to testify for the city. Employees may use any available vacation leave for court appearances for non-city purposes.
3. Perform emergency duty for National Defense.

F. MILITARY RESERVE DUTY LEAVE

Any regular employee who is a member of the United States Army Reserve, Air Force Reserve, Marine Reserve or any of the Armed Forces of the United States, will be granted military leave for any field training or active duty required (excluding extended active duty). Such leave will be granted upon presentation of the employee's official order to his/her jurisdictional official. Compensation for such leave will be paid pursuant to Section 8-33-109 T.C.A. It will be the responsibility of the employee to arrange with the department supervisor to attend monthly meetings on regular off-time with pay being

applicable to the annual two week training period. Employees entering an extended active duty will be given two weeks pay when placed on military leave.

G. VOTING

When elections are held in the State, leave for the purpose of voting shall be in accordance with T.C.A. 2-1-106 herein reprinted:

“EMPLOYERS MAY DESIGNATE PERIOD OF PERMISSIBLE ABSENTEEISM. Any person entitled to vote in an election held in this state may be absent from any service or employment on the day of the election for a reasonable period of time, not to exceed (3) three hours, necessary to vote during the time the polls are open in the County where he/she is a resident. A voter who is absent from work to vote in compliance with this section may not be subjected to any penalty or reduction in pay for his absence. If the tour of duty of an employee begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls of the County where he/she is a resident, he/she may not take time off under this section. The employer may specify the hours during which the employee may be absent. Request for such an absence shall be made to the employer before twelve noon of the day before the election.”

H. DEATH OF AN EMPLOYEE

Upon the death of a full-time employee, his/her beneficiary shall receive his/her next due payroll check and pay for accrued vacation time. Further, his/her beneficiary shall be given complete assistance by the City Clerk/Recorder in settling pension, life, and hospital insurance benefits.

I. INSURANCE

The town of Ashland City provides basic health and dental coverage, life insurance, accidental death and dismemberment, and long-term disability coverage for all full-time employees.

J. WORKERS' COMPENSATION

Employees on occupational disability will only be compensated in accordance with the provisions of the Tennessee Workers' Compensation Law (T.C.A. 50-6-101 through 50-6-623). No compensation shall be allowed for the first seven days of disability resulting from the injury, excluding the day of injury, except for medical attendance and hospitalization. However, if disability extends beyond that period, compensation shall commence with the eighth day after the injury. In the event, however, the disability from the injury exists for a period as long as 14 days, then compensation shall be allowed beginning with the first day after the injury (T.C.A. 50-6-205).

SECTION V – NARCOTICS AND INTOXICATING LIQUORS

A. PURPOSE

The town of Ashland City recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the town of Ashland City to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of the town of Ashland City are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the town of Ashland City has adopted this drug and alcohol testing policy effective February 13, 1996. This policy complies with the: Drug-free Workplace Act of 1988, which ensures employees the right to work in an alcohol- and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. In the case of this policy, the Omnibus Transportation Employee Testing Act of 1991 is most significant with its additional requirement of using the "split specimen" approach to drug testing, which provides an extra safeguard for employees. The types of tests that may be required are: pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up.

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

1. being on duty or performing work in or on town property while under the influence of drugs and/or alcohol;
2. engaging in the manufacture, sale, distribution, use, or unauthorized possession of drugs at any time and of alcohol while on duty or while in or on town property;
3. refusing or failing a drug and/or alcohol test administered under this policy;
4. providing an adulterated, altered, or substituted specimen for testing;

5. use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and
6. use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties. It is the employee's responsibility to inform the proper supervisory personnel of his/her use of any legally prescribed medication before the employee goes on duty or performs any work.

In order to educate the employees about the dangers of drug and/or alcohol abuse, the town shall sponsor an information and education program for all employees and supervisors. Information will be provided on the signs and symptoms of drug and/or alcohol abuse; the effects of drug and/or alcohol abuse on an individual's health, work, and personal life; the city's policy regarding drugs and/or alcohol; and the availability of counseling. The Mayor has been designated as the municipal official responsible for answering questions regarding this policy and its implementation.

All town of Ashland City property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers.

B. SCOPE

Certain aspects of this policy may apply to all full-time, part-time, temporary, and volunteer employees, of the town of Ashland City. The pre-employment drug testing requirements of this policy apply to all applicants including positions requiring CDL and safety sensitive employees, who have been given a conditional offer of employment from the town of Ashland City.

C. CONSENT FORM

Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, medical review officer (MRO), and Mayor, or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the city's drug and alcohol testing policy.

The consent form shall set forth the following information:

1. the procedure for confirming and verifying an initial positive test result;

2. the consequences of a verified positive test result; and
3. the consequences of refusing to undergo a drug and/or alcohol test.

The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system.

D. COMPLIANCE WITH SUBSTANCE ABUSE POLICY

Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination.

E. GENERAL RULES

These are the general rules governing the town of Ashland City's drug and alcohol testing program:

1. Town employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician. Employees who are required to take prescription and/or over-the-counter medications shall notify the proper supervisory personnel before the employees go on duty.
2. Town employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on town property.
3. All town of Ashland City property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. Town property includes, but is not limited to, vehicles, desks, containers, files, and lockers.
4. Any employee convicted of violating a criminal drug statute shall inform the director of his/her department of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to so inform the town subjects the employee to disciplinary action up to and including termination for the first offense. The town will notify the federal contracting officer pursuant to applicable provisions of the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act.

F. PROHIBITED SUBSTANCES

All test results will be reported to the medical review officer (MRO). If verified by the MRO, they will be reported to the Mayor. The following is a list of substances for which tests will be routinely conducted (see Appendix A for cutoff levels):

1. amphetamines,
2. marijuana,
3. cocaine,
4. opiates,
5. phencyclidine (PCP),
6. alcohol, and
7. depressants.

The town may test for any additional substances listed under the Tennessee Drug Control Act of 1989.

G. DRUG TESTING

An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test.

1. Types of Drug Tests

Employees and applicants may be required to submit to drug testing under six separate conditions:

a. Pre-employment

All applicants for employee status including positions requiring a CDL or safety sensitive positions, excluding volunteer firefighters, who have received a conditional offer of employment with the town of Ashland City must take a drug test before receiving a final offer of employment.

b. Transfer

Employees transferring to another position within the town that requires a CDL or safety sensitive position, excluding volunteer firefighters, shall undergo drug testing.

c. Post-Accident/Post-Incident Testing

Following any workplace accident (incident) determined by supervisory personnel of the town of Ashland City to have resulted in significant property or environmental damage or in significant personal injury, including but not limited to a fatality or human injury requiring immediate medical treatment away from the scene, each employee whose performance either contributed to

the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible drug use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) drug test. This applies to all town of Ashland City employees.

Post-accident (post-incident) testing shall be carried out within 32 hours following the accident (incident). (Note – DOT regulations allow up to 32 hours for drug tests. A lesser time provision is optional.) Urine collection for post-accident (post-incident) testing shall be monitored or observed by same-gender collection personnel at the established collection site(s).

