

Town of Farragut Policies and Procedures

November 8, 2012

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Introduction

This is your copy of the Town of Farragut's Policies and Procedures Manual. No personnel manual can anticipate every possible situation, but the Town has provided you these general guidelines in order to give you a better understanding of what the Town expects of you and what you can expect of the Town.

Please refer to this manual for guidance when you have a question about the Town's policies. Of course, if you still have questions, your supervisor, Department Head and the Human Resources Department continue to stand ready to assist you.

While the Town of Farragut fully intends to abide by these provisions for as long as they are in effect, you should understand that this manual does not constitute a contract between the Town and any of its employees. Further, the *Policies and Procedures Manual* can and may be changed, in accordance with the Town's Municipal Code and state and federal laws, at the Board of Mayor and Aldermen's sole discretion at any time. No employee or other person enjoys any vested right to the continuation of any position, rules, regulations, policies, procedures, provisions or employee benefits contained within this *Policies and Procedures Manual*.

No provision of this *Manual* shall be construed as an employment agreement or legal contract. Employment with the Town of Farragut can be terminated at any time, with or without cause, either by the employee concerned or by the Town. The Town reserves the right to modify or change the policies at its sole discretion without notice. It also reserves the right to not apply the policies in individual cases where application, in the opinion of the Town, is considered inappropriate. Any agreement for a specified period of time or contrary to the foregoing, if such agreement is to be made, shall be made in writing and signed by the individual employee and the Town Administrator.

Welcome to the Town of Farragut

Welcome to the Town of Farragut as a new employee! We hope that you will find your employment with the Town to be an interesting, challenging and enjoyable experience.

The Town of Farragut was incorporated in 1980 and is organized under the Board of Mayor and Aldermen form of government. We strive to provide the highest quality municipal services. Quality services, though, depend on each of us committing to do our best, all the time. We hope you will join our effort to build and improve upon our proud history.

The Town attempts to promote a feeling of understanding and respect among our employees. A key to our success lies in the quality and dedication of our employees. Each employee of the Town of Farragut plays a critical role in providing the Farragut community with the best possible service.

Because of our belief in the importance of our employees, the Town of Farragut strives to promote a work environment where employees are treated with dignity and respect. If you have any ideas for improving the way the work is performed, or if you have any other suggestions or problems, you should feel free to discuss these matters with your Department Head or the Human Resources Manager. By working together as a team, the Town hopes to continue our tradition of providing excellent service to the Farragut community.

Article I – General Provisions

Section A. Purpose

It is the declared purpose of these Policies and Procedures to establish and provide normal, orderly and uniform policies and procedures for employees in their service to the Town of Farragut, Tennessee under the direction of the Town Administrator.

These Policies and Procedures shall apply to all employees of the Town without regard to race, color, religion, national origin, age, sex, disability, veteran’s status, military affiliation or obligation, genetic information or political affiliation, but shall not apply to those persons who are specifically exempted from coverage in accordance with these regulations. These Policies and Procedures shall be administered by the Human Resources Manager under the direction of the Town Administrator.

For simplicity’s sake, all employees, whether male or female, are referred to by pronouns suggesting male gender. All use of the words “he”, “him”, or “his” is meant to include both genders and is in no way to be construed as being discriminatory.

This policy is not to be construed as a contract between the Town of Farragut and its employees and does not in any way imply or create any rights, contractual or otherwise, on behalf of the Town's employees. The Town may, at its sole discretion, alter or amend this policy or portions thereof at any time. This policy is established under authority of TCA 6-54-123.

Section B. Policy

It is hereby the declared personnel policy of the Town of Farragut that:

1. The Town shall neither cause nor permit discrimination because of race, color, religion, national origin, sex, disability, veteran’s status, military affiliation or obligation, age, or genetic information. The Town shall make every effort to employ those individuals who are best qualified and capable of filling authorized vacant positions. The Town staff shall not practice prejudice, favoritism, discrimination or cronyism concerning fellow employees, citizens, vendors or visitors.
2. Continued employment with the Town shall be based on merit, performance, and individual ability and be free of favoritism, discrimination and political considerations.
3. Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and effectiveness in the operation of the Town.
4. Positions having similar duties and responsibilities shall be classified and compensated on a uniform merit basis.
5. Appointments, promotions and other personnel actions or terms or conditions of employment requiring the application of the merit principle shall be based on a comprehensive employee evaluation and examinations where applicable.

6. Every effort shall be made to stimulate high morale by fair administration of this policy and by every consideration of the rights and interests of employees, consistent with the best interests of the public and the Town. Employees who believe this policy and/or these Policies and Procedures have been violated, either in the administration thereof or in the adherence thereto, should report such belief to their supervisor, Department Head or to the Human Resources Manager.

Section C. At-will Employment

No provision of this Human Resources Policies and Procedures Manual shall be construed as an employment agreement or legal contract. Employment with the Town of Farragut can be terminated at any time, with or without cause, either by the employee concerned or by the Town. The Town reserves the right to modify or change the policies at its sole discretion without notice. It also reserves the right to not apply the policies in individual cases where application, in the opinion of the Town, is considered inappropriate. Any agreement for a specified period of time or contrary to the foregoing, if such agreement is to be made, shall be in writing and signed by the individual employee and the Town Administrator.

Article II – Definitions

The following words, terms and phrases, when used in the Personnel Policies and Procedures Manual, shall have the meanings ascribed to them in this Article II.

Absence With Pay - Absence approved by the Supervisor and/or Department Head and for which compensation is received.

Absence without Pay – An absence from duty which is without pay due to no accrued annual leave, sick leave, or an approved leave of absence without pay.

Absence Without Leave - Unauthorized absence and for which a leave request was either not made or denied.

Anniversary Date - The most recent date of employment in a regular position used to determine seniority or eligibility for promotion.

Annual leave – Paid leave for approved time off from work which does not qualify for other types of paid leave. (See Article XVI, Section B)

Active Employee – An employee of the Town who is not on unpaid leave and is not receiving long-term disability benefits from or through the Town.

ADA – Federal Americans with Disabilities Act providing certain employment protections for individuals with qualifying disabilities.

Appeals – Procedures as prescribed by these regulations for appealing disciplinary actions and other individual grievances.

Applicant – An individual who has applied in writing and submitted a resume or has completed an application form for employment in response to an open position advertisement.

Application – A form or forms that are prescribed by the Human Resources Manager for use in applying for positions with the Town.

Appointment – The offer to and acceptance by a person of a position either on a regular full-time, regular part-time or temporary basis.

Appointment Date or Employment Date - The original date of appointment to, or employment in, a budgeted position.

Authorized Representative - A person or persons possessing authority, authorized and delegated by the immediate superior, who has the authority and power to delegate such authority.

Base Salary – An employee’s actual salary amount in a given pay range exclusive of all pay differentials and allowances.

Board of Mayor and Aldermen – The Mayor and other members of the Town Board of Aldermen who collectively serve as the governing body of the Town and are vested with the power to enact ordinances and resolutions for the Town.

Classification - The act of grouping positions into classes with regard to: (1) duties and responsibilities; (2) requirements as to education, knowledge, experience and ability; and (3) tests of fitness. Classification allows an arrangement of positions whereby equal pay is given for substantially equal responsibility and authority.

Classification Plan – The plan approved by the Board of Mayor and Aldermen upon recommendation of the Human Resources Manager and the Town Administrator which places positions into pay grades.

Closing Date – The last date established for which applications can be received for a particular open position.

Compensation Plan - The official schedule of pay approved by the Board of Mayor and Aldermen assigning a range of pay to pay grades.

Compensatory Time – Time off from work in lieu of monetary payment for overtime worked.

Continuous Service – The most recent period of employment with the Town without a break in service as evidenced by separation from the Town payroll and Human Resources records.

Counseling – A verbal statement which may be documented in written form, made to improve an employee’s job performance or job-related behavior. Counseling is not disciplinary action and is not subject to appeal.

Demotion – Re-assignment of an employee from one position to another, the latter of which has a lower level of responsibilities and a lower maximum rate of pay and rank than the former.

Department – The primary organizational unit which is under the immediate charge of a Department Head.

Department Head - The Supervisor immediately in charge of a department, the primary organizational unit.

Departmental Rules – Any written policies, procedures or orders established by the Department Head and approved by the Town Administrator which dictate certain expectations, actions, rules or regulations. All departmental rules shall be consistent with these rules.

Disability – A physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment or is regarded as having such impairment.

Disciplinary Action – Action which may be taken by a supervisor when an employee fails to carry out designated position duties and responsibilities or to follow departmental rules or any provisions of these Policies and Procedures.

Dismissal – Disciplinary action which terminates an employee’s employment with the Town.

Employee – An individual who is employed by the Town and is compensated through the Town payroll for services performed.

Employee Development - Training programs for the purpose of improving an employee’s quality of service, productivity.

Evaluation – The system that has been established for use by supervisors to assess employee job performance.

Exempt Employee – A person employed in a bona fide executive, administrative or professional capacity, as these terms are defined in regulations of the Secretary of Labor and the Fair Labor Standards Act (FLSA) and therefore exempt from the overtime requirements of the FLSA. To qualify for an exempt status, the requirements of the employee’s position must meet all of the pertinent tests relating to duties, responsibilities, and salary as stipulated in the applicable section of Regulations, 29 CFR Part 541.

Family Medical Leave Act (FMLA) – The Family Medical Leave Act is a federal law which applies to employers with over 50 employees within a 75 miles radius. This law allows employees who work a minimum of 1,250 hours over the previous 12 months, with one year service, to take up to 12 weeks unpaid leave on a rolling year basis for their own or their immediate family members’ serious medical condition or other qualifying circumstances. Refer to Article XVI: Section F.

Full-time Employees – Individuals who work the equivalent of 40 hours or more per week for the Town.

Governing Body – The Board of Mayor and Aldermen of the Town of Farragut.

Immediate Family - For purposes of using sick leave and FMLA, “immediate family” shall mean present spouse, children (including natural, step and adoptive), parents (including natural, step, and adoptive), and any other individual residing within the employee’s household who is a legal dependent of the employee for income tax purposes.

Inactive Employee – An employee of the Town who is either on unpaid leave or receiving long-term disability benefits from or through the Town.

Inactive Service – The period of time, if any, during which an employee of the Town is either on unpaid leave or receiving long-term disability benefits from or through the Town.

Job Description - A written document describing the essential functions of a job, additional functions, minimum qualifications and performance indicators.

Leadership Team – Consists of the Town Administrator, Assistant Town Administrator, Department Heads, and the Human Resources Manager.

Lay-off – The involuntary, non-disciplinary separation of an employee from a position because of shortage of work, materials or funds.

Leave – An approved type of absence from work as provided for by these Policies and Procedures.

Market Adjustment - The raising or lowering of all salary ranges for all job classifications based upon a job market analysis of comparable positions, job functions, and salaries.

Maximum Salary Rate - The maximum salary authorized by the pay plan for an employee within an assigned salary grade.

Merit Increase - An increase in salary above the standard job rate based on service that meets or exceeds the standard and/or expected performance of the assigned position.

Minimum Salary Rate - The minimum salary authorized by the pay plan for an employee within an assigned salary grade who meets the minimum requirements for the assigned position.

Military Training Leave - In accordance with TCA 8-33-109, the period of up to twenty (20) working days, with pay, per calendar year, granted to employees who are members of a Military Reserve Component. Military Training Leave is not charged to annual leave.

Nepotism - Favoritism shown to relatives by reason of relationship rather than merit.

On Call - Being available for work outside of normal hours or a designated period of time.

New Hire – An applicant who has accepted a conditional offer of employment from the Town.

Non-Exempt Employee – A person employed in a position that is not in an executive, administrative or professional capacity, as these terms are defined in regulations of the Secretary of Labor. An employee in this position is subject to all provisions of the Fair Labor Standards Act (FLSA).

