



Human Resource Regulations and Employee Handbook

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1.0 INTRODUCTION

1.1 THE TOWN OF GREENEVILLE WELCOMES YOU!

The Town is pleased to present you with a copy of the Town of Greeneville Employee Handbook. This handbook has been designed to inform you of policies and procedures. As a Greeneville employee, you have an opportunity to help Greeneville grow and continue to be a great place to live. Please read this Handbook in its entirety and keep it as a reference guide for questions that will arise. All segments of this handbook shall apply to all employees.

The Town of Greeneville welcomes you as an employee and extends our encouragement for continuous accomplishments in reaching your career goals as a part of the Greeneville Team.

REPRESENTING GREENEVILLE

The Town of Greeneville is dedicated to promoting Customer Service, Communication, and Results. As an employee of the Town of Greeneville, it is important to always exhibit professional performance. Courteous customer service and communication toward all citizens, colleagues, co-workers, supervisors, and the like, create results in the successful teamwork of a great place to work, Greeneville, Tennessee!

1.2 INTRODUCTION TO HUMAN RESOURCES REGULATIONS

The Town of Greeneville Human Resources Policies and Procedures, hereinafter referred to as "Human Resources Regulations," adopted by Resolution is applicable to all employees of the Town whose activities and functions are subject to the control and direction of the City Administrator. These policies and procedures and all other Town manuals do not bestow any additional rights to employees regarding employment or employment benefits. These policies and procedures are not part of a contract and no employee has any contractual right to the matters set forth herein. ***The Town reserves the right to change any and all such policies, practices, and procedures in whole or in part at any time, with or without notice to employees.***

These Human Resources Regulations shall be made available to all employees. Regular employees will receive a hard copy or electronic copy of the regulations upon employment. As an option, the employee may be provided digital access to this document. In either case, an acknowledgement of receipt shall be obtained from the employee. A copy may also be available in the Human Resource office. Any employee, who desires to review the regulations during work hours, may also review the departmental copy.

1.3 PURPOSE, OBJECTIVES AND EEO POLICY

The main purpose of these policies is to establish a high degree of understanding, cooperation, efficiency, and unity among Town employees fostered by a systematic application of good procedures in human resources administration. Another purpose is to provide uniform policies for all employees with all the benefits such a program ensures, without regard to race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information, communication with an elected public official, free speech, refusing to participate in or remain silent about illegal activities, exercising a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law. No person will be discriminated against because of the above. The Town will provide reasonable accommodation to qualified individuals with a disability unless the accommodation would pose an “undue hardship” on the Town. This policy applies to all terms, conditions, and privileges of employment and all policies of the Town, including hiring, placement, training, employee development, promotion, transfer, compensation, benefits, grievances, educational assistance, layoffs, separation of employment, and retirement.

The Town complies with Title VI of the Civil Rights Act of 1964. Title VI requires 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 financial assistance.

The fundamental objectives of these human resources administration policies are to:

1. promote and increase efficiency and economy among employees of the Town;
2. provide fair and equal opportunity to all qualified individuals on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection;
3. develop a process of recruitment, placement, and advancement that will make employment with the Town 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 human resources policy, opportunity for advancement, and consideration for employee needs and desires.

These policies shall be administered by the City Administrator, or designee, and in conformity with Charter provisions and applicable law. Violations of any policy contained in this handbook may result in disciplinary action, up to and including, separation of employment.

1.4 HUMAN RESOURCES POLICY STATEMENT

It is the policy of the Town to apply and foster a sound program of human resources management. The policies are established to address the following:

1. Employment and Placement

- a. fill all positions without undue delay in accordance with job qualifications and requirements without discrimination based on any protected class indicated in this policy manual; and
- b. establish programs for the promotion, transfer, demotion, dismissal, reassignment and/or retention 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 Human Resource department and department head;
- b. review position descriptions as needed 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, as budget will allow.

3. Employee Relations and Services

- a. develop a system of job performance standards to evaluate 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 employee grievance procedures
- e. develop a handbook to inform employees of their responsibilities, rights, and privileges; and
- f. provide and maintain a safe and healthy work environment.

4. Records

- a. establish and maintain comprehensive and uniform human resources records; and
- b. maintain confidentiality and privacy of employees to the extent allowed by law.

1.5 COVERAGE

The Human Resources Regulations will apply to all employees unless classified under exempt service in the list below. Individual employees covered under the Town of Greeneville Civil Service Rules and Regulations are covered under these policies, except under specific procedures that are outlined in the Civil Service Rules and Regulations. Temporary, seasonal, auxiliary police, and regular part time employees are subject to all regulations but may not have access to insurance benefits, leave accrual, holiday pay, or retirement benefits.

All offices and positions of the Town classified as exempt service are:

1. all elected officials;
2. the City Administrator only if specified in agreement with Board of Mayor and Aldermen;
3. members of appointed boards and commissions;
4. consultants, advisers, and legal counsel rendering temporary professional service;
5. the Town Attorney;
6. independent contractors; and
7. the Town Judge.

Some policies apply to all employees and officers of the Town including those placed in the exempt service, such as policies related to discrimination and/or harassment and polices required by state or federal law.

1.6 ADMINISTRATION

These rules will be administered by the City Administrator under the direction of the Board of Mayor and Aldermen and in conformity with the ordinance establishing a Human Resources system.

The City Administrator is the Chief Administrative Officer for the Town. He/she is responsible to the governing body for the proper operations of all Town functions. The responsibilities of the City Administrator include appointment, and, when necessary for the good of the service [§ 5.3 – Town of Greeneville Charter] separation of employment of all Town employees, enforcement and application of all laws, provisions of the Town Charter and Municipal Code, and acts of the governing body including but not limited to the Human Resources Regulations, Town of Greeneville Civil Service Rules and Regulations, and pay classification plan. The City Administrator is also responsible for implementation of additional rules, policies and procedures, which may be necessary for the proper operation of the Town or its various departments, provided that such rules and procedures are consistent with resolutions and ordinances adopted by the governing body, the Town of Greeneville Civil Service Rules and Regulations and the Town Charter. Department heads and supervisors are responsible for the administration and enforcement of the Human Resources Regulations for employees in their respective program areas.

The Human Resources Department's responsibility and functions regarding the administration of the Human Resources Regulations shall include, but not be limited to, the development and presentation of human resources regulations and recommended amendments consistent with proper employment practices to the City Administrator for consideration and presentation to the governing body. The

Human Resources Department shall also provide technical assistance to department heads and supervisors on the interpretation and application of the Human Resources Regulations.

Nothing in the Human Resources rules and regulations document shall be deemed to give employees any more property rights in their jobs than may already be given by the Town charter and/or the Civil Service Rules and Regulations, as applicable. The Town reserves the right to alter or change any or all of these rules without prior notice to employees.

1.7 AMENDMENTS TO HUMAN RESOURCES POLICIES

Amendments or revisions to these regulations, policies and procedures may be recommended for adoption by the City Administrator, or by the governing body of its own initiative. Such amendments or revisions of these regulations, policies and procedures shall become effective upon approval by the governing body.

1.8 SEVERABILITY

If any chapter or section of these regulations is found to be in conflict with Federal, State or Town laws and regulations, or court decision, that chapter or section will continue in effect only to the extent permitted by such law, regulation or court decision. If any chapter or section of these regulations is or becomes invalid or unenforceable, such invalidity or unenforceable nature will not affect or impair any other chapter or section of these regulations.

2.0 CLASSIFICATION PLAN

2.1 PURPOSE

The Town will maintain pay ranges that provide a listing of employment positions in the Town, and standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the Town service.

The Human Resource department will be responsible for maintaining accurate job descriptions in the Classification Plan in conjunction with department heads and incumbent employees and will maintain a copy of all Town job descriptions.

Employees and his/her supervisor / department director will maintain open communications and dialogue to ensure that job descriptions are periodically reviewed and updated as appropriate.

2.2 USE OF JOB TITLES

Job titles are to be used in all personnel, accounting, budget appropriation, and financial records of the Town. No person will be appointed or employed in a Town service position under a title not included in the budget, the Pay and Position Classification Plan, and not approved by the Town.

2.3 USE OF JOB DESCRIPTIONS

Job descriptions are a mechanism of communicating goals, objectives, values and expectations. The job descriptions will contain a general description of the position, essential functions, and additional duties of the job. The elements listed are not entirely inclusive or descriptive of all duties.

The job description will also contain minimum experiential, educational and training qualifications required to perform essential job functions. The minimum qualification standards on job descriptions should serve as norms for applicants coming into the job setting and should also serve as a basis for performance indicators in meeting the expectations of the Town for each employment position.

2.4 ADMINISTRATION OF THE CLASSIFICATION PLAN

The Human Resource Director is charged with maintaining the Pay and Position Classification Plan of the Town so that it will reflect the duties performed by each employee in the service of the Town and the class to which each position is allocated. It is the duty of the Human Resources Director to examine the nature of the position classes, make such changes in the Pay and Position Classification Plan as are deemed necessary by changes in the duties and responsibilities of existing positions, and periodically review the entire Pay and Position Classification Plan and recommend appropriate changes in allocations or in the classification plan itself.

2.5 ALLOCATION OF POSITIONS

Whenever a new position is established or duties of an old position change, department heads will submit in writing a comprehensive job description listing in detail the duties of such a position. The Human Resources Director will investigate the actual or suggested duties and recommend to the City Administrator the appropriate class allocation or the establishment of a new class. The City Administrator, and if applicable, the Board of Mayor and Aldermen, will then approve or change such recommendations.

2.6 NEW OR RECLASSIFIED EMPLOYMENT POSITIONS

When a new position is established, or duties of an existing position substantially change, the department head is to submit, in writing, to the Human Resources Director, a comprehensive job description that describes in detail the duties of the position. The Human Resources Director will review the actual and recommended duties provided by the department head and provide an assessment to the department head on whether the duties are sufficiently changed to warrant a change in pay classification. The job description for the new position or the revised description of an old position will be approved by the City Administrator prior to inclusion in the Pay and Position Classification Plan for the Town.

To the maximum extent possible, requests for the creation of a new position or reclassification of an existing position should be submitted between March 1st and April 1st during the annual budget process. If a department head considers a position to be improperly compensated, a request for a pay reclassification and/or wage adjustment should be submitted as soon as practical.

The City Administrator shall have the authority to create or reclassify any position as long as such position has been approved in the budget or will be submitted as a budget amendment.

3.0 COMPENSATION

3.1 PURPOSE

It shall be the policy of the Town to strictly adhere to the provisions of the Fair Labor Standards Act as applied to Tennessee municipalities. The Town will establish and maintain a Compensation Plan that assigns pay ranges to each employment position identified in the Pay and Position Classification Plan for the Town. Salaries of individual employees will be set within those ranges as approved by the Town, within budgeted fiscal resources. Exceptions must be specifically approved by the City Administrator and Board of Mayor and Aldermen during the budget approval process.

The compensation plan is intended to provide fair compensation for all classes of positions in the plan. The plan is to be used in consideration of pay ranges for other classes, 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 Town, and other factors. To this end, the Town may develop, with the assistance from staff, comparative studies of factors affecting the level of salary ranges and recommend to the Board of Mayor and Aldermen during the budget approval process such changes in salary ranges as appear to be in order.

3.2 COMPOSITION OF THE PLAN

The compensation plan for the Town may consist of minimum and maximum pay rates with intermediate levels or salary ranges for each existing pay grade (position classification).

3.3 MAINTENANCE OF THE PAY PLAN

The Human Resource Director will make comparative studies of all factors affecting the level of salary ranges and will recommend to the City Administrator changes in the salary ranges. Adjustments may be made by increasing or decreasing the salary ranges as provided in the basic salary schedule. The pay rate for each employee may be adjusted an appropriate number of levels or grades in conformity with adjusting the salary range for that class as approved by the Board of Mayor and Aldermen as the budget allows.

3.4 USE OF SALARY RANGES

Salary ranges are intended to furnish administrative flexibility in recognizing individual differences among positions allocated to the same class and to provide employee incentives. The minimum rate established for a class is the normal hiring rate except in those cases where unusual circumstances (such as inability to fill the position at the hiring rate or exceptional qualifications of an applicant) appear

to warrant employing an individual at a higher rate in the pay range. Any department head desiring to appoint an applicant to start at a salary range above the minimum must request a review by the Human Resources Director and approval from the City Administrator.

3.4 SALARY LIMITS

Employee may not be paid at a rate less than the minimum, nor more than the maximum of set pay ranges prescribed for the class in which the employee is working as set forth in the Compensation Plan, with the following exception:

Trainee Status

New employees may be hired into a position upon the review and approval of the City Administrator and Human Resource Department below the specified range for that particular employment position when the employee does not meet the minimum specified requirements for the position at the hire date, but could meet those requirements with specific training and or receipt of certificates. Employee may not remain in a trainee status for more than three (3) months without approval of the City Administrator.

3.5 PAY FOR REGULAR PART TIME WORK

When an employment decision is for a regular part time position, the individual will be paid the equivalent hourly rate for all actual time worked. Regular part time and seasonal employees may not be eligible for benefits.

3.6 HOURLY RATES

Employees paid on an hourly rate basis are paid for all actual time worked. The Board of Mayor and Aldermen may set by ordinance or resolution all salaries and wages paid by Town. Due consideration may be given to duties performed, responsibilities, technical knowledge and skills required to perform the work satisfactorily, the labor market, and availability of people having the desired qualifications.

3.7 MINIMUM WAGES

In accordance with the Fair Labor Standards Act, no employee, whether regular full time, regular part time, or on an introductory trial period, will be paid less than the federal minimum wage unless they are expressly exempt from the minimum wage requirement.

3.8 OVERTIME PAY

When it becomes necessary for an employee to work overtime hours, all employees will be paid at time and one-half their regular rate of pay for hours actually worked after their overtime threshold has been met.

The overtime threshold for most employees that are classified as non-exempt under the Fair Labor Standards Act (FLSA) is forty (40) hours worked in a work week. For police officers working a 28-day work period, overtime will be paid after 171 hours worked in the work period; for fire personnel working

a 28-day work period, overtime will be paid after 212 hours worked in the work period. The regular, straight time rate for Police and Fire will be paid after 160 hours in each 28-day period up to the overtime threshold is met.

Overtime should be authorized by prior approval of the department head or City Administrator. In cases of an emergency, any supervisor may also approve overtime in consultation with the department head. Only actual hours worked will be counted for purposes of calculation of overtime. The call back hour minimum will be counted as hours worked for purposes of overtime calculation.

Non-exempt employees who travel to attend a training class or seminar will be compensated in accordance with FLSA.

29 CFR §553.31 Section 7(p)(3) of the FLSA provides that two individuals employed in any occupation by the same public agency may agree, solely at their option and with the approval of the public agency, to substitute for one another during scheduled work hours in performance of work in the same capacity. The hours worked shall be excluded by the Town in the calculation of the hours for which the substituting employee would otherwise be entitled to overtime compensation under the Act. Where one employee substitutes for another, each employee will be credited as if he or she had worked his or her normal work schedule for that shift.

In the event of substitution, written documentation (and/or note in the electronic time keeping system) of the substitution should be submitted to payroll with time records for accountability purposes.

3.9 CALL-BACK PAY

An employee who is called back to work on an emergency basis will be compensated at their regular rate of pay for a minimum of two (2) hours for each callout. If the callout takes more than two (2) hours to complete, the employee will be paid for actual hours worked. Call-back hours will be counted as hours worked for the purpose of calculation of overtime.

3.10 COMPENSATORY AND FLEX TIME

Non-exempt employees may be compensated with time off instead of overtime pay at the rate of one and one-half times (1½) the regular rate for hours worked in excess of forty (40) hours in a work week, or in the case of public safety employees working on FLSA allowed work periods, after 212 hours (fire) or 171 hours (police) working a 28-day work period. Compensatory time must have the prior approval of the department head.

‘Compensatory Time’ for definition purposes within this policy and Town of Greeneville compensation practices is time off in lieu of monetary overtime compensation at a rate of not less than one and one-half (1 ½) hours of Compensatory time for each hour of overtime worked.

‘OTHER Compensatory Time’ for definition purposes within this policy and Town of Greeneville compensation practices is time off in lieu of monetary straight time compensation at a rate of one (1) hour of OTHER Compensatory time for each hour of time worked under the following specific circumstances:

- For police officers working a 28-day work period, OTHER Compensatory Time may be accrued at the rate of one (1) hour for each hour worked after 160 hours up to and including 171 hours.
- For fire personnel working a 28-day work period, OTHER Compensatory Time may be accrued at the rate of one (1) hour for each hour worked after 160 hours up to and including 212 hours.

'Compensatory Time' and 'OTHER Compensatory Time' may be approved instead of cash compensation for hours worked in accordance with 29 CFR 553.25 and 29 CFR 553.28 as applied to overtime requirements of the Fair Labor Standards Act (FLSA). Compensatory Time, and OTHER Compensatory Time, must be used prior to the use of any paid, or unpaid, leave (with the exception of sick leave) benefit provided for employees by the Town.

The maximum number of combined hours of Compensatory and OTHER Compensatory Time which may be carried (for non-exempt employees only) is forty-eight (48) hours.

Each hour of 'Compensatory Time' and 'OTHER Compensatory Time' must be recorded and accounted for separately and must be separately indicated on the employee time record.

Any Compensatory Time and OTHER Compensatory Time hours that are unused by June 30 of the fiscal year will be paid out on the last paycheck for the fiscal year in which it accrued.

"Flex time"- *for definition purposes*, indicates a change in the regular schedule of an employee for the purposes of training, special work assignments, emergency work assignments, or other purposes as necessary. Departments will determine flex time as needed to meet scheduling requirements. Flexing schedules within workweeks, or adopted work periods, does not count toward Compensatory, or OTHER Compensatory Time.

Department heads and supervisors will be responsible for recording all employee compensatory time, scheduling the use of the compensatory time, and require that compensatory time be used within the designated time period. Employees requesting compensatory time must record the actual hours worked each workday on the time sheets submitted for payroll. Leave requests and approvals will be maintained in the approved payroll system.

Non-exempt employee(s) will be paid for any Compensatory or OTHER Compensatory Time which is unused at the time employment is terminated based on the employee's regular rate at the time of separation of employment.

The Town reserves the right to cash out an employee's compensatory time at any time during the employee's tenure. Records of compensatory balances for non-exempt employees will be maintained by the Town Recorder/Finance Director in the approved payroll system.

3.11 TEMPORARY WORK ASSIGNMENT IN HIGHER CAPACITY

All employees who are assigned temporary work in a higher-level job with corresponding higher level(s) of responsibility may receive additional compensation for an appropriate period as determined by the City Administrator retroactive to the date of appointment. Compensation will be determined by the City Administrator based on the level of responsibilities assumed the assigned employee.

3.12 PAY RATES FOR CHANGES IN STATUS

The following pay policies shall be effective in relation to promotions, demotions, and transfers. This list is not all inclusive. Other possibilities may exist that have not been provided. This provision may also apply to uncertified police officer candidates who upon completion of the Law Enforcement Training Academy will have a change in status from uncertified to certified.