In instances where post-accident (post-incident) testing is to be performed, the town of Ashland City reserves the right to direct the medical review officer (MRO) to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances.

Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed at the urinary cut-off level that is normally used for those specific substances by the laboratory selected.

(1.) Post-Accident (Post-Incident) Testing for Ambulatory Employees

Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the town of Ashland City to the designated urine specimen collection site within 32 hours following the accident. (Note-DOT regulations allow up to 32 hours for drug tests. A lesser time provision is optional.) In the event an accident (incident) occurring after regular work hours, the employee(s) will be taken to the testing site within 32 hours. No employee shall consume drugs prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of the town of Ashland City and shall result in administrative action up to and including termination of employment.

(2.) Post-Accident (Post-Incident) Testing for Injured Employees

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for drug testing by qualified, licensed

attending medical personnel and consent to the testing of the specimens. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the town of Ashland City appropriate and necessary information or records that would indicate only whether or not specified prohibited drugs (and what amounts) were found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the town of Ashland City or upon hiring following the implementation date.

Post-accident (post-incident) urinary testing may be impossible for unconscious, seriously-injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if drugs were present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within 32 hours must be fully documented by the attending medical personnel.

d. **Testing Based on Reasonable Suspicion**

A drug test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs and/or alcohol. This applies to all employees of the town of Ashland City

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief should be based on recent, physical, behavioral, or performance indicators of possible drug use. One supervisor who has received drug detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the town of Ashland City making a determination to subject any employee to drug testing based on reasonable suspicion shall document their specific reasons and observations in writing to the Mayor within 24 hours of the decision to test and before the results of the urine drug tests are received by the department. Urine collection for reasonable suspicion testing shall be monitored or observed by same-gender collection personnel.

e. **Random Testing**

Only employees of the town of Ashland City requiring a CDL or who are safety sensitive employees, excluding volunteer firefighters, are subject to random urine drug testing. In accordance with Federal law, it is the policy of the town of Ashland City to annually random test for drugs at least 50 percent

of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random urine drug 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 town, work-related causes, etc.) to produce a specimen on the date random testing occurs, the town of Ashland City may omit that employee from that random testing or await the employee's return to work.

f. Return-to-Duty and Follow-Up

Any employee of the town of Ashland City who has violated the prohibited drug conduct standards and is allowed to return to work must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee in a position requiring a CDL returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

2. Drug Test Collection Procedures

Testing will be accomplished as non-intrusively as possible. Affected employees, except in cases of random testing, will be taken by a supervisor or designated personnel of the town of Ashland City to a drug test collection facility selected by the City (see Appendix B), where a urine sample will be taken from the employee in privacy. The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution. The sample will be placed in a secure mailing container. The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by the town of Ashland City to perform the analysis on collected urine samples.

3. Drug Test Laboratory Standards and Procedures

All collected urine samples will be sent to a laboratory that is certified and monitored by the federal Department of Health and Human Services (DHHS) (see Appendix C).

As specified earlier, in the event of an accident (incident) occurring after regular work hours, the supervisor or designated personnel shall take the employee(s) to the testing site within 32 hours where proper collection procedures will be administered.

The Omnibus Act requires that drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of drugs, the employee has 72 hours to request sending the split specimen to another federal Department of Health and Human Services (DHHS) certified laboratory for analysis. The employee will be required to pay for his or her split specimen test(s).

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and MRO will notify the Mayor.

4. Drug Test Reporting and Reviewing

The Town Mayor shall designate a medical review officer (MRO) to receive, report, and file testing information transmitted by the laboratory. This person shall be a licensed physician with knowledge of substance abuse disorders (see Appendix D).

- a. The laboratory shall report test results only to the designated MRO, who will review them in accordance with accepted guidelines and the procedures adopted by the town of Ashland City.
- b. Reports from the laboratory to the MRO shall be in writing or by fax. The MRO may talk with the employee by telephone upon exchange of acceptable identification.
- c. The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the respective department head, the Mayor, and the employee.
- d. Neither the town of Ashland City, the laboratory, nor the MRO shall

disclose any drug test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident (incident) investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the Town attorney.

H. ALCOHOL TESTING

An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test.

1. Types of Alcohol Tests

Employees may be required to submit to alcohol testing under four separate conditions.

a. Post-Accident/Post-Incident Testing

Following any workplace accident (incident) determined by supervisory personnel of the town of Ashland City to have resulted in significant property or environmental damage or in significant personal injury, including but not limited to a fatality or human injury requiring immediate medical treatment away from the scene, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible alcohol use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) alcohol test. This applies to all employees of the town of Ashland City.

Post-accident (post-incident) testing shall be carried out within two hours following the accident (incident).

(1.). Post-Accident (Post-Incident) Testing for Ambulatory Employees

Following all workplace accidents (incidents) where alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the town of Ashland City to the designated breath alcohol test site for a breath alcohol test within two hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the testing site within two hours. No

employee shall consume alcohol prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the substance abuse program of the town of Ashland City and shall result in administrative action up to and including termination of employment.

(2.). Post-Accident (Post-Incident) Testing for Injured Employees

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the town of Ashland City appropriate and necessary information or records that would indicate only whether or not specified prohibited alcohol (and what amount) was found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the town of Ashland City or upon hiring following the implementation date.

Post-accident (post-incident) breath alcohol testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if alcohol was present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within two hours must be fully documented by the attending medical personnel.

b. Testing Based on Reasonable Suspicion

An alcohol test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of alcohol. This applies to all employees of the town of Ashland City.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol. This belief should be based on recent, physical, behavioral, or performance indicators of possible alcohol use. One supervisor who has received alcohol detection training that complies with DOT regulations must make the decision to test and must observe

the employee's suspicious behavior.

Supervisory personnel of the town of Ashland City making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the Mayor within eight hours of the decision to test and before the results of the tests are received by the City.

c. Random Testing

Only employees of the town of Ashland City in positions requiring a CDL or who are safety sensitive employees, excluding volunteer firefighters, are subject to random alcohol testing. It is the policy of the town of Ashland City to annually random test for alcohol at least 25 percent of the total number of drivers required to possess a CDL

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

Random test dates will be unannounced with unpredictable frequency. Some employees 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 town, work-related causes, etc.) to be tested on the date random testing occurs, the town of Ashland City may omit that employee from that random testing or await the employee's return to work.

d. Return-to-Duty and Follow-Up

Any employee of the town of Ashland City who has violated the prohibited alcohol conduct standards must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee required to possess a CDL returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

2. Alcohol Testing Procedures

All breath alcohol testing conducted for the town of Ashland City shall be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA). The City's police department cannot do this testing unless the test is required because of a traffic accident (incident).