Occupational Disability or Injury Leave – A medically excused absence from duty because of an injury or illness sustained in the course of employment and determined to be compensable (1) by the Town’s workers’ compensation insurance carrier and (2) under provisions of the Workers’ Compensation law.

Official – When referring to a person, shall mean a member of the Town of Farragut Board of Mayor and Aldermen.

Overtime – Time worked by an employee in excess of the maximum hours allowed per work period under the Fair Labor Standards Act and as provided for herein. Generally, overtime is paid to non-exempt employees for all hours actually worked over 40 during a seven-day work period.

Overtime Pay – Compensation paid to an employee in accordance with federal regulations and these rules for overtime work performed.

Paid Status – Employees who are actively at work or who are paid by accrued annual and/or sick time.

Pay Plan - A schedule of pay ranges arranged by sequential rates including minimum and maximum salaries for each class assigned to a salary range.

Performance – The way in which an employee executes assigned duties and responsibilities.

Personnel File - An official file which is maintained in the Human Resources Department for each employee and generally consists of such items as application or resume for employment, records of transfers, promotions, demotions, reinstatements, reclassification, changes in pay, training, performance evaluations, leave, disciplinary actions and counseling interviews, etc.

Position - Any office or employment, whether occupied or vacant, full-time or part-time, consisting of a group of essential functions, additional functions and responsibilities legally assigned or delegated to one individual.

Probationary Employee – An individual who has not yet completed a probationary period.

Probationary Period – A trial period served after the initial selection process by all new employees before attaining regular status, in which the employee is required to demonstrate his fitness for the position by the actual performance of the duty. The initial probationary period shall be six (6) months for all departments. During and after this period, the Town may terminate employment for any reason and without cause.

Promotion – Officially authorized re-assignment of an employee from one position to another, the latter of which has a higher level of responsibility and a higher maximum rate of pay and rank than the former.

Qualifications – The requirements of education, experience and other skills prescribed by the job description.

Rate of Pay – A specific dollar amount, expressed as an annual rate, a monthly rate, a bi-weekly rate, a weekly rate or an hourly rate.

Reasonable Accommodations – Job accommodations required pursuant to State and/or Federal Law.

Re-Classification - A classification action of a position by classifying it upward, downward or to a different type of position on the basis of sufficient changes in the type, difficulty, or responsibility of work assigned to the position.

Records - All records maintained on each employee, both in the Human Resources Office and the department, such as the personnel file, attendance records, medical records, records of disciplinary actions, counseling records, pay and benefit records, training accomplishments, etc.

Reprimand – A type of disciplinary action, oral or written, denoting a violation of personnel regulations, which becomes part of the employee’s personnel record.

Regular Appointment - Appointment without time limitation or special restrictions as to continued employment.

Regular Full-Time Employee – An individual that has (1) satisfactorily completed a probationary period and (2) been scheduled to regularly work at least forty (40) hours per week on a non-temporary basis.

Regular Part-Time Employee - An individual that has (1) satisfactorily completed a probationary period and (2) been scheduled to regularly work up to or over twenty (20), but less than forty (40) hours on a consistent year round basis. Part-time employees, who consistently work less than thirty (30) hours per week, do not meet the minimum hours required to receive the Town insurance and retirement benefits. Part-time employees who work less than 1040 hours per year are classified as a seasonal employee.

Resignation – Termination from the employment of the Town at the request of the employee.

Seniority – Length of service as a Town employee.

Separation - The termination of employment from the Town for any reason.

Service Awards - An award given for a period of continued service.

Sick Leave – Approved absence due to non-occupational illness, injury, or health maintenance for the employee. Sick leave shall be considered a benefit and not a right for employees to use at their discretion.

Supervisor – Any individual having authority on behalf of the Town to assign, direct, discipline, and evaluate the job-related performance of other employees, if the exercise is not a mere routine or clerical nature, but requires the use of independent judgment.

Suspension – An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee, which may be with or without pay as decided by the employee’s Department Head or the Town Administrator.

Seasonal Employee – An employee holding a position other than regular, which is of a temporary, seasonal, casual or emergency nature working less than a thousand forty (1040) hours in a one year time period.

Terminal Leave - Leave granted to a retiring employee following his/her last workday and usually consisting of unused, accrued accumulated vacation time and/or compensatory time.

Terminal Pay – The compensation paid to a terminating employee following the last workday.

Terminating Employee – An employee of the Town who is ending employment due to resignation, layoff, death, retirement or dismissal.

Termination – The cessation of employment with the Town due to resignation, layoff, death, retirement or dismissal. Also, the separation of a probationary employee for failure to meet legal requirements for employment.

Town Administrator – The highest ranking appointed officer of the Town, appointed by the Town Board of Mayor and Aldermen. Terms and conditions of employment for the Town Administrator shall be governed by an Employment Agreement approved by the Board of Mayor and Aldermen.

Town – Shall mean the municipal government of the Town of Farragut, Tennessee.

Town Business Days – Shall mean any Monday, Tuesday, Wednesday, Thursday or Friday, except holidays observed by the Town, of any week.

Transfer – Re-assignment of an employee from one position to another position.

Vacancy – An unoccupied budgeted position within the Town.

Work Day – Scheduled number of hours an employee is required to work per day.

Work Week – The number of hours regularly scheduled to be worked during any seven (7) consecutive days; usually forty (40) hours; beginning on Saturday at 12:00AM and ending Friday at 11:59PM.

Article III – Coverage

All regular full-time employees are covered under these personnel policies and procedures. Part-time, seasonal and temporary employees are subject to all regulations but do not have access to benefits except as otherwise noted. Excluded from the provisions of these policies and procedures are:

1. The Board of Mayor and Aldermen;
2. Members of appointive boards, commissions or committees who are not Town employees;
3. Consultants, advisors, and counsel who are engaged by the Town on a fee or contractual basis;
4. Town Attorney;
5. Town Judge;
6. Town Administrator;
7. Employees who are hired to meet the immediate requirements of an emergency condition, such as fire, flood, earthquake, riots, etc., which threatens life or property.

Article IV – Administration

The Board of Mayor and Aldermen shall be responsible for establishing and approving personnel policies, the position classification and pay plan, and may change the policies and benefits as necessary. They also shall make and confirm appointments when so specified by the general statutes, Town Charter or Code.

The Town Administrator shall have the responsibility for the personnel program as set forth in Chapter 4 of the Town Charter and Title 1, Chapter 2 of the Municipal Code and subject to the powers vested in the governing body by charter. The Town Administrator specifically shall:

1. Recommend to the Board specific personnel positions, as may be required for the needs and operations of the Town;
2. Recommend personnel policies and procedures to the Board;
3. Authorize the appointment, dismissal, promotion, or demotion of any employee of the Town in accordance with the personnel policies adopted by the Board;
4. Designate a Human Resources Manager who shall be responsible for the administration and technical direction of the Town's personnel program.

The Human Resources Manager shall assist in the preparation and maintenance of the position classification plan and the pay plan and perform such other duties in connection with a modern personnel program as the Town Administrator shall require. All matters dealing with personnel shall be routed through the office of the Human Resources Manager who shall maintain a complete system of personnel files and records.

Under the authority and direction of the Town Administrator, the Human Resources Manager may:

1. recommend rules and revisions to the personnel system to the Board of Mayor and Aldermen for consideration;
2. recommend revisions to the position classification plan, pay plan, and benefit plan to the Board of Mayor and Aldermen for approval;

3. determine which employees shall be subject to the overtime provisions of FLSA;
4. establish and maintain a roster of all persons and authorized positions in the municipal service, setting forth each position and the employee, position title, position grade, salary, any changes in position title and status, and such data as may be desirable or useful;
5. develop and administer recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
6. ensure annual performance evaluations are conducted for each employee;
7. develop and coordinate training and educational programs for Town employees;
8. investigate periodically the operation and effect of the personnel provisions of this Policy; and
9. perform such other duties as may be assigned by the Town Administrator not inconsistent with this policy.

Article V – Classification Plan

Section A. Purpose

The classification plan provides a complete inventory of all positions in the Town's service and an accurate description and specification for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the plan.

Section B. Composition of the Classification Plan

The classification plan shall consist of:

1. A grouping in classes of positions into a numbered pay grade which reflects the relationship of job duties which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions; reflecting the hierarchical structure of the organization;
2. Written job descriptions for each class of positions;
3. Physical standards for performance of the duties of the position;
4. The grouping of classes will be accomplished by using rating factors of job descriptions based on training and ability, level of work, physical demands, independence of actions, supervision exercised, experience required, human relations skills, working conditions/hazards, and impact on the end results.

Section C. 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 regular full time position in the Town service under a job title not included in the Classification Plan.

Section D. Use of Job Descriptions

Job descriptions are to be interpreted in their entirety and in relation to others in the Classification Plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Job descriptions are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.

Section E. Use of the Classification Plan

The classification plan shall be used:

1. As a guide in recruiting and examining candidates for employment;
2. In determining lines of promotion and in developing employee training programs;
3. In determining salaries to be paid for positions within the classification plan;
4. In providing uniform job terminology understandable by all Town employees and by the general public.

Section F. Administration of the Classification Plan

The Human Resources Manager is charged with maintenance of the classification plan to assure that it reflects the duties performed by each employee covered in the plan and the class to which each position is allocated. It is the HR Manager's duty to examine the nature of the classes and to update the classification plan as necessary by changes in the duties and responsibilities of existing positions, and periodically to review the entire classification plan and recommend changes to the Town Administrator. (See also Article IX Compensation Plan)

Section G. Allocation of Positions

When a new position is established, or duties of an existing position change, Department Heads shall submit in writing a comprehensive job description describing in detail the duties of such a position. The job description will contain a general description of the position, essential functions and additional duties of the job. It should be noted that these are not entirely inclusive or descriptive of all duties. The job description will also contain minimum training and qualifications and physical, cognitive and sensory standards required to perform essential job functions. The minimum qualification standards on job descriptions should serve as norms for applicants coming into the position in order to assure that the best qualified individuals are selected for the position on the basis of merit and efficiency.

The Human Resources Manager shall thereupon investigate the actual or suggested duties and shall then make a recommendation to the Town Administrator as to the appropriate class allocations or the establishment of a new class. The Town Administrator shall make the final decision as to reclassification of employees into positions authorized by the Board of Mayor and Aldermen in the Town's Classification and Pay Plan.

Article VI – Recruitment

Section A. Policy

Selection for employment with the Town of Farragut shall be based on qualifications, without regard to race, color, religion, national origin, political affiliation, veteran's status, military affiliation or obligation, genetic information, disability, sex or age, except where age is a bona fide occupational qualification requirement, and in accordance with other federal or state regulations. No political test or qualification is permitted as a qualification in selection. Appointments to and retention in positions in the Town of Farragut which may be construed as nepotism are not permitted.

It is the policy of the Town to promote qualified employees to more responsible positions whenever possible. When a vacancy exists, the Department Head shall submit a Personnel Requisition to the Human Resources Manager. Personnel requisitions must be approved by the Town Administrator before the vacancy is advertised or posted by the Human Resources Manager. It is the policy of the Town that the recruitment and selection of an applicant for employment shall be based upon that individual's qualifications, competency and potential, and shall not be influenced by race, color, religion, national origin, age, sex, veteran's status, military affiliation or obligation, political affiliation, disability, or genetic information. Individuals shall be recruited from a wide geographic area to assure obtaining well-qualified applicants for various types of positions. Recruitment shall not be limited to the residents of Farragut. The primary objective of this hiring policy is to ensure compliance with the law and to obtain the best qualified individual to serve the citizens of the Town.

