

ORDINANCE NO. 120

AN ORDINANCE TO ESTABLISH PERSONNEL RULES AND REGULATIONS FOR THE EMPLOYEES OF THE TOWN OF ASHLAND CITY, TENNESSEE IN ACCORDANCE WITH SECTIONS 24, 25, 26, AND 29 OF THE CHARTER OF THE TOWN OF ASHLAND CITY. THESE RULES AND REGULATIONS SHALL SERVE AS THE PRIMARY SOURCE DOCUMENT OF PERSONNEL POLICIES.

BE IT ORDAINED BY THE COUNCIL OF THE
TOWN OF ASHLAND CITY:

SECTION I - PERSONNEL RULES AND REGULATIONS

- A. **PURPOSE.** 1. The purpose of this ordinance is to establish a system of personnel administration in the Town of Ashland City that is biased on merit and fitness, and to provide fair and equal opportunity to all qualified citizens.
2. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial application of personnel policies and procedures free of personal and political considerations and regardless of race, sex, age, creed, national origin, or handicapping condition.
3. To establish and maintain a uniform plan of evaluation and compensation for all employees.
- a. to establish and maintain job description for every position with the descriptions to be maintained on file with the Mayor, the City Recorder and the Department Heads.
 - b. to review position descriptions periodically and systematically with the employee to insure accuracy and currency.
 - c. to establish appropriate position standards and to group positions in classes with similar standards.
 - d. to conduct area wage and salary surveys periodically in order to provide competitive wages and salary scales, and to establish a salary schedule for each and all job descriptions included in a. above. (See Section IV - A of this ordinance.)

B. **COVERAGE.** All offices and positions of the Municipal government 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 as follows:

1. All elected officials.
2. Members of appointed boards and commissions.
3. Consultants, advisers, and legal council rendering temporary professional services.
4. The city attorney.
5. Independent contractors.
6. Persons employed by the Municipality for not more than three months during a fiscal year.
7. Part-time employees paid by the hour of the day, and not considered regular.
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 provisions of the city charter.

SECTION II. CLASSES OF EMPLOYEES

- A. **REGULAR FULL TIME** -- Full-time employees are individuals employed by the municipal government who work 40 hours per week and have completed a 3 month probationary period.
- B. **REGULAR PART-TIME** -- Regular part-time employees are individuals who do not work on a daily basis, are eligible for city benefits on a prorated basis according to actual hours worked (except health and/or life insurance benefits) and whose hours cannot exceed 30 hours per week unless approved by the Mayor.

- C. **VOLUNTEER FIREFIGHTERS** - Volunteer firefighters are appointed by the Fire Chief when necessary. Volunteers are compensated per fire call with no other benefits except coverage Worker's Compensation Insurance under the Volunteer Firefighter's Insurance Coverage Policy.

SECTION III. HIRING PROCEDURES

- A. **POLICY STATEMENT** - Pursuant to Section 25 of the Charter of the Town of Ashland City, the primary objective of this hiring policy is to insure compliance with the law and to obtain qualified personnel to serve the citizens of the city. Appointments to positions are based on merit, technical knowledge, and work experience and no person shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of race, sex, age, color, religion, creed, ancestry, handicapped status or national origin.
- B. **RECRUITMENT** - The city will employ only capable and responsible personnel who are of good character and reputation. When a vacancy occurs, the City Recorder will prepare and post the appropriate position description at various locations and advertise in the local news media in an effort to bring notice of the vacancy to as many qualified persons as possible.
- C. **APPLICATION PROCESS** - all persons seeking employment with the City shall complete an application form as provided by the Municipal government. Application for employment shall be accepted in the City Recorder's office during regular office hours only.

ALL APPLICANTS MUST HAVE A VALID TENNESSEE DRIVERS LICENSE.

ALL APPLICANTS WILL HAVE A BACK GROUND CHECK AND MAY BE REQUIRED TO BE TESTED FOR DRUGS.

- D. **INTERVIEWS** - All appointments are subject to an interview with the appropriate Department Head and the Mayor.
- E. **APPOINTMENTS** - All appointments to positions in the Town of Ashland City shall be made by the Mayor.