Alcohol testing is to be performed by a qualified technician as follows:

a. Step One:

An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent breath alcohol level (BAL), the test shall be considered negative. If the result is greater or equal to 0.04 percent BAL, the result shall be recorded and witnessed, and the test shall proceed to Step Two.

b. Step Two:

Fifteen minutes shall be allowed to pass following the completion of Step One above. Before the confirmation test or Step Two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician shall conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument. Then Step One shall be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

The breath alcohol level detected in Step Two shall be recorded and witnessed.

If the lower of the breath alcohol measurements in Step One and Step Two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test. Failure of the breath alcohol test shall result in administrative action by proper officials of the town of Ashland City up to and including termination of employment.

Any breath level found upon analysis to be between 0.02 percent BAL and 0.04 percent BAL shall result in the employee's removal from duty without pay for a minimum of 24 hours. In this situation, the employee must be retested by breath analysis and found to have a BAL of up to 0.02 percent before returning to duty with the town of Ashland City.

All breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and by a supervisory employee of the town of Ashland City, when possible.

The completed breath alcohol test form shall be submitted to the Mayor.

I. EDUCATION AND TRAINING

1. Supervisory Personnel Who Will Determine Reasonable Suspicion Testing

Training supervisory personnel who will determine whether an employee must be tested based on reasonable cause will include at the minimum two 60-minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One 60-minute period will be for drugs and one will be for alcohol.

The town of Ashland City will sponsor a drug-free awareness program for all employees.

2. Distribution of Information

The minimal distribution of information for all employees will include the display and distribution of:

- a. informational material on the signs and symptoms of drug and/or alcohol abuse;
- b. informational material on the effects of drug and alcohol abuse;
- c. an existing community services hotline number, available drug counseling, rehabilitation, and employee assistance programs for employee assistance;
- d. the town of Ashland City policy regarding the use of prohibited drugs and/or alcohol; and
- e. the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

J. CONSEQUENCES OF A CONFIRMED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT AND/OR VERIFIED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT

Job applicants subject to pre-employment drug testing will be denied employment with the town of Ashland City if their initial positive pre-employment drug test results have been confirmed/verified.

If a current employee's positive drug and alcohol test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and referral to the Substance Abuse Professional. The employee may be subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include: the employee's work history, length of employment, current work assignment, current job performance, and existence of past disciplinary actions. However, the town reserves the right to allow employees to participate in an education and/or treatment program approved by the Town Employee Assistance Program as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through the city's Employee physician or breath alcohol technician who shall provide a written statement to the town indicating a refusal to test.

K. VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL USE

In the event that an employee of the town of Ashland City is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the respective department head in private.

Such voluntary desire for help with a substance abuse problem will be honored by the town of Ashland City. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

Affected employees of the town of Ashland City are entitled to up to 30 consecutive calendar days for initial substance abuse treatment as follows:

1. The employee must use all vacation, sick, and compensatory time available.
2. In the event accumulated vacation, sick, and compensatory time is insufficient to provide the medically prescribed and needed treatment up to a maximum of 30 consecutive calendar days, the employee will be provided paid leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum 30-day treatment period.

Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the

substance abuse professional (SAP) of the town of Ashland City. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The Mayor of the town of Ashland City will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the town of Ashland City. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to administrative action up to and including termination of employment as specified elsewhere in this policy.

L. EXCEPTIONS

This policy does not apply to possession, use, or provision of alcohol and/or drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement, intoxilyzer demonstrations). In all such cases, it is the individual employee's responsibility to ensure that job performance is not adversely affected by the possession, use, or provision of alcohol.

M. MODIFICATION OF POLICY

This statement of policy may be revised by the town of Ashland City at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment or changes in the drug and alcohol testing policy of the town of Ashland City.

N. DEFINITIONS

For purposes of the drug and alcohol testing policy, the following definitions are adopted:

Alcohol – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

Alcohol Concentration – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.

Alcohol Use – The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Breath Alcohol Technician (BAT) - An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

Chain of Custody – The method of tracking each urine specimen to maintain control from initial collection to final disposition for such samples and accountability at each stage of handling, testing, storing, and reporting.

Collection Site – A place where applicants or employees present themselves to provide, under controlled conditions, a urine specimen that will be analyzed for the presence of alcohol and/or drugs. Collection site may also include a place for the administration of a breath analysis test.

Collection Site Personnel – A person who instructs donors at the collection site.

Commercial Driver's License (CDL) – A motor vehicle driver's license required to operate a commercial motor vehicle (CMV).

Commercial Motor Vehicle (CMB) – Any vehicle or combination of vehicles meeting the following criteria: weighing more than 26,000 pounds; designed to transport more than 15 passengers; transporting hazardous materials required by law to be placarded, regardless of weight; and/or classified as a school bus.

Confirmation Test – A drug testing, a second analytical procedure that is independent of the initial test to identify the presence of a specific drug or metabolite that uses a different chemical principle from that of the initial test to ensure reliability and accuracy. In breath alcohol testing, a second test following an initial test with a result of 0.02 or greater than provided quantitative data of alcohol concentration.

Confirmed Positive Result – The presence of an illicit substance in the pure form or its metabolites at or above the cutoff level specified by the National Institute of Drug Abuse identified in two consecutive tests that utilize different test methods and that was not determined by the appropriate medical, scientific, professional testing, or forensic authority to have been caused by an alternate medical explanation or technically insufficient data. An EBT result equal to or greater than 0.02 is considered a positive result.

Consortium – An entity, including a group or association of employers or contractors, which provides alcohol or controlled substances testing as required by this part or other DOT alcohol or drug testing rules and that acts on behalf of the employers.

Department Director – The director or chief of a town department or his/her designee. The designee may be an individual who acts on behalf of the director to implement and administer these procedures.

DHHS – The federal Department of Health and Human Services or any designee of the secretary, Department of Health and Human Services.

DOT Agency – An agency of the United States Department of Transportation administering regulations related to alcohol and/or drug testing. For the town of Ashland City, the Federal Highway Administration (FHWA) is the DOT agency.

Driver – Any person who operates a commercial motor vehicle.

EAP – Employee Assistance Program.

Employee – An individual currently employed by the town of Ashland City.

Evidential Breath Testing Device (EBT) – An instrument approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices.”

FHWA – Federal Highway Administration.

Initial Test – In drug testing, an immunoassay test to eliminate negative urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

Medical Review Officer (MRO) – A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his/her medical history and any other relevant biomedical information.

Negative Result – The absence of an illicit substance in the pure form or its metabolites in sufficient quantities to be identified by either an initial test or confirmation test.

NHTSA – National Highway and Traffic Safety Administration

Refuse to Submit – Refusing to submit to an alcohol or controlled substances test means that a driver: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing

in accordance with the provisions of this part; or (3) engages in conduct that clearly obstructs the testing process.

Safety-Sensitive Drivers – Employees in the aviation, motor carrier, railroad, and mass transit industries.

Safety Sensitive Police and Fire Employees – Includes all police officers, firefighters, and dispatchers, excluding volunteer firefighters.