Section B. Job Postings; Transfers; Promotions

The Human Resources Manager shall insure the posting of all authorized positions, as they become vacant for the purpose of informing Town employees. Once a personnel requisition has been filed, the Human Resources Manager, in consultation with the Department Head, will determine whether an external competitive search or an internal search will best serve the interests of the Town. The Human Resources Manager will determine if internal vacancies shall be posted Town-wide.

Applications for employment shall be accepted only when a specific vacancy is announced and only until the closing date of the vacancy. All applicants must be required to complete a Town application form. However, resumes, transcripts, training certifications and other certifications may be attached and, in some cases, may be required in order to judge the applicant's merit and fitness.

Transfer or promotion of an employee within that employee's department shall be reviewed by the Human Resources Manager and approved by the employee's Department Head and the Town Administrator.

Lateral transfers shall be made only after evaluating whether the transfer is in the best interest of the Town and the employee. Finding a capable replacement for the employee who is seeking a transfer will be considered.

Transfer or promotion of an employee from one department to another shall be coordinated through the affected Department Heads and the Human Resources Manager, and shall be subject to the approval of the Town Administrator. Generally, employees are not eligible for promotion or transfer to another department during the probationary period. Employees with two years of Town service are eligible for transfers and/or promotions. The employee must have both a satisfactory performance record and no adverse disciplinary action during the twelve (12) months immediately preceding the closing date for application submittal.

Section C. Notification

The Human Resources Department shall prepare recruiting notices to publicize vacancies and to secure applicants for vacant positions. As an accommodation to persons with disabilities, notices shall be provided in alternate formats, if requested. All applicants must complete a Town of Farragut application. Resumes and supplemental materials may be attached.

Section D. Minimum Qualifications

The Human Resources Manager, in consultation with the Department Head concerned, shall review the minimum qualifications as specified in the current job description. Upon approval by the Town Administrator, such requirements shall be announced in all vacancy and/or promotional announcements.

Section E. Rejection of Applicants

The Human Resources Manager may reject any new applicant for employment if it is determined that the applicant is not qualified for the job. The reasons for rejection may include, but are not limited to, any one or more of the following: the application was not timely filed on the prescribed form; the applicant does not possess the minimum qualifications; the applicant has established an unsatisfactory employment or personnel record of such a nature as to demonstrate unsuitability for employment; the applicant has made a false statement of any material fact; the applicant is unable to perform the essential functions of the position with or without reasonable accommodation; the applicant tests positive on a post-offer, pre-employment drug test ; the applicant does not reply to mail or telephone inquiry; the applicant fails to accept appointment within the period of time prescribed in the offer; another more qualified applicant is selected for the position; or the applicant was previously employed and was removed for cause or resigned not in good standing.

Section F. Examinations

Applicants may be subject to competitive examination. All examinations shall fairly and impartially test those matters relative to the ability and fitness of the applicant to efficiently perform the duties of the positions to be filled.

Examinations may consist of one or more of the following types: A written test of required knowledge; an oral interview by the supervisor and/or the Department Head and/or an oral interview panel established to assess the knowledge, skills and abilities of the applicants; a performance test of manual skills; or an evaluation of training and experience. The Human Resources Manager will make reasonable accommodations in the examination process to disabled applicants requesting such accommodations.

Section G. Conditional Offer of Employment

All offers of employment shall be made by the Human Resources Manager or Town Administrator designee.

Section H. Medical Exam

After a conditional offer of employment and prior to the first day of employment with the Town, all regular full-time new hires shall be required to undergo and pass a medical examination to determine physical fitness to perform the essential functions of the position for which they have been offered employment. Such physicals shall be job-related and in accordance with the Town's drug and alcohol testing policy.

Section I. Background Checks

The Town shall conduct appropriate background checks on all final candidates for employment. The scope and nature of this background check may vary based upon the type of position being filled. Any employee who is responsible for handling money may be subject to a credit check.

Article VII – Appointments

Section A. Procedure

The Fair Labor Standards Act requires that employees of state and local government be at least 16 years of age for most non-farm jobs and 18 years of age to work in non-farm jobs declared hazardous by the Secretary of Labor. Minors 14 and 15 years of age may work outside school hours under certain conditions.

When a vacant position is to be filled, the Human Resources Manager will certify a list of qualified candidates for that position. The Department Head will select applicants to interview and subsequently choose a candidate for employment from this list. All offers of employment, except promotions, transfers, and demotions made within the same department, shall be made by the Human Resources Manager. In the event a vacancy is filled within the same department, the Department Head may make the offer documenting the action.

The Town Administrator may authorize a temporary promotional appointment of an existing employee. No such employee shall remain in a temporary promotional appointment status for more than six months unless the Town Administrator determines that the situation warrants an extension of time. Employees temporarily promoted will be compensated according to Article IX, Section B of this manual after assuming the full responsibilities and duties of the higher position for more than twenty (20) working days. By the conclusion of six months, the employee shall either be returned to their original position or an extension must be granted with the approval of the Board of Mayor and Aldermen.

Section B. Regular Full-time, Regular Part-time and Seasonal Employees

Regular full-time employees shall be paid a weekly salary at the approved hourly rate for all hours worked. All regular full-time employees: (1) are eligible for group health insurance, group life insurance, and group accidental death and dismemberment coverage under the Town's group policies; and (2) are eligible for pay adjustments as specified for all employees.

Regular part-time employees shall be paid an hourly rate for all hours worked per week and are not eligible for group insurance benefits or retirement benefits. Regular part-time employees are eligible for pay adjustments as specified for all employees.

A seasonal employee is any employee hired to work on a temporary basis (such as for the growing season, sports season, or may be hired temporary as a replacement for an employee on leave of absence), regardless of the number of hours worked per week. Seasonal and temporary employees do not receive benefits, but may be eligible for market pay adjustments as specified for all employees. Seasonal and temporary employees may be dismissed at any time without right of appeal as provided herein for regular employees.

Section C. Types of Appointments:

Original Appointment – When a non-employee passes all the tests of employability and is offered employment.

Re-employment – When a former employee is reinstated to the same or similar position which may or may not be equal to the original position.

Temporary or Emergency Appointment - The Town Administrator may authorize the appointment of any qualified person to a position in the case of an emergency or when the Town is unable to fill a vacancy because of an insufficient number of applicants. No payment shall be made for services rendered by the appointee prior to the appointment. Temporary appointments are limited to a period not to exceed ninety (90) days in any twelve month period except when the Town Administrator demonstrates that circumstances call for an extension.

Promotional Appointment – A promotion is an assignment of an employee from one position to another which has a higher pay grade, rank, and responsibility as described in Article X.

Student / Intern Appointments - The purpose of an internship is to help students gain practical experience, become acquainted with professionals in their field of interest, and develop an understanding of professional responsibilities and effective working relationships. Interns may be assigned to one department or on a rotational assignment to several departments where they are provided with specific job assignments. Interns may be paid or unpaid. Hours for interns are flexible, depending on the intern's needs, but may not exceed 1,800 hours in any consecutive 12-month period.

Article VIII – Probationary Period

Section A. Policy

It is the policy of the Town that all new employees in regular full-time, regular part-time and temporary positions be simultaneously placed in a probationary status. The probationary period is an integral part of the Town's evaluation process and shall be utilized by the Department Head and/or supervisor as an opportunity to observe the probationary employee's work, to train, to aid the probationary employee in adjusting to the position, and to dismiss any probationary employee whose performance or attendance fails to meet acceptable standards.

Section B. Duration

All new employees in regular full-time and regular part-time positions shall be in a probationary status for six (6) months from the date of hire.

Section C. Evaluation and Completion of Probation

The supervisor shall evaluate the performance of the probationary employee at six (6) month and annually thereafter. Additional evaluations may be completed prior to these intervals if necessary to address performance problems. The evaluations shall be documented on a designated form. Upon satisfactory completion of the probationary period, as indicated by a performance evaluation score of "meets expectations or above, the employee shall be classified as a regular full-time or part-time employee. If the performance evaluation does not "meet expectations", the probation may extended for up to six (6) additional months, or the employee may be dismissed.

Section D. Dismissal of Probationary Employee

At any time during or following the conclusion of the probationary period, an employee may be dismissed by the employee's respective Supervisor with or without cause and with no right to appeal as provided for regular employees herein.

Section E. Transferred or Promoted Regular Employees

Regular full time or part time employees who are transferred or promoted to a new position must serve a six-month probationary period in the new position. If performance is not satisfactory in the new position, then the employee may again be reassigned if a position for which the employee is qualified is available. The Town will make every reasonable effort to provide continued employment for the employee. However, the Town makes no guarantee that a position will be available for such employee. The probationary status shall not deprive the employee of any benefits that would have been received had the employee not been placed in the new probationary period (provided the employee successfully completed the initial probationary period from the first date of hire.)

Section F. Pay for Performance

An employee will not be eligible for pay for performance salary increases until the employee has satisfactorily completed the probationary period.

Article IX – Compensation Plan

Section A. Policy

The Board of Mayor and Aldermen shall establish the parameters for salaries and annual merit pay increases as part of the annual budget process and approval. Within the budget appropriations authorized by the Board of Mayor and Aldermen, the Town Administrator will develop and implement a merit pay program in conjunction with the required performance evaluations. This merit pay program is subject to budget restriction and annual Board approval. The Town's compensation plan is based upon prevailing wage rates, economic conditions, and labor market influences and internal equity. The Town administers a compensation program which is designed to attract and retain the best qualified talent possible, and to motivate and reward individual performance.

Section B. Administration of the Compensation Plan

The Human Resources Manager, under the direction of the Town Administrator, shall administer the Town's compensation plan. Plan for salary and wage administration:

1. All starting salaries for new hires shall be the decision of the respective Department Head subject to the approval of the Town Administrator.
2. The minimum of the salary range for the position classification is for new hires with little to no experience.
3. For positions that require special technical knowledge, expertise or certifications and/or for which there is a small pool of qualified applicants, new hires with proven related experience may be hired

above the minimum but no more than the midpoint of their respective salary range and not at a salary higher than current employees with comparable experience who are performing satisfactorily in the same position. Any starting salary above the minimum shall require approval from the Town Administrator.

4. Starting salary shall be documented in a letter of confirmation and acceptance of a job offer to the future employee from the Town Administrator.
5. The Human Resources Manager shall be responsible for conducting compensation and benefits surveys, salary surveys and/or reviewing studies of salary ranges and making recommendations for position and salary range changes in order that the Town is appropriately competitive with like municipalities and governmental organizations.
6. Depending upon annual salary budget guidelines, and other economic factors, regular employees shall be evaluated for merit-based salary adjustments annually. The individual employee's performance, attendance record, and efforts for self-improvement shall be factors in determining the adjustment of salary within the salary scale.
7. Normally annual rate-of-pay adjustments, including both merit-based and market adjustment, if any, may be made effective with the first full pay period in July of each fiscal year subject to budget approval by the Board of Mayor and Aldermen.
8. When an employee in one classification is promoted to a position in another classification, then the rate of pay upon promotion shall be based upon the following:
 - a. When an employee is promoted to a higher salary grade the employee shall receive a pay increase of 5.0% or the minimum rate of pay for the new position range, whichever is greater, or more at the discretion of the Town Administrator, but not to exceed the maximum rate of pay for the higher classification.
 - b. In determining the rate of pay, the Town Administrator shall consider a comparable rate of pay if the position was filled by an external candidate with similar education, experience, and ability. Employees who are promoted shall be placed on probationary status in accordance with Article VIII of this Human Resources Manual.
9. In the case of disciplinary demotion, voluntary demotion or demotion through no fault of the employee, the employee's salary shall be reduced accordingly.
10. Occasionally there may be compelling reasons to grant salary increases for reasons other than performance or promotion. Such reasons may be based on labor market conditions or to correct identified salary inequities. Any such salary adjustments will be treated as an exception to policy and must be approved by the Town Administrator.
11. In no case shall an employee's salary be less than the minimum or more than the maximum for their current pay grade.