- F. **PROBATION** - Applicants appointed to positions with the Town of Ashland City are required to serve a 3 month probationary period. An employee may be terminated during this period for any reason without respect or reference to the procedures set forth in this document, the Charter or other ordinances. If the probationary period is satisfactory, the employee is recommended for a full-time position.
- G. **TRANSFERS** - Pursuant to Section 25 of the Charter of the Town of Ashland City, the Mayor may make transfers of employees or delegate this authority to the appropriate Department Head if he/she deems advisable.
- H. **PROMOTIONS/DEMOTIONS** - Pursuant to Section 25 of the Charter of the Town of Ashland City, the Mayor may make promotions/demotions of employees or delegate this authority if he/she deem advisable.

SECTION IV. COMPENSATION

- A. **SALARIES** - Pursuant to Section 24 of the City Charter, the City Council shall set by ordinance/resolution all salaries paid by the Town of Ashland City. Due consideration shall be given to duties performed, responsibilities, technical knowledge and skills required to perform the work satisfactorily, the labor market and the availability of persons having desired qualifications. Salaries for all positions shall be in accordance with a pay plan adopted under a separate ordinance.
- B. **HOURS OF WORK** - The Mayor shall establish the hours of work per week for each position in the service of the City.
- C. **PAY DAY** - All employees of the Town of Ashland City shall be paid on a bi-monthly basis. (ie: 15th and 30th)

D. PAYROLL DEDUCTIONS -

1. **Federal Income Tax:** Federal taxes are withheld from employee's pay checks based on the number of dependents claimed by the individual. Employees are required to keep on file with the City a copy of the W-4 form. In the event of changed in the employee exemption status, a revised W-4 form must be filed before a payroll deduction adjustment will be made.
2. **Social Security:** Social Security payments and deductions will be made in accordance with the Social Security Act. The City Recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.
3. **Other:** Other deductions may be made from an employee's pay only with a signed consent from the employee (hospitalization, life insurance, etc)

E. OVERTIME - Employees required to work overtime shall be compensated in accordance with the Fair Labor Standards Act at a rate one and one-half the employee's regular rate of pay. Department heads are excluded from the overtime provisions of the City.

SECTION V. BENEFITS

A. ELIGIBILITY - All full-time employees are eligible for all benefits provided by the City.

B. HOLIDAYS - Full-time employees are allowed a day off with pay on the following holidays (ref. Municipal Code/Title 4/Chapter 2/4-205):

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|-----------------------|------------------|
| 1. New Year's Day | 7. Labor Day |
| 2. Martin Luther King | 8. Columbus Day |
| 3. President's Day | 9. Veteran's Day |
| 4. Good Friday | 10. Thanksgiving |
| 5. Memorial Day | 11. Christmas |
| 6. Independence Day | |

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

An employee required to work on one of the above named holidays shall be given a compensation day as prescribed along with his regular pay for hours worked.

Sick leave taken immediately preceding or following a holiday must be substantiated by a doctor's certificate.(1973 Code,#1-805, as amended by Ord. #67, 9/89).

Employees on sick leave do not receive compensation for a holiday listed above.

- C. VACATION LEAVE - Personnel shall earn vacation leave at the rate of 3 hours per pay period, beginning with the first day of employment. After 3 years of employment, the vacation leave rate will be 4 hours per pay period.

No vacation leave will be taken until the employee has reached 90 days of employment. Such leave shall be taken at a time to be approved by the Department Head.

Vacation leave may be accumulated up to a maximum of 120 hours. At the end of the calendar year in which the maximum total hours have been reached, the leave MUST be reduced to 120 hours.

Upon separation, employees are entitled to be reimbursed for any unused vacation.

- D. SICK LEAVE - Employees shall earn sick leave at the rate of 4 hours per pay period, starting with their employment and continuing until their termination. Sick leave may be granted for any of the following reasons:

1. Personal illness or physical incapacity resulting from causes beyond the employee's control.
2. Exposure to contagious diseases so that their presence at work might jeopardize the health of other employees.
3. Medical, dental, optical or other professional treatments or examinations.
4. Acute illness of a member of the employee's immediate family (ie., spouse, parent, children)

Personnel shall notify their immediate supervisor not later than 2 hours after the beginning of their regular work day of their absence due to illness. Every effort should be made to notify the supervisor at the earliest time possible.

If the Department Head, Mayor or City Council determine that the employee is abusing his/her sick leave, a doctor's certification may be requested.