Split Specimen – Urine drug test sample will be divided into two parts. One part will be tested initially, the other will remain sealed in case a retest is required or requested.

Substance Abuse Professional – A licensed physician (medical doctor or doctor of osteopathy), or a licensed/certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Safety-Sensitive employees – any employee of the town of Ashland City that drives any city vehicle, truck or equipment or works with chemicals and machinery.

O. 1994 DRUG AND ALCOHOL TEST STANDARDS

<u>Drug</u>	<u>Cutoff Level Screen (ng/ml)</u>	<u>Cutoff Level Confirmation (ng/ml)</u>
Amphetamine (speed)	1000.00	
Amphetamine		500.00
Methamphetamine		500.00
Cannabinoid (marijuana)	50.00	15.00
Cocaine (benzoylecgonine)	300.00	150.00
Opiate	300.00	
Codeine		300.00
Morphine		300.00
Phencyclidine (PCP)	25.00	25.00
Alcohol	.04 percent BAL	.04 percent BAL

(Note – Additional substances listed under the Tennessee Drug Control Act of 1989 may be tested at the cutoff level customarily used by the selected laboratory. Cutoff levels are subject to change as DOT rules change.)

P. DESIGNATED DRUG TESTING COLLECTION FACILITY

Workforce Essentials

202 No. Main St. Unit #4
Ashland City, TN 37015
Ph: 615-792-2520 Emergency Ph. 1-800-905-3123 (Pager)

**Q. DESIGNATED DEPARTMENT OF HEALTH AND HUMAN
SERVICES (DHHS) CERTIFIED LABORATORY**

R. EMPLOYEE ACKNOWLEDGMENT FORM

Town of Ashland City

EMPLOYEE ACKNOWLEDGMENT

As an applicant or an employee, I have carefully read the town of Ashland City drug and alcohol testing policy. I have received a copy of the town of Ashland City drug and alcohol testing policy, understand its requirements, and agree without reservation to follow this policy. As an applicant, I am aware that my offer of employment is conditional upon the results of a drug and/or alcohol test. As an employee, I am aware that I may be required to undergo drug and/or alcohol tests, that I will be informed prior to the drug and/or alcohol test, and that I may be subject to immediate dismissal if I refuse to take the test.

_____ Name of Applicant or Employee	_____ Social Security Number
_____ Department	_____ Supervisor
_____ (Signature of Applicant or Employee)	_____ Date
_____ (Signature of Witness)	_____ Date

S. CONSENT AND ACKNOWLEDGMENT FORM
Town of Ashland City
DRUG/ALCOHOL TESTING PROCEDURES
CONSENT AND ACKNOWLEDGMENT FORM

As an applicant or an employee with the town of Ashland City, I hereby consent to and acknowledge that I am scheduled to undergo drug and/or alcohol testing. The test for

alcohol will be a breath analysis test. The drug test will involve an analysis of a urine sample, which I will provide at a designated site. The purpose of the test will be to test for the presence of the following substances: amphetamines, marijuana, cocaine, opiates, PCP, alcohol, and/or any additional drugs listed in the Tennessee Drug Control Act.

I authorize qualified personnel to take and have analyzed appropriate specimens to determine if drugs and/or alcohol are present in my system. I acknowledge that the drug/alcohol screen test results will be made available to the testing laboratory, medical review officer (MRO), the Mayor, or his/her designee.

As an applicant, I am aware that a confirmed and verified positive drug/alcohol test result will rescind my conditional offer of employment. As an employee, I am aware that a confirmed and verified positive test result may lead to disciplinary action up to and including immediate dismissal. I understand that failure or refusal to submit to any test or any procedure under the City's Drug and Alcohol Testing Policy in a timely manner will be grounds for refusal to hire or for termination.

I will present a copy of this form to the collection site when I report for my scheduled drug/alcohol test. I also understand that failure to provide adequate breath for testing without a valid medical explanation, failure to provide adequate urine for controlled substances testing without a valid medical explanation, and engaging in conduct that clearly obstructs the testing process are the same as refusing to test.

I understand that if the urinalysis confirms the presence of drugs, I have the option to request that the split sample be sent to another certified laboratory for analysis at my expense. I understand that a failed breath alcohol test will be confirmed by a second test administered in accordance with the City's Drug and Alcohol Testing Policy.

Name of Applicant or Employee: _____

Department Name: _____

Social Security Number: _____

(Signature of Applicant or Employee)

Date

(Signature of Witness)

Date

SECTION VI – SEXUAL HARASSMENT

A. PURPOSE

The municipality may be held liable for the actions of all employees with regard to sexual harassment and will not tolerate sexual harassment of its employees. The town will take

immediate, positive steps to stop such harassment when it occurs. The town is responsible for acts of sexual harassment in the workplace when the town (or its agents or supervisory employees) knows or should have known of the conduct, unless it can be shown that the town took immediate and appropriate corrective action. The municipality may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the municipal government (or its agents or supervisory employees) knows or should have known of the conduct and failed to take immediate and appropriate corrective action.

This policy applies to all officers and employees of the town of Ashland City including but not limited to full-and part-time employees, elected officials, permanent and temporary employees, employees covered or exempt from the personnel rules or regulations of the municipal government, and employees working under contract for the municipality. The following rules shall be strictly enforced.

B. DEFINITIONS

The following actions constitute an unlawful employment practice and are absolutely prohibited by the municipal government when they affect employment decisions, create a hostile job environment, cause distractions, or unreasonably interfere with work performance. They are:

1. sexual harassment or unwelcome sexual advances;
2. requests for sexual favors;
3. verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, or propositioning;
4. explicit or implied job threats or promises in return for submission to sexual favors;
5. inappropriate sex-oriented comments on appearance;
6. embarrassing sex-oriented stories;
7. displaying sexually explicit or pornographic material, no matter how the material is displayed; and/or
8. sexual assault on the job by supervisors, fellow employees, or, on occasion, non employees.

Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women.

C. MAKING SEXUAL HARASSMENT COMPLAINTS

An employee who feels he/she is subjected to sexual harassment should immediately contact one of the persons listed below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

1. the employee's immediate supervisor,

2. the employee's department head,
3. the mayor, and/or
4. the City Council

Employees have the right to circumvent the employee chain-of-command when selecting the person to complain to about sexual harassment. The employee should be prepared to provide the following information:

1. his/her name, department, and position title;
2. the name of the person or people committing the sexual harassment, including their title(s), if known;
3. the specific nature of the sexual harassment, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
4. witnesses to the harassment; and
5. whether the employee has previously reported the harassment and, if so, when and to whom.

D. REPORTING AND INVESTIGATING SEXUAL HARASSMENT COMPLAINTS

The appropriate department head is the person the municipal government designates as the investigator of sexual harassment complaints against employees. In the event the sexual harassment complaint is against the department head, the investigator shall be the Mayor.

When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the Mayor and appropriate department head.