Section C. Adoption or Rejection of the Compensation Plan

The Human Resources Manager, under the direction of the Town Administrator, shall develop a uniform and equitable compensation plan consisting of a minimum, midpoint, and maximum range of pay for each class

of positions. The salary range mid-point for each position corresponds with the competitive market average (mean) for the position. Additionally, the mid-point represents a fully competitive salary for that position in the market. Salary ranges for each class shall be coordinated with the position classification plan and shall be based upon the ranges of pay for other classes, requisite qualifications, general rates of pay for comparable work in public and private employment in the area, cost of living data, maintenance of other benefits received by employees, the financial policy of the Town, and other economic considerations. Salary ranges have a consistent numeric relationship with one another. The compensation plan shall be submitted to the Board of Mayor and Aldermen for adoption.

The compensation plan may be amended from time to time, as circumstances require in accordance with the above provisions and approval of the Board of Mayor and Aldermen.

Section D. Payroll Processing

The Town processes payroll on a biweekly basis. For pay purposes, the workweek for all employees is Saturday, 12:00 AM through Friday, at 11:59 PM. Pay checks and/or stubs will be available on the Friday following the end of each two-week pay period.

It is the policy of the Town to deduct from an employee's paycheck only those amounts that are required by law or authorized by the employee. If you believe that an improper or unauthorized deduction has been made from your paycheck, it is your duty to report your complaint to the Human Resources Manager. If, upon investigation, the deduction was improper, you will be reimbursed for the deduction and the Town will make the appropriate change to its payroll system. It is the Town's policy that no adverse action (i.e. retaliation) will be taken against any employee who takes advantage of this complaint procedure.

Any required corrections identified after the payroll has been processed will be made on the next biweekly payroll.

Section E. Direct Deposit

Direct Deposit is available and encouraged for all employees.

Section F. Overtime and Compensatory Time

Overtime is computed and paid according to current Federal Fair Labor Standards Act criteria and regulations. Overtime shall be authorized by prior approval of the Department Head, other authorized department designee, or the Town Administrator, except in the case of an emergency.

Non-exempt employees required to work overtime may be compensated with time off (compensatory time) or paid for such overtime as determined by the Department Head. Hours worked does not include holiday, sick and annual leave. Non-exempt employees may accumulate up to a maximum of forty (40) hours of compensatory time. An employee, who has reached the maximum compensatory time accrual of forty (40) hours and earns additional overtime before any of the accrued compensatory time can be used, said additional overtime shall be paid at the rate of time and one-half. Comp time must be used before using annual leave time.

Regular full-time who are in executive, administrative, or professional positions as defined by the Fair Labor Standards Act are exempt from the overtime provisions of the Act. Whenever a salaried exempt employee requests a period of absence equal to or greater than one-half day, said employee shall obtain approval by the Town Administrator or his designee. Annual leave or sick leave will be utilized for absences of one-half days or longer.

All employees, whether exempt or non-exempt, are required to report hours worked on the appropriate forms and forward to the Department Head or designee for approval. The Administration Department shall maintain all payroll records.

Section G. Emergency Call-Outs

A non-exempt employee who is called out by his/her supervisor, Town Administrator, security company, or other agent of the Town on official Town business such as an alarm call on the Town Hall or Public Works Facility, a public works emergency such a tree in the street, reset of a traffic light, traffic sign replacement due to an accident, etc. shall be paid for a minimum of 2 hours of service.

If a non-exempt employee is called back to work for an emergency after the normal work shift has ended and after the employee has left the work premises, then compensation for the extra hours worked shall be at a rate of one and one-half (1 ½) times the regular rate of pay. A call back is not an extension of regular duty hours or prearranged scheduled overtime by the employee's supervisor or scheduled training or meetings. No less than two (2) hours shall be granted for such time in a single day. In the event that employee is called back to work more than once in a day, there must be a break of two hours between the end of one call and the beginning of the next. If there is not a break of two hours, then the time will be counted from the first call.

Section H. Holiday Pay

Regular full-time employees shall receive payment for eight hours of holiday pay. Regular part-time employees, who work a consistent number of hours per week year round, shall receive holiday pay at a proportionate rate based on amount of time regularly scheduled and worked in the week preceding the holiday. Seasonal or temporary workers do not receive holiday pay. These employees are paid at their overtime rate for hours worked on a holiday.

Holidays that fall in the middle of periods of paid sick or annual leave will be charged as holidays. Employees are not paid for holidays while on terminal leave, leave without pay, and suspension without pay or workers compensation total temporary disability (TTD).

To be eligible for holiday pay, a non-exempt employee must not have been absent from work either on the work day before or after the holiday and in paid status for the regularly scheduled working day immediately preceding and immediately following the holiday. An exempt employee must be in a paid status on the days immediately preceding and immediately following the holiday to receive holiday pay.

When an employee is required to work on Independence Day to assist in the Town's annual activities, said full-time employee will be compensated as follows:

- Non-exempt employees are paid for eight (8) hours at their overtime time pay rate (12 hours at straight time rate) plus 8 hours annual leave.
- Exempt employee shall receive twelve (12) hours of annual leave.

If the holiday falls on a weekend, the above applies plus employees' who work the Independence Day Parade must take the official Town observed holiday, either Friday or Monday, with the approval of their Department Head. Annual Leave will be added to the total available annual leave through the payroll system on the pay period following Independence Day. See Article XVIII, Section A for the Holiday Schedule.

Section I. Service Recognition

Each year employees, who have completed five, ten, fifteen, twenty, and subsequent five-year additional incremental periods of service with the Town, will receive a longevity Service Award. Employees eligible for such service awards will be notified of the time and place of the presentation.

Section J. Retirement Pay

Employees who are eligible for retirement may be paid for accumulated, unused sick leave allowance as of the effective date of retirement (at the employee's regular straight time rate of pay in effect as of the date of retirement) at a 50% rate of the total accumulated sick leave up to a maximum of ninety (90) sick days plus any accrued annual leave, or they may be granted an equal amount of paid retirement leave in pay-period increments immediately preceding retirement at the employee's choosing. All benefits cease when retirement pay begins. Only retiring employees are entitled to compensation for accumulated, unused sick leave.

All terminal pay shall be paid at the employee's regular rate of pay at the time of termination from the Town. Terminal pay shall be paid lump sum, on or by the regular payday for the pay period during which the employee separates from the Town. The Town shall not match 401(k) contributions on terminal pay. Any request to pay terminal pay other than lump sum must be approved by the Human Resources Manager and Town Administrator. All accrued sick and annual leave terminal pay shall be paid by using a separate check(s) from the regular pay check.

Article X – Promotions

Section A. Policy and Procedures

It is the policy of the Town of Farragut to hire employees for entry level positions, to provide training and development for employees, when necessary, and to offer employees promotions to higher level positions when deemed appropriate. All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their supervisor, Department Head and/or Human Resources Department. An internal candidate's eligibility for promotion will be determined by the requirements of the new open position for which they apply. The employee must have both a satisfactory performance record and no adverse disciplinary actions during the twelve (12) months immediately preceding the closing date for application submittal.

Promotions shall be based on merit, efficiency and fitness (determined by competitive evaluation, if practical). This evaluation shall give appropriate consideration to the qualifications of the candidates in relation to the position's qualifications and essential function; seniority and merit rating. It may also include an evaluation of the physical and/or mental condition of the applicant. In order to select the best available candidate for each position, recruitment may also be made from outside the Town organization.

When a position above entry level becomes vacant, or is to be vacated, the Department Head will notify Human Resources immediately.

The Human Resources Manager, after consultation with the Department Head and approval by the Town Administrator, will determine whether an external competitive examination or an internal examination will best serve the interests of the Town. The Human Resources Manager shall post internal vacancies Town-wide. All internal vacancies shall be posted for a period of no less than five (5) working days.

The Human Resources Manager, subject to review by the Town Administrator, shall determine the method of selection examination when filling a vacancy by promotion.

The Human Resources Manager will certify the names of the qualified candidates. The Department Head shall then fill the position(s) from among those candidates available in this highest qualified rating. The Department Head is not obligated to select in rank order but should select the best available candidate for the position after considering all of the qualifications.

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. Promotions will be made to vacant, budgeted and/or authorized positions.

All promotional appointments shall be for a six (6) month probationary period. During the probationary period, the employee may be rejected at any time without charges, right of appeal and hearing when, in the judgment of the Department Head, the quality of the employee's work is not such as to merit continuation in the position.

An employee rejected during the probationary period from a position to which he has been promoted or who voluntarily requests to be reinstated to a position in the same grade from which they were promoted may be reinstated to a position in the grade from which he was promoted unless he is discharged as provided in these Rules and provided that such a position is available. The employee shall be reduced to the rate of pay in effect immediately prior to the promotion.

Section B. Promotional Eligibility

Regular employees will be considered eligible for promotion, provided that he or she has:

1. Satisfactorily completed the probationary period required for the department and performed at the "meets standards" level or higher in that position;
2. Met the minimum qualifications for the position to which promotion is being considered; and
3. Employed in their current position for a minimum of two years.

Section C. Application

The Human Resources Manager may require that each employee who wants consideration for the promotional opportunity to submit an application or a resume on or before a specified closing date.

Section D. Promotion Without Examination

In exceptional cases, the Town Administrator may authorize the promotion without competition of an eligible employee upon receipt of a written statement from the Department Head showing that the duties performed by the employee nominated are natural preparation for the higher position, that such employee has earned the promotion by reason of service and effective performance and that no other employee of the department meets the foregoing conditions.

Each town employee shall be evaluated during and at the end of the initial six months of service in a new position and thereafter annually on July 1 of each year. The employee will have an opportunity to discuss each evaluation with the supervisor who conducted the evaluation. All evaluations become a part of the permanent personnel file.. Performance evaluations may be used in the process of employee counseling and personal development and shall be considered as a means of determining employees who should be promoted, transferred, granted merit pay

Article XI – Performance Evaluation Program

Section A. Policy

The Human Resources Manager shall administer a program to evaluate the work performance of each Town employee. The individual employee's performance evaluation shall be completed by the supervisor, subject to review and signature of the Department Head, and shall be relevant to actual job duties and responsibilities. Departments are required to use evaluation forms approved by the Human Resources Manager. Each Department Head is responsible for ensuring that employee evaluations are conducted in a timely manner prescribed by the Human Resources Manager. The Town Administrator and the Human Resources Manager, in consultation with the Department Heads, shall monitor and approve employee evaluations with regard to clarity of job expectations and documentation of job performance. Performance evaluations of Department Heads and other administrative employees reporting directly to the Town Administrator shall be conducted by the Town Administrator in a manner substantively similar to other Town employees.

Section B. Frequency of Assessments

Each town regular full-time, regular part-time, and returning seasonal employee shall be evaluated during and at the end of the initial six months of service in a new position and thereafter annually by July 1 of each year. The employee will have an opportunity to discuss each evaluation with the supervisor who conducted the evaluation. All evaluations become a part of the permanent personnel file.

Performance evaluations may be used in the process of employee counseling and personal development and shall be considered as a means of determining employees who should be promoted, transferred, granted merit pay increases, selected for specialized in-service training, demoted, or dismissed.

Section C. Processing of Employee Evaluations

The processing of employee performance evaluations will be used in conjunction with merit-based pay increases. Employees are required to sign their evaluation forms indicating that the employee has had an opportunity to discuss the evaluation with the employee's supervisor. All evaluations become part of the Town's official personnel file for that employee. Individual performance evaluations are subject to the Tennessee open records law.

Performance evaluations may be used in conjunction with a merit-based rate-of-pay adjustment to be implemented in July of each year, if approved by the Town Board of Mayor and Aldermen. The merit program is evaluated annually by the Board of Mayor and Aldermen and implemented by the Town Administrator at his discretion.