- 1. Promotion** - When an employee is promoted to a position in a higher pay range, the rate of pay will be at least the minimum rate of the higher position range unless the employee is promoted under a "trainee status."
- 2. Demotion** - In case of voluntary or involuntary demotion, the employee's rate of pay will be reduced to a lower rate comparable to other employees performing similar job duties as recommended by the department head and Human Resources Department and approved by the City Administrator. Demotions may result in a loss of pay due to re-assignment in order to be in compliance with the appropriate pay classification. Demotions shall result in a reduction in pay when a result of a disciplinary action.
- 3. Transfer** - When an employee in a position of one class is transferred to a position of another class of the same or equal pay grade level, he/she shall continue to be paid at the same base pay rate. The transfer shall have no effect on his/her anniversary date in regard to benefits.
- 4. Reclassification** - The pay of an employee whose position is reclassified and allocated to another class in the same or higher level shall be determined by the rules for transfer and promotion. The salary of an employee whose position is reclassified and allocated to another class at a lower level shall be determined by the rules for demotion.
- 5. Compensation Change Approval** - The City Administrator may authorize additional compensation, subject to available funding, when an employee temporarily assumes responsibilities that are significantly outside the scope of their normal job duties. Department heads and supervisors are not eligible for additional compensation when performing tasks of subordinates in their department. The City Administrator may approve adjustments retroactively when warranted. This provision should only be exercised in cases in which cost savings are achieved by not having to hire or train additional temporary staff.

3.13 PAYCHECKS

All employees of the Town will be paid on a bi-weekly basis. Employees will receive their pay via electronic deposit. If you have questions about your hours worked on your paycheck, please see your supervisor. If there are legitimate errors, contact Payroll (Finance) within the pay period in question or immediately thereafter for corrections.

Final Pay – Whenever possible, final pay will be paid by the next regular payday. Accrued benefits that are eligible for pay out are paid out the week after the final paycheck.

3.14 PAYROLL DEDUCTIONS

By law, the Town is required to deduct, where applicable, federal withholding taxes, Social Security taxes, and garnishments from an employee's pay. The following deductions will be made:

1. **Federal Income Tax** – Federal taxes are withheld from employees' paychecks based on the number of dependents claimed by each individual. Employees are required to file with the Town a copy of the W-4 form. In the event of changes in the employee's exemption status, a revised W-4 form must be filed before payroll deduction adjustments will be made.
2. **Social Security** – Social Security payments and deductions will be made according to the Social Security Act. The Finance Director shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.
3. **Others** – Other Town authorized deductions will be made from an employee's pay with either the employee's signed consent (*see signed receipt on the last page of this handbook of regulations*) or pursuant to a valid court order:
 - a. health/hospitalization insurance (medical service premiums),
 - b. life insurance,
 - c. dental insurance,
 - d. vision insurance,
 - e. deferred compensation payments,
 - f. credit union payments,
 - g. supplemental insurance approved by the Town,
 - h. child support or other garnishments*
 - i. charity contributions approved by the Town, and
 - j. a miscellaneous deduction, such as, to cover town equipment or property that has not been returned, as per state law and the FLSA.

*An employee who is garnished for more than one indebtedness within a 12-month period may be subject to disciplinary action in accordance with the Consumer Credit Protection Act (15 USC, Ch. 41); except for assignment(s) of wages for spousal or child support (T.C.A. 36-5-501 (c)(2)(i)).

4.0 RECRUITMENT AND SELECTION

4.1 JOB ANNOUNCEMENTS

Department heads who need to fill a job opening should contact Human Resources in order to begin the recruitment process. Vacant positions will be filled through a written request to the City Administrator and contained within the approved fiscal budget. The Human Resource Department will prepare and publicize job announcements in order to bring notice of vacancies to as many qualified persons as possible.

In-House Posting - Notice of vacant regular positions will be distributed to all departments for posting on employee bulletin boards or for circulation among employees within that department. Notice of regular vacancies will be posted for a defined time period appropriate for the vacancy.

Public Advertisement - Applicants shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that qualified applicants are obtained for Town service. The Human Resource department and the department head will determine what forms of media to extend the advertisement. The advertisement may also be included on the Town website along with appropriate local government access cable channel(s), if applicable. The type of advertisement used will be based on, but not be limited to position, skill requirement, and the level of response from other means of recruitment.

Public Safety Positions – Firefighter and police officer recruitment practices are more extensive involving the human resources department and the civil service board under additional guidelines as indicated in the Civil Service Rules and Regulations.

4.2 APPLICATIONS

The Town will make every effort to attract qualified applicants for every position. The appointing authority, or designee, will prepare and publish a public notice of vacancies in various media, tailored to attract potential candidates. The Human Resource department will also provide notice of vacancies in alternate media, radio announcements, or other methods as applicable to ensure effective communication to someone with disabilities.

All employment applications are received at Town Hall by the Finance window and given consideration by Human Resources and the hiring manager.

An applicant may be removed from consideration if the applicant:

1. declines an appointment when offered;
2. cannot be located by the postal authorities – it will be deemed impossible to so locate an applicant when a communication mailed to the last known address is returned unclaimed;
3. cannot be located via appropriate alternative means of communication;

4. moves out of, or refuses to move to, the required response radius if residency within is required for the position;
5. is currently using illegal drugs or narcotics as determined by a post-offer, pre-employment drug test;
6. is found to have been convicted of a felony or misdemeanor dependent upon the nature and gravity of the offense, the time passed since the offense, and the nature of the job sought if job-related;
7. has made a false statement on the application;
8. does not file the application within the period specified in the application/examination announcement or does not use the prescribed form or uses a different format than allowed as a reasonable accommodation; and/or
9. does not possess the minimum qualifications for the position.

Applications are only accepted when vacancies exist and will only be considered for the specific position applied. The only exception is our ongoing recruiting for part time, temporary, and seasonal positions. These include, but not limited to, lifeguards, police auxiliary, and library circulation clerks.

Applications will not remain active once a position has been filled. Applications will be retained according to the time frame as required by the records retention schedule.

Once applications are received, all candidates meeting the minimum requirements will be forwarded to the department director. The department director, in collaboration with Human Resources, will identify the most qualified candidates for interview, conduct interviews, and make recommendations to the City Administrator for hiring. The recommendation to the City Administrator shall include the candidate application, and a written recommendation to hire. All new hires shall be approved by the City Administrator.

4.3 RECRUITMENT BY EXAMINATION

All appointments in the Town service will be made according to merit and fitness and may be subject to competitive examination. All such examinations will fairly and impartially test those matters relevant to the capacity and fitness of the applicant to efficiently discharge the duties of the position to be filled.

4.4 TYPES OF EXAMINATIONS

The examinations held to establish eligibility and fitness for any class may consist of one or more of the following types of examinations as determined by the hiring authority. The Human Resource department will make reasonable accommodations in the examination process for applicants with disabilities requesting such accommodations.

1. **Written Test** – This validated test, when required, will include a written demonstration designed to show the applicant’s familiarity with the knowledge involved in the class of positions to which he/she is seeking employment.
2. **Oral Test** – This test, when required, will include a personal interview where the ability to deal with others, to interact with the public, and/or other personal qualifications are to be evaluated. An oral interview may also be used in examinations where a written test is unnecessary or impractical or as a reasonable accommodation to someone unable to take a written test due to a disability.
3. **Performance Test** – This test, when required, will involve performance tests as would aid in determining the ability and manual skills of applicants to perform the work involved. The performance test may be given weight in the examination process or may be used to exclude from further consideration applicants who:
 - a. cannot perform the essential functions of a specific position due to a disability that cannot reasonably be accommodated; or
 - b. poses a direct threat to themselves or others.
4. **Physical Agility Test** – When required, this consists of job-related tests of bodily conditioning, muscular strength, agility, and physical fitness of job applicants for a specific position. This test may be given weight in the examination process or may be used to exclude from further consideration applicants who do not meet the minimum required physical job-related standards.
5. **Psychological Test** – When required, this will include any test to determine mental alertness, psychological state/stability, general capacity of the applicant to adjust his/her thinking to new problems, or to ascertain special character traits and attitudes.
6. **Pre-employment Drug Test** – Pre-employment drug testing will be conducted for all positions. Positive results on the drug test can result in an applicant being denied employment.

4.5 NOTIFICATION AND INSPECTION OF EXAMINATION RESULTS

Each person who takes an examination will be notified by first-class mail or other appropriate means of his/her standing on the eligibility list (if one is maintained) and/or of his/her passing or failing. Each person in an examination may inspect his/her rating and the examination results within 30 days of notification of the results. These inspections will be permitted only during regular business hours and at the Human Resource office.

The Police and Fire department examination results are posted on the public bulletin board in the department and/or as indicated in the Civil Service Rules and Regulations.

4.6 RESIDENCY

Individuals will be recruited from a geographic area as wide as necessary to assure obtaining well-qualified applicants for the various types of employment positions. Recruitment, therefore, will not be limited to the residents of the Town or county. All applicants for positions that require the potential for call-back to respond to emergency situations (police, fire, and certain public works positions), may be required to live within 45-minutes from their work location. If such employees live outside this area, they may be required to relocate to within the area within (6) six months.

Civil Service residency requirements will comply with the Civil Service Rules and Regulations.

4.7 MEDICAL EXAMINATIONS, GENERAL PHYSICALS, AND FIT-FOR-DUTY EVALUATIONS

Pre-employment, post offer

Following a conditional offer of employment, every prospective employee, when required, may be examined by a licensed medical physician, occupational therapist, or other appropriate professional designated by the Town. This exam will determine whether prospective employees can perform the essential functions of the position offered. The cost of this medical examination will be borne by the Town.

Prospective employees who are unable to successfully perform the essential functions tested for in the medical examination shall have their offer of employment withdrawn only if they:

1. cannot perform the essential functions due to a disability that cannot reasonably be accommodated; or
2. poses a direct threat to themselves and/or others.

Post-hire

All employees of the Town may, during their employment, be required by their department head, with the approval of the City Administrator to undergo an initial and/or periodic examination to determine their physical and mental fitness to continue to perform the work of their positions. These examinations shall be at no expense to the employee. Determination of physical or mental fitness will be made by a physician designated by the Town.

Following a conditional offer of employment, every prospective regular full time employee will be given a job-related pre-employment physical examination based on the essential functions of the position by a licensed physician designated by the Town. The purpose of these examinations is to determine if the employee meets the necessary physical fitness standards of the position for which he/she was selected for. Regular part time, seasonal or temporary employees may be subject to medical examination as determined by the City Administrator, based on the requirements of the position. The cost of these medical examinations will be paid for by the Town. All prospective employees are subject to pre-employment drug testing.

A medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an accommodation for a disability or has a questionable ability to perform current job duties or the duties of the job for which the employee is being considered.

When a Town employee is reported by the examining physician to be physically or mentally unfit to perform work in the position for which he/she is employed, the employee may, within 10 business days from the date of his/her notification of such determination, indicate in writing to the Human Resource Director his/her intention to submit the question of his/her physical or mental unfitness to a physician of his/her own choice.

In the event there is a difference of opinion between the examining physician and the physician chosen by the employee, a physician will be mutually agreed upon and designated by both physicians. The third physician's decision will be final and binding as to the physical or mental fitness of the employee. The Town will pay for its physician, the employee will pay for his/her physician, and the third physician cost will be equally shared by the individual and the Town.

Employees determined to be physically or mentally unfit to continue in their positions may be demoted, or they may be separated from the Town service only after it has been determined that they:

1. cannot perform the essential functions due to a disability that cannot reasonably be accommodated; or
2. poses a direct threat to themselves and/or others.

4.8 MINIMUM AGE

The FLSA requires that employees of state and municipal employers be at least 16 years old for most non-farm jobs and at least 18 years old for non-farm jobs declared hazardous by the Secretary of Labor.

4.9 TYPES OF EMPLOYEES

Employees of the Town are generally classified as one of the following:

Regular full time employee – A regular full time employee is an employee who is typically scheduled to work 40 hours per week on an continuing basis; a minimum of 30 hours per week average ongoing is considered full time over the defined measurement period; is paid an hourly or salary rate, is subject to all conditions of employment, and receives all benefits offered by the Town unless specifically excluded by the Town charter, code, or ordinance.

Police and Fire personnel will comply with the Town of Greeneville Civil Service Rules and Regulations.

Regular part time employee – A regular part time employee is an employee who works part time hours on a consistent ongoing basis and whose hours cannot exceed 29 hours per week on average across the defined measurement period. Regular part time employees may not be eligible for Town benefits.

Temporary employee – A temporary employee is an employee who may work full or part time hours, depending upon Town needs during the employment period, whose employment shall not exceed six (6) months of employment in a twelve (12) month period. Following completion of six (6) consecutive months of employment, if the employee is not hired in a regular full time capacity, employment will terminate. Individuals who are classified as temporary employees and are hired to fill a regular full-time position shall begin to accrue benefits on the effective date of regular full time employment.

Volunteer Employee – A volunteer is an individual who works for the Town for no compensation.

Police Auxiliary (Part Time) – Auxiliary officers are employees hired and compensated at a rate established in the Compensation Plan.

4.10 NEW HIRES, PROMOTIONS, DEMOTIONS, TRANSFERS AND REHIRES

Pursuant to the Town charter, the City Administrator has the authority to hire, promote, and when deemed necessary for the good of the service, demote, transfer, suspend, and remove all officers and employees of the Town. All vacancies in the Town service will be filled by new hires, re-employments, promotions, appointment, conditional hires, transfer, or demotion.

Whenever a vacancy exists, a request must be submitted to the City Administrator on the forms prescribed.

1. **New Hires** – The initial employment to a position with the Town falls into two categories. They are:
 - a. **Original Hires** – when a non-employee passes all of the tests of employability and is offered conditional employment.
 - b. **Student Internship** – Students majoring in a field of value to the Town from a qualified, cooperating educational institution may be employed on an “internship” basis for an appropriate time period. The appointment must be approved by the City Administrator.
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 affecting an increase in compensation.
3. **Transfers** – When an employee desires to transfer from one department to another, it must be agreeable to both department heads involved and/or approved by the City Administrator. Transferring an employee from one position to another without significant change in the responsibility level may be effective:
 - a. when the employee meets the qualification requirements for the new position;
 - b. if it is in the best interest of the Town;

- c. if it meets the personal needs of the employee as consistent with the other requirements of this rule; and/or
 - d. as a reasonable accommodation when an employee is unable, due to a disability, to continue to perform the essential functions of the job.
4. **Demotions** – A demotion is a voluntary or involuntary assignment of an employee from one position to another that has a lower maximum pay rate, rank, and/or responsibility that could result in a reduction of pay. An employee may be demoted for any of the following reasons:
- a. because his/her position is being abolished and he/she would otherwise be laid off;
 - b. because his/her position is being reclassified to a higher pay range, and the employee lacks the necessary skills to successfully perform the job;
 - c. because there is a lack of work;
 - d. because there is a lack of funds;
 - e. because another employee, returning from authorized leave granted in accordance with the rules on leave, will occupy the position to which the employee is currently assigned;
 - f. because the employee does not possess the necessary qualifications to render satisfactory service to the position, he/she holds;
 - g. because the employee voluntarily requests such a demotion, and it is available and approved;
 - h. as a reasonable accommodation when an employee, due to a disability, becomes unable to perform the essential functions of the job; and/or
 - i. as a form of disciplinary action.
5. **Rehires** - Former employees of the Town who are offered re-employment with department head recommendation and City Administrator approval, shall not be entitled to prior service credit based on his/her previous Town employment for purpose of Town-administered benefits (i.e. annual leave, sick leave, etc.), seniority, etc.

4.11 CITIZENSHIP AND IMMIGRATION STATUS VERIFICATION

The Town will not discriminate on the basis of a person's national origin or citizenship status with regard to recruitment, hiring, or discharge. However, the Town will not knowingly employ any person who is or becomes an unauthorized immigrant. In compliance with the Immigration Reform and Control Act, all employees hired after November 6, 1986, regardless of national origin, ancestry, or citizenship, must provide suitable documentation to verify identity and employability. The documentation must be provided within three days of employment or the individual will be subject to separation.

The Town of Greeneville utilizes the USCIS E-Verify system for determining eligibility status.

4.12 INITIAL EMPLOYMENT PERIOD

All employees are “at will” and the Town is an “at will” employer under Tennessee law. This means that an employee or the town may separate employment “at-will” for any reason, so long as the reason is not for an unlawful reason.

The initial employment period is considered a time of adjustment to a new job, not a commitment or contract for a specific period of time. This period may or may not be three to six months as a reasonable timeframe.

Prior training and education of a newly hired or promoted employee with a reasonable review by the department director will determine the fit for a particular job. The supervisor and/or department director may schedule formal or informal meetings to determine job fit. Generally, this may happen more often during the adjustment period. The employee and supervisor and/or department director are encouraged to maintain open communications for a greater chance of the success of the employee and the town. The supervisor will inform the employee when his/her performance is unsatisfactory and not meeting the job requirements.

The City Administrator will require the department director to report the observations of the employee’s work and his/her judgment of the employee’s willingness and ability to perform the duties assigned no later than 6 months from the first date of employment. This will be completed in the form of a performance evaluation and provided to Human Resources for review of satisfactory performance and meets job requirements.

Police Officers and Firefighters initial employment period is established by the Town of Greeneville Civil Service Rules and Regulations.

5.0 EMPLOYMENT AND PERFORMANCE

5.1 PERFORMANCE APPRAISAL / EVALUATION

The performance of all employees will be appraised and reviewed at least annually by their immediate supervisor. The Human Resource Director will be tasked with overseeing the evaluation structure and program and process management to insure a fair and equitable system. Department directors shall insure that evaluations are conducted on all departmental personnel, and that appropriate levels of supervision conduct evaluations of their assigned personnel.

Evaluations for new hires generally occur within (3) three to (6) six months, but in no instance later than (6) six months. Appraisals will be discussed in feedback session(s) with the employees during their Initial Employment Period so they will know how they are progressing, and what they may do to improve their performance. The supervisor will review employee performance evaluations for consistency and application of proper evaluation standards for each employee being evaluated. The

failure to submit an evaluation after notice may subject the supervisor to counseling or disciplinary action. Employee performance evaluations shall be made a part of the employee's Human Resources file. The City Administrator will conduct a performance evaluation for all department heads annually.

The evaluation system should address objective, measurable job-related goals for employee development and performance to improve individual, departmental, and Town goals and objectives.

Employees who have deficiencies in performance, and/or job-related deficient behavior identified in the evaluation process may be placed on a performance improvement plan for an appropriate period of time as determined by the supervisor in conjunction with Human Resources.

5.2 RESERVED MERIT/PAY FOR PERFORMANCE PLAN

5.3 WORKDAY / WORKWEEK

Pursuant to the FLSA, a workweek is a regular recurring period of 168 hours consisting of seven consecutive 24-hour periods. Generally, five days per week constitute a workweek for regular employment. Public safety employee schedules may entail more or fewer days in the workweek and be subject to work periods of longer than one week under the FLSA. The Town work week begins at 12:00am Sunday through 11:59 Saturday for each work week. Public safety personnel observe 28-day work periods.

5.4 HOURS OF WORK

The City Administrator, in conjunction with department heads, shall establish hours of work for each position and the hours during which offices shall be open for business. Public service needs will be taken into account in determining regular working hours. The normal work period for regular full time Town employees shall consist of not less than forty (40) hours within seven (7) calendar days. Typically, a working day for employees will consist of eight (8) hours, except in the case of public safety employees, whose shifts may vary.