The department head shall:

1. make and keep a written record of the investigation at the time the verbal interview is in progress, including notes on:
 - a. verbal responses made to the investigator by the person complaining of sexual harassment,
 - b. witnesses interviewed during the investigation,
 - c. the person against whom the complaint of sexual harassment was made, and
 - d. any other person contacted by the investigator in connection with the investigation;
2. within 5 days of receiving the complaint, prepare and present to the Mayor a report of the investigation and its findings, which will include:

- a. the written statement of the person complaining of sexual harassment,
- b. the written statements of witnesses,
- c. the written statement of the person against whom the complaint of sexual harassment was made, and
- d. all the investigator's notes connected to the investigation.

E. ACTION ON COMPLAINTS OF SEXUAL HARASSMENT

Upon receiving an investigation report of a sexual harassment complaint, the Mayor shall immediately review the report. If the Mayor determines that the report is not complete in some respect, he/she may question the person complaining of sexual harassment, the person against whom the complaint has been made, witnesses to the conduct in question, or any other person who may have knowledge about the harassment.

Based upon the report and his/her own investigation (where a separate investigation is made), the Mayor shall, within a reasonable time, determine whether the conduct in question constitutes sexual harassment. In making that determination, the Mayor shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct, the context in which the alleged actions occurred, and the behavior of the person complaining. Whether sexual harassment took place will be determined on a case-by-case basis.

If the Mayor determines that the harassment complaint is founded, he/she shall take immediate and appropriate disciplinary action against the guilty employee, consistent with his/her authority under the municipal charter, ordinances, resolutions, or rules governing his/her authority to discipline employees.

The disciplinary action shall be consistent with the nature and severity of the offense, the employee's rank, and any other factors the governing body believes relate to fair and efficient administration of the municipal government. This includes, but is not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the municipality. The disciplinary action may include demotion, suspension, dismissal, warning, or reprimand. Determining the level of disciplinary action shall also be made on a case-by-case basis. A written record shall be kept of imposed disciplinary actions, including verbal reprimands.

In all events, an employee found guilty of sexual harassment shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the investigation.

In cases where sexual harassment is committed by a non-employee against a municipal government employee in the workplace, the Mayor shall contact the town attorney and direct him/her to take whatever lawful action is necessary against the non-employee to bring the sexual harassment to an immediate end.

F. OBLIGATION OF EMPLOYEES

Employees are not only encouraged to report instances of sexual harassment, they are **obligated** to report them. Employees are also obligated to cooperate in every harassment investigation. The obligation includes, but is not necessarily limited to, coming forward with evidence (both favorable and unfavorable) about a person accused of such conduct, fully and truthfully making written reports, or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of sexual harassment.

Disciplinary action may be taken against employees who fail to report instances of sexual harassment, fail or refuse to cooperate in the sexual harassment investigation, or file a complaint of sexual harassment in bad faith.

SECTION VII – MISCELLANEOUS POLICIES

A. ASHLAND CITY DRESS CODE

This document sets forth the policy of the town of Ashland City with respect to the Business Dress Policy. Customers and the general public judges our city on the basis of the appearance of our employees. The general dress code of our employees is business casual. Dress and personal grooming must be appropriate for the business environment in which you work.

The dress policy pertains to all full-time, part-time or temporary employees.

Office Dress – Business Casual includes business suits and dresses as well as more casual clothing such as short-sleeved shirts, polo style shirts, sweaters, Capri pants and khaki slacks. Clothing issued to employees with the Ashland City logo, such as polo shirts and sweatshirts, is also considered appropriate business casual dress.

Not in the definition of Office Dress-Business Casual are the following: jeans, sports or workout attire, leggings, t-shirts, tank tops, halter tops, short shorts, short skirts, tight fitting clothing, torn, tattered, wrinkled or dirty clothing, flip flops. This list is not all-inclusive.

Field Dress: An employee who must visit/work at current and potential construction site/location may dress appropriately for the work environment. Appropriate dress includes jeans, work uniforms, work jackets and work boots/shoes.

Casual Dress Day can be designated by the Mayor. The casual dress day will not exceed one day per week. On these days employees are permitted to wear clothing such as jeans, t-shirts, and sneakers in the office. However, at all times, common sense and good taste must apply towards any clothing worn.

To further clarify our business dress policy, please keep in mind the following when considering what is acceptable.

Examples of Acceptable Attire for Work:

- (1) Casual dresses and skirts that are split at or below the knee
- (2) Casual shirts, golf shirts, dress shirts, sweaters, tops and turtlenecks
- (3) Slacks, dress slacks, or pants suits
- (4) Loafers, boots, flats, clogs, dress heels
- (5) Ashland City apparel
- (6) Dress sandals (except in the field), but **NOT** flip flops.

Examples of Inappropriate Attire at Work:

- (1) Mini skirts, sun dresses, spaghetti-straps, or strapless tops or dresses/skirts split above the knee
- (2) T-shirts, sweatshirts, midriff tops, shirts with potentially offensive words, logos, pictures, cartoons, or slogans
- (3) Tank tops, halter tops, and t-shirts unless worn under another blouse, shirts, sweater or jacket
- (4) Exercise pants, sweat pants, bib overalls, shorts, leggings, and any spandex or other form fitting pants
- (5) Flip flops, slippers
- (6) Torn, dirty or frayed clothing
- (7) Jeans (unless an approved dress down day)
- (8) Clothing that is tight fitting, low cut, reveals stomach, cleavage, or undergarments (undergarments are required but should not be visible)
- (9) Jewelry, make-up, perfume and cologne should be in good taste
- (10) No visible body piercing (other than the ears)

Please keep in mind that no dress code can cover all contingencies so employees must use a certain amount of judgment in their choice of clothing to wear to work.

The Department Head is responsible for:

- (1) Ensuring employees under his or her supervision are informed of this policy.
- (2) Notifying an employee when his or her dress and personal grooming fall outside the provisions of the Ashland City's Business Dress Policy.

An employee is responsible for:

- (1) Complying with Ashland City's Business Dress Policy
- (2) Avoiding unprofessional dress and/or unprofessional personal grooming while in the workplace or on Ashland City business.
- (3) Understanding that fashion trends may have to yield to more traditional, conservative business dress.
- (4) Using good judgment when deciding dress in the workplace.

An employee should direct questions regarding this policy to his or her Department Head or the Mayor.

B. POLITICAL ACTIVITY

Nothing in this section is intended to prohibit any municipal government employee from privately expressing his/her political views or from casting his/her vote in all elections.