An employee who feels that his/her performance appraisal is not correct shall have the right to appeal the appraisal to the Town Administrator through the Human Resources Manager. The appeal shall be submitted to the Human Resources Manager by ten (10) Town business days from the date the employee receives the evaluation. The Town Administrator will make the final decision regarding the performance appraisal rating.

Article XII – Employee Development and Training

Section A. Employee Development and Training

Both the Town of Farragut and the employees benefit when the employees are well trained. The importance of training employees within each department unit leads to improved organizational development, increased productivity, and enhanced service. This is generally accomplished best through on-the-job or in-service training with occasional or mandated specialized off-site training. The Department Head will work through Human Resources to provide realistic and effective job-related training to employees. As budgets allow, each department will organize employee training in such a way so as to assure that adequate and necessary training is provided and that unjustified training activities are not engaged in. Budgeted training opportunities will be provided uniformly, equally, and fairly. To accomplish this objective, each Department Head, as appropriate, utilizing the assistance of Human Resources, shall develop, maintain and coordinate the following:

1. A written Departmental Training Policy;
2. Comprehensive organizational training plans;
3. Request funding in the annual budget for training and provide employees' time for training activities;
4. A system of reporting and review; and
5. A system of evaluating all training activities undertaken.

Training certifications will be forwarded to Human Resources for inclusion in the employee's personnel file.

Section B. Administration of Employee Development Program

Working in conjunction with Department Heads and within budgeted funds, the Human Resources Manager shall:

1. Assure that policies and procedures are implemented for developing ethical behavior, technical and managerial skills, and skills and behaviors essential to effective work performance and a favorable work environment.
2. Assure that training, as approved, is carried out and that a certificate or other forms of recognition, if appropriate, are prepared for persons who satisfactorily complete training courses and programs.
3. Keep a record of all training courses and programs, requirements for such courses and an attendance record, and documentation of employees who successfully complete or fail such courses and programs for permanent file.
4. Assist Department Heads in developing and conducting developmental training to meet the specific needs of their departments or common to all departments.
5. Assist employees with issues related to wellness and personal growth insofar as these affect the employee's ability to perform his/her duties. Development activities, programs or opportunities are those which:
 - a. Inform employees about the Town of Farragut's objectives, programs, organization, policies, procedures and work methods;
 - b. Help employees obtain or improve job-related knowledge, skills or competence to improve performance efficiency and effectiveness, preclude obsolescence and cope with changing

environments, technology and equipment;

- c. Help employees become qualified for more responsible work within the Town or for work in different fields for which they may be needed by the Town; and
 - d. Contribute as appropriate to fulfilling the Town of Farragut responsibilities under its equal employment opportunity policy.
6. The municipality's in-house employee development activities include training programs which, as appropriate, may be planned and administered jointly with other agencies and organizations. The three types of in-house training activities are:
- a. Occupational qualifying training for preparing employees to perform all the duties of a specific job, usually at the entry level.
 - b. Technical training for enhancing and upgrading employees' knowledge, skills and abilities related to specific aspects of their current jobs and/or current areas of work.
 - c. Developmental training for improving employees' personal, administrative, supervisory, managerial and other related, but generally non-technical, skills to improve performance in their current jobs and to assume broader and/or higher level responsibilities.
7. Assure an adequate supply of trained employees is available to fill job openings created by promotions, expansions or losses.
8. Encourage and assist employees in the acquisition of additional knowledge and skills which are useful in assuming greater responsibilities.
9. Ensure that essential employee knowledge and skills are identified, maintained and improved upon in order to accomplish the best performance on every job through the performance evaluation system. Specific goals for improvement and training needed to accomplish goals will be established on employee performance appraisal forms.
10. Functionally supervise employee development programs and activities, where necessary, throughout the municipal government; and
11. Ensure all job descriptions adequately address knowledge, skills and abilities required in each position and that minimum education, training and certification levels are clearly identified.
12. Maintain copies of employee training records in employees' Human Resources files.

Section C. Safety Education and Training

The Human Resources Manager shall have the basic responsibility for coordinating a program of safety education and training. The Human Resources Manager shall have enforcement powers at the discretion of the Town Administrator. All employees are required to take every precaution in the prevention of accidents to themselves, other employees and the public. Department Heads shall actively implement safety programs and practices in cooperation with the Human Resources Manager.

All employees whose duties require the operation of office equipment, motorized vehicles, machinery or tools of any kind or nature shall follow safety procedures and instructions and use every precaution in the prevention of accidents to themselves and/or other employees. Such employees are charged with the responsibility of proper operation of all equipment that is used in the normal function of their duties. Employees who knowingly and willfully violate proper safety precautions may be subject to appropriate disciplinary action. The Town of Farragut Safety Manual governs safety procedures and policies.

Article XIII – Guidelines for Employee Conduct and Discipline

A. Guidelines for Conduct

As an integral part of Town staff, all employees are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves sincere respect for the rights and feelings of others but also demands that both in their work and in their personal life they refrain from any behavior that might be harmful to themselves, their coworkers, and/or the Town, or that might be viewed unfavorably by the public at large. Whether an employee is on or off duty, an employee's conduct reflects upon the Town. Consequently, all employees are encouraged to observe the highest standards of professionalism at all times.

Listed below are some of the rules and regulations of the Town. This list should not be viewed as being all-inclusive. Types of behavior and conduct that the Town considers inappropriate and which could lead to disciplinary action up to and including termination of employment without prior warning, at the sole discretion of the Town's management staff, include, but are not limited to, the following:

1. Falsifying employment or other Town records;
2. Violating the Town's nondiscrimination and/or harassment policy;
3. Soliciting or accepting gratuities from vendors or citizens in violation of the Town's Ethics Policy;
4. Establishing a pattern of absenteeism or tardiness;
5. Engaging in excessive, unnecessary, destructive, or unauthorized use of Town supplies, equipment or work time, particularly for personal purposes or other non-Town purposes;
6. Violation of either of the Town's Drug and Alcohol Abuse Policies;
7. Fighting or using obscene, abusive or threatening language or gestures;
8. Stealing property from the Town or coworkers;
9. Having unauthorized firearms or dangerous weapons on Town premises or while on Town business;
10. Disregarding safety or security regulations;
11. Engaging in insubordination or failing to correct inadequate or unsatisfactory job performance;
12. Failing to maintain the confidentiality of coworkers' personal information which is entitled to protection under privacy laws;
13. Failure to process approval of Outside Employment Form (see Article XX, Section D);
14. Neglect of duty, carelessness or negligence in the use of Town property;
15. Violation of safety rules or Tennessee traffic laws while driving a Town vehicle;
16. Failure to report an accident involving Town Property (including a Town vehicle) regardless of the amount of damage;
17. Failure to personally notify the supervisor within one (1) working day of notification by the courts or Department of Motor Vehicles when the employee's driver's license and driving privileges have been suspended, revoked, or restricted for any reason, or having been cited by a law enforcement agency for DUI or a vehicle accident involving loss of life or serious bodily injury whether such occurred on or off duty; loss of an employee's driver's license and driving privileges by due process of law when the operation of a motor vehicle is required by the employee's job description.
18. Gambling on Town property or during work hours;

19. Failure to report within two (2) business days to the employee's Department Head, Assistant Town Administrator (if applicable) and to the Town Administrator the employee's receipt from any local, state or federal regulatory agency of an administrative complaint, warning, or other written notice of violation or non-compliance with applicable law or regulations concerning employee's work for the Town.
20. Political pressure or bribery to receive an advantage or appointment, or to influence a Town employee in his/her duties.

If your performance, work habits, overall attitude, conduct or demeanor becomes unsatisfactory in the judgment of the Town's management staff, based on violations either of the above or of any other Town policies, rules, or regulations, you will be subject to disciplinary action, up to and including dismissal.

Section B. Disciplinary Guidelines

It is the policy of the Town to utilize disciplinary action to correct job behavior and/or performance problems. The primary purpose of discipline is remedial in nature and intended to improve performance and/or correct behavior. It may be a dimension of performance evaluation and employee development extended to help the employee develop knowledge, skills and abilities. These Policies and Procedures shall be applied considering the seriousness of the infraction, mitigating circumstances, previous work record, and other relevant criteria.

In order for disciplinary action to be documented, it must be filed in the Human Resources Department.

Any supervisor may take corrective action by orally counseling employees as necessary. This action may be taken as an effort to correct a situation that, if uncorrected, may require more serious disciplinary action. In most instances, counseling notices should be written by the employee's immediate supervisor and must be concurred with by the Department Head. Disciplinary action is the basic responsibility of the immediate supervisor in consultation with the Human Resources Manager. All supervisors are expected to notify those above them in the chain of command of documented disciplinary action. Furthermore, supervisors are expected to participate in the disciplinary process. Of course, the Town Administrator, as the chief manager of Town staff, also has authority to discipline all employees as he deems is in the best interest of the Town.

An employee will not be disciplined for any of the following reasons:

- Conditions controlled by equal opportunity laws, such as race, color, religion, national origin, sex, disability, veteran's status, military affiliation or obligation, age or any other legally protected status, including filing a complaint with the Equal Employment Opportunity Commission or Tennessee Human Rights Commission,
- Reporting occupational health or safety violations,
- Refusing to perform an act that is in clear violation of the law.

Any decision to impose disciplinary actions must be made in light of the totality of the circumstances, included, but not limited to, the severity and seriousness of the infraction, any mitigating circumstances, the employee's prior work history, the consequences or potential ramifications of the infraction to the Town, its citizens and coworkers, as well as other considerations deemed relevant. Disciplinary action can include oral reprimands, written warnings, suspension pending investigation (with or without pay), suspension (without pay), demotion, termination, and other requirements directed by management staff designed, in the opinion of management, to correct performance or behavior. The order, extent, degree and combination that the foregoing actions are to be used is within the discretion of the member of the Town's management staff to whom the offending employee is subordinate, and to be exercised taking into account all of the foregoing

circumstances. It is the intent of these guidelines that the Town's management staff will employ the disciplinary options uniformly and consistently to similar circumstances, with the understanding that few, if any, events or infractions are the same or call for identical treatment.

Article XIV. Complaint and Disciplinary Appeal Procedure

Misunderstandings or conflicts can arise in any organization. This can occur as the result of disciplinary action or other work related circumstances that adversely affects an employee or the Town. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, if a situation persists that an employee believes is detrimental to them or to the Town and the situation is not excluded hereafter, the employee should follow the procedure described here for bringing the concern to management's attention. When used in connection with a disciplinary action, this procedure will only apply to disciplinary actions more severe than a written warning.

This procedure will not be applicable to obtain a review of:

- The details of an employee's performance evaluation;
- Personnel actions pertaining to position classifications and assignments;
- Pay and/or other forms of compensation including employee fringe benefits, or changes thereto; and
- Demotions, transfers and lay-offs because of the abolishment of positions.

Step One

Discussing the problem with the employee's immediate supervisor is encouraged as a first step. If, however, the employee does not believe a discussion with the supervisor is appropriate, employee may proceed directly to Step Two.

Step Two

If the problem is not resolved after discussion with the supervisor or if employee feels discussion with the supervisor is inappropriate, the employee should request a meeting with the Department Head. In an effort to resolve the problem, the Department Head will consider the facts, conduct an investigation, and may also review the matter with a member of the Human Resources department. The employee should expect to receive a response regarding the problem within five working days of meeting with the Department Head, unless the circumstances presented by the problem will not allow for turnaround within that time, in which event the response will be made as soon as reasonably possible.

If the Department Head is the immediate supervisor, or the employee does not believe a discussion with the Department Head is appropriate, employee may skip Step Two.