5.5 ATTENDANCE

Punctual and regular attendance is necessary for the Town to operate efficiently. The Town provides a variety of forms of leave to cover absence from work. Employees are expected to report for duty and be ready to begin work by the start of the regular work day or their regular shift, unless on approved leave. Department directors will set working hours for their departments. In the event that a department has not scheduled unique working hours, the standard work day of 8:00am – 5:00pm will be observed. Adjustments to schedules for personal convenience must be approved in advance by the department head or City Administrator. Department directors will set departmental practices for scheduling leave.

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 the anticipated time and date they will return to work. When this is not possible due to sudden illness or emergency, the employee is to notify his/her supervisor as soon as possible, and in all cases, prior to the start of the work day in which the employee will be absent. Failure to notify one's supervisor of absences may result in disciplinary action. Employees found falsifying time sheets and/or excessively tardy will be subject to disciplinary action up to and including separation of employment.

5.6 BREAKS

A 15-minute paid rest break may be provided when possible depending upon the work flow and type of job performed. Generally, this may be after a (4) four hour work period for labor intensive jobs. The employee's supervisor will determine the time and designate the proper location.

When a break is taken for 20 minutes or more, the break is considered an unpaid break.

5.7 LUNCH PERIOD

An unpaid lunch period shall be provided to all FLSA non-exempt employees after working between 4-6 hours, but no later than (6) six-hours after start of the work day.

The lunch period shall be deducted from the number of regular hours scheduled for an employee's normal work day unless work is performed. If work is performed during the lunch period, it will be treated as compensable time under FLSA. The duration of the lunch period for specific employees, work sites or crews shall be determined by the department head with the approval of the City Administrator and in accordance with all provisions under the Fair Labor Standards Act.

Public safety employees may not be provided an unpaid lunch due to nature of the work.

5.8 TIME RECORDS

All employees shall record actual hours worked on a time record. Department heads and supervisors shall review and approve all-time records.

Hourly employees will have a lunch period of 30 minutes automatically deducted from their work day for convenience of the employee and the Town. If an employee performs work during the automatically deducted lunch period, the employee must inform their supervisor to insure that pay is received for hours worked during this period.

The following rules shall apply to the use of time records:

1. Employees are responsible for accurately recording their work time and total hours worked for each workday.
2. Employees are not permitted to sign in/clock in more than seven (7) minutes before their normal starting time, on a consistent basis or to sign out/clock out late after their normal quitting time without the prior approval of their supervisor.
3. Employees given permission by their supervisor to leave their job assignment for any purpose besides Town business during work hours must sign/clock out when leaving and sign in upon returning to work.
4. An employee failing to properly sign/validate his/her time record must have it immediately approved or verified by a supervisor or department head to ensure payment for hours worked. Failure to properly record hours worked may result in not being paid for those hours in question on the time record. Continued non-compliance may result in disciplinary action.
5. No non-supervisory employee shall alter another employee's time record at any time. An employee that alters another employees' time record shall be subject to disciplinary action up to and including separation of employment.

5.9 NEPOTISM

No member of defined family (spouse, parent, parent-in-law, child, stepchild, children-in-law, sibling, sibling-in-law, grandparent, grandchild, niece, nephew, aunt, or uncle) can supervise members of his/her defined family. This does not preclude employment of defined family members under other lines of supervision, or in other departments. If the Town cannot reasonably transfer one of the defined family members to another department, and the defined family members can't decide which one will leave voluntarily, the employee in the more junior position will be subject to separation of employment. All instances of possible nepotism are subject to review by the City Administrator.

5.10 OUTSIDE EMPLOYMENT

With the approval of City Administrator, outside employment ("moonlighting") is permissible, provided that there is no conflict of interest or impairment of work performance for the Town. Before outside employment begins (including self-employment), employees must present a written request to their department head for City Administrator approval, describing the work to be performed, name and location of employer, contact information for employer, and the estimated work schedule including hours and days of the workweek on the approved form(s). Outside employment requests will become part of the employee's Human Resource file.

Police Officers may be provided as “security” outside of the department by the Police Chief with the City Administrator’s approval.

Approval of sick time from an injury at another employer under “Other Employment” will be at the discretion of the City Administrator

Approved outside employment may be withdrawn at the discretion of the City Administrator.

Employees who violate this policy are subject to disciplinary action, up to and including termination.

5.11 PERSONAL RELATIONSHIPS

If a personal, romantic, or intimate relationship is established between two or more employees post-hire, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to the City Administrator and/or Human Resources. When a conflict or potential conflict arises due to the relationship affecting employment, the Town reserves the right to make any and all employment decisions in the best interest of the Town.

6.0 LEAVE AND BENEFITS

6.1 LEAVE POLICIES

Leave is a benefit for regular, full time employees only. It is not a privilege and can be altered and/or removed at any time by the Town. The Town’s benefits and leave policies have been designed with the health and well-being of its employees in mind.

6.2 PAID HOLIDAYS

The following days are considered paid holidays for all ongoing regular full time employees. Holiday leave is awarded at the rate of eight (8) hours.

See Schedule next page

Paid Holiday Schedule*	
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Good Friday	Friday preceding Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve	4 hours on day before Christmas
Christmas Day	December 25
Employee's Birthday	Taken on date of or within 90 days following birthday

* The paid holiday schedule is subject to change on an annual basis

Weekend Holidays

Holidays that fall on Sunday are typically observed the following Monday by those employees working Monday through Friday; holidays that fall on Saturday are observed on Friday by those employees.

Regular Holiday Pay

All ongoing regular full time employees shall be entitled to eight (8) hours pay at their regular straight time hourly rate for each full holiday. Holiday pay is not used in the calculation of hours worked for the purpose of calculating overtime.

To receive compensation for a holiday, employees eligible for holiday benefits must be in an active pay status on their last regular shift scheduled before a holiday and their first regularly scheduled shift after a holiday. It will be the supervisor's responsibility to report to payroll the names, hours, and dates of employees who work holidays.

Holidays listed above may be taken within a ninety (90) day window (within 45 days prior or 45 days following) the holiday listed, with exception of Employee's Birthday, which must be taken no later than 90 days following the birthdate.

6.3 ANNUAL LEAVE

Annual is a leave benefit granted to employees as part of the Town's benefit package. Annual leave will begin to accrue at the end of an employee's first full pay period. Annual leave may be taken as earned, subject to the prior approval of the department head, who shall schedule leave in accordance with staffing requirements.

Eligibility

All regular full time employees, working, or in paid status of a minimum of 32 hours is eligible to accrue annual leave time.

ANNUAL LEAVE ACCRUAL RATES/LIMITS			
The following schedule outlines how annual leave will be accrued:			
LENGTH OF SERVICE	Accrual Rate	Annual Rate	Limit
0- 5 years	1.8462	96	196
After 5-10 years	2.1538	112	212
After 10-15 years	2.4615	128	228
After 15-20 years	2.7692	144	244
After 20 years	3.0769	160	260

Approval

Annual leave will be granted to eligible employees and approved by the department head. Employees must give the department head as much advance notice as possible. The department head will take into consideration the requirements of maintaining adequate service.

If two employees request annual leave for the same period, preference will be given to the employee who submitted the request first. Leave will be granted on a first come, first serve basis. If the absence of both employees will not interfere with normal operations, the department head has the option of scheduling both employees for the same or overlapping annual leave period.

Compensatory Time Use

If the employee has accrued compensatory time, the employee is required to use compensatory time before using annual and personal leave.

Increments

For annual leave purposes, leave cannot be taken in less than quarter-hour (0.25) hour increments.

Accrual while on Workers' Compensation

Employees on Worker's Compensation Leave will continue to accrue annual leave during the period of absence, as it relates to the policy for accrual.

Annual Pay Following Separation

All eligible employees who voluntarily terminate from employment, with appropriate advanced notice, with the Town will be paid for any accrued, unused annual leave. Employees who are involuntarily terminated from employment, or resign in lieu of separation, are not eligible for payout of accrued, unused, annual pay.

Transfer of Annual Leave

Employees are not permitted to transfer or loan their time to another employee.

Military

Service in the Tennessee National Guard, militia, or military reserves may be charged as annual leave at the option of the employee. Employees electing to coincide annual time with military leave shall receive full pay for the specified annual leave above and beyond leave as provided for by Tennessee law.

Sick Leave Use Bonus Leave

As an incentive against abuse of sick leave, an employee shall earn eight (8) additional hours of annual leave for each six-month period (Jan to Jun; Jul to Dec) he/she works a minimum of 32 hours per week and does not take sick leave.

At no time shall an individual’s total credit for annual leave exceed the maximum number of hours he/she may earn annually according to the number of years’ service plus one-hundred (100) hours. Annual leave may not be used before it is earned.

6.4 PERSONAL LEAVE

All full time, regular employee of the Town will be granted sixteen (16) hours of Personal Leave time each calendar year (January 1). This leave cannot be carried over from year to year. Personal leave must be taken by the work period prior to the final pay period in each calendar year. In the first year of employment, an employee who is hired after January 1, will be granted personal leave hours according to the table below for the month in which employment begins:

PERSONAL LEAVE RATES/LIMITS	
Does not carry over to next year	
New Hires	
January 1 to June 30	16 Hours
July 1 to December 1	8 Hours

6.5 SICK LEAVE

Sick leave shall not be considered a right which an employee may use at his/her discretion, but rather as a privilege. Sick leave is intended as an insurance policy against the threat to an employee's income posed by a serious illness or accident. Sick leave is a benefit to be used for legitimate sick leave purposes. Sick leave is not an employee entitlement but a benefit that is employer owned.

Each employee should attempt to build as much sick time as possible as a protection against unexpected emergencies. Employees are encouraged to take sick leave when they are ill, but at the same time are cautioned against abuse of the sick leave privilege.

Accrual of Sick Leave: Sick leave will be granted to ongoing regular full time employees and may be taken once earned and credited. Sick leave may not be taken until it is earned. Employees will accrue 1.8462 hours of sick leave for each week in which 32-hours are worked, or in paid status.

Generally, employees are eligible to use sick leave in the situations outlined below:

1. Employee is incapacitated by illness or non-job-related injury
2. He/she is seeking medical, dental, optical, psychological or other diagnosis and treatment.
3. Necessary care and attendance of a member of the employee's immediate family when approved by their department head. (Immediate family for purpose of this policy is defined as: father, mother, spouse, child, stepchild, foster child, or person for whom the employee legally stands in loco parentis).

Increments: For sick leave purposes, sick leave cannot be taken in less than one-quarter (0.25) hour increments, except required by law.

Sick Leave Notification: The employee is required to notify his/her supervisor as soon as practical but no later than the start of the workday. The employee should make every effort to reach the supervisor directly to explain the reason for absence.

Health Care Statement: Supervisors have the right to request a healthcare provider's statement at any time. Whenever possible, an employee should provide a healthcare statement or other evidence of illness in writing. A healthcare statement shall specify that the employee was ill and unable to work on the specific dates of absence being requested as sick leave. The department head may require a healthcare statement when abuse of sick leave is suspected.

A healthcare statement must be presented to support any sick leave requests for extended illness. The use of a large number of sick leave hours, does not, in itself, indicate abuse of sick leave, nor does it constitute a poor sick leave record. Absences requiring more than three (3) consecutive days of sick leave will require a healthcare statement.

Sick Leave Abuse Prevention: Employees who abuse sick leave or deliberately make, or cause to make, false or misleading statements or claims regarding the necessity for sick leave shall be subject to disciplinary action up to and including separation of employment. Patterns of absence may indicate possible abuse of sick leave. Patterns could include but are not limited to, frequent use, frequent sick

leave in conjunction with days off, holidays or annual leaves, using sick leave as soon as it is earned or taking sick leave when other accrued leave is denied.

To prevent abuse of the sick leave privilege, department heads are required to satisfy themselves to the extent possible that the employee is genuinely ill before approving sick leave. An employee who is absent because of illness shall notify his/her supervisor or other appropriate person as soon as possible but at least prior to the start of the workday in which the employee will be absent. Department heads may set more stringent reporting requirements if necessitated by the nature of the job. Failure to call in as required may result in the absence being charged to leave without pay, in addition to any disciplinary action that may be indicated. An advance written request for sick leave is required whenever possible.

Each day deducted from an employee's sick leave accumulation shall be for a regular workday or part thereof and will not include holidays and scheduled days off. Employees who requested annual leave may not change their designation to sick leave without proper healthcare provider documentation.

If sick leave abuse is determined, management should take the appropriate steps to counsel employees to improve their attendance. All supervisors confirming an absence as sick leave, knowing the cause not to be justified, or failing to report the absence, shall be subject to the same disciplinary action as the employee.

Employees may not borrow against future sick leave. An employee, upon exhausting all accrued sick leave, may use accrued annual leave, or take leave without pay.

Accrual while on Worker's Compensation: Employees on Worker's Compensation Leave will continue to accrue sick leave during the period of absence, as it relates to the policy for accrual.

Separation of Employment: Employees who separate from employment with the Town will not be paid for any accrued, unused sick leave.

Retirement Credit (TCRS ONLY): An employee who retires under the TCRS (Tennessee Consolidated Retirement System) may have unused sick leave credited as additional time worked when calculating the employee's retirement benefits for service credit calculation only.

6.6 SICK LEAVE DONATION PROGRAM

The Town of Greeneville recognizes that employees may have a family emergency or a personal crisis that causes a severe impact to them resulting in a need for additional time off in excess of their available sick leave. To address this need all eligible employees will be allowed to donate sick leave from their unused balance to their co-workers in need in accordance with the policy outlined below. This policy is strictly voluntary.

Eligibility & Guidelines for Donors

1. Employees who donate sick time must be employed with the Town of Greeneville for a minimum of (1) one year.
2. Employees who donate sick time from their unused balance must adhere to the following requirements:
 - a. Donation minimum- 4 hours
 - b. Donation maximum- 40 hours, or no more than 50% of your current balance.
 - c. Employees cannot exhaust their balances due to the fact that they may experience their own personal need for time off.
3. Employees cannot borrow against future sick time to donate.
4. Donation of sick time will not affect earning an annual day for not using sick leave (bonus).
5. Employees who are currently on an approved leave of absence shall not donate sick time.

Eligibility & Guidelines to Apply for Donated Time

Employees who would like to make a request to receive donated sick time from their co-workers must have a situation that meets the following criteria:

1. Family Health Related Emergency
 - a. Critical or catastrophic illness or injury of the employee;
 - b. An immediate family member that poses a threat to life and/or requires inpatient or hospice health care; or
 - c. A personal crisis of a severe nature that directly impacts the employee; this may include a natural disaster impacting the employee's primary residence such as a fire or severe storm.
2. Employees who receive donated sick time may receive no more than 480 hours (12 weeks) within a rolling 12-month period.
3. All accrued leave time earned shall be used prior to using additional donated time.
4. Immediate family member is defined as spouse, child, parent or other relationship in which the employee is the legal guardian or sole caretaker.
5. Any unused sick leave remaining to a leave recipient's credit on termination of the medical emergency must be restored to the sick leave accounts of the donor(s).
6. The employee will accrue paid leave while receiving donated leave.
7. The cumulative total of donated leave, and any additional wage replacement policies (i.e. Short-Term Disability), shall not exceed 100% of the employee's average earnings.
8. Donated leave may not be used to supplement Workers' Compensation.

Procedure

1. Employees who would like to make a request to receive donated sick time are required to complete a Donation of Sick Time Request Form per event which includes authorization to present their request to the employees of the Town of Greeneville for the sole purpose of soliciting donations.
2. Employees who wish to donate sick time to a co-worker in need must complete a Donation of Sick Time Form.
3. The Town of Greeneville strictly prohibits any compensation or consideration given in exchange for donated time.
4. All forms shall be returned to the Human Resources Director.

Approval

1. Requests for donations of sick time shall be reviewed by the Director of Human Resources, the Department Director, and the City Administrator.
2. An Employee will have exhausted all accrued paid leave time plus three days without pay, per event, before using donated sick time. Donated sick time may only be used for time off related to the approved request, and any time donated but not required to be used in the specific event shall be returned to the donor.
3. Any sick time donated that is in excess of the time off needed will be returned to the donors on a prorated basis.
4. An Employee who has been disciplined for attendance related issues, such as, excessive absenteeism and abuse of time off may be denied donated leave at the discretion of the City Administrator.

6.7 LEAVE OF ABSENCE WITHOUT PAY

After employees have exhausted their accrued paid leave, leave without pay may be granted at the discretion of the City Administrator as a reasonable accommodation to qualified individuals with a disability, serious employee health condition or injuries or the serious health conditions of a member of the employee's immediate family.

Employees may also be placed on leave without pay if unable to perform his/her 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 healthcare provider they shall be given preference for employment in a position for which they are qualified, with the approval of the City Administrator.

If the employee exhausts all paid leave, including FMLA, and needs additional time off for personal health reasons, he/she may apply for a leave of absence without pay for up to three (3) months if he/she is a regular full-time employee. The request for leave must be given to the Human Resource Director at least thirty (30) days prior to the start of the requested leave unless the leave is an emergency.

The City Administrator may or may not approve the request for a leave of absence without pay. The decision is at his/her discretion. Some of the matters considered in approving the request are the Family Medical Leave Act, the Tennessee Maternity-Paternity Leave Act, the Americans with Disabilities Act, Military Leave, employee's length of service, employment record and the reason for the absence, and the nature of the position held will also be reviewed to determine the time away from the job is reasonable for the town to operate efficiently.

While an employee might originally request a leave of absence without pay for a period of three (3) months, it is possible that extensions may be granted. However, the total leave and extensions may not exceed 6-months.

Employees granted leave without pay in excess of three (3) months will be notified that:

No firm assurance can be given that an employee will be reinstated or if he/she will return to the same position upon expiration of the leave in the event that it is in the best interests of the Town to reassign the employee to another position during his/her absence. This provision does not apply to employees on approved FMLA leave.

An employee may be laid off during their absence if there is a reduction in force which would have occurred during the period of unpaid leave affecting his/her position. If this should occur, the employee shall be notified.

Employees must notify the Human Resource Director of the anticipated date of return to work prior to that date. When an employee returns from an approved leave of absence without pay, he/she may be placed in his/her previous or a similar position, if available. If the same or similar position is not available, the employee may receive preference for employment in any available position for which he/she is qualified.

If the employee fails to return to work at the conclusion of the leave of absence without pay, the employee will be subject to disciplinary action up to and including termination. If the employee is unable to return to work, he/she is responsible for requesting an extension, in advance, from the City Administrator, or designee.

There may be changes to the employee benefits during a leave of absence without pay. Employee should contact the Human Resource Director to determine changes to which he/she may be subject.

Maintenance of Benefits during Leave of Absence Without Pay

The Town is not required to maintain employee benefit coverage while the employee is on leave of absence without pay that is not protected under the Family Medical Leave Act, Tennessee Maternity-Paternity Leave Act, or applicable Military Leave.

An unpaid leave under the Tennessee Maternity Paternity Leave Act will not affect the employee receiving benefits under the Town's policies. The Town does not provide payment for any portion of the benefits under this unpaid leave. If an employee's job position is so unique that the Town cannot, after reasonable efforts, fill that position temporarily, then the town shall not be liable for failure to reinstate the employee at the end of the leave period.

If a position is critical enough to create a hardship to the Town's service and cannot be filled temporarily, the Town is not obligated to reinstate the employee to Town employment.

In cases where the leave of absence without pay would trigger a qualifying event (such as a termination of coverage), COBRA will be offered.