Municipal government employees are prohibited from participating in the following political activities:

1. Election for Municipal offices - No town employee, while on duty, in or out of uniform, or on or off municipal government property, shall at any time or any place:

- a. become a candidate or campaign for an elective municipal government office;
- b. directly or indirectly solicit, receive, collect, handle, disburse, or account for assessments, contributions, or other funds for a candidate for municipal government;
- c. organize, sell tickets to, promote, or actively participate in a fund-raising activity of a candidate for a municipal government office;
- d. take an active part in managing the political campaign of a candidate for municipal government;
- e. solicit votes supporting or opposing a candidate for municipal government;
- f. act as a recorder, watcher, challenger, or similar officer at the polls on behalf of a candidate for municipal government;
- g. drive voters to the polls on behalf of a candidate for municipal government;
- h. endorse or oppose a candidate for municipal government in a political advertisement, broadcast, campaign literature, or similar material;
- i. address a rally, or similar gathering of the supporters or opponents of a candidate for municipal government;
- j. initiate or circulate a nominating petition for a candidate for municipal government; or
- k. wear campaign buttons, pins, hats, or other similar attachments or distribute campaign literature supporting or opposing a candidate for municipal government.

2. All other elections for public office – No municipal government employee while on duty, in or out of uniform, or on or off municipal government property, shall at any time or any place while on duty:

- a. become a candidate or campaign for an elective public office for this municipal government;
- b. take an active part in managing the political campaign of a candidate for

- public office while on duty;
- c. directly or indirectly solicit, receive, or collect contributions or other funds for a candidate for public office while on duty;
- d. sell tickets to a fund-raising activity for a candidate for public office while on duty.

A leave of absence will not be granted to a municipal government employee to engage in any of the political activities mentioned above.

C. TRAVEL/TRIP REIMBURSEMENT POLICIES

This policy applies to all city employees and/or elected city officials who may have reasons to travel out of town on official city business. No expenses shall be reimbursed unless travel is authorized and approved in advance by department head and/or mayor of the town of Ashland City

1. Transportation

a. Air Transportation: The City will pay for regular class or business class air travel as a general rule and will only pay for first class travel where the need is clearly indicated and approved in advance. Air travel will be utilized when the distance involved in the travel indicated, air is the more economical mode of travel.

b. City Vehicles: If a City vehicle is generally available and does not otherwise interfere with the regular utilization of said vehicle, it should be used in lieu of a personal/private automobile. Arrangements for these vehicles should be made in advance through the appropriate Department Head. Proof of actual gasoline purchase must be presented for reimbursement.

c. Private Automobile: The use of a private automobile for travel on official business may be authorized by Department Head, but only with the concurrence of the Mayor of the City. The City Recorder shall be notified prior to the employee's use of his/her personal vehicle for City business. Authorized to use their personal vehicles, employees shall be reimbursed *at the current federal per mile reimbursement rate* for actual miles driven. Only mileage on official business may be claimed; from origin to destination of official business and return by the most direct route, together with the mileage incurred at the destination. The cost of other related expenses, such as tolls, parking, and other vehicular expenses will be reimbursed.

d. Non-Reimbursable Vehicular Expenses: The employee will NOT be reimbursed for any fines, traffic violations, or parking tickets incurred while on official business.

e. Rental Vehicles Associated with Air Travel: The cost of a rental vehicle will be paid for by the City, if and when reasonably incurred by the employee as a result of traveling by air to the destination. Rental car authorization must be AUTHORIZED IN ADVANCE by the Department Head and the Mayor. The City Recorder must also be notified in advance of the anticipated travel. Receipts for the cost of rental cars should accompany the request for reimbursement.

f. Other Considerations: The selected mode of travel will be based on the best interest of the City. Additional factors to be considered in determining the most economical mode of transportation will include distance, length of travel time, salary, fuel, meals, etc.

2. Lodging

Reimbursement for lodgings will be based upon the locality, purpose of travel, and availability of accommodations. Lodging shall be approved in advance of securing reservations by the Department Head/Mayor/City Recorder. A signed receipt from the place of lodging is required for appropriate reimbursement.

3. Meal Cost and Allowances

Meal allowance will be at the rate of \$19.00 per day, provided the traveler leaves before 8:00 AM and returns after 6:00 PM. (Breakfast rate \$4.00, lunch rate \$6.00, dinner rate \$9.00). These rates are per diem allowance and does not need supporting receipts provided the TRAVEL REIMBURSEMENT FORM is properly completed.

A higher amount than allowed per diem shall be authorized for meals when traveling to a place that is generally known to be more expensive; receipts must be kept. Any expenditure in excess of the daily allowed per diem must be documented by appropriate receipts for reimbursement. For officials attending the annual Tennessee Municipal League meeting, National League of Cities meeting or other official conferences of the City, reimbursement of meals in excess of the per diem will require receipts to be submitted with the Travel Form.

4. Miscellaneous Expenditures

- a. Expenditures of a personal nature, movie theaters, etc. will not be approved for reimbursement.
- b. All charges for long distance and local business calls will be allowed while traveling. Two personal calls are allowed each day provided the charges are reasonable. Use your cell phones IF you have nationwide coverage.

- c. All registration fees for employee/officials attending approved workshops, seminars, conventions, and other business meetings will be allowed, including cost of any breakfast, luncheon, banquet or other associated meeting programs.
- d. NO expense of spouses or related parties accompanying the employee/official on travel will be reimbursed.
- e. An individual combining travel on official city business and travel for another organization or for personal reasons will be reimbursed ONLY for the appropriate part of the City's costs. The basis for reimbursement will be arranged in advance of travel.
- f. BEFORE traveling, a "Request to Travel" form must be filled in and Submitted to the Department Head/Mayor/City Recorder for approval. This form combines a request for travel advance and authorization to travel, which must be granted in each case.
- g. A travel advance shall not be granted more than three (3) working days prior to travel. Such request must be made three (3) days in advance to allow for processing and approval. Upon return from travel, an employee/official shall submit a completed expense report within twenty (20) days detailing actual expenditures due for reimbursement. The City will pay travel expenses promptly upon receipt of completed travel expense report supported by proper receipts.
- h. It is recognized that individual departments may have special travel restrictions, requirements, or policies which apply to that department's travel. These may apply to such things as the Tennessee Law Enforcement Academy or other special training programs which employees may be required to attend from time to time. Any special department policy applicable to travel is authorized upon approval of the City Council.
- i. Other necessary and reasonable expenses will be reimbursed subject to approval of the Department Head/Mayor/City Clerk/Recorder.

D. USE OF CITY VEHICLES

A "city owned vehicle" is any vehicle to which the town of Ashland City holds title. This includes, but is not limited to, police cars, dump trucks, pick-up trucks, fire department trucks and service vehicles, and the Public Works Director's vehicle.

Certain jobs require that employees be "on call" 24 hours a day, and for that reason, the town currently provides a "take home" vehicle for selected employees. The list of

employees authorized to possess a "take home" vehicle shall be maintained by Mayor, and may be revised as needed.

A city vehicle is for the employee's official use as a representative of the town of Ashland City, and will not be used at any time as a personal vehicle. Any and all persons riding in a city vehicle must have official business with the town.

All vehicles shall be permanently marked as property of the town of Ashland City. The driver of each vehicle shall have a valid Tennessee Driver's License and a copy of this license shall be on file in the City Clerk/Recorder's office.

City owned "take home" vehicles are restricted to the corporate limits of the Town of Ashland City unless the employee's residence is outside the city limits or official business requires travel beyond the city limits.