IN NO CASE WILL THE EMPLOYEE BE PAID FOR SICK LEAVE WHEN HE/SHE HAS NONE ACCUMULATED.

UPON TERMINATION OR RESIGNATION, ANY UNUSED SICK LEAVE SHALL NOT BE CASHED IN FOR COMPENSATION.

- E. **FUNERAL LEAVE** - Full-time employees shall be allowed 3 days leave with pay for the death in an employee's immediate family (ie., spouse, parents, children). One day of leave with pay will be allowed for the death of sisters, brothers, in-laws, grandparents and other relatives including legal foster parents and children. An extra day may be allowed when out of State travel is required.
- F. **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, the employee will be expected to return to work.
 2. Answer a subpoena to testify for the City. (see note)
 3. Perform emergency duty for National Defense.

NOTE: Court appearances for other reasons are the employee's responsibility. Vacation leave may be taken or the employee docked for such time.

- G. **VOTING** - When elections are held in the State, leave for the purpose of voting shall be in accordance with TCA 2-1-106 herein reprinted:

"EMPLOYERS MAY DESIGNATE PERIODS OF PERMISSIBLE ABSENTEEISM. Any person entitled to vote in an election held in this state may be absent from service or employment for a reasonable period of time, not to exceed 3 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 subject to any penalty or reduction in pay for his absence. If the tour of duty of an employee begins 3 or more hours after the opening of the polls or ends 3 hours or more 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 12 noon of the day before the election.

- H. **INSURANCE** - The Town of Ashland City provides basic health and life insurance coverage for all full-time employees. The City also provides Long Term Disability Insurance for all full-time employees. Interim "short term insurance" will be the responsibility of the employee. **IN NO CASE WILL THE EMPLOYEE BE PAID FOR SICK LEAVE WHEN NO LEAVE IS AVAILABLE.**
- I. **WORKER'S COMPENSATION** - All full-time employees are covered under Worker's Compensation Insurance.
- J. **RETIREMENT** - The City contributes to the Tennessee Consolidated Retirement System for all full-time employees.
- K. **OTHER BENEFITS** - The Town of Ashland City provides uniforms for police, fire, public works and utility department workers.

SECTION VI. DISCIPLINARY AND GRIEVANCE PROCEDURES

- A. **GENERAL POLICY STATEMENT** - It is the responsibility of each employee of the Town of Ashland City to conduct himself/herself in a manner that will reflect credit upon the City. Any misconduct while acting on behalf of the municipal government and in the judgement of the Mayor and City Council that will bring adverse publicity or discredit upon the municipality may be regarded as grounds for dismissal. It is expected that grievances will arise. If and when they do, they are not to be considered as reflecting unfavorably on the employee or the municipal government.
- B. **PURPOSE** - The purpose of this policy is to set forth the principles of the Town of Ashland City and to prescribe uniform disposition procedures of grievances presented by individual employees.
- C. **POLICY** - A grievance can be something real, alleged, or a misunderstanding concerning rules and regulations or administrative orders involving the employee's health, safety, physical facilities, equipment or material used, employee evaluation, promotion, transfer, layoff, recall and any other related items. Employees will be treated fairly on all respects. Those who feel they have been subjected to unfair treatment have the right to present their grievances to the proper person for prompt consideration and a fair decision.

D. PROCEDURE - Employees must remember that there is no grievance until the Department Head or other appropriate person has been made aware of the dissatisfaction. Once this is done, the following steps are to be taken:

Step 1. Discuss the problem with the immediate supervisor. If satisfaction is not obtained the grievance is advanced to Step 2.

Step 2. Discuss the problem with the appropriate Department Head. If the problem is not resolved it is advanced to the 3rd step along with all documentation.

STEP 3. Discuss the problem with the Mayor of the City. The Mayor's decision is the last and final step and shall be binding to all parties involved.

E. RESPONSIBILITIES -

1. Grievance Procedure: It is the responsibility of the department head to hear all grievances in a timely and proper fashion and to make fair and reasonable decision within 5 days of being made aware of the grievance.
2. Appeal Procedure: It is the responsibility of the Mayor to act on appeals promptly and to assist employees in expediting them through the process. Only disciplinary actions may be appealed to the City Council for consideration.
3. Denial of Appeals: Only the Mayor and City Council may make the final decision to deny an appeal.