6.8 FAMILY AND MEDICAL LEAVE ACT

Purpose

The purpose of this policy is to provide a family and medical leave policy in compliance with Public Law 103-3, titled Family and Medical Leave Act (FMLA) of 1993. The policy also provides the changes to FMLA that come as part of the National Defense Authorization Acts as amended.

Eligibility

The Family and Medical leave policy is applicable to employees who have worked at least 12 months for the Town and who have worked at least 1,250 hours during the preceding 12-month period. Such employees are eligible for a maximum of 12-26 weeks leave under the act, depending upon eligibility circumstances. Special rules apply for husbands and wives employed by the same employer, for exempted key employees (top 10 percent of all wage earners, and who are paid on a salary basis), and for local educational agencies. Individuals who are *not* covered include elected officials, political appointees, volunteers, independent contractors, and legal advisors.

FMLA Circumstances

Employees may be eligible for Family and Medical Leave for one or more of the following reasons:

1. For the birth and care of the newborn child of the employee;
2. For placement with the employee of a son or daughter for adoption or foster care;
3. To care for an immediate family member with a serious health condition as defined by the FMLA;
4. Medical leave when the employee is unable to work because of a serious health condition;
5. To care for an immediate family member as defined under the FMLA who is injured while on active duty if that injury renders the service member unfit for military duty;
6. To handle a "qualifying exigency" relating from an employee's spouse or child being called to active duty.

Paid / Unpaid Leave

Family Medical Leave (FML) may be paid or unpaid. If the employee has available paid leave, that leave will run concurrently with FML. If the employee does not have paid leave available, or he/she exhausts paid leave, while out on FML, the remainder of the approved FML will be unpaid.

Employees requesting FML must generally use their accumulated compensatory time, sick leave, or annual/vacation leave. The combination of paid leave, and unpaid leave may not exceed the total allowable leave under the FMLA.

Guidelines

An eligible employee may take up to 12 weeks of FML in a 12-month period for the birth of a child or the placement of an adopted or foster care child. Leave may also be taken to care for one's self, a child, spouse, or parent who has a serious health condition. The right to take leave applies equally to male and female employees who are eligible. Eligible employees may take up to 12 weeks of FML to deal with family issues resulting from a spouse, son, daughter or parent being called to active duty (including being notified of an impending call to active duty).

Eligible family members of military personnel defined as the spouse, son, daughter, parent or next of kin of a covered service member may take a maximum of 26 weeks leave under FML to care for a wounded member of the armed forces. This includes family members of the National Guard or Reserves who are undergoing medical treatment, recuperation, therapy or other medical treatment for a "serious injury or illness".

The "parent", as defined the Family and Medical Leave Act, need not be the employee's biological parent, provided that the individual "stood in loco parentis" (acted as a parent), to the employee when the employee was a child. Benefits under FMLA are not extended to parents-in-law.

FMLA defines the term "spouse" to mean a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a same-sex marriage or common law marriage. "Spouse" also includes a husband or wife in a marriage that was validly entered into outside of the United States if it could have been entered into in at least one state. No employer would be required to grant an eligible employee FML to care for an unmarried domestic partner.

"Son or daughter" is defined in part as one who is under age eighteen (18) or as an adult who is incapable of self-care because of a mental or physical disability. Medical leave may be taken for a biological child, as well as foster children, adopted children, step children or legal wards such as a niece, nephew or grandchild whom the employee is raising.

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Inpatient care in a hospital, hospice or residential medical care facility, including any period of incapacity or subsequent treatment.
2. A period of incapacity of more than three consecutive calendar days that also involves treatment two or more times by a health care provider or treatment which results in a regimen of continuing treatment under the supervision of the health care provider.
3. Any period of incapacity due to pregnancy or for prenatal care.
4. A chronic condition that requires periodic treatments, continues over an extended period of time, and may cause episodic rather than a continuous period of incapacity.
5. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, requiring continuing supervision of a health care provider.

6. Multiple treatments either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatments, such as cancer, severe arthritis or kidney disease.

Serious Injury or Illness for an Injured Service member is defined as a covered service member's injury or illness incurred in the line of duty on active duty in the Armed Forces that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating. This could include medical treatment, recuperation, therapy, outpatient care and other treatments for a serious injury or illness.

During periods of unpaid FML, an employee may not accrue any paid leave benefits during the leave period in weeks in which they work fewer than 32 hours.

Spouse / Same Employer

If spouses are employed by the same employer and eligible to take leave for the birth or adoption of a child, or care for a parent, their aggregate leave under FMLA is limited to 12 weeks. If the father takes four weeks leave to care for a child, the mother would be entitled to eight weeks leave, for a total of 12 weeks. If, however, the spouses experience their own serious health condition, both employees are entitled to the full 12 weeks.

Right to Return to Work

On return from FML, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his/her position has been restructured to accommodate the employee's absence.

If the employee is unable to perform the essential functions of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the FMLA. The Town, however, may be required by the Americans with Disabilities Act (ADA) to offer the employee an accommodation (i.e. additional leave, light duty, job restructuring, etc.).

Notice and Scheduling

An eligible employee must provide the Town at least 30 days advance notice of the need for leave for birth, adoption, or planned medical treatment when it is foreseeable. This 30-day advance notice is not required in cases of medical emergency or other unforeseen medical events.

Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this 30-day notice.

It is the Town's responsibility to designate leave in writing as FMLA leave and to notify the employee. Employees may not retroactively claim that leave was for FMLA. Failure to provide notice of the need for FML may result in the leave not being designated as FML.

The Town will, if necessary, provide the notice of employee FMLA rights in alternate formats.

Certification

The Town reserves the right to verify an employee's request for FML. If an employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the Town may require that the request be supported by certification from the health care provider of either the eligible employee or the family member, as appropriate. Failure to submit proper certification may result in a delay of FML approval. If the Town has a reason to question the original certification, the Town may, at the Town's expense, require a second opinion from a different health care provider chosen by the Town. The health care provider may not be employed by the Town on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding.

Payment for the third shall be divided between the employee and the Town. This certification must contain the date on which the serious health condition began; its probable duration, and appropriate medical facts within the knowledge of the health care provider regarding the condition. The certification must also state the employee's need to care for the family member. Medical certifications will be treated as confidential and privileged information under HIPAA and the State's Public Records laws as appropriate.

An employee may be required to report periodically to the Town the status and the intention of the employee to return to work. Before return is granted, employees who have taken unpaid leave under this policy may be required to furnish the Town with a medical certification from the employee's health care provider that the employee is able to resume work.

Failure to provide certification in a timely manner may result in delay or denial of FMLA.

Reduced and Intermittent Leave

FMLA Leave may be taken intermittently or on a reduced schedule when medically necessary as certified by the health care provider. Intermittent leave is defined as the smallest increment the payroll system will accommodate. Intermittent or reduced leave schedules for routine care of a new child can be taken only with the Town's approval. The schedule must be mutually agreed upon by the employee and the Town.

Employees on intermittent or reduced leave schedules may be temporarily transferred by the Town to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule.

Intermittent or reduced leave may be spread over a period of time longer than 12 weeks, but it will not exceed the equivalent of 12 workweeks total leave in a 12-month period.

Restoration

Employees who are granted leave under the FMLA policy will be reinstated to an equivalent or the same position held prior to the commencement of their leave. Certain highly compensated key employees, who are salaried and among the 10 percent highest paid workers, may be denied restoration.

Restoration may be denied to key employees if:

1. the Town shows that such denial is necessary to prevent substantial and grievous economic injury to the Town's operations;
2. the Town notifies the employee that it intends to deny restoration on such basis at the time the Town determines that such injury would occur; and
3. in any case in that the leave has commenced, the employee elects not to return to work within a reasonable period of time after receiving such notice

Employees voluntarily accepting a light duty assignment in lieu of continuing FML maintain their right to restoration to the original or an equivalent job until the twelve (12) weeks of FML has passed.

Failure to Return to Work

According to the FMLA "if an employee is unable to or does not return to work at the end of twelve (12) weeks of FML, all entitlement and rights under the FMLA cease at that time; the employee is no longer entitled to any further restoration rights under the FMLA, and the employer is no longer required to maintain group health benefits pursuant to the FMLA."

Notification of Discharge

An employee may be discharged from employment at the end of the twelve (12) week entitlement period if the employee has not returned to work, has not supplied written notification of their intent to return to work or is unable to perform his/her job duties. The Town, however, may be required by the Americans with Disabilities Act (ADA) to offer the employee an accommodation (i.e. additional leave, light duty, job restructuring, etc.) prior to discharge.

The 12-Month FMLA Period

The 12-month period during which an employee is entitled to 12 workweeks of FML is measured as follows: An employee is entitled to 12-26 weeks of leave during the 12-month period after the leave begins. The next FML period will begin the first time the employee requests FML after the completion of the previous 12-month period (counted backward from the date of the last leave) using the fall back method.

Denial of FMLA Leave

If an employee fails to give timely, advance notice when the need for FMLA leave is foreseeable, the Town may delay the taking of FMLA leave until 30 days after the date the employee provides notice to the Town of the need for FMLA leave.

If an employee fails to provide, in a timely manner, a requested medical certification to substantiate the need for FMLA leave due to a serious health condition, the Town may delay continuation of FMLA leave until an employee submits the certificate. If the employee never produces the certification, the leave is not designated as FML.

If an employee fails to provide a requested fitness-for-duty certification to return to work, the Town may delay restoration until the employee submits the certification.

Employee Benefits While on FMLA

During periods of FML, the Town will continue to provide health insurance benefits at the employee rate. If premiums are current, the Town will maintain health insurance benefits during periods of unpaid leave without interruption. Any payment for premiums or other payroll deductible insurance policies must be paid by the employee. The Town is obligated to reinstate employment benefits upon an employee's return to work.

The Town has the right to recover from the employee all health insurance premiums paid by the employer during the unpaid leave period if the employee fails to return to work after leave. In the event that an employee is unable to pay his/her portion of premiums during the time of unpaid FML, the Town may deduct any unpaid premiums from the employee's pay upon return to work, subject to FLSA restrictions. Employees who fail to return to work because they are unable to perform the essential functions of their job, because of their own serious health condition, or because of the continued necessity of caring for a seriously ill family member may be exempt from this recapture provision.

FML under this policy does not constitute a qualifying event that entitles an employee to Consolidated Omnibus Budget Reconstruction Act (COBRA) benefit; however, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not be returning to work. At that point, the employee ceases to be entitled to leave under this policy and may be offered COBRA.

Workers' Compensation While on FMLA

Workers' Compensation injury/illness meets the criteria for a serious health condition, therefore the workers' compensation absence and the FMLA leave entitlement will run concurrently.

6.9 TENNESSEE MATERNITY / PATERNITY LEAVE ACT

Under Tennessee State Law, maternity/paternity leave is granted to employees for a maximum of four (4) months. The first twelve (12) weeks of leave may fall under the Family Medical Leave Act (FMLA) – if FML is available - and the remaining time will fall under maternity/paternity leave. Eligible employees must be employed regular full time for at least twelve (12) months to receive maternity/paternity leave under the TN Maternity/Paternity Leave Act.

Employees may be required to use accrued paid leave during maternity/paternity leave. Accrued leave and maternity/paternity leave will run concurrently. Leave may also be with or without pay at the discretion of the Town. Such leave shall not affect the employees' right to receive vacation time, sick

leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which the employees were eligible at the date of their leave, and any other benefits or rights of their employment incident to the employees' employment position; provided, that the Town need not provide for the cost of any benefits, plans or programs during the period of such leave unless such Town so provides for all employees on leaves of absence.

The purpose of this leave is to provide time off for pregnancy, childbirth, nursing, and/or bonding with the infant. If the Town finds that the employee pursued other employment opportunities or worked regular part time or regular full time for another employer during the period of maternity/paternity leave, then the Town does not have to reinstate the employee at the end of the leave period.

The employee must provide at least three (3) months advance notice of his/her anticipated date of departure, except in those cases where a medical emergency prevents this notice. The employee should state the length of his/her requested leave and detail the intention to return to fulltime employment after the leave.

Employees who are prevented from giving three (3) months' advance notice because of a medical emergency which necessitates that leave begin earlier than originally anticipated shall not forfeit their rights and benefits under this section solely because of their failure to give three (3) months' advance notice. Employees who are prevented from giving three (3) months' advance notice because the notice of adoption was received less than three (3) months in advance shall not forfeit their rights and benefits under this section solely because of their failure to give three (3) month's advance notice.

A pregnant employee may continue working as long as she and her doctor feel that the work does not pose a hazard to her health, and as long as she can continue to perform the duties of her position in a satisfactory manner.

An employee who plans to return to work will use her accrued vacation/annual leave following the expiration of her sick leave. Following the expiration of all leave, leave without pay may be granted. In cases where medical problems continue after pregnancy, or in other special situations, additional paid leave or leave without pay may be used upon the presentation of a doctor's statement outlining the reasons for the additional leave time with the recommendation of the employee's department head, and the approval of the City Administrator.

If an employee's job position is so unique that the Town cannot, after reasonable efforts, fill that position temporarily, then the Town shall not be liable under this section for failure to reinstate the employee at the end of such leave period except when covered under FMLA. Whenever the Town shall determine that the employee will not be reinstated at the end of such leave because (1.) the employee's position cannot be filled temporarily or (2.) because the employee has used such leave to pursue employment opportunities or to work for another employer, the Town shall so notify the employee.

These four months (or 16-weeks) and 12-weeks allowable under FMLA. run concurrently.

6.10 AMERICANS WITH DISABILITIES ACT (ADA)

Purpose

The purpose of this policy is to provide a policy in compliance with 42 U.S.C. 12101 et. seq.: The Americans with Disabilities Act (ADA) as amended. The Town is committed to the fair and equal employment of individuals with disabilities under the ADA. It is the Town's policy to provide reasonable accommodation to individuals with disabilities who are qualified for the job in question unless the accommodation would impose an undue hardship on the Town. The Town prohibits any harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested a reasonable accommodation.

In accordance with the ADA, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment and all employees.

Eligibility

The ADA policy applies to any qualified individual with a disability who can perform the essential functions of the job with, or without, a reasonable accommodation.

Disability

"Disability" refers to a physical or mental impairment that substantially limits one or more major life activities. A "qualified person with a disability" means an individual with a disability who has the requisite skills, experience, and education for the job in question, and who can perform the essential functions of the job with or without reasonable accommodation.

Reasonable Accommodation

The Town will seek to provide a reasonable accommodation for a known disability or at the request of an individual with a disability. A "reasonable accommodation" is any change or adjustment to the job application process, work environment, or work processes that would make it possible for the individual with a disability to perform the essential functions of the job and does not place undue hardship on the Town. Temporary modified duty (light duty) may be offered to employees as a reasonable accommodation. The Town may reserve light duty positions for employees with occupational injuries (it does not create new light duty jobs when needed). The ADA requires the Town to consider reassigning an employee with a disability who is not occupationally injured to light duty as a reasonable accommodation.

Essential Job Functions

For each position, the job description typically will identify essential job functions. The Human Resource department generally will review job descriptions on a periodic basis to evaluate job functions designated as essential. An applicant's or employee's questions about a job's requirements should be directed to the Human Resource Director.

Requesting a Reasonable Accommodation

An applicant or employee with a disability is responsible for requesting an accommodation from the Human Resource Director, the City Administrator, or the employee's supervisor or department head, and engaging in an informal process to clarify what the applicant or employee needs and to identify possible accommodations.

The Town will inform the applicant or employee of his/her rights under the ADA and document the interactive process discussions. An applicant or employee may be required to provide documentation from an appropriate professional, such as a doctor or a rehabilitation counsellor, concerning the applicant's disability and functional limitations. If an applicant or employee disagrees with the result of the medical examination, the applicant or employee may request a second examination performed and paid for by the applicant or employee. In the event of a disagreement in the two previous medical opinions, a third opinion may be obtained with both parties sharing the cost of the examination.

The applicant or employee should describe the problem created by a workplace barrier so that an appropriate accommodation may be considered. Typically, the Human Resource department will work with the applicant or employee to identify possible reasonable accommodations and to assess the effectiveness of each in allowing the applicant or employee to complete the hiring process or perform the essential functions of the job.

Based on this interactive process, a reasonable accommodation will be selected that is appropriate for both the Town and the individual. While an individual's preference will be considered, the Town is free to choose between equally effective accommodations with consideration toward expense and impact on the rest of the organization.

A request for reasonable accommodation may be denied if it would create an undue hardship for the Town. The Human Resource Director will provide notification in writing of denial based on undue hardship. Factors to be considered when determining whether an undue hardship exists include the cost of the accommodation, the organization's overall financial resources, the financial resources of the particular facility at which the accommodation is to be made, the number of employees at the facility, the total number of employees of the organization, and the type of operation.

Safety

All employees are expected to comply with all safety procedures. The Town will not place qualified individuals with disabilities in positions in which they will pose a direct threat to the health or safety of others or themselves. A "direct threat" means a significant risk to the health or safety of one's self or others that cannot be eliminated by reasonable accommodation. The determination that an individual with a disability poses a direct threat typically will be made by the City Administrator, in collaboration with the Human Resource Director and department head, and will be based on factual, objective evidence. A written copy of the determination will be given to the applicant or employee so that he or she may submit additional information and/or challenge the determination that he or she poses a direct threat.

Confidentiality

All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

Complaint Procedure

It is the policy of the Town to prohibit any harassment of, or discriminatory treatment of, applicants or employees on the basis of a disability for requesting a reasonable accommodation. If an individual feels he or she has been subject to such treatment or has witnessed such treatment, the situation may be reported to any supervisory employee of the Town including the City Administrator.

If an employee disagrees with the decision of the Town regarding reasonable accommodation requests, he/she can proceed under the Town of Greeneville Grievance process.

The Town's policy prohibits retaliation against an applicant or employee for exercising his or her rights under the ADA or applicable state fair employment laws. Any employee found to have engaged in retaliation against an applicant or employee for exercising his or her rights or for making a request for reasonable accommodation under this policy will be subject to disciplinary action up to and including discharge. If an applicant or employee feels he or she has been retaliated against, the situation may be reported to any supervisory employee of the Town.

6.11 MILITARY LEAVE (FULL TIME)

Any employee who is or becomes a member of the armed forces of the United States (including the Army, Army Reserves, Army National Guard, Navy, Naval Reserve, Marine Corps, Marine Corps Reserve, Air Force, Air Force Reserve, Air National Guard, Coast Guard, Coast Guard Reserve, Commissioned Corps of the Public Health) and leaves work for initial training for the Guard or Reserves, leaves work to join active duty military, or is called to active duty, will be placed on military leave. Such employee must present his/her supervisor or department head with advance notice of the active duty orders. The employee's seniority, status and pay will remain unchanged during his/her time of military leave. Continued health insurance coverage will be offered up to 24 months, with the employee paying premiums due for such policy. An employee wishing to continue health insurance coverage during his/her military leave shall provide a mailing address where notices of premium payments due may be sent.

The process for reinstatement of employees returning from military leave begins when the employee submits an "application for re-employment." Said application must be submitted within ninety (90) days of the end of service, or from the end of hospitalization continuing after discharge for a period of not more than one (1) year for an injury/illness related to deployment.

The returning employee will be re-employed in the position they would have attained had they not been absent for military service, with the same seniority, status and pay.