This policy applies to any employee with a need to use any city vehicle.

E. USE OF CITY COMPUTERS AND CELL PHONES

Computers, phones and related items furnished by the town of Ashland city are city property, intended for use by employees for city business only. Computers, phones, and related items include, but are not limited to, hardware, software, (including e-mail and internet software), computer files, documents and cell phones. The city has the right, but not the duty, to monitor any and all of its computers, cell phones, and related items, included but not limited to: monitoring employee's visits on the Internet, reviewing material downloaded or uploaded by employees, reviewing e-mail sent and received by employees, and cell phone messages and usage.

Waiver of privacy:

Employees have no expectation of privacy in e-mail or cell phone messages, data accessed through the internet, or any other data or information created or stored on city computers or cell phones, nor does the use of passwords by employees create any privacy rights in this information. The City may access, monitor, or reproduce these messages and data, without the consent of the employees, when it is deemed necessary in the sole discretion of the City. All passwords must be provided to the department head upon request. The use of undisclosed passwords is prohibited.

PROHIBITED USES

The sending, displaying, disseminating, or storing inappropriate or sexually explicit material is prohibited, unless the employee can demonstrate a legitimate City interest in such conduct (such as a police investigation of criminal activity). "Sexually explicit material" means any printed or written material, or any audio, film, video recording or pictorial representation of graphic depiction, produced in any medium, which depicts or describes nudity, including sexual or excretory activities or organs, in a manner which is lewd and intended to elicit a sexual response. No city employee shall use City computers in a manner that is disruptive or offensive to others, or in violation of any provision of the

City's personnel policy. Other prohibited uses include but are not limited to any material containing ethnic slurs, racial comments, off-color jokes, or material that may be construed as sexual, racial, or other harassment, or the showing of disrespect for others.

No software may be installed or downloaded on the city computers or phones without the written permission of the Dept. Head.

The e-mail system or cell phone should not be used to solicit or to conduct personal business ventures.

COMPLIANCE WITH APPLICABLE LAWS AND LICENSES

Employees must comply with all software license, copyrights, and all other state and federal laws governing intellectual property and online activity. No city employee may duplicate such software without the written permission of the dept. head.

VIOLATIONS: DISCIPLINARY ACTION

Employees who violate this policy shall be subject to legal and/or disciplinary actions, up to and including termination of employment. Employees should notify their immediate supervisor or department head upon receiving any inappropriate or sexually explicit material or upon learning of violations of this policy.

F. USE OF MUNICIPAL TIME, FACILITIES, ETC.

No employee of the town of Ashland City shall use or authorize the use of municipal time, facilities, equipment or supplies for private gain or advantage to oneself or any other private person or group. No town employee shall have in his/her possession tools or equipment that should obviously belong on town property (ie. Bulldozers, truck, etc.) unless acting in his/her capacity as a town employee.

G. DRIVING RECORDS

Any employee who is required as an employment condition to possess and maintain a valid Tennessee driver's or commercial driver's license must **immediately**, before reporting for duty the next workday, inform his/her supervisor should his/her license become denied, expired, restricted, suspended, or revoked any time during employment with the city. Periodic review of employees' driving records will be conducted by the department head to assure adherence to this policy.

H. ACCEPTING GRATUITIES

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 city business.

I. USING TOBACCO PRODUCTS

In light of the fact that using tobacco products poses a threat not only to the user but to non-users as well, the city has adopted a policy that prohibits using tobacco products in city facilities. The policy states that no person, including employees, shall, in a city facility, smoke or use any tobacco products.

J. BUSINESS INTEREST

No department head or supervisor shall have any financial interest in the profits of any contract, service, or other work performed by the city. No department head or supervisor shall personally profit directly or indirectly from any contract, purchase, sale, or service between the city and any person or company. No department head or supervisor shall personally, or as an agent, provide any surety, bail, or bond required by law or is subject to approval by the City Council.

No city employee shall enter into a contract with the city or perform any work or function under any contract with the city if he/she has a direct or indirect financial interest in the contract, unless:

1. the contract is awarded through a process that complies with the city's purchasing requirements; or
2. the City Council waives this section's requirements after making a formal finding that it is in the best financial interest of the city to do so after full disclosure on the part of the city employee of his/her direct or indirect financial interest in the contract, and the City Council's finding and waiver and the employee's full financial disclosure are recorded on the minutes of the City Council in open session.

K. PERSONNEL RECORDS

Personnel records for each employee are kept on file and maintained by the City Clerk/Recorder. Any change of address, telephone number, marital status, draft status, beneficiaries, number of dependents, or completed education/training should be turned in to the supervisor for transmittal to the personnel section

The City Clerk/Recorder also maintains the insurance, vacation, pension and retirement, and sick leave records for each employee. The City Clerk/Recorder will advise employees through their supervisor of their eligibility so that they may take full advantage of all the benefits available. All medical records shall be kept in a separate confidential file for each employee.

It is the responsibility of each employee to update personnel information in his/her personnel file by notifying the City Clerk/Recorder of any information changes. The city shall not be held liable when incorrect withholding, wrong beneficiaries, or loss of employee benefits result from the failure of any employee to keep personnel records current.

SECTION VIII – SEPARATIONS AND DISCIPLINARY ACTIONS

A. TYPES OF SEPARATIONS

All separations of employees from positions with the municipal government shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, layoff, disability, death, retirement, suspension and dismissal. At the time of separation and prior to final payment, all records, assets, and other city property in the employee's custody must be transferred to the department. Any amount due because of shortages shall be withheld from the employee's final compensation.

B. RESIGNATION

In the event an employee decides to leave the municipal government's employ, a two-week notice shall be given to his/her supervisor so that arrangements for a replacement can be made. In such a case, employees will be expected to return any/or all municipal government equipment assigned. An unauthorized absence from work for a period of three consecutive working days may be considered by the department head as a resignation.

If a former employee returns to municipal government employment, his/her status of seniority, pay, leave, etc., will be the same as any new employee beginning work for the first time.

C. LAYOFF

The Mayor, or department head if so designated by the Mayor, may lay off an employee in municipal government service when he/she deems it necessary by reason of a shortage of funds, abolishing a position, other material changes in the duties or organization of the employee's position, or related reasons that are outside the employer's control and that do not reflect discredit upon the employee's service.

A laid-off employee who is reinstated as a city employee within 90 days from the date he/she was laid off shall be reinstated with full benefits as if he/she had not been laid off.

D. DISABILITY

An employee may be separated for disability when he/she cannot perform the essential functions of the job because of a physical or mental impairment that cannot be accommodated without undue hardship or that poses a direct threat to the health and safety of others. Reasonable accommodations will include transfer to a comparable position for which the individual is qualified. Action may be

initiated by the employee or the municipality, but in all cases it must be supported by medical evidence acceptable to the Mayor and City Council, and the disability must prevent the employee from performing the essential functions of the job. The town may require an examination at its expense to be performed by a licensed physician of its choice.