F. POLICIES GOVERNING THE GRIEVANCE AND APPEAL PROCEDURE

An employee with a grievance shall be notified in writing of these rights:

1. The right to a grievance or appeals hearing as specified in this policy.
2. The right to receive written notice of the reason for the action that led to the grievance.
3. The right to be represented at all stages of the grievance proceedings by legal counsel retained at the employee's expense.
4. The right to present witnesses in his/her own behalf and the right to cross examine in support of the municipal government's action.

5. The right to examine, in copy, all documents that will be used by the municipality as justification for its action.
6. The right to be free of 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 procedure.

G. RECORDS - Records shall be made of all proceedings pertaining to the grievance action and these records shall be maintained in the City's permanent file by the City Recorder.

(REF. SECTION 25 OF CITY CHARTER)

SECTION VII - MISCELLANEOUS PERSONNEL POLICIES

A. OUTSIDE EMPLOYMENT - (MOON LIGHTING) No full-time employee of the 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 municipal government.

Before outside employment begins, the employee must present a written request describing the work to be performed.

The employee must show proof of liability and worker's comp insurance by other employer.

Anyone 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 the City's employment (ie., health insurance, workers' comp insurance, liability insurance, etc.)

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

B. USE OF CITY TIME, EQUIPMENT, 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 City employee shall have in his/her possession tools or equipment that should obviously belong on City property (ie., bulldozers, trucks, etc.)

- C. ACCEPTANCE OF GRATUITIES - Employees shall not accept, directly or indirectly, any gifts, gratuities, or favors of any kind which might reasonably be interpreted as an attempt to influence his/her action to do municipal business.
- D. POLITICAL ACTIVITY - (Note - Nothing in this section is intended to prohibit any municipal government employee from privately expressing his/her political views or for casting his/her vote in all elections).
(REF. SECTION 20 OF CITY CHARTER)

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

1. In elections for municipal and county offices - No municipal employee, whether on or off duty, whether in or out of uniform, and whether on or off city property, shall at any time or place:
 - a. become a candidate for or campaign for an elective municipal government or county office.
 - b. directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for a candidate for municipal government or county office.
 - c. organize, sell tickets to, promote or actively participate in a fund-raising activity of a candidate for municipal government or county office.
 - d. take an active part in managing the political campaign for a candidate for municipal government or county office.
 - e. solicit votes in support of or in opposition to a candidate for municipal government or county office.
 - f. act as a clerk, watcher, challenger or similar officer at the polls on behalf of a candidate for municipal government or county office.
 - g. drive voters to the poll on behalf of a candidate for municipal government or county office.
 - h. endorse or oppose a candidate for municipal government or county office in a political advertisement, broadcast, campaign literature, or similar material.
 - i. address a rally or similar gathering of supporters or opponents of a candidate for municipal government or for county office.

- j. initiate or circulate a nominating petition for a candidate for municipal government or county office.
- k. wear campaign buttons, pins hats, or other similar attachments, or distribute campaign literature in support or opposition to a candidate for municipal government or county office.

2. In all other elections for public office - No municipal employee, whether on or off duty, whether in or out of uniform, and whether on or off municipal government property, shall at any time or place:
- a. become a candidate for , or campaigning for, an elective public office.
 - b. take an active part in managing the political campaign or a candidate for public office.
 - c. directly or indirectly solicit, receive or collect contributions or other funds for a public office.
 - d. sell tickets to a fund-raising activity of a candidate for public office.
 - e. engage in any of the other political activities enumerated in the aforementioned section, EXCEPT while they are either off duty or on their own time, and are not in a City uniform, and while they are in places other than city-owned property.

D. **REPEAL OF ORDINANCES** - All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

E. **SEVERABILITY** - Each section, subsection, paragraph, sentence and clause of this Ordinance is hereby declared to be separate and severable. The invalidity of any section, subsection, paragraph, sentence or clause shall not effect the validity of any other portion of this Ordinance, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted here from.

F. **EMPLOYEE HANDBOOK USE BY DEPARTMENT HEADS** - Each and every Department Head may develop an employee handbook or guide for use in their specific departments that is to be used in conjunction with this ordinance. If there is any discrepancy between this Ordinance and the departmental handbook, the Ordinance shall prevail.