6.12 MILITARY RESERVISTS LEAVE

Any employee who is a member, or may become a member of any reserve component of the armed forces of the United States or of the Tennessee Army and Air National Guard will be entitled to a leave of absence from their respective duties for periods of military service during which they are engaged in the performance of duty or training in the service of this state, or of the United States, under competent orders. While on such leave, the employee will be granted paid leave up to twenty (20) days (160

hours) in any one (1) calendar year for days of service falling on days which the employee is scheduled to perform work for the Town.

Qualified employees who seek paid leave under this policy must provide the official order calling for their service or training to their supervisor. Employees serving in the National Guard or Military Reserve will receive full compensation for a period of twenty (20) days (or 160 hours) of military leave each calendar year, excluding holidays and scheduled off days. Such leave will not be charged to any form of accrued paid leave. An employee requesting military leave shall provide the Town the dates for training and travel time in advance. After the twenty (20) working days (or 160 hours) of full compensation, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, may use up to five (5) days of sick leave in lieu of annual leave for the purposes of not having to take leave without pay.

Active State Duty: Army/Air National Guard and TN State Guard, Civil Air Patrol

In addition to the leave of absence provided above, employees who are members of the Tennessee army and air national guard on active state duty or the Tennessee state guard and civil air patrol shall be entitled to an unpaid leave of absence from their respective duties, without loss of time, pay not specifically related to leave of absence time, regular leave or vacation, or impairment of efficiency rating for all periods of service during which under competent orders he/she is engaged in the performance of duty or training in the service of this state, including the performance of duties in an emergency.

Pursuant to T.C.A. § 42-7-102, members of the United States air force auxiliary civil air patrol who participate in a training program for the civil air patrol, or in emergency and disaster services, as defined in T.C.A. § 58-2-101, are entitled to a leave of absence with pay for a period of not more than fifteen (15) days during a calendar year for such purposes if the leave of absence is at the request of the employee's wing commander or the wing commander's designated representative. Employees granted leave are entitled to their regular salary during the time that they are away from their regular duties. All the rights and benefits of the employee continue as if a leave of absence had not been granted.

It is the responsibility of the employee to make arrangements with their department head for leave to attend monthly meetings on regular off-time, with the expectation that the paid leave granted herein will be applied to the annual training periods required for reservists.

6.13 ADMINISTRATIVE LEAVE

Upon recommendation of the employee's department head and review by Human Resources, and approval of the City Administrator, employees may be placed on administrative leave at full, partial, or no pay for a variety of purposes, when it is determined that it is in the best interest of the Town.

Absences under Administrative Leave may also be authorized when an employee is under investigation or otherwise required to be absent from duty, but not covered by compensatory, annual, or sick leave. An employee may also be placed on administrative leave as a disciplinary measure.

6.14 ABSENCE WITHOUT LEAVE

An absence from duty for which the employee has not notified and/or provided prior notification to the supervisor, and/or which is not approved as leave because of an unsatisfactory explanation, will be considered absence without leave. In addition, to any disciplinary action that may be taken, an employee shall have an amount of wage equivalent to the hours charged as absence without leave deducted from his/her bi-weekly pay. Unless approved, absences without leave for three (3) consecutive days shall be considered an automatic resignation without proper notice.

6.15 JURY SERVICE LEAVE

When an employee receives a summons to report for jury duty or lawsuit, he/she is required to provide a copy of the summons to his/her immediate supervisor within one (1) business day of receiving the summons. Upon presentation of the summons, he/she will be excused from employment for the day or days required while serving as a juror in any court of the United States or the state of Tennessee; provided, that such employee's responsibility for jury duty exceeds three (3) hours during the day for which excuse is sought.

Upon release from jury duty during the employee's normal working hours, he/she will be expected to return to duty. Employees will receive full pay during jury service. The Town will pay the employee such employee's usual compensation and may deduct an amount equal to the fee or compensation the employee received for such employee's jury service.

If an employee summoned for jury duty is working a night shift or is working during hours preceding those in which court is normally held, such employee will also be excused from employment as provided by this section for the shift immediately preceding the employee's first day of service on any jury duty. After the first day of service, when such person's responsibility for jury duty exceeds three (3) hours during a day, then such person shall be excused from the person's next scheduled work period occurring within twenty-four (24) hours of such day of jury service. Any question concerning the application of the provisions of this subsection to a particular work shift or shifts shall be conclusively resolved by the trial judge of the court to which the employee has been summoned.

6.16 COURT LEAVE

Employees are authorized official leave to attend court on Town related business as a result of a subpoena. If at any time during the judicial process the employee is released from such duty, the employee shall immediately report for work to his/her supervisor if said time is within the employee's normal duty hours. Upon return to duty, the employee shall furnish evidence of having rendered the service required for the court service. The employee may be required to sign over his/her court paycheck (if applicable) to the Town and will receive his/her regular salaries for the period of court leave. Court leave is not charged to any form of accrued paid leave.

An employee who is issued a subpoena on a non-Town related business matter must use paid leave, if available, or unpaid leave for any time during which he/she would be scheduled to work. An employee will not be paid his/her regular wages unless testimony is dependent on his/her observations or actions while acting in their capacity as an employee of the Town.

6.17 SEVERE WEATHER LEAVE

Greeneville is located in an area that occasionally receives severe weather. Weather conditions may warrant a shift in work schedules for Town employees. The City Administrator will determine changes due to severe weather conditions.

Unless otherwise directed, all employees are expected to report to work at their regular time and to remain at work throughout the course of their regularly scheduled workday.

Non-Public Safety Personnel may choose to work during adverse weather conditions if road conditions allow for safe travel.

1. In the event that Town hall is closed for adverse weather conditions, the following will apply:
 - a. Hourly employees absent from work due to adverse weather shall use either annual time, comp time, or personal time for compensation for the hours of work lost due to adverse weather conditions.
 - b. Hourly employees may have the option to coordinate with their supervisor/department directors to make up time lost (in the same week) due to adverse weather conditions in lieu of using accumulated leave, if possible. The department director will ultimately determine the feasibility of employees making up lost time due to adverse weather.
 - c. Salary personnel are expected to use professional judgment in completing work whether at the designated work site or at home when weather conditions prevent safe travel.
2. In the event of nominal delays or early dismissal of (2) two-hours or less, the following will apply:
 - a. Hourly employees who report to work on time and as scheduled will be paid, as scheduled. No time will be charged against leave time.
 - b. Hourly employees who choose to not report to work after a nominal delay will be charged leave or have the option to request and coordinate with supervisor / department director to make up their scheduled hours, if possible.
 - c. Hourly employees who report late due to severe weather, but within the nominal delay period, will be paid for actual hours worked, plus the nominal delay pay. If the sum of nominal delay time, plus the actual hours worked, equals fewer hours than the scheduled work day, the remainder will be charged to annual leave, personal leave, or compensatory time; or will be unpaid if no paid leave is available.
 - d. Salary personnel are expected to make every effort possible to attend to responsibilities with or without a two-hour delay or early dismissal.
 - e. The two hours or less that is provided for delays or early dismissal will not be counted as hours worked when calculating weekly overtime.

Public Safety Personnel must be available to work even in the most severe of weather conditions.

1. Public Safety Personnel includes for the purposes of this policy: public works employees (as determined by the department director), uniformed police officers, and uniformed fire fighters. These employees should make every safe effort possible to make their normal work shift during adverse weather conditions.
2. Public safety personnel who do not report to work when the Town is closed will be charged annual, personal, or compensatory time leave.
3. If an employee believes she/he cannot commute safely between his/her home and place of work during periods of severe weather, the employee is required to notify his/her supervisor and use either annual, personal, or documented compensatory time to cover the time off.

All employees who are required to take leave time are required to submit leave documents.

6.18 VOTING LEAVE

It is the policy of the Town to provide employees time off to vote in state, national, and local elections and to establish a procedure for reporting the time missed from work.

Employees who are registered voters may receive reasonable time off to vote if they request such time off before 12 noon the day before the election. The supervisor may specify the hours during which the employee may be absent to vote, and the time off may not exceed three hours. No time off will be granted if the polls in the county where the employee is a resident are open three (3) or more hours before the employee is scheduled to begin work or if the polls close three (3) or more hours after the employee's work schedule ends.

Time off to vote shall be recorded as non-working paid hours. Time off to vote is recorded for nonexempt employees as non-worked time when calculating overtime.

In accordance with Public Chapter 741, which amended TCA Section 2-9-103 effective April 15, 1998, any regular full time employee appointed by a county election commission to work regular part time as a voting machine technician, shall be granted unpaid leave for the day(s) required for the technician's duties. Supporting documentation may be required by the appropriate approving authority for the period of duty.

An employer may not require the employee to use accrued annual leave and/or compensatory time for the period. However, paid leave may be used at the employee's option by completing a leave request form.

6.19 BEREAVEMENT LEAVE

It is the policy of the Town to provide all regular, full time employees time off without loss of pay due to the death of an immediate family member as defined below.

Upon approval by the department director, an employee who is absent during his/her regularly scheduled work week due to the death of an immediate family member shall receive payment for reasonable and customary days absent, such (3) three days of payment or not to exceed 24 hours.

Immediate family shall be deemed to include:

Legal Spouse	Parents (or Stepparents)	Current Mother/ Father-in law
Children (stepchildren)	Legal Adopted Child	Grandchildren,
Sister/Brother	Stepsister/Brother	Current Sister/Brother-in-law
Aunt and Uncle	Grandparents	Great-Grandparents
Legal Guardian	Children (by court order)	

In addition to approved bereavement leave, other forms of accrued paid leave may be granted at the discretion of the department in addition as needed. Additional leave will be charged at full value for all firefighters. Proof of these relationships may be required.

At the discretion of the employee's department head, unused, accrued paid leave may be used in the event of the death of a non-immediate family member not listed in this section.

6.20 DEATH OF AN EMPLOYEE

Upon the death of a regular full-time employee, his/her beneficiary will receive his/her next due payroll check, and pay for accrued annual and personal time, if eligible for such time, and unpaid compensatory time for non-exempt employees. Further, his/her beneficiary shall be given complete assistance by the Human Resource Department in settling pension, life, and hospital insurance benefits.

6.21 BENEFIT PROVISIONS

Health Benefits

The Town recognizes that employee benefits are a critical component in career decisions. The Town intends to provide a comprehensive benefits package that remains affordable and value based.

Eligibility

Employees are eligible for benefits when employees work a minimum of thirty (30) hours per week averaged over the defined measurement period. These benefits may include: medical coverage, dental coverage, and flexible benefit options. The Town may also choose to offer voluntary benefits, such as accident, Accidental Death and Dismemberment (AD&D), supplementary life insurance, etc.

If employees' hours drop below 30 hours per week on a regular basis, employees may lose eligibility for health insurance, and employees and all covered dependents will be offered COBRA.

Employees are responsible to list only dependents that are eligible for coverage as defined by the plan rules. If a covered dependent becomes ineligible based on the plan rules, it is the employee's responsibility to notify the Human Resource Director immediately. Employees must notify the Human Resource Director of any changes in status within thirty (30) days of the status change. This includes: dependent status change, address changes, divorce, marriage, birth, adoption, reduction in work hours, or any other change that could affect benefit plan eligibility.

Benefit Effective Dates

The health benefits plan document will determine the effective date of coverage.

Health Coverage

Eligible employees must enroll for coverage during the open enrollment period, during the initial new employee orientation period, or upon a qualifying event. Employees who are temporary, seasonal, or who work fewer than 30 hours per week average are not eligible for health insurance coverage.

Annual Open Enrollment / Transfer Period

Each plan year employees will have the opportunity during annual open enrollment to make changes to their benefit plans. Health plans, benefit designs, eligibility rules, and premiums are subject to change each plan year.

Dental, Vision, Wellness and Flexible Benefits Coverage

Additional coverage such as dental, vision, wellness and flexible benefits may be available. Please contact the Human Resource Director to enroll in the above referenced benefits.

Flexible Benefit Plans / Section 125

The Flexible Benefit plans offered by the Town allow employees to pay their share of certain insurance premiums on a pre-tax basis. If employees enroll in health, dental, or vision insurance, the premiums may be deducted from his/her paycheck before taxes, saving employees and the Town from paying taxes on those premiums.

Flexible Spending Accounts

The Town's Flexible Benefit plans may allow employees to set up savings accounts to pay for qualifying out-of-pocket expenses related to medical, dental, and vision care on a before tax basis. With these accounts, employees make deposits to the accounts through a tax-free salary deduction and employees will be reimbursed for incurred eligible medical and/or dependent care expenses. Flexible Benefit plans are governed by the IRS and are subject to IRS regulations.

Contribution

The Town may elect to contribute toward the cost of health benefits. The Town's contributions are subject to change each year based on budgetary needs and will be approved within each annual fiscal budget.

Qualifying Events

Employees are responsible to notify the Town if they experience any significant life event such as birth, marriage, divorce, legal separation, adoption, legal placement of a child, change of address, reduction in the employee's regularly scheduled work hours, or a dependent change in status (i.e., school status). Some qualifying events will allow employees to make changes to benefits including adding or dropping dependents or terminating/adding coverage. Employees should notify the Town within thirty (30) days of experiencing a qualifying event.

Credit Union

An employee may join the Greeneville Employee's Credit Union via payroll deduction. It is the responsibility of the employee to make arrangements directly with the Credit Union for enrollment. Information is available in the Human Resources Department.

Group Life Insurance

Regular, ongoing, full time employees are provided group life coverage and accidental death and dismemberment at no premium cost to the employee. The amount of coverages are available through the Human Resources Department.

Retirement Benefits

Regular, ongoing, full time employees are qualified for coverage under the Tennessee Consolidated Retirement System (TCRS). Contribution levels, and regulations pertaining to TCRS retirement are available in the Human Resources Department.

6.22 COBRA – CONTINUATION COVERAGE

Under the federally mandated Consolidated Omnibus Budget Reconciliation Act (COBRA), the Town offers employees and their families the opportunity to temporarily extend their health insurance coverage in certain instances in which coverage under the group health plan would normally end. Former employees may not be required to pay more than the group rate for this coverage, plus a 2 percent administration fee. That is, 102 percent of what it costs the Town for the same coverage.

Some examples of qualifying events could be: reduction in employees hours resulting in loss of eligibility, separation of employment (voluntary or involuntary), dependent eligibility changes (age status), divorce, and legal separation.

Employees covered under the Town plan have a right to continue coverage if they lose it through reduction in regular work hours or employment separation for reasons other than gross misconduct.

A spouse of a covered employee also has a right to continue coverage if coverage would be lost because the employee dies, employment is terminated other than for gross misconduct, the employee and spouse become divorced or legally separated, or the employee becomes eligible for Medicare benefits.

Dependent children may also continue coverage if the employee dies, employment is terminated other than for gross misconduct, the parents become divorced or legally separated, the employee becomes eligible for Medicare, or the child ceases to be a “dependent child” under the terms of the plan.

If separation of employment or reduction in hours is the qualifying event that triggers lost coverage, continuation coverage can be in effect for 18 months. All other qualifying events will trigger continuation coverage that lasts up to 36 months. Coverage will end before 18 or 36 months, however, if certain other events take place (i.e. if the employee becomes eligible for coverage under another group health plan).

Employees and family members have the responsibility to inform the plan administrator about any change in status. Failure to do so may terminate rights to elect continued coverage. Those eligible for continuation coverage have 60 days from the date they would normally lose coverage to elect to continue under the plan.

Premium Payments

Failure to make timely premium payments may result in termination of coverage.

6.23 LIFE INSURANCE

The Town may provide regular full-time employees an opportunity to participate in the Town’s group life insurance plan. Coverage shall be effective immediately upon employment.

The current rate of coverage for employees shall be reviewed and determined on a periodic basis. The Town contribution rate shall be set by the Board of Mayor and Aldermen and reviewed upon receipt of any notice of rate change provided by the insurance carrier or agent.

The Town offers basic life insurance to employees. For amounts of benefit, please refer to the Benefits Summary provided by Human Resources.

Additional Options

Accidental Death and Dismemberment (AD&D), Optional Special Accident Insurance, Optional Universal Life, and Term Insurance, or other voluntary protection plans may be offered.

6.24 UNEMPLOYMENT COMPENSATION INSURANCE

The state of Tennessee offers unemployment benefits through the Employment Security Division. The Town is a contributory employer under the program.

Unemployment insurance benefits provide income to individuals who have lost employment through no fault of their own. The benefits are intended to partially offset the loss of wages while an unemployed individual search for suitable work, or until the employer recalls the individual back to work.

This coverage is authorized in the Tennessee Employment Security Law, which requires most types of employers with one or more employees to pay the cost of the insurance. Nothing is deducted from the employee's wages to pay for this coverage.

If an employee becomes unemployed, the individual should visit the local office of the Tennessee Department of Employment Security to determine eligibility for benefits under the Act.

6.25 EMPLOYEE ASSISTANCE PROGRAM

Types of Assistance Available

The Town recognizes that a wide range of problems not directly associated with one's job function can affect an employee's job performance. In most instances, such personal problems can be overcome independently and the effect on job performance will be minimal. In other instances, normal supervisory counseling will provide the needed motivation or guidance by which such problems can be resolved so that job performance will return to an acceptable level. In some cases, regardless of the efforts of the employee or supervisor, unsatisfactory job performance persists over a period of time, either constantly or intermittently.

To support our employees, the Town:

1. Encourages employees to seek help if they are concerned that they or their family members may have personal issues.
2. Encourages employees to utilize the services of qualified professionals to assess issues and identify appropriate sources of help.
3. Ensures the availability of a current list of qualified professionals through the EAP.

It is the policy of the Town to handle such issues within the following framework:

Voluntary EAP Participation

1. The Town recognizes that almost any human issue can be successfully treated, provided it is identified in its early stages and appropriate referral is made, whether the issue is one of physical, mental or emotional illness, finances, marital or family distress, alcoholism, drug abuse, legal issue or other concerns.

2. When an employee's job performance or attendance is unsatisfactory and the employee is unable or unwilling to correct the situation, either alone or with normal supervisory assistance, a cause outside of the realm of job responsibilities may be the basis of the issue.
3. The purpose of this policy is to assure employees that, if personal issues are a contributing factor to unsatisfactory job performance, the employee will receive careful consideration and an offer of assistance to help resolve these problems in an effective and confidential manner.

Management Referral

1. When an employee's work performance or attendance is unsatisfactory, it will be called to his/her attention per the regular procedure by the supervisor.
2. If performance or attendance problems continue, the department head, in conjunction with the Human Resources Department, will discuss the problem formally with the employee, and the employee may be required to seek assistance through, or placed in 'mandatory referral' (required attendance to) the EAP as a part of corrective action. Both the job-related problem and any requirement to seek assistance through EAP must be documented.
3. Under mandatory referral, the initial assessment with the EAP may be scheduled during regular work time, provided that the time away from the employee's department is approved by the department head. If approved, the employee will be paid for this time away from the department at the regular rate of pay, but only for the initial assessment. Counseling time extending past the employee's regular scheduled work shift will not be compensated. The employee may use sick leave for subsequent visits.
4. If the employee accepts the offer of EAP assistance and the job performance or attendance problems improve to a satisfactory level, no further action will be taken. If the employee's job performance or attendance problems continue, the regular disciplinary procedures will apply.
5. When the department head refers the employee for assistance, further communications will be made to the Human Resource Department by the counselor only if a Release of Information has been signed by the employee. Generally, the only information that is released to the employer is whether or not the employee complied with and attended the appointment and is following the treatment plan.

The Town's EAP Program is operated by outside providers and available to employees and family members living in the immediate household. Except under the circumstances outlined in Subsection "5" above, all information is confidential.