E. DEATH

Separation shall be effective as of the date of death of an employee. All compensation due in accordance with these rules shall be paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse.

F. RETIREMENT

Whenever an employee meets the conditions set forth in the retirement system's regulations, he/she may elect to retire and receive all benefits earned under the appropriate retirement system.

G. SUSPENSION

Pursuant to Chapter 25 of the town of Ashland City Charter, an employee may be suspended with or without pay by the Mayor, or department head if such authority is delegated by the Mayor, for reasonable cause. For suspensions of more than 15 days, a written statement of the reason for suspension shall be submitted to the employee. This notice shall also include notification that the employee may appeal to the City Council by filing with the City Clerk/Recorder, within 10 days, a written notice of his/her intention to appeal. The City Council shall hold a hearing within 20 days after the notice of appeal is delivered by the employee. The votes of four councilpersons, excluding the Mayor's vote, shall be required to override the suspension, and the action of the City Council shall be the final determination in the matter. If the suspension is overruled by the City Council, any loss of salary shall be paid to the employee. All records associated with a suspension shall become a permanent part of the employee's personnel file.

H. DISMISSAL

Pursuant to Chapter 25 of the town of Ashland City Charter, an employee may be dismissed by the Mayor, or department head if such authority is delegated by the Mayor, for reasonable cause. Reasons for dismissal may include, **BUT SHALL NOT BE LIMITED TO:** misconduct, negligence, incompetence, insubordination, unauthorized absences, falsifying records, or violating any of the charter provisions, ordinances, or these rules. Examples include:

1. incompetency or inefficiency in performing duties;
2. conviction of a criminal offense or of a malfeasance involving moral turpitude;

3. violating any lawful and reasonable regulation, order, or direction made or given by a superior, or insubordination that constitutes a serious breach of discipline;
4. being intoxicated, drinking any intoxicating beverages, or being under the influence of a drug or narcotic while on duty;
5. theft, destruction, carelessness, or negligence of city property;
6. disgraceful personal conduct or language toward the public, fellow officers, or employees;
7. unauthorized absences or abuse of leave privileges;
8. incapacity to perform the essential functions of a job because of a permanent or chronic physical or mental defect that cannot be accommodated;
9. accepting any valuable consideration that was given with the expectation of influencing the employee in performing his/her duties;
10. falsifying records or using official position for personal advantage;
11. loss of an employee's driver's license and driving privileges by due process of law when the employee's position makes operating a motor vehicle necessary in performing his/her duties.

Prior to an employee's dismissal, a written statement of the reason for dismissal shall be submitted to the employee. This notice shall also include notification that the employee may appeal to the City Council by filing with the City Clerk/Recorder, within 10 days, a written notice of his/her intention to appeal. The City Council shall hold a hearing within 20 days after the notice of appeal is delivered by the employee. The votes of four councilpersons, excluding the Mayor's vote, shall be required to override the dismissal, and the action of the City Council shall be the final determination in the matter. If the dismissal is overruled by the City Council, the employee shall be reinstated to his/her previous position, and any loss of salary shall be paid to the employee. All records associated with a dismissal shall become a permanent part of the employee's personnel file.

I. EXIT INTERVIEWS

All separating employees may be required to attend an exit interview with the Mayor. The main purpose of this interview is to ascertain whether the reason for an employee's separation is founded on a misunderstanding that might be corrected by either the city or the employee. Any information that may improve future working conditions in the city is always welcome.

J. GRIEVANCE PROCEDURES

A grievance is defined as an employee's feeling of dissatisfaction, and any 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. A **grievance can be something real, alleged, or a misunderstanding** concerning rules and regulations or an administrative order involving the employee's health, safety, physical facilities, equipment or material used, employee evaluation, promotion, transfer, layoff, recall, and any other related items. Such misunderstandings, complaints, points of view, and opinions will be considered a grievance, except in cases where they relate to personnel actions arising out of pay, suspension, and dismissal.

It is the city's desire to address grievances informally. Both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be occasional grievances that will be resolved only after a formal appeal and review. Employees who have a grievance may discuss it with their immediate supervisor, a higher-level supervisor, and/or the department head.

Employees must remember that there is no grievance until the Department Head or other appropriate person has been made aware of the dissatisfaction. 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:

1. **STEP ONE:** The employee makes an oral or written presentation of the complaint or grievance to the immediate supervisor. 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 of the decision and any action taken. The supervisor shall prepare a written report of the complaint or grievance and provide a copy of it to the department head. 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.
2. **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. Before proceeding, an employee must reduce the complaint or grievance to writing and request that the written statement be delivered to the department head. If an employee wishes a hearing, the department head will hold such hearing and provide a written response to the employee and the immediate supervisor within five days of being notified of the grievance.
3. **STEP THREE:** If the grievance is not resolved with the department head, the employee may request in writing a hearing with the Mayor. The

Mayor's decision shall be communicated to the employee, department head and all other supervisory personnel involved in steps one and two. The Mayor's decision is the final step and shall be binding to all parties involved.

K. GRIEVANCE AND APPEAL RESPONSIBILITIES

The Mayor is responsible for acting on appeals promptly and assisting employees in expediting appeals through the process. Only employee suspensions and dismissals may be appealed to the City Council. Only the Mayor and City Council may make the final decision to deny an appeal

L. POLICIES GOVERNING GRIEVANCE AND APPEALS PROCEDURES

An employee with a grievance shall be notified in writing of his/her rights to:

1. a grievance or appeals hearing as specified in this policy;
2. receive written notification of the reason for the action that led to the grievance;
3. be represented at all stages of the grievance proceedings by legal counsel retained at the employee's expense;
4. present witnesses in his/her own behalf and cross-examine witnesses in support of the municipal government's action;
5. examine and copy all documents that will be used by the municipality as justification for its actions;
6. 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-stated grievance and appeals procedures

M. RECORDS

Records shall be made of all procedures pertaining to all grievance actions and these records shall be maintained in the City's permanent files by the City Clerk/Recorder.

SECTION IX – AMENDMENTS TO THE PERSONNEL RULES

A. AMENDMENTS

Amendments or revisions of these rules may be recommended for adoption by the Mayor. Such amendments or revisions of these rules shall become effective after public hearing and approval by resolution of the governing body.

B. SEVERABILITY

Each section, subsection, paragraph, sentence, and clause of this policy document is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause shall not affect the validity of any other portion of these rules, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted.

C. SPECIAL NOTE

These personnel policies are believed to be written within the framework of the charter of the town of Ashland City, but, in case of conflict, the charter takes precedence.

These personnel regulations are for information only. This is not an employment contract. This document is a statement of current policies, practices, and procedures. Nothing in this document is to be interpreted as giving employees any more property rights in their jobs than may already be given by the city charter. These personnel policies, rules, and regulations shall be reviewed periodically. The employer reserves the right to change any or all such policies, practices, and procedures in whole or in part at any time, with or without notice to employees.