Step Three

If the employee is not satisfied with the Department Head's decision, or has skipped Step Two, and wishes to pursue review of the disciplinary action or adverse circumstance further, employee may prepare a written summary of concerns and request that the matter be reviewed by the Town Administrator or his designee. The Town Administrator or his designee, after a full examination of the facts (which may include a review of the written summary of your statement, discussions with all individuals concerned and a further investigation if necessary), will normally advise the employee of his judgment on the matter within fifteen working days. The judgment of the Town Administrator shall be final.

The Town does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed, as preventing, limiting, or delaying the Town from taking disciplinary action against any individual, up to and including termination, in circumstances (such as those involving problems of overall performance, conduct, attitude, or demeanor) where the Town deems disciplinary action appropriate.

Article XV – Non-Disciplinary Transfers, Demotions, Separations and Reinstatements

Section A. Transfers

A transfer is a lateral movement of an employee from one position to another at relatively the same pay range between positions of the same class or a different class. Transfers may be made within a department or between departments. A transfer is not the assignment of an employee from one shift to another without a change in duties or job title. Transfers may be made as a result of:

1. Layoff;
2. Abolishment of a position;
3. Further training and development of an employee in another position that would be beneficial to the future staffing needs of the Town;
4. Personal request of the regular employee when it is consistent with other requirements of this Rule;
5. To provide accommodation for a disability; and
6. Other reasons determined to be justifiable by the Department Head, Human Resources Manager and Town Administrator.

To be transferred, an employee must meet the minimum qualifications for the position and the move must be in the best interest of the Town. Regular employees who are transferred at their own request shall serve a probationary period of six (6) months. Regular employees who are transferred at management's discretion shall not be subject to an additional probationary period. (See Article VIII Section E)

Section B. Demotions (Non-disciplinary)

In accordance with these Rules, a Department Head may demote an employee to a position of lower grade in which the employee meets the minimum qualifications for any of the following reasons:

1. Because the position is being abolished and the employee would otherwise be laid off.
2. Because another employee returning from authorized leave will occupy the position to which the employee is temporarily assigned.
3. The employee does not possess the necessary qualifications to render satisfactory service in the position he/she holds.
4. The employee voluntarily requests such demotion.
5. When a regular employee is demoted, the compensation shall be in accordance with Article IX, Section B. All notices of demotions will be in writing, specifying the reasons for the demotions and placed in the employee's personnel file.

Section C. Types of Separation

Types of separation may include, but are not limited to the following:

Resignation - Any employee may resign from Town service by presenting a letter of resignation to the Department Head. A minimum two-week written notice for non-supervisory employees is considered appropriate notice to the Town. Any unauthorized absence from work by an employee for a period of three (3) consecutive working days will be considered job abandonment and a voluntary and immediate resignation by that employee.

Disability – An employee may be separated from the Town Service or demoted when it has been determined that the employee cannot continue to satisfactorily perform the essential duties of the position due to a physical or mental disability and no reasonable accommodation can be made. All determinations of physical or mental disability will be by a licensed, practicing medical doctor or medical doctors.

Retirement – When an employee is 60 or more years of age, the employee may set a date to retire from employment. Official notice of such intended action must be submitted by the employee in writing to the Department Head or the Human Resources Manager one month in advance. Retiring employees who qualify may be eligible for retirement leave (see Article XV, Section E and Article XVI, Sections G and H).

Termination – Termination of regular employees shall be in accordance with Article XII. Termination of probationary employees shall be in accordance with Article VIII, Section D. Termination of temporary employees shall be in accordance with Article VII, Section C.

Lay-offs - Nothing herein shall be construed as affecting the power of the Board of Mayor and Aldermen to abolish positions in the classification plan upon recommendation of the Town Administrator as prescribed in Title 4, Chapter 1 of the Municipal Code. Whenever the layoff of one or more employees is necessary, the Town Administrator shall notify each employee at least ten days in advance of the intended actions. Lay-offs shall be made within positions and all temporary and probationary employees in the affected position or positions shall be laid-off prior to the lay-off of any regular non-probationary employee. When more than one individual is employed in a position determined for layoff, the said layoff will be based upon a number of factors including, but not limited to, performance, ability to perform the work remaining and length of service.

Section D. Reinstatements

Reinstatement is a return to employment status without competitive selection or examination. Any regular or probationary employee in good standing who has been laid off is eligible for reinstatement to the same class of position in accordance with applicable state and federal laws. A reinstated employee shall be credited with prior accumulated service for service t purposes only, provided the date of reinstatement is less than one year form the official date of separation from the Town payroll. For purposes of vacation, sick leave, and other benefits he/she shall be considered a new employee.

Article XVI – Leaves and Absences

Section A. Holidays

Holidays - The following days shall be declared official holidays for the Municipal Government employees and other such days as may be designated by the Board of Mayor and Aldermen:

New Year's Day	January 1
Martin Luther King's Birthday	3rd Monday in January
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Friday after Thanksgiving	4th Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th

When a holiday falls on a Saturday, the Friday before the holiday shall be observed as the holiday. When a holiday falls on a Sunday, the following Monday shall be observed as a holiday. When the July 4th holiday is on a weekend, a department head may designate for their department that either Friday or Monday be used as their holiday, regardless of whether July 4th falls on a Saturday or Sunday, in order to consider work requirements for the department. Floating holidays are not allowed.

Employees required to work when their scheduled shift falls on any Town-observed holidays shall receive compensation in accordance with Article IX, Section H of these Policies and Procedures.

Section B. Annual Leave

All active regular full-time and regular part-time employees, who work a consistent number of hours year round, and all active employees in a probationary period for regular full-time positions of the Town, shall accrue annual leave monthly.

An employee must be in a paid status with the Town for at least 50% of the month in order to accrue annual leave for that month. Employees on unpaid leaves including medical leave, terminal leave, job related disability / injury leave, layoff, leave without pay, absent without leave, or any combination of the above for more than 50% of the month will not accrue annual leave time during that month. Employees on suspension pending investigation or disciplinary hearing (unpaid) shall not be eligible to accrue annual leave during the month of suspension. Employees may not borrow against future annual leave before it is earned and accrued.

Annual leave shall be accrued on the following basis unless otherwise designated by the Town Administrator:

Less than three years	8 hours per month
Three to ten years	12 hours per month
Ten to twenty years	16 hours per month
Over twenty years	20 hours per month

Employees working in a regular part-time status, working 20 or more hours per week on a year round basis, shall earn 4 hours annual leave per month for uninterrupted continuous service. Seasonal, temporary, intern, or emergency workers shall not earn annual leave.

Vacation will be computed on the number of standard work hours in a week. For annual leave purposes, the term “workday” as it applies in this section shall be computed on an eight (8) hour basis for 40 hours per week.

Annual leave shall not accrue until the end of the first full calendar month of employment or appointment, and shall be granted only after satisfactory completion of six (6) months of the probationary period, unless mitigating or emergency circumstances prevail. An employee starting to work at any time after the first working day of the calendar month shall not have accumulated annual leave until the end of the following calendar month. For annual leave purposes, reemployed employees shall be considered as new employees.

In the event a former regular full-time employee shall return to regular full-time employment with the Town, the employee, after working thereafter continuously for the town for two years on regular full-time status, shall be credited for any previous regular full-time service time for the purposes of determining annual leave.

Annual leave may be accrued up to a maximum of 240 hours (30 days) at the end of each calendar year. Any unused annual leave above the maximum limit on January 1 of each year shall be forfeited.

Accrued annual leave time may be taken at a minimum of two hours at a time and in increments of fifteen minutes thereafter. Annual leave can be taken throughout the year to cover periods of absence needed for recreation, rest, or for other personal reasons. Requests for annual leave shall be given to the employee’s department head with at least 24 hours’ notice prior to the taking of the time requested.

Annual leave may be taken subject to the approval of the Town Administrator who shall schedule annual leave as to meet the operational requirements of the town. Employees on annual leave will continue to accrue annual and sick leave.

Annual leave, which is to be scheduled as far in advance as possible, may be used at the employee’s discretion, provided the Department Head approves it. Department Heads may approve earned annual leave if the operational requirements of the department can still be met despite the employee’s absence. Any annual leave may be scheduled at the approving supervisor’s discretion and in accordance with any approved departmental guidelines. Generally, annual leave should not exceed ten (10) consecutive working days. However, under unusual or special circumstances, Department Heads may approve requests for more than (10) consecutive days of vacation after considering the following:

- Whether the annual leave is being asked in lieu of sick leave as maternity leave or for military service beyond military leave.
- The effect of the employee’s absence on the functioning and work load of the organization.
- The time needed by the employee to complete a special project or trip.
- The lapse in time from the employee’s last extended vacation.

All employees are encouraged to use annual leave in the year in which it is earned. Department Heads should ensure that work schedules allow employees to use annual leave in a timely manner.

Employees separating from Town service, who are in good standing, may be paid for their unused annual leave. Payment will be figured at the straight time rate in effect on the termination date. Employees who are not retiring will be paid at the next regularly scheduled pay day after the Department Head verifies that all uniforms, keys, and equipment have been returned.

Section C. Payment for Annual Leave

When an employee has accumulated a minimum of fifteen (15) days of annual leave, an employee may request payment in lieu of actual leave for up to ten (10) days subject to the following conditions:

1. Employee shall have previously taken at least one (1) week (five work days) of actual leave within the current calendar year.
2. The request shall be submitted in writing to the Town Administrator.
3. The request shall be submitted by November 30 for each calendar year.

Section D: Transfer of Annual Leave

Accumulated leave may be transferred from one employee to another employee under the following specific conditions:

1. The contributing employee must have a remaining accumulated balance of twelve (12) days of annual leave after the transfer is made.
2. The recipient of the annual leave must have exhausted all of his/her annual leave, and must be out from work on authorized leave from employment due to personal illness or injury or to an illness with an immediate family member which prevents the employee from returning to work at this time.
3. The annual leave days will be traded as equal days regardless of any differential in compensation rates for the two positions. The annual leave which is given by another employee is compensated at recipient employee's current rate of pay.
4. A confidential request must be submitted to the Town Administrator in writing for approval. If approved, the contributing employee must sign a written acknowledgement prepared by the Town prior to the transfer.
5. The recipient of annual leave must sign a written acknowledgement that payment for said annual leave was received.

Employees resigning voluntarily and who give reasonable notice of intention to resign or upon retirement shall receive payment at the employee's current rate of compensation for such employee for all accrued annual leave bank as of the date of resignation or retirement. In the event of the employee's death, the town will pay the employee's estate the consideration due for accrued annual leave.

Section E. Sick Leave

All active regular full-time and regular part-time employees, who work a consistent number of hours year round, and all active employees in a probationary period for regular full-time and regular part-time positions, shall accrue monthly sick leave. All active regular full-time employees shall earn 8 hours for each completed month of service. Employees on part-time status shall earn 4 hours of sick leave for each completed month of service. Part-time employees must work 20 hours per work week year round to be eligible for this benefit.

Sick leave may be accrued up to a maximum of 720 hours (90 days) at the end of each calendar year. Any accumulated sick leave over 720 hours will be forfeited at the end of each calendar year, and said employee shall not accumulate any additional sick leave until the accumulated total falls below 90 days. Unused sick

leave above the maximum limit on January 1 of each year shall be forfeited. No payment will be made for accrued sick leave upon separation from the Town.

Sick leave shall not accrue until the end of the first full calendar month of employment or appointment. An employee starting to work after the first workday of the calendar month shall not have accumulated a day of sick leave until the end of the following calendar month. Doctor's certifications are required for sick leave during the first six (6) months of employment. Employees may not borrow against future sick leave before it is earned and accrued. Sick Leave taken that extends beyond earned sick leave credits shall be charged to annual leave or to leave without pay.