6.26 TRAINING

Employees are encouraged to take advantage of education and training benefits offered to employees of the Town to improve their job skills and qualify for promotions. These benefits are limited to training and education that are relevant to the employee's current position or determined by management to provide the employee with expanded skills and abilities to contribute to the goals and objectives of the Town.

These benefits will be available to all employees on a first-come, first-served basis, subject to availability of budgeted funds provided annually by the Town during the budget process, and upon the prior approval of the City Administrator.

Training Requests

Requests for education and training may be initiated by either the employee or department head. The department head is responsible to work with his/her employees to identify training opportunities that would be of value to the department and the Town and to notify employees of the opportunity to gain additional training. Individual employees shall also share the responsibility for training by notifying the supervisor and/or department head of training opportunities that would be of value to the employee and the department.

The department head will authorize or require employee attendance and participation at conferences, seminars, workshops, or other functions of a similar nature that are intended to improve or upgrade the employee's job skills.

Requests to attend training sessions, when possible, should be made as far in advance as possible of the training deadline for registration. The Town must have a process to ensure that all employees have an equal opportunity to complete training classes. The department head will determine who will attend training sessions based upon verification of available fiscal resources.

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

7.0 CIVILITY, HARASSMENT AND SAFETY

Workplace Harassment is defined as:

Any unwelcomed verbal, written or physical conduct that either degrades or shows hostility or aversion towards a person that

- (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment;*
- (2) has the purpose or effect of unreasonably interfering with an employee's work performance; or*
- (3) affects an employee's employment opportunities or compensation.*

7.1 WORKPLACE VIOLENCE AND HARASSMENT

This policy meets the requirements of Tennessee Code Annotated, Section 50-1-503(b)

General Harassment and Violence

The Town is committed to preventing workplace violence and to maintaining a safe work environment. It is the policy of the Town to promote a productive, safe and healthy work environment for all employees, customers, vendors, contractors and members of the general public and to provide for the efficient and effective operation of the Town's activities. Employees and customers are to be treated with courtesy and respect at all times.

Employees are expected to maintain a productive work environment free from harassing or disruptive activity including threats of physical violence. No form of bullying or harassment will be tolerated, including sexual harassment and harassment based on race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information, communication with an elected public official, free speech, refusing to participate in or remain silent about illegal activities, exercising a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law. This policy applies to all Town employees, elected officials, appointed officials, regular part time/temporary employees, and contractors. The governing body may discipline an elected official in whatever manner it deems appropriate, consistent with its authority under state law, the municipal charter, ordinances, resolutions or other rules governing discipline of elected officials.

Workplace Harassment defined as:

Any unwelcomed verbal, written or physical conduct that either degrades or shows hostility or aversion towards a person that (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an employee's work performance; or (3) affects an employee's employment opportunities or compensation.

The Town will not tolerate bullying, or verbal or physical conduct by an employee which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.

1. No employee or non-employee shall be allowed to harass any other employee or non-employee by exhibiting behavior including, but not limited to, the following:
 - a. Verbal harassment – Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slurs; offensive flirtations or propositions; verbal intimidation; exaggerated criticism or name-calling; spreading untrue or malicious gossip about others.
 - b. Physical Harassment – Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.
 - c. Visual Harassment – Displaying derogatory or offensive posters, cartoons, publications or drawings.

- d. **Bullying** – Workplace bullying refers to unwanted aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. The imbalance of power involves the use of physical strength, access to embarrassing information, or popularity to control or harm others. This behavior may be performed by individuals (or a group) directed towards an individual (or a group of individuals).
2. Under no circumstances are the following items permitted on Town property, including Town-owned parking areas, except when issued or sanctioned by the Town for use in the performance of the employee's job:
 - a. dangerous chemicals;
 - b. explosives or blasting caps;
 - c. other objects carried for the purposes of injury or intimidation.
 3. Investigation timelines will comply with those outlined in the Town disciplinary processes, and/or the Town Civil Service Rules and Regulations, as applicable.
 4. Copies of the investigative report with recommendations for appropriate action will be turned over to the City Administrator as appropriate for further action.
 5. Anyone determined to be responsible for threats of, or actual violence, or other conduct that is in violation of this policy will be subject to prompt disciplinary action up to and including separation of employment.
 6. Employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisors, Human Resources, or the City Administrator before the situation escalates into potential violence. The Town is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns. Employees have the right to file a police report at their own discretion.
 7. Employees are prohibited from interfering or attempting to interfere with any departmental investigation.
 8. False allegations will be dealt with on a case by case basis, and depending on the outcome, may include disciplinary action, up to and including separation of employment.

The Town will not tolerate harassment of its employees. The Town will take immediate steps to stop such harassment when it occurs.

This policy applies to all officers and employees of the Town including, but not limited to: full and regular part time employees, elected officials, seasonal and temporary employees, employees covered or exempt from the Human Resources rules or regulations and/or the Civil Service Rules and Regulations, and employees working under contract for the Town.

Sexual Harassment

The following actions constitute an unlawful employment practice and are absolutely prohibited by the Town when they affect employment decisions, create a hostile work 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 sexually oriented comments on appearance;
6. Sexually 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 non-employees
9. Demeaning insulting, intimidating or sexually suggestive written, recorded or electronically transmitted materials (such as email, instant message, and internet materials).

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.

Making harassment complaints

An employee who feels he/she is subjected to harassment should immediately contact a person (listed below) with whom the employee feels the most comfortable. Any number of individuals may be chosen. The object is to give several options to a harassment victim. Complaints may be made orally or in writing to:

1. The employee's immediate supervisor,
2. A department director,
3. The human resources director,
4. The City Administrator,
5. the Town attorney.

Employees have the right to circumvent the employee chain-of-command when selecting the person to complain to about 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 allegedly committing the harassment, including their title(s), if known;
3. the specific nature of the 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.

Employee Obligation

Employees are obligated to report instances of harassment. Employees are also obligated to cooperate in every investigation of harassment. The obligation includes, but is not limited to, coming forward with evidence, both favorable and unfavorable, for 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 to refrain from making bad faith accusations of harassment.

Disciplinary action may be taken against an employee who fails to report instances of harassment, or who fails or refuses to cooperate in the investigation of a complaint of harassment, or who files a complaint of harassment in bad faith. Employees are prohibited from interfering or attempting to interfere with any departmental investigation. False allegations will be dealt with on a case by case basis, and depending on the outcome, may include disciplinary action up to and including separation of employment.

Reporting and investigating harassment complaints

The Human Resource Director, or designee as appropriate, is the office the Town designates as the investigator of harassment complaints against employees. In the event the harassment complaint is against the Human Resource Director, the investigator shall be independent outside counsel appointed by the City Administrator or provided through the Town employment practices liability insurer.

When an allegation of harassment is made by any employee, the following shall occur:

1. the Town will separate the complainant and accused party for the duration of the investigation upon the approval of the department head and City Administrator;
2. the investigator will meet with the employees, any witnesses, the supervisor(s), any other members of management considered appropriate and other individuals that may have relevant information. The investigator may elect to conduct a hearing as part of the investigation process;
3. the investigator will prepare a report of the complaint according to the preceding section and submit it to the City Administrator;
4. the investigator will make and keep a written record of the investigation, including notes on:
 - a. verbal responses made to the investigator by the person complaining of harassment,
 - b. witnesses interviewed during the investigation,
 - c. the person against whom the complaint of harassment was made, and
 - d. any other person contacted by the investigator in connection with the investigation.
5. the investigator will prepare and present the findings to the City Administrator in a report, which will include:
 - a. the written statement of the person complaining of harassment;
 - b. the written statements of witnesses;
 - c. the written statement of the person against whom the complaint of harassment was made;and

- d. all the investigator's notes connected to the investigation.
6. If the Town suspects a criminal act has occurred, the investigation process may be turned over to the Greeneville Police department or an outside agency for review.

Actions on complaints of harassment

If the Human Resources Director or City Administrator determines that the report is not complete in some respect, they may question the person complaining of harassment, the person against whom the complaint has been made, witnesses to the conduct in question, or any other person(s) who may have knowledge about the harassment.

Based upon the report and his/her own investigation, the Human Resources Director and/or City Administrator, within a reasonable time, will determine whether the conduct in question constitutes harassment.

In making that determination, the Human Resources Director and/or City Administrator may 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. The decision of whether harassment actually took place will be determined on a case-by-case basis.

If the Human Resources Director and/or the City Administrator determines that the harassment complaint is founded, the Town shall take immediate and appropriate disciplinary action against the guilty employee, consistent with its authority under the Town charter, ordinances, resolutions, or rules governing its authority to discipline employees, including the Civil Service Rules and Regulations, as applicable.

The disciplinary action may include oral counseling, written reprimand, suspension, demotion, mandatory referral to the EAP program, or separation of employment depending upon the severity of the matter and circumstances surrounding the incident(s).

A written record of disciplinary actions, including oral reprimands, shall be maintained in the employee's human resources file.

Determining the level of disciplinary action shall also be made on a case-by-case basis. The disciplinary action may be consistent with the nature and severity of the offense and any other factors the City Administrator believes relate to fair and efficient administration of the Town. 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 Town. The Town will notify the employee who filed a harassment complaint of the outcome of the investigation once determined.

In all events, an employee found guilty of violation of this policy shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the investigation. All other Town employees are also warned not to retaliate in any way to the above-mentioned parties. Any such retaliation or harassment will be dealt with immediately and may include disciplinary action, up to and including separation of employment.

If the employee complaining of harassment is not satisfied with the manner in which the Town addressed the complaint, the employee shall be given an opportunity to present a request for review of the outcomes to the City Administrator.

The request must specifically identify what aspect of the Town's response was not satisfactory to the employee and why it was not satisfactory. The Town will comply with timelines outlined in any applicable grievance or complaint processes included, if any, in the personnel policies and/or the Civil Service Rules and Regulations.

The Office of the City Administrator will render a determination in the matter within prescribed timelines, and in the manner outlined in applicable grievance or complaint processes included, if any, in the personnel policies and/or the Civil Service Rules and Regulations.

The decision of the City Administrator will be final in all such matters, unless otherwise provided for in these personnel policies and/or the Civil Service Rules and Regulations.

The City Administrator has the authority to appoint a neutral third party (arbitrator) to be the final decision-maker in lieu of the City Administrator when he/she determines that a neutral third party is in the best interest of the Town.

In all cases where the complaint is filed against the City Administrator, a neutral third party, appointed by the governing body, shall be used as a final decision-maker. In cases where harassment is committed by a non-employee against a Town employee in the workplace, the Town shall take whatever lawful action is necessary against the non-employee to bring the harassment to an immediate end.

7.2 WORKPLACE SAFETY

The Human Resource Director serves as Chairman of the Safety Committee and is designated as the Town Safety Director for coordination and purposes of reporting to OSHA and TOSHA and other regulatory safety agencies. As part of the safety management plan, the Town, its management and employees are responsible as follows:

Management Commitment

The Town will maintain a Safety Committee composed of representatives from different departments. The Committee will have, but not be limited to, the following responsibilities:

- a. Provide for necessary safety equipment to perform assigned work in a safe manner.
- b. Provide for the elimination of known hazardous conditions at Town work sites.
- c. Provide training in accident prevention and promoting safe work practices.
- d. Provide for the establishment of appropriate rules for safe conduct of Town employees while on duty.

Employee Responsibility

- a. Employees will follow prescribed safety rules and regulations provided for their benefit. Each employee is responsible to use all safety equipment and devices provided by the Town in performing required job duties.
- b. Employees will identify safety problems and carry out each work assignment or task in a safe and responsible manner. If an accident occurs, the employee is required to immediately complete an employee's report of accident/injury and report the incident immediately to their supervisor.
- c. The employee is responsible to cease work immediately and cause the stoppage of work of other employees if the operation of unsafe equipment or working environment exists.
- d. The appropriate corrective measures will be undertaken by the supervisor to remove the unsafe work condition or cause the repair of unsafe equipment. Under no circumstances should an employee be directed to continue to work in an unsafe work site or operate unsafe equipment until the unsafe condition has been properly addressed.
- e. Failure to properly report an unsafe condition or piece of equipment may result in disciplinary action.
- f. Failure to properly respond to the need for correcting an unsafe workplace condition or unsafe piece of equipment may result in disciplinary action.
- g. Should an unsafe work site or equipment condition cause a disruption in completing the task, the supervisor will immediately reassign the employee to other duties until such time as he/she may continue the required work to complete the assigned task.

Each department may develop specific safety rules pertinent to their respective department. Safety rules shall be submitted to the Human Resource Director for review and approval prior to implementation.

7.3 WORKERS' COMPENSATION

(Revision 1-7-2020)

An employee of the Town who suffers injury or illness arising out of, and in the course and scope of employment, shall receive compensation during the period of illness or injury by the State Compensation Insurance Fund in accordance with the Tennessee Worker's Compensation Act. Worker's compensation pays an employee 66.67% of their weekly average salary based on the 52 weeks prior to the injury/illness once the employee has been unable to work (or disability) for more than seven (7) calendar days.

Affected employees will have the choice to either receive pay at 66.67% of their weekly salary or use sick days for 100% of salary for days 2-7 [for] missing work due the workplace injury/illness. Employees will not have the option to receive 66.67% of the average weekly salary and use sick days to supplement worker's compensation leave for days 2-7.

Worker's Compensation will pay as of the eighth (8th) calendar day of disability due to an occupational injury. If the employee is disabled for more than fourteen (14) calendar days, worker's compensation will pay the employee retroactively to the day of the injury/illness up to the return date to work. When the

employee is paid by Worker's Compensation for the first week, the employee will turn over the first check (days 2-7) to the Town. Employees will be paid in full for the first day of injury with regular pay. Other than the choice to use sick days for days 2-7 of missing employment due to workplace injury/illness, employees may not use accrued paid leave to supplement worker's compensation leave.

Summary of Calendar Days lost under Worker's Compensation

Day 1 of Injury - paid in full with regular wages

Day 2 through Day 7 - paid 66.67% by the Town or use sick leave to receive 100% of salary

Day 8 through Day 14 - paid by Worker's Compensation Insurance

**Day 15 – paid back to the first day of disability and continues until returned to work*

**the employee will turn over the (WC) check to the Town (pays back days 2-7)*

Employees shall report any injury or illness incurred in, or arising out of, the course of their employment, however minor, to their supervisor. Failure to make such a report within 15 calendar days may disqualify the employee from receiving Workers Compensation benefits. The employment of an injured employee, who is unable to return after a period of thirty (30) calendar days may be reassessed by the Human Resource Director working with Case Management, at which time a determination regarding his/her employee status will be made.

The Town will maintain a panel of physicians compliant with current Tennessee Workers' Compensation laws for injured employees.

Prior to returning to regular duty, an employee who has been placed on Worker's Compensation leave shall be certified by the attending physician for return to duty based on the essential functions or job specifics of the employee's position.

Additionally, the employee will be required to complete the Work Steps Program successfully on the day of or a day before the first day of scheduled work. The Work Steps Program focuses on muscle skeletal types of injuries or illnesses. Work Steps will cover any positions when a leave for injuries or illness of a long-term nature (12 weeks).

Modification of duty (light duty) will be considered, as applicable, under the American's with Disabilities Act (ADA). Worker's Compensation leave will run concurrently with Family Medical Leave (FMLA).

See FMLA 6.8 for guidelines of using accrued paid leave, whereas, all leaves paid and unpaid run concurrent.

Temporary Modified Duty

The Town is committed to providing work, when possible, for employees who have been restricted by a physician due to a work-related injury or illness, or for a temporary disability. Such work will be provided subject to availability. Employees on temporary modified duty must furnish a written update of their medical condition to the Human Resources Department from the treating physician after each visit in order to remain in the reassigned job.

Assignment

Work will be assigned due to the nature of the injury or illness and the limitations set forth by the treating physician. Every effort will be made to place employees in positions within their own departments, but if necessary, employees will be placed wherever an appropriate position is available. The Town will provide a written offer of temporary modified duty to the employee for which the employee is qualified to perform at the time the offer is made. The employee will be required to accept or reject the offer in writing.

Compensation

While on temporary modified duty, employees will continue to receive their regular rate of pay. Departments which require shift work which results in total accumulated hours in excess of forty (40) hours per work week may pay an employee at their normal rate of pay as long as the employee performs a temporary modified duty position with total accumulated hours of no less than forty (40) hours per week.

Maximum Medical Improvement

Upon reaching Maximum Medical Improvement under applicable Tennessee Workers' Compensation laws, the employee's medical condition shall be assessed as to the permanent medical restrictions and their ability to perform the essential duties of their normal work assignment. If the employee cannot return to his/her regular position, the Human Resources Department in conjunction with the City Administrator shall attempt to find employment within the employee's department or within another department. Reasonable accommodation will be provided to qualified disabled individuals unless the accommodation would pose an "undue hardship" on the Town.

7.4 SAFE USAGE OF CELL PHONES

Employees who operate a Town vehicle and/or equipment are not to use a hand-held cell phone, either personal or business, while driving. In the event cell phone use is necessary, employees are required to take appropriate safety measures including, but not limited to, using hands free accessories, using speakerphone or pulling over to a safe location to respond to the call. The City Administrator has the authority to restrict or prohibit use of cell phones at any time on the job when use may present a safety hazard to the employee, co-worker and/or to the general public and private property. There are exceptions for public safety, as per state law.

An employee receiving a citation for use of a cell phone while driving on the job will be responsible for all fines and charges related to the citation. Disciplinary action may be taken up to and including separation of employment.

7.5 DRUG AND ALCOHOL TESTING POLICY

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the Town has adopted a drug and alcohol testing policy. The policy complies with the Drug-Free Workplace Act of 1988, and the TN Drug Free Workplace Program, as amended, ensuring 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 (as amended), which requires alcohol and drug testing of safety-sensitive employees in certain functions. The types of tests that may be required are pre-employment, transfer to safety sensitive, reasonable suspicion, post-accident (post-incident), random selection (for safety-sensitive positions only), return-to-duty, and follow-up.

It is the policy of the Town that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol is prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to disciplinary action.

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 possession of alcohol while on duty or while in or on Town property;
3. refusing or failing a drug and/or alcohol test administered under the 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

Compliance with the Town's 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 disciplinary actions, as applicable. 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 disciplinary actions.

A copy of the complete Town of Greeneville Drug and Alcohol Testing Policy is available from the Human Resource Department.

7.6 GENETIC INFORMATION AND NONDISCRIMINATION ACT (GINA)

The Town is committed to providing a work environment free of discrimination and harassment based on genetic information. It is the Town's policy to notify employees and health care providers not to provide genetic information when the Town requests health related information. Generally, the notice should be included on request forms and/or provided on a separate form when employees or healthcare providers are asked to submit health-related information. It is the Town's policy to comply with GINA's confidentiality requirements by treating genetic information in the same way as medical information. It is also the policy of the Town not to retaliate against any employee for complaining about discrimination or harassment based on genetic information. If you feel you have been discriminated or retaliated against, or harassed based on genetic information, follow the Town general harassment and discrimination complaint procedure.

8.0 MISCELLANEOUS POLICIES

8.1 POLITICAL ACTIVITY

The Town encourages all employees to participate in the political process by registering and voting in each election. However, it is necessary to implement some policies to avoid conflict of interest between political activity and public employment in a Town position.

Employees of the Town cannot be involved in political activities while being paid to work for the Town, as it relates to the "Hatch Act" and the State of Tennessee's "Little Hatch Act" (Tennessee Code Annotated §§ 2-19-201 through 208)

Town employees, whether on or off duty, whether in or out of uniform, and whether on or off Town property, shall not, at any time or any place, become a candidate for an elected Town office. The Town will not compensate employees for time when the employee is not performing work for the Town. Any time off from work used by the employee for participation in political activities will be limited to earned days off, vacation days, or by any other arrangements worked out between the employee and the Town.

In all other elections for public office, employees may enjoy the rights of any other citizen of the state of Tennessee to be a candidate for any local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. The Town will not compensate employees for time when the employee is not performing work for the Town. Any time off from work used by the employee for participation in political activities will be limited to earned days off, vacation days, or by any other arrangements worked out between the employee and the Town.

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

8.2 COMMUNICATING WITH ELECTED PUBLIC OFFICIALS

An employee of the Town has a right to communicate with elected public officials for any job-related purpose under the Public Employee Political Freedom Act (“PEPFA”) T.C.A. § 8-50-601-604. No provision of this policy shall be construed to prohibit the Town from correcting or reprimanding an employee for making untrue allegations concerning any job-related matter to an elected public official.

8.3 REMOVED – INCLUDED IN 8.1

8.4 TRAVEL POLICY

All employees and elected and appointed officials are required to comply with the Town’s travel policy, adopted separately by ordinance, and any applicable laws and charter provisions. All trips that involve reimbursement and/or Town expense shall not be undertaken without prior approval. Mileage, meals, per diem, etc. will be reimbursed at the rate outlined in the current travel policy. For details regarding travel, obtain a copy of the Town’s travel policy from the Finance Department.

8.5 USE OF TOWN VEHICLES AND EQUIPMENT

All Town vehicles and equipment are for official use only. Only authorized persons including employees shall operate a Town vehicle or piece of machinery. Passengers may be carried only as part of official business. Drivers and/or operators must have a valid driver’s license and other certifications as required for a particular vehicle or piece of equipment and be approved by the department head or the City Administrator.

The City Administrator has the authority to determine what is in the best interest of the Town’s services and how this policy is related.

8.6 DRIVER LICENSES

Any employee who is required as an employment condition to operate a Town vehicle must possess and maintain an appropriate valid driver’s license. Any employee who drives a Town vehicle must immediately inform his/her supervisor if his/her license becomes denied, expired, restricted, suspended, or revoked. Periodic review of employees’ driving records will be conducted periodically by the Human Resource Department, or designee.

8.7 SOLICITATION

The Town believes that its employees should not be exposed to frequent solicitations for charitable purposes, especially while working on the clock. Therefore, any solicitation of employees on the premises is limited during certain times of the year and only by approval of the City Administrator.

8.8 PERSONAL COMMUNICATIONS

Employees should keep use of personal cell phones or other personal handheld communication devices to a minimum so that the use does not interfere with the employee's work or the Town's operations. Cell phones shall be turned off or set to silent or vibrate mode during meetings, conferences and in other locations where incoming calls may disrupt normal workflow. If employee use of a personal cell phone causes disruptions or loss in productivity, the employee may be subject to disciplinary action.

8.9 TOWN-OWNED ELECTRONIC COMMUNICATION DEVICES

The Town may provide and assign Town owned cell phones or electronic communication devices to employees when it will enhance employee productivity and provide a higher level of service. Business cell phones or electronic communication devices are typically provided to positions that require immediate and on-going communication due to management responsibilities, field operations and emergency response purposes. Business cell phones or electronic communication devices shall be used for appropriate business purposes in the most cost-effective manner possible. Since they are provided to conduct Town business, the employee should limit personal usage to calls that are essential.

The use of business cell phones for essential personal business calls must be kept to a minimum and shall not interfere with the conduct of Town business. Department heads may review at any time records to monitor appropriate use. The cost of personal telephone calls shall be paid by the employee and not the Town.

If an individual is abusing the privilege of using a Town cell phone or electronic device, disciplinary action may be taken, along with discontinuation of the use. Employees must be aware that any electronic communication devices owned by the Town is open to audit for monetary and/or content review. The records of any communications sent or received from a Town-owned electronic device is subject to inspection by any member of the public pursuant to the TN Public Records Act.

8.10 CUSTOMER COURTESY

Any contact with customers/citizens should be handled in a professional manner. Professionalism, politeness and courtesy are essential. Lack of courtesy and professionalism may result in disciplinary action.

8.11 DRESS CODE

Personal appearance and manner of dress are important parts of your job responsibilities. Employees are expected to dress and groom in a manner which is appropriate for the type of work performed. Since all employees deal with co-workers and the public on a daily basis, acceptable personal hygiene is essential. Employees should ensure their personal hygiene will not be offensive to others around

them. This includes, but is not limited to, scented body products, perfume/cologne, oral hygiene, and body odor. Specific dress codes vary based on the position held and whether the job requires the use of a uniform. An employee who does not meet the standards of this policy will be required to take corrective actions, which may include leaving the premises to correct the issue and return to work. Any work time missed because of failure to comply with this policy will not be compensated, and repeated violations of this policy may be cause for disciplinary action.

1. Uniforms

In departments where uniforms are provided, all employees are expected to wear the uniform according to departmental policy. All uniforms are expected to be kept neat and in good repair. Town employees may not wear Town-issued uniforms while working other employment, unless authorized by the City Administrator.

2. Non-Uniformed Personnel

Employees who do not regularly meet the public should follow basic requirements of safety and comfort but should still be as neat and businesslike as working conditions permit. Non-uniformed personnel who deal with the public are expected to dress in a manner that is professional and that projects a positive image for the Town. The City Administrator may choose to authorize a particular day or days of the week during which casual clothing can be worn.

3. Dress Code Guidelines

The following are the guidelines for non-uniformed personnel (not an exhaustive list):

- a. Clothing should be worn and fit in such a manner that it does not expose the abdomen, chest or buttocks areas.
- b. Clothing should not be worn with a printed message, slogan, political messages, picture or art depicting drugs, alcohol, smoking, sex, weapons, violence, or that is obscene or offensive.
- c. Excessive body piercing shall not be visible.
- d. Tattoos shall not be obscene, and in keeping with a professional image should not be visible, when possible.
- e. Employees may not wear halter tops, beachwear, t-shirts (without Town logos), shorts (unless authorized), work-out attire, or distracting, offensive or revealing clothes during working hours.
- f. Dress codes may be job related and may vary from department to department, as approved by the City Administrator.

8.12 LOCKERS

Locker rooms and lockers may be provided as needed so employees may change their clothing before and after work, if desired. Employees are expected to furnish their own lock and/or key so they may have control over access to the locker; however, employees may assume **no expectation of privacy** as the lockers are the property of the Town. The Town will assume no liability for loss or damage to the contents of lockers. Employees may be requested to open their lockers for periodic housekeeping, inspections, or other occasions when it is appropriate and/or necessary, as **there is no expectation of**

privacy. Those who use the locker room are expected to assist in keeping them clean and orderly. Any suspicious activity around lockers, as well as break-ins and thefts, should be reported to a supervisor.

8.13 NON-SMOKER PROTECTION ACT - TOBACCO FREE WORKPLACE

The Town complies with the Non-Smoker Protection Act of 2007, which prohibits smoking in all public places, such as, buildings (including entrances and exits), equipment, and Town owned vehicles. All employees who operate Town owned vehicles are prohibited from smoking in the vehicle or equipment. This includes other occupants that are transported in the vehicles. This prohibition includes cigarettes, cigars, pipes, hookahs, electronic nicotine delivery systems (vapes, e-cigarettes), and any other product that produces tobacco related smoke or vapors. Use of smoking related products shall only be in designated areas.

Violators of this policy will be subject to disciplinary action.

(Revision 1-7-2020)

8.14 HUMAN RESOURCES RECORDS

The Town respects the dignity and worth of each individual employee, while asking each employee to offer in return his/her loyalty, respect, and best effort. The Town will collect, retain, use, disclose, and maintain the confidentiality of employee information as required by law.

Human Resources records for each employee are kept on file and maintained in a secure manner by the Human Resource Director. The Human Resources File for each employee may contain, but not be limited to the following information: 1) Human Resources action forms noting position and wage information; 2) performance evaluation forms and other documentation related to an employee's job performance; 3) employment documentation including application and resume, employee data sheet, and income tax deduction forms; 4) outside employment forms; 5) official commendations, training and education records including certificates and diplomas; 6) complete documentation pertaining to all disciplinary matters and corrective actions; 7) information relative to grievance proceedings, and complaints of discrimination and harassment filed by the employee; and, 8) all applicable benefits records. All medical records shall be kept in a separate, confidential file for each employee.

It is the responsibility of each employee to update personal information including change of address, telephone number, marital status, draft status, beneficiaries, number of dependents, or completed education/training maintained in the Human Resources file by notifying the Human Resource Director. The Town shall not be held liable when incorrect withholding, wrong beneficiaries, or loss of employee benefits result from the failure of any employee to keep Human Resources records current.

Collection, Retention, and Use of Personal Information

The Town will strictly follow the requirements of applicable laws regarding information collection concerning race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information, communication with an elected public official, free speech, refusing to participate in or remain silent about illegal activities, exercising a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law. With these restrictions in mind, the

Town will gather such information about job applicants or employees as determined by the Human Resource Director.

The following basic principles will be applied in collecting and retaining personal information:

1. The Human Resource Director shall maintain a complete (master) file of each employee's records, which will contain necessary information, as determined by applicable provisions. The master file shall be the central file containing all employee information.
2. Each department head and supervisor may maintain a file on each employee in his/her charge. The file shall be limited to performance evaluations, attendance records, official memos, letters, training records, copies of disciplinary actions and commendations, and information related to an employee's salary history. All information contained in this file must also be present in the master file.
3. Payroll data may be kept separately from the human resources file and the departmental file, although both may include information about an employee's salary history.
4. Employee information may be collected from employees whenever possible, but the Town may use outside sources for other information where allowed by law.
5. Worker's Compensation documents will be maintained in a separate file in the custody of the Human Resource Director.
6. Medical information obtained from Town-provided medical examinations are the property of the Town and will be maintained in a secured file system separate from an employee's official Human Resources record. Medical information may include, but not be limited to the following: benefit documentation such as health insurance forms, fitness for duty examinations, drug testing results, medical information related to leaves of absence, inoculation records, etc. These documents will be maintained in a secured file system that is not open for public inspection. These procedures are in accordance with applicable laws.

Employees' Access to Human Resources Records and Management Files

Employees may have access to and review their own Human Resources files during normal business hours. If the employee disagrees with any information found therein, the employee may submit a written disagreement to the Human Resource Director, which will be attached to the specific document in the file(s). Contents of employee files may not be removed. An employee desiring to access the Human Resources file of another employee must follow the procedures for public records requests.

Employees' Access Procedures

Employees may contact the Human Resource Director for an appointment to view the file. Employees must review the file in the presence of an appropriate representative. Employees may take notes and may request to be provided with a copy of any of the file's contents subject to the Town's policy on copy charges. Any question about the information's accuracy must be referred to the Human Resource Director. Employees may submit a note of disagreement to the Human Resource Director.

Disclosure of Applicant and Employee Records and Information

The content of applicant and employee Human Resources files is open to public inspection under the Tennessee Public Records law; however, some personal information has been deemed confidential under state and federal law. Only the Human Resource Director is authorized to disclose information about applicants and employees to outside inquirers. Confidential information shall only be disclosed under the following circumstances:

1. properly identified and duly authorized law enforcement officials without a warrant when investigating allegations of illegal conduct by applicants and employees;
2. legally issued summonses or judicial orders, including subpoenas and search warrants; and
3. others as legally allowed by state and federal law.

Requests for copies of detailed applicant and employment information shall be made in writing and should be directed to the Human Resource Director, who will then forward to the appropriate departments. Requests for public inspection of applicant and employee records shall be directed to the Human Resource Director who will then inform the appropriate departments.

Police Department applicant and employment records may be exempt from public access pursuant to state law. All requests for applicant and employment records for sworn officers shall be reviewed by the Chief of Police with the Human Resource Director, on a case by case basis. When a request is for a professional, business, or official purpose, and includes a request for personal information as defined by T.C.A. § 10-7-504(g), the Chief of Police must notify the officer prior to disclosure. The officer must be given a reasonable opportunity to be heard to oppose the release of the information. If the Chief of Police decides not to disclose personal information, the requestor must be notified within two (2) business days from the request and the files shall be released with personal information redacted.

All personnel records requested shall be processed by the Human Resources Department of the Town according to adopted personnel records policies.

Confidential information will be redacted out of any Human Resources files that are requested for inspection, as per Tennessee Law. Adequate time will be allotted to allow for redaction of such information as allowed by law. All requests will be completed promptly, and in a responsive and timely manner.

In all such matters, the employee shall be notified within seventy-two (72) hours of the records inspection and/or provision of copies. Police officers shall be informed that an inspection has taken place or copies have been provided; the name, address, and phone number of the person(s) making the request; person(s) for whom the request was made; and the date of inspection and/or the provision of copies. Exceptions for non-police employees may be made to release limited general information, such as the following: (a) employment dates; (b) position held; and (c) department.

8.15 COMPUTER/ELECTRONIC DEVICE USE AND MONITORING

Computers, the internet, e-mail, as with other technologies, should be used to maximize the Town's efforts in serving its citizens. It is every employee's duty to use the Town's computer resources and

communication devices responsibly, professionally, ethically and lawfully. These policies are not intended to, and do not, grant employees any contractual rights.

Computer Use Policy Overview

The computer resources are the property of the Town and should be used for legitimate business purposes. While personal use of Town computer resources is not forbidden, it is discouraged. Personal use shall be minimal and shall not interfere with the performance of the employee's, or other employees', job duties and responsibilities. Employees are permitted access to the computer resources to assist them in performing their jobs. Confidential information should not be provided using e-mail or shared with individuals who are not employed by the Town without authorization.

No one may use loopholes within the computer security systems, acts of deception, or knowledge of a special password to damage computer systems, compromise sensitive information, obtain extra resources, take resources from another employee, gain access to systems, or use systems from which proper authorization has not been given. Employees may not impersonate other individuals or misrepresent themselves to gain access to or compromise the Town's information technologies.

The internet, e-mail or voice mail should not be used to solicit others to promote personal events or causes, commercial ventures, religious or political causes, outside organizations or other non-business matters. Employees are prohibited from uploading, posting, e-mailing, or otherwise transmitting any unsolicited or unauthorized advertising, promotional materials, junk mail, chain letters, pyramid schemes or any other form of solicitation. No one may use the Town's computer resources for personal financial gain by posting messages that promote the products or services of a local business or their own product or services.

Use of the computer resources is a privilege that may be restricted or revoked at any time. All information contained in the computer resources and all documents generated there from are for the exclusive use of the Town in connection with the conduct of its business and are the sole property of the Town.

Waiver of Privacy Rights

Employees expressly waive any right of privacy in anything they create, store, send or receive using Town provided, or paid-for electronic devices. Employees consent to allowing the Town to access and review all materials employees create, store, send or receive using these devices.

Inappropriate or Unlawful Material

Material that is, or could reasonably be regarded as, derogatory or discriminatory on the basis of race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information or any other basis protected by law, or is fraudulent, harassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful, may not be sent, by e-mail or other forms of electronic communication (such as bulletin board systems, news groups and chat groups) or displayed

on or stored in the computer resources. Any such material received by electronic transmission from a source outside of the Town should be deleted immediately.

Misuse of Software

The Town purchases and licenses the use of various computer software programs. Without prior authorization and proper licensing, employees may not do any of the following: a) copy software for use on their home computers; (b) provide copies of software to any third person; (c) install software or hardware on any Town computer resources; (d) download any software from the internet or other online service to any Town computer resources; (e) modify, revise, transform, recast or adapt any software on any computer resources.

Compliance with Laws and Licenses

In their use of computer resources, employees must comply with all software licenses and copyrights and all state, federal and international laws governing intellectual property and online activities.

Communication of Confidential Information

Unless expressly authorized by the Town, sending, transmitting or otherwise disseminating confidential information is strictly prohibited.

Use of Encryption Software

Employees may not install or use encryption software on any Town computers without first obtaining written permission from the City Administrator.

Monitoring Usage

The Town may monitor any and all aspects of the use of computer resources. The circumstances under which monitoring of computer resources may occur includes: monitoring sites visited by employees on the internet, monitoring chat groups and news-groups, reviewing material downloaded or uploaded by employees to the internet, and reviewing e-mail sent and received by others. Employee violations of any of the provisions outlined in this policy may subject employee to disciplinary action.

Public Records

All correspondence sent and/or received by employees related to Town business is public record under the Tennessee Public Records Act and may be subject to public inspection under the law.

8.16 SOCIAL MEDIA USE AND INTERNET POSTING

SECTION 1: POLICY STATEMENT

This policy applies to every employee currently employed by the Town in any capacity who posts any material whether written, audio, video or otherwise on any website, mobile device application, blog or any other medium accessible via the Internet. Use of the Town's social media to support or oppose individual political candidates, political parties, or any ballot measure is strictly prohibited.

For purposes of this policy, social media is content created by individuals using accessible and scalable technologies through the internet. Examples of social media include but are not limited to: Facebook, blogs, RSS, YouTube, Twitter, LinkedIn, discussion forums, and online collaborative information and publishing systems that are accessible to internal and external audiences (i.e. wikis, including Wikipedia).

Employees shall abide by the terms of use and rules and guidelines of each individual social media platform utilized. By posting on the Town sites, an employee may be granting to the Town an irrevocable, perpetual, non-exclusive license to use and distribute content for any purpose, commercial, advertising, or otherwise. Employees who violate the terms of this policy are subject to discipline up to and including separation of employment.

SECTION 2: TOWN OWNED OR CREATED SOCIAL MEDIA

The Town maintains an online presence. The provisions of this section apply to Town employees posting content in an official capacity on a Town owned or created social media platform or on any other platform. Unless authorized, an employee may not characterize him or herself as representing the Town directly or indirectly.

All Town social media sites and platforms representing the Town in an official capacity must be created pursuant to this policy and be approved by the City Administrator. Accounts and pages should, where possible, feature the official Town name and logo. The Town's social media platforms are also encouraged to use official Town Graphic Identity Standards for color, logo, seal, type font, marks, etc.

The Town maintains a primary and predominant internet presence defined by the City Administrator, and no other website, blog or social media site shall characterize itself as such. Whenever possible a social media site or platform shall link or otherwise refer visitors to the Town's main website. The City Administrator, or designee, shall coordinate the upkeep of content on social media sites or platforms created pursuant to this policy.

All Town social media sites and platforms are subject to the Tennessee's Public Records Act (T.C.A. § 10-7-101, *et seq.*), and no social media site or platform shall be used to circumvent or otherwise violate this law. All lawful records requests for information contained on a Town social media site or platform shall be directed to the Finance Director and will be fulfilled by any employee whose assistance is necessitated. Every social media site or platform shall contain a clear and conspicuous statement referencing the state law. All official postings on a Town social media site or platform shall be preserved to the extent possible in each platform in accordance with any applicable retention policy.

A social media site or platform shall also contain a clear and conspicuous statement that the purpose of the site or platform is to serve as a mechanism for communication between the Town and its citizens/customers and that all postings are subject to review and deletion by the Town, to the extent permitted by law. Town social media sites and platforms shall include a disclaimer notifying the public that their images may be captured and included on the sites and platforms.