Sick Leave must be taken at minimum fifteen minute increments. An employee must be in a paid status with the Town for at least 50% of the month in order to accrue sick leave for that month. Employees on sick leave, terminal leave, job related disability / injury leave, layoff, leave without pay, or absent without leave for more than 50% of the month will not accrue sick leave time during that month. Employees on suspension pending investigation for a disciplinary hearing (unpaid) shall not be eligible to accrue sick leave during the month of suspension.

The employee may use sick leave for the following purposes:

- for personal illness, non-occupational injury, or absence due to pregnancy, childbirth, or related medical conditions;
- for the illness of any members of the employee's immediate family (see Article II, the definition of "Immediate Family");
- for personal doctor and dental appointments;
- for doctor and dental appointments for any members of the employee's immediate family (see Article II, definition of "Immediate Family") whenever the employee must accompany that family member to that appointment.

Sick leave is considered a benefit and privilege and not a right for the employee to use at his discretion. Sick leave may not be used as personal time, and may not be used at any time while an employee is at work on a second job, regardless of health status. Use of sick leave following notice of resignation must be supported by a valid doctor's statement. Sick Leave may be paid out to an employee at a rate of 50% for the entire bank at retirement only. This can only occur at eligible retirement age as set forth in the Town's retirement plan.

In order to utilize sick leave, the employee must notify the immediate supervisor or the Department Head no later than thirty (30) minutes before the beginning of the scheduled work shift for the department. Employees must notify their supervisor as far in advance as possible of foreseeable sick leave usage such as doctor appointments, therapy sessions, etc. Furthermore, employees are expected to make every effort to schedule such foreseeable absences in such a way as to not unduly disrupt Town operations. If the absence is for three (3) consecutive working days or longer, a written statement from a licensed physician shall be required. Additionally, after the equivalent of three (3) occurrences of sick leave have been taken in any twelve (12) month period, the Department Head may require a physician's statement for the approved use of any sick leave during the next twelve (12) month period. All doctor's excuses and sick leave slips shall be forwarded to the Human Resources Manager by the Department Head.

Any accrued and unused sick leave shall become null and void upon an employee's termination.

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 the loss of such benefits, dismissal or such other disciplinary action as the Department Head deems necessary. All supervisors confirming an absence as sick leave, knowing the cause not to be justified, or failing to report the absence, shall be liable to the

same disciplinary action as the employee.

Employees who become ill during the period of their vacation may request that their annual leave be changed to sick leave pending proof of a doctor's statement. The employee shall be required to return to work when cleared by competent medical authority as determined by the Human Resources Manager.

Section F. Family Medical Leave Act

The following content outlines the Town of Farragut's policies in compliance with the federal Family and Medical Leave Act of 1993 (FMLA). Not every detail can be included in this policy; however, it is our intent to comply with the provisions of the FMLA, as may be amended from time to time. Any changes to the law shall supersede this policy. The following policy and all terms and conditions set forth herein shall be construed and applied in accordance with the FMLA.

1. General Provisions

It is the policy of The Town of Farragut to grant up to 12 weeks of family and medical leave during a rolling calendar year 12-month period in accordance with the Family and Medical Leave Act of 1993 and up to 26 weeks of leave in a rolling calendar year 12-month period in compliance with the expansion of FMLA under The National Defense Authorization Act. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave as specified in this policy.

2. Eligibility

Employees who have worked for the Town for a minimum of twelve months and worked a minimum of 1,250 hours in the preceding twelve months may be eligible for family and medical leave. The Town calculates family and medical leave on a twelve-month rolling period. Hence, each time an employee takes family and medical leave, the remaining FMLA leave entitlement would be any balance of the twelve weeks which has not been used in the preceding twelve months.

Employees on military leave will be given credit for any months and hours of service he or she would have been employed while on military leave for purposes of determining eligibility for FMLA.

Eligible part-time employees may take FMLA leave in proportion to the number of hours they normally work for the Town per week.

If the leave is requested for the purposes of caring for a newborn child or a newly placed adopted or foster child, the leave must be taken before the end of the twelve months following the birth or placement.

If the employee and the employee's spouse are employed by the Town, they are entitled to a combined leave of up to twelve weeks in a twelve-month period for the birth, adoption, or placement of a child for foster care or to care for a sick parent.

3. Basic Leave Entitlement

Eligible employees may take family and medical leave for up to 12 weeks for one of the reasons listed below:

- a. the birth of the employee's child and to care for that child
- b. placement of a child with the employee for adoption or foster care and to care for the newly placed child
- c. to care for the employee's spouse, child, or parent who has a serious health condition (see Serious Health Condition)
- d. the employee's own serious health condition (see Serious Health Condition)

4. Military Family Leave Entitlements

Eligible employees may take leave up to 12 weeks to address certain qualifying exigencies when a spouse, son, daughter, or parent is on active duty or is called to active duty status in the National Guard or Reserves in support of a contingency operation. Qualifying exigencies include non-medical and non-routine activities such as attending military events, counseling activities, post-deployment activities, making financial and legal arrangements, or childcare arrangements.

Eligible employees may take up to 26 weeks of leave to care for a spouse, son, daughter, parent, or next of kin who is a service member in the Regular Armed Forces, National Guard, or Reserves and has incurred a serious injury or illness in the line of duty while on active duty.

5. Intermittent Leave and Reduced Leave Schedules

Leave due to a serious health condition may be taken intermittently or on a reduced leave schedule when that type of scheduling is medically necessary as certified by the healthcare provider. Intermittent or reduced leave schedules for routine care of a new child can be taken only with the Town's approval. The employee and his or her supervisor must mutually agree upon the schedule. Employees on intermittent or reduced leave schedules may be temporarily transferred 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 twelve weeks, but it will not exceed the equivalent of twelve workweeks total leave in a twelve-month period.

Leave due to qualifying exigencies may also be taken on an intermittent basis.

6. Serious Health Condition

A serious health condition, as defined by the Department of Labor, means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- a. any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility
- b. a period of incapacity requiring absence of more than three (3) consecutive calendar days from work, school, or other regular activities that also involves continuing treatment by or under the supervision of a health care provider
- c. any period of incapacity due to pregnancy, or for prenatal care
- d. any period of incapacity or treatment thereof due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.)
- e. a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.)
- f. any absences to receive multiple treatments (including any period of recovery there-from) by, or on referral by, a health care provider for a condition that would likely result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.)

7. Leave Request and Notification Procedures

- a. Procedure for Requesting Leave for 1) the birth of a child or in order to care for the child; 2) the placement of a child for adoption or foster care and to care for the newly placed child; 3) to care for a spouse, child, or parent with a serious health condition; or 4) the serious health condition of the employee:

EMPLOYEE RESPONSIBILITIES - Employees requesting this type of FMLA leave must provide verbal notice of the needed leave to the Human Resources Manager. Employees must provide sufficient information (state a qualifying reason, explain reason leave is needed, provide anticipated timing and duration) to allow the HR department to determine if the leave may qualify for FMLA protection. When subsequently requesting leave for the same FMLA-qualifying reason for which leave has previously been

provided, employee must specifically reference the qualifying reason or state “FMLA” leave.

If the leave is foreseeable, the employee is required to notify the Human Resources Manager at least thirty (30) days prior to the requested leave. Otherwise, such request must be submitted as soon as is practicable. This thirty day advance notice is not required in cases of emergency or other unforeseen events such as premature birth or sudden changes in a patient’s condition. Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may be exempt from this 30-day notice.

An employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order to minimize disruptions to the City’s operations.

Employees may also be required to provide a certification and periodic recertification supporting the need for leave.

EMPLOYER RESPONSIBILITIES - The HR department will provide individual notice of eligibility as well as rights and responsibilities to each employee requesting leave within five business days or as soon as practicable. If not eligible, the employee will be notified of the reason for ineligibility.

- b. Procedure for Requesting Leave for 1) a covered family member’s active duty or call to active duty in the Armed Forces or 2) to care for an injured or ill service member:

EMPLOYEE RESPONSIBILITIES - All employees requesting this type of FMLA leave must provide verbal notice with an explanation of the reason for the needed leave to the Human Resources Manager. Leave may commence as soon as the individual receives the call-up notice. Employee will be required to provide certification for the leave.

EMPLOYER RESPONSIBILITIES - The HR department will provide individual notice of rights and obligations to each employee requesting leave within five business days or as soon as practicable.

8. Designation as FMLA

The Town may designate leave as FMLA entitled leave if information received by Human Resources indicates that the employee’s absence from work qualifies under the Family and Medical Leave Act regardless of whether the employee requested FMLA leave. A Designation Notice will be provided to the employee by the HR department.

9. Medical Certification

The Town reserves the right to verify an employee’s request for FMLA leave. 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 requires that the request be supported by certification from the healthcare provider of either the eligible employee or the family member, as appropriate. If the Town has reason to question the original certification, it may, at the Town’s expense, require a second opinion from a different healthcare provider chosen by the Town. That healthcare 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, at the Town’s expense, from another provider and that opinion will be final and binding.

This certification must provide the date on which the serious health condition began, its probable duration, and appropriate medical facts within the knowledge of the healthcare provider regarding the condition. The certification must also state the employee’s need to care for the son, daughter, spouse, or parent and must include an estimate of the amount of time the employee is needed to care for the family member. Medical certifications will be treated as confidential and privileged information.

Any required certifications or other documentation must be furnished by the date he or she is notified that such certification or documentation is required. Any costs associated with completion of the medical certification will be the responsibility of the employee. If the certification is for the employee's serious health condition and is the result of a work-related injury, the Town will reimburse the employee for this cost upon presentation of the applicable receipt.

Certification is not required for parental leave; however, employees will be required to provide documents evidencing birth, adoption, legal custody, or foster placement.

10. Certification of Qualifying Exigency for Military Family Leave

Employees requesting this type of service member FMLA leave must provide proof of the qualifying family member's call-up or active military service. Completion of a certification form will be requested as well as documentation such as a copy of the military orders or other Armed Forces communication.

11. Certification for Serious Injury or Illness of Covered Service member for Military Family Leave

Employees requesting this type of service member FMLA leave must provide documentation of the family member's or next of kin's injury, recovery or need for care. Completion of a certification form will be requested. Additional documentation may include a copy of the military medical information, orders for treatment, or other official Armed Forces communication pertaining to the service member's injury or illness incurred on active military duty that renders the member medically unfit to perform his or her military duties.

12. Use of Accrued Leave and Coordination with Other Leave

Sometimes more than one type of leave may apply to a situation. Where allowed by law, leaves shall run concurrently and be counted against the employee's FMLA entitlement.

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all accrued sick or vacation leave prior to being eligible for unpaid leave. Sick leave will run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

An employee who is taking leave for the adoption or foster care of a child must use all paid vacation leave prior to being eligible for unpaid leave.

Workers' compensation leave, to the extent that it qualifies, will be designated as FMLA leave.

13. Benefits Continuation

The Town will maintain health and dental insurance benefits during periods of FMLA leave without interruption. During this time, the employee must pay for his or her share of the premiums and/or any other payroll deductible insurance policies or the benefits may be placed under COBRA.

The Town has the right to recover from the employee all health insurance premiums paid (including the Town's share of the premiums) during the unpaid leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job due to their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision.

14. Return to Work

While on leave for FMLA qualifying reasons, the employee is required to contact his or her immediate supervisor or Department Director periodically. The purpose of this contact is to report the status of the leave

and the approximate return to work date.

If FMLA leave is for the employee's own serious health condition that may prevent him or her from performing the essential functions of the job, the employee will be required to provide a fitness-for-duty statement from the treating medical professional before returning to work. After receipt of this statement, the Town may, at its discretion and expense, require a second opinion. Employees in safety sensitive positions who have been absent from duty due to medical leave of a nature or duration that could affect his or her ability to perform the job may be required to undergo evaluation by a physician chosen by the Town before returning to regular duty.