The following content is not allowed and will be immediately removed and may subject the poster to banishment from all Town social media sites and platforms:

- a. Profane language or content;
- b. Obscene images;
- c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information, communication with an elected public official, free speech, refusing to participate in or remain silent about illegal activities, exercising a statutory constitutional right or any right under clear public policy, political affiliation, or any other basis protected by law, creed, or status with regard to public assistance;
- d. Sexual content or links to sexual content;
- e. Solicitations of commerce;
- f. Illegal conduct or encouragement of such;
- g. Content that incites violence or harassment;
- h. Links to third party sites and platforms (unless it is in the best interest of the Town); or
- i. Content that violates a legal ownership interest of any other party.

Administration of Town's social media sites and platforms.

- a. The Information & Technology staff, as designated by the City Administrator, will review, test, and technically approve social media tools and implementation for use by Town staff.
- b. The Public Relations Manager will maintain an authorized site/platform list of all Town social media sites and platforms, including login and password information. When a new Town social media site or platform is created, the employee that is authorized to create the site or platform will notify the City Administrator for purposes of inclusion of the site or platform on the authorized site/platform list.
- c. The Town must be able to immediately edit or remove content posted by staff serving as administrators for Town social media sites and platforms.

Rights and permissions must be secured before posting, sharing or distributing copyrighted materials, including but not limited to: music, art, copyrighted photographs or texts, portions of copyrighted video, or information considered proprietary by a Town employee, vendor, affiliate or contractor. Authorized employees must secure written permission prior to using/incorporating any copyrighted or proprietary materials except when such material is covered under Fair Use provisions.

An employee must not post content on Town sites and platforms that might be embarrassing to an individual or that could be construed as placing a customer, employee or other individual in a negative

or false light. An employee must not post content that might cause someone to believe that his/her name, image, likeness or other identifying aspect of his/her identity is being used, without permission, for commercial purposes. Employees shall not post any content to the Town's social media site or platform for their financial gain or for the financial gain of any other person or entity. A Town employee posting on a Town social media site or platform shall take reasonable care not to disclose any confidential information in any posting.

SECTION 3: NON-TOWN SOCIAL MEDIA

This section applies to Town employees posting content to non-Town created social media sites and platforms in their personal capacity. Employees are prohibited from posting anything on the Internet that could be construed as an act of unlawful harassment, a threat, or other evidence of discrimination. Employees should limit their personal Internet activities to non-working hours, meal periods and/or rest breaks. An employee may not characterize him or herself as representing the Town, directly or indirectly, in any online posting unless done pursuant to a written policy of the Town.

The simultaneous use of a Town email address, job title, official Town name, or logo in conjunction with a posting may be evidence of an attempt to represent the Town in an official capacity. Other communications leading a reasonable viewer to conclude that a posting was made in an official capacity may also be deemed evidence to represent the Town in an official capacity.

Departments have the options of allowing or disallowing departmental employees to participate in existing social networking sites as part of their job duties.

Any postings on non-Town social media sites and platforms made in an official capacity may be subject to the Tennessee Public Records Act. A Town employee posting on a non-Town social media site or platform shall take reasonable care not to disclose any confidential information in any posting. When posting in a personal capacity an employee should take reasonable care to distinguish that his content is a personal expression and not that of the Town.

8.17 EMPLOYEE COLLECTIVE BARGAINING/UNION ACTIVITY

The Town of Greeneville is not required to recognize unions among public employees. The Town will not engage in collective bargaining with any union or recognize any agency or employee representation committee. While employees have the right to join labor organizations, all union activity is to be conducted off Town property and outside working hours. Town equipment and materials are not to be used to conduct union business. No employee of the Town shall be a party to, participate in, or instigate a strike against the Town.

8.18 ETHICS

The Town of Greeneville has adopted by ordinance a Code of Ethics for the Town's officers and employees. A copy of the ordinance may be obtained from the Town of Greeneville's Human Resources Department.

9.0 SEPARATIONS AND DISCIPLINARY ACTIONS

9.1 TYPES OF SEPARATIONS

All separations of employees from positions with the Town shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, death, retirement, or dismissal. At the time of separation and prior to final payment, all records, assets, and other Town property in the employee's custody must be transferred to the Town. Any amount due for failure to return Town property may be withheld from the employee's final compensation on a depreciated/prorated basis. Deductions from pay cannot result in the employee being paid less than the federal minimum wage. All separating employees may have an exit interview scheduled with the Human Resource Director

9.2 RESIGNATION

In the event an employee decides to leave the Town's employ, an appropriate notice shall be given to the department head so that arrangements for a replacement can be made. Typically, a two (2) week written notice is considered appropriate for most positions. In such a case, employees will be expected to return any/or all Town equipment assigned and/or in their possession. An unauthorized absence from work for a period of three (3) consecutive working days may be considered resignation from employment by means of job abandonment.

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

9.3 REDUCTION IN FORCE (RIF)

To establish an effective and equitable process in the event that a reduction-in-force (RIF) is necessary, a RIF may be determined as necessary by the City Administrator. The City Administrator may promulgate additional policy, rules and procedures necessary for the implementation of a RIF.

This regulation applies to all regular full time, regular part time and temporary employees. Provisional employees, hired for a specific period covering the duration of an assigned project, are not subject to the provisions of this policy. State-funded positions, which the Town supplements, may be subject to a reduction or elimination of the Town supplement. A loss of the Town supplement may not ultimately result in a position reduction. Civil Service employees will be impacted by the need for RIF will be treated per "Rule XII Layoffs and Demotions" as outlined in the Town of Greeneville's Civil Service Rules and Regulations.

For employees not covered under the Town of Greeneville's Civil Service Rules and Regulations, when a RIF becomes necessary, consideration shall be given to organizational needs, the quality of each employee's service, and length of service in determining retention. For the purpose of this regulation, it is understood that upon determination that a RIF becomes necessary, a RIF plan may be implemented based on the circumstances.

9.4 DISABILITY

An employee may be separated from employment with the Town for a 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 when the disability poses a direct threat to the health and safety of the employee and/or others.

9.5 RETIREMENT

TENNESSEE CONSOLIDATED RETIREMENT SYSTEM (TCRS) POLICY

Retirement is defined as voluntary withdrawal from Town employment by an employee eligible to receive retirement benefits under Social Security, or the Tennessee Consolidated Retirement System. Retirement benefits are based upon the regulations of the retirement system in which the employee is enrolled and any other applicable provisions that may be in effect at the time of that employee's retirement.

All regular employees completing six (6) months of continuous employment with the Town are eligible to receive employer contributions in the Town's retirement plan. Membership in this plan is mandatory for eligible employees and is non-contributory by the employee. In addition, the Town participates in the Social Security System.

Retirement benefits are based upon the regulations of the retirement system in which the employee is enrolled and any other applicable provisions that may be in effect at the time of that employee's 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 schedule.

Details regarding TCRS retirement eligibility and procedures may be obtained from the Human Resource Director.

Re-employment after Retirement

Any retired member may return to service in an open position covered by the TCRS and continue to draw such person's retirement allowance in a temporary capacity at the Town limited to 120 days per 12 month period and may earn no more than 60% of their final compensation at time of retirement.

The retired member must have not worked in a TCRS covered position within 60 days of returning to work for the Town.

9.6 DEATH

Separation shall be effective as of the date of the death of an employee. All compensation and accrued annual time 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.

9.7 EXIT INTERVIEWS

All separating employees may be scheduled for an exit interview with the Human Resource Director. 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 Town or the employee. Any information that may improve future working conditions in the Town is always welcome.

All separating employees are encouraged to meet with Human Resources to review benefits and learn about the benefits after separation of employment, i.e. COBRA for Vision and Dental.

9.8 DISCIPLINARY ACTION

Discipline is a necessary part of any organization. It is the mutual respect and self-control of the employees of the Town that enables the Town to meet its standards and objectives. Discipline is developed both by management and employees, since if one employee fails to follow the standards and objectives, every other employee must work harder to see that those objectives are accomplished. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident in and of itself may justify severe initial disciplinary action.

Whenever an employee's performance, attitude, work habits, or personal conduct fall below desirable level, supervisors should inform employees promptly and specifically of such lapses and should give them counsel and assistance.

The types of disciplinary action are:

1. oral reprimand,
2. written reprimand,
3. suspension (with or without pay),
4. demotion,
5. dismissal

Disciplinary action may be remedial with the objective of directing and motivating employees to fully carry forth their work obligations to the Town. Employees should be informed of standards of conduct, performance expectations, rules and regulations. Rules and regulations should be consistently applied considering the seriousness of the infraction, mitigating circumstances, previous work record, and other relevant criteria. Level(s) of appropriate discipline shall be considered on a case-by-case basis. The Town reserves the right to determine appropriate levels of discipline and makes no promise of progressive discipline. The City Administrator, or Human Resource Director, may use the Employee

Assistance Mandatory Referral Program to provide employees with assistance in addressing work related problems.

9.9 TYPES OF DISCIPLINARY ACTIONS

ORAL REPRIMAND

When an employee's performance, attitude, work habits, or personal conduct fall below a desirable level, the supervisor may inform the employee promptly and specifically of such lapses and should give him/her counsel and assistance. If justified, a reasonable period of time for improvement may be allowed before initiating disciplinary actions. The supervisor will place a memorandum in the employee's Human Resource file stating the date of the oral reprimand, what was said to the employee, and the employee's response. All records associated with an oral reprimand shall become a permanent part of the employee's Human Resources file.

WRITTEN REPRIMAND

When an employee receives a written reprimand, a copy will be placed in the employee's Human Resources file. The supervisor administering the reprimand will advise the employee that the action is a written reprimand; cite applicable previous corrective actions and/or informal discussions relating to the offense; identify the problem and/or explain the offense; inform the employee of the consequences of continued undesirable behavior; detail performance improvement plans and identify dates by which the correction actions shall be taken, as applicable. An employee who disagrees with the oral reprimand may place a written statement of his/her objection in the Human Resources file.

At the conclusion of a meeting with the employee, a signed copy of the written reprimand will be given to the employee and a copy placed in the employee's Human Resources file. It is recommended that the affected employee sign the written reprimand to indicate that he/she has seen the document and to acknowledge receipt of the employee's copy. Should the employee refuse to sign the written reprimand, the supervisor will obtain a witness to sign and date the form and so indicate the employee's refusal to sign. An employee who disagrees with the written reprimand may place a written statement of his/her objection in the Human Resources file. All records associated with a written reprimand shall become a permanent part of the employee's Human Resources file.

SUSPENSION

An employee may be suspended with pay by his/her department head with the approval of the City Administrator. A suspension with pay shall be pursuant to an expedient inquiry/investigation of potential disciplinary action(s) including demotion, suspension without pay, and/or dismissal. An employee may only be suspended without pay following completion of a pre-action meeting (hearing) as described in this policy. The employee shall be furnished an advance written notice containing the nature of the

proposed action, the reasons therefore, and their rights to a pre-action meeting. Additionally, in the case of proposed suspension without pay of employees covered under the Town of Greeneville's Civil Service Rules and Regulations, notification of the right to appeal the charges orally or in writing before the Civil Service Board will be provided.

All records associated with a suspension shall become a permanent part of the employee's Human Resources file.

DISCIPLINARY DEMOTION

A demotion of an employee is a form of disciplinary action by the City Administrator for a serious offense and/or multiple violations of a less serious nature where dismissal is not warranted. Prior to demotion, however, a pre-action meeting (hearing) must be conducted. The employee shall be furnished an advance written notice containing the nature of the proposed action, the reasons therefore, and their rights to a pre-action meeting. Additionally, in the case of proposed disciplinary demotion of employees covered under the Town of Greeneville's Civil Service Rules and Regulations, notification of the right to appeal the charges orally or in writing before the Civil Service Board will be provided.

All records associated with a demotion shall become a permanent part of the employee's Human Resources file.

TEMPORARY REASSIGNMENT

An employee may be removed from his/her specific job duties and temporarily reassigned pending the outcome of an investigation, and upon approval of the City Administrator. All records associated with a temporary reassignment shall become a permanent part of the employee's Human Resources file.

DISMISSAL

The City Administrator may dismiss an employee for the good of the Town service.

Reasons for dismissal may include, **BUT ARE NOT LIMITED TO:**

1. misconduct;
2. negligence;
3. incompetency or inefficiency in performing duties;
4. malfeasance;
5. conviction of a criminal offense that is job-related;
6. conviction of a criminal offense involving moral turpitude (*defined as: larceny, fraud, spousal abuse, and intent to harm persons or things, etc.*);
7. violating any lawful and reasonable regulation, order, or direction made or given by a superior, or insubordination that constitutes a breach of discipline;
8. being intoxicated, drinking any intoxicating beverages, being impaired by an illegal drug, narcotic, or unauthorized prescription medications while on duty;
9. theft, destruction, carelessness, or negligence of Town property;

10. personal conduct or language toward the public or employees that brings discredit upon the Town;
11. unauthorized absences or abuse of leave privileges;
12. inability to perform the essential functions of a job because of a disability that cannot be reasonably accommodated;

13. accepting directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality that was given with the expectation of influencing the employee in performing his/her duties;
14. falsifying records or using official position for personal advantage;
15. 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;
or
16. violating any of the provisions of the Town charter, municipal code, ordinances, resolutions, or these rules.

The employee shall be furnished an advance written notice containing the nature of the proposed action, the reasons therefore, and their rights to a pre-action meeting (hearing).

Additionally, in the case of proposed dismissal of employees covered under the Town of Greeneville's Civil Service Rules and Regulations, notification of the right to appeal the charges orally or in writing before the Civil Service Board will be provided.

PRE-ACTION MEETING

For demotions, suspensions without pay, and/or dismissal, the employee will be notified of the nature of a proposed action, the reasons therefore, and the employee's rights to a pre-action meeting to discuss. The employee may be retained in current employment status or suspended with pay pending the outcome of the inquiry.

Except in the case of oral reprimand and written reprimand, suspension with pay pending outcome of inquiry, or a temporary re-assignment without loss of pay or benefits, disciplinary actions shall require a pre-action meeting and shall be taken only after the employee has had a meeting conducted with the Human Resources Director and the City Administrator.

All disciplinary action entailing demotion, suspension without pay, or dismissal is subject to the review of the Human Resource Director and approval of the City Administrator.

An employee may choose to waive their right to a pre-action meeting. A written waiver must be submitted to the City Administrator no later than one hour prior to the meeting. If the pre-action meeting is waived, then the disciplinary decision will be based on the information gathered and/or received prior

to the meeting. Should an employee not submit a written waiver for the meeting and not attend, then the lack of attendance will be considered as a waiver.

In the cases of suspensions without pay, disciplinary demotions, and dismissals delivered by the City Administrator relating to employees not covered under the Town of Greeneville's Civil Service Rules and Regulations, **the decision of the City Administrator shall be final and binding unless overturned or remanded by the chancery court on appeal.**

In the cases of suspensions without pay, disciplinary demotions, and dismissals delivered by the City Administrator relating to employees who are covered under the Town of Greeneville's Civil Service Rules and Regulations, the decision of the City Administrator may be appealed to the Civil Service Board within twenty (20) days from the time of the action pursuant to Rule XVI – Disciplinary Actions – The Town of Greeneville's Civil Service Rules and Regulations.

9.10 GRIEVANCE PROCEDURES

A grievance is an employee's feeling of dissatisfaction, or any difference, disagreement, or dispute arising between an employee and his/her supervisor and/or other employees regarding some aspect of employment, application or interpretation of regulations and policies, or some operational management decision affecting the employee. A grievance can be something real, alleged, or a misunderstanding concerning the rules and regulations or administrative order involving the employee's health, safety, physical facilities, equipment or material used, application of the ADA Reasonable Accommodation process, and other items as defined by city policy. Such misunderstandings, complaints, points of view, and opinions will be considered a grievance, except in cases where they relate to human resources actions arising out of disciplinary action.

It is the Town's desire to address grievances informally, and 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 review. Employees who have a complaint or grievance may discuss the grievance with their immediate supervisor, a higher-level supervisor, human resources director, and/or the City Administrator.

An employee shall be free from threats, coercion, intimidation, or discrimination because he/she has made complaints, testified, or assisted in any manner in the grievance procedures.

Steps of the grievance procedures are as follows:

STEP ONE: The employee makes an oral or written presentation of the grievance to the immediate supervisor within five (5) Town business days from the incident that prompted the grievance. The immediate supervisor will promptly investigate the circumstances surrounding the grievance, discuss the matter with the appropriate department head, and take action if within the scope of the immediate supervisor's authority. The immediate supervisor shall inform the employee of the decision and applicable recommendations within five (5) Town business days from the date the grievance was filed. The supervisor shall provide a copy of any applicable report to the department director. Supervisors may not hold a grievance longer than forty-eight (48) hours without forwarding it to the next supervisory

level. If the grievance cannot be resolved between the employee and supervisor, the employee may proceed to Step 2.

STEP TWO: The employee must reduce the grievance to writing and request that his/her written statement be delivered to the department director. The request must be delivered to the department director within five (5) Town business days. If an employee requests a hearing, the department director will arrange for a hearing within five (5) Town business days, and notify the employee of the date, time and location of the hearing in writing. Upon hearing the grievance and making a decision and applicable recommendations, the department head must provide a written response to the employee and the immediate supervisor within five (5) Town business days of the hearing. If the grievance is not resolved with the department director, the employee may request in writing a hearing with the City Administrator.

STEP THREE: If an employee requests a hearing, the City Administrator will arrange for a hearing within five (5) Town business days, and notify the employee of the date, time and location of the hearing in writing. Upon hearing the grievance and making a decision and applicable recommendations, the City Administrator must provide a written response to the employee and the department head within five (5) Town business days of the hearing. The action of the City Administrator shall be final and binding on all parties involved.

ACKNOWLEDGEMENT OF RECEIPT

Town of Greeneville Human Resources Regulations

Revision November 2019

This is to acknowledge that I have received a copy concerning the Town Human Resources Regulations, and understand that it outlines certain Town policies, procedures and benefits as may exist at the time of publication. I understand that it is my responsibility to familiarize myself with all information within the Human Resources Regulations.

I understand that the Human Resources Regulations do NOT constitute a contract of employment; rather it is merely a statement of policies and procedures. I understand that the contents of the Human Resources Regulations do not confer any rights on or promises to me or guarantee my employment for any period of time other than defined in the Town Charter and/or the Town Civil Service Rules and Regulations. I understand that the Town can alter, eliminate, or otherwise change this policy, or any information, or benefit described in the Human Resources Regulation by action of the governing body. I understand that it is my responsibility to review the manual to observe any recent changes.

I understand that nothing in the Human Resources Regulations or any summary brochure or employee handbook should be deemed to be a promise by the Town to provide any benefit. Rather, the Town reserves the right to alter or eliminate any benefit, without notice, at any time.

I understand that the Human Resources Regulations replaces (supersedes) any and all prior Town policies and any and all prior Town Human Resources regulations, employee handbooks or manuals, and any information contained in any such prior policy, handbook, or manual is no longer in effect.

By signing below, I understand and agree that the Town may deduct from my final paycheck any amount due (on a depreciated/prorated basis) for failure to return Town property as long as the deduction(s) do not reduce final pay to below minimum wage.

Employee Printed Name

Witness Printed Name

Employee Signature

Witness Signature

Date

Date