At the end of the FMLA leave, employees will be reinstated to their regular job or to an equivalent position. Employees cannot be guaranteed return to their exact previous duties and/or assignment. Employees are expected to promptly return to work when the circumstances which necessitated leave no longer exist.

If an employee does not return to work at the end of his or her qualified leave they may request additional leave in accordance with Article XVI, Section K of the Town Policies and Procedures.

15. Key Employee

Certain highly compensated key employees may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the Town's operations. A "key" employee is a salaried eligible employee who is among the highest paid ten percent of employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave. A key employee may be denied reinstatement if such reinstatement will cause substantial and grievous economic injury to the Town.

16. Extended Leave after Exhaustion of FMLA Leave

Any portion of an employee's absence for a FMLA qualifying event that extends beyond the twelve weeks in a twelve-month period will be considered in accordance with the various other leave provisions of the Town. See Article XVI, Section J for more information.

17. Consequences of Failure to Comply

If an employee fails to provide notices and certifications set forth in this Section, leave may be delayed or denied.

18. Additional Information See Appendix O, P and Q for FMLA forms and notices.

Section G. Bereavement Leave

Regardless of length of employment, regular full-time employees shall be allowed up to **three (3)** days paid leave in the event of the death of a member of the employee's immediate family. For the purpose of using bereavement leave, "immediate family" shall include present spouse, children (including natural, step and adoptive), parents (including natural, step and adoptive), siblings, parents-in-law, siblings-in-law, grandparents and grandchildren, and any other individual residing within the employee's household who is a legal dependent of the employee for income tax purposes.

In the event that death in the employee's immediate family requires additional time for an out-of-town trip or for other good and sufficient reasons, the Town Administrator may authorize up to two (2) additional days of bereavement leave. For the death of an employee's aunt, uncle, cousin, niece, nephew, or grandparents-in-law, **one (1)** day shall be allowed. If additional time is justifiable as determined by the employee's Department Head, it may be charged to their annual leave. Annual leave may be granted to attend additional funerals. Verification of the death may be required for approval of leave under this policy.

Section H. Jury Duty / Civil Leave

An employee's supervisor or Department Head shall authorize civil leave with pay in order that employees may serve required jury duty, provided that the need for such leave is requested by the employee as far in advance as possible. The employee shall have the option of receiving full pay from the Town for civil leave by assigning to the Town the amount earned from the court. Otherwise, the Town shall pay the difference between the employee's regular salary and the amount earned from the court. If the employee is released from jury duty after serving less than three (3) hours of jury duty, he/she is expected to return to the work location. Employees on night shift will be excused from work on the shift immediately preceding the first day of jury duty. After the first day, if the employee serves more than three hours then the employee shall be excused from his next scheduled shift within twenty-four hours of such day of jury duty.

Section I. Military Leave

Any regular employee of the Town who is a member of the United States Army Reserve, Navy Reserve, Air Force Reserve, or Marine Reserve, or the Tennessee National Guard, is entitled to military leave with pay while engaged in "duty or training [including weekend drills] in the service of this state, or of the United States, under competent orders." Such an employee should notify their Department Head at least two (2) weeks in advance of the leave, if at all possible, or immediately if orders are received less than two (2) weeks from departing for duty.

Upon presentation to the Town of official orders, such an employee shall be allowed such leave with pay for any such duty or training not exceeding twenty (20) working days in any one calendar year (T.C.A. 8-33-109). In the event such duty or training exceeds twenty (20) days in a calendar year, then the employee may request in writing that such excess time be charged to the employee's accrued and unused annual leave or compensatory time, if any, but not to any accrued and unused sick leave. It shall be the employee's responsibility to arrange to attend monthly Reserve or Guard meetings on regular off time.

In addition to the twenty (20) days of paid leave as provided by state law, an employee called into active military duty who so requests shall be paid by the Town on a monthly basis for up to six months the difference, if any, between the employee's monthly military compensation and the employee's base monthly Town compensation by the Town, which shall not exceed \$1,000 per month per employee. An employee called into active military duty who so requests shall be allowed while on active duty to maintain all insurance benefits available through or provided by the Town to the employee on the terms and conditions as if the employee remained actively employed by the Town. At the time the employee provides Human Resources with a copy of active duty orders, the employee shall also provide Human Resources with written documentation verifying base military pay amount. If the employee's base military pay exceeds his or her base Town pay, no supplement will be provided.

Any supplement provided by the Town will be paid in the same manner as a normal payroll check and will be paid on normal Town paydays. The supplemental pay will be subject to all applicable payroll taxes. If the employee's supplemental pay is not sufficient to cover all current voluntary deductions (i.e. insurance, deferred compensation, United Way, etc.) the employee must either notify the Town to cease those deductions, if allowed by law, or the employee may make a payment directly to the Town to cover those deductions.

The employee has the option to use accrued vacation time during the military leave to continue receiving full pay from the Town. If vacation time is used, any Town supplemental pay would only begin after vacation time has been exhausted. Since the employee will receive paid leave benefits from the military, accrual of Town vacation and sick leave will not continue for any employee receiving an active duty military pay supplement from the Town.

For the first thirty days of active duty military leave, the employee will continue to be covered under the Town's group health insurance plan. As provided by federal law, the employee will be covered under the military's insurance program and cease to be covered under the Town's group insurance plan after the first thirty days. The employee will be eligible to re-enroll in the Town's group insurance plan upon return to Town employment.

If an employee covers a spouse or other dependents under the Town's group health insurance plan, the spouse and/or dependents will have the option of switching to the military insurance program after the first thirty days or continuing coverage under the Town's group health insurance plan as provided by federal law. If the employee's spouse and/or dependents choose to continue coverage under the Town's group health insurance plan, the spouse and/or dependents will be placed in the appropriate COBRA coverage tier (i.e. individual, individual plus children). The employee will be required to pay the same amount towards spouse and/or dependent COBRA coverage as he was paying under the group plan, and the Town will pay the remaining amount. The employee's share may be paid either via payroll deduction from the supplemental pay provided for above, if applicable, or direct payment to the Town.

Employees ordered or enlisted to full-time military duty will be re-employed in accordance with the provisions of current State and Federal law, including the Uniformed Services Employment and Re-employment Rights Act (USERRA).

Section J. Leave of Absence

The Town is aware that special problems of a personal nature often prompt employees to request a leave of absence. The Town will hold the employee's job during the period of leave unless holding the job open creates an undue hardship for the Town. To clarify the Town's position on granting a leave of absence, the following conditions shall apply to all regular employees who have completed the probationary period:

1. A leave of absence shall not be granted to probationary, temporary, seasonal or part-time employees except as a reasonable accommodation under the ADA as determined on a case-by-case basis and regardless of the employee's length of employment with the Town.
2. A leave of less than two (2) workweeks shall not be treated as a leave of absence but as an "excused absence" without pay and shall be granted only when all accrued leave is exhausted.
3. A request for a leave of absence must be made in writing to the supervisor.
4. The employee's Department Head, Assistant Town Administrator (if applicable), the Human Resources Manager, and the Town Administrator must evaluate each request for a leave of absence in advance. The Town shall grant or deny the petition based on the factors of the individual case.
5. A leave of absence shall not exceed three (3) months. Annual Leave shall be used until exhausted then the leave shall be without pay. Failure to report back to work at the expiration of any leave of absence, without approval, shall be considered a voluntary termination of employment, in which case the date of termination shall be considered the last day worked before the leave of absence commenced. The leave of absence may be extended upon written request if circumstances justify and approved by the Town Administrator.
6. After returning from a leave of absence, the Town shall make every effort to return an employee to the same job. If the Town finds that the absence creates an undue hardship on Town operations, this situation may necessitate hiring someone else to fill the position. Depending on the situation there may not be another comparable job opening available at the end of the leave of absence; therefore,

the Town cannot guarantee reemployment after a leave of absence. Prior to hiring a replacement employee, the Town shall invite the employee to return to work and paid status before filling the employee's former position. The employee shall have ten (10) calendar days to respond to the offer of re-employment.

7. During leaves of absence, employees shall not receive credit for or accrue any paid holidays, annual leave or sick leave.
8. This Section does not apply to Military Leave.

Article XVI- Employee Benefits

Regular full-time employees may be eligible to receive benefits above and beyond salary for time worked. The Town of Farragut has a valuable benefits program that has been established to attract high-caliber personnel and to retain experienced, valued employees.

All benefits are subject to annual review in the Town's budget process. Sustainment of the benefits listed below depends on available money and Board of Mayor and Aldermen's approval. The following represent summaries of current benefits available to eligible town employees. Where information in this manual conflicts with the actual plan documents, the plan documents control. Employees should always consult the plan documents for information concerning benefits. Insurance carriers, policy specifications, and benefits are subject to change. The Town of Farragut reserves the right to modify, amend or terminate any of these benefit plans at any time with Board of Mayor and Aldermen approval. Employees are enrolled in benefits during new hire orientation. Employee questions regarding benefits should be addressed to the Human Resources Manager.

Section A. Group Life and AD&D Insurance Program

The Town offers at no cost to each regular full-time employee, life insurance and accidental death and dismemberment (AD&D) insurance coverage under a group policy. The insurance carrier establishes the terms and conditions of the policy. Eligible participants must designate a beneficiary and may change their beneficiary at any time by notifying the Human Resources Department in writing.

Section B. Group Health Insurance Program

The Group Health Insurance Program shall be available to all regular full-time employees. Coverage for the employee and family (if applicable) will begin on the first day of the month following the first full calendar month worked.

Section C. Dental Insurance

In conjunction with the group health insurance program, the Town provides dental insurance under the same terms and conditions as the group health insurance program.

Section D. Vision Insurance

In conjunction with the group health insurance program, the Town provides vision insurance under the same terms and conditions as the group health insurance program. Employees enrolled in the group health insurance program are automatically enrolled in the group vision program at the same level of coverage.

Section E. Long-term Disability Insurance Program

The Town provides, at no cost to the employee, a long-term disability insurance program for full-time employees. All active, full-time employees who have completed thirty days (30) of continuous service with the Town of Farragut and who become totally disabled to perform the essential duties of their job by reason of injury, sickness, or pregnancy may become eligible for long-term disability benefits subject to all the terms and conditions of the policy and as provided. Long-term disability benefits are payable only following a 90 day period of total disability, and shall provide up to 60% of the employee's base salary including a combination of workers compensation, disability pensions, and any other sources of income up to a maximum of \$5,000 per month.

All claims for long-term disability benefits shall be governed by the specifications of the long-term disability insurance policy in its entirety.

Section F. FICA Insurance

The Town participates in the Federal Insurance Contributions Act (Medicare). The Town and employees are required by law to make appropriate contributions according to current rates and regulations.

Section G. Social Security

Town employees voted in an irrevocable Social Security Divided Vote Referendum on February 21, 2012 to join or not to join Social Security. Therefore, employees who voted to remain out of the Social Security system will permanently remain out of Social Security while Town employees. Employees, who voted to join the Social Security system, and all part-time, temporary, seasonal and paid intern employees hired after the February 21, 2012 vote was taken, are members of the Social Security system. The Town provides the employer's share of Social Security contributions at the current federal rate and the employee provides the employee's share at the current rate by payroll deduction. All employees hired after the Social Security Referendum will be members of Social Security.

Section H. Retirement Plan

The Town shall provide a retirement plan for all regular employees. Currently, the Town offers a defined contribution retirement plan for all regular full-time employees. For employees who voted in the Social Security Referendum to remain out of Social Security, the Town will deposit 8% of gross wages into a 401(k) plan. Also, the Town will match these employees' contributions up to 2%.

For employees in the Social Security system, the Town will match up to 4% of gross wages for employee contributions into a 401(k) plan. Additionally, the Town offers further matching opportunities for both sets of employees. This additional matching opportunity is based upon years of service according to the following schedule:

- 0-4 years of service = 0 matching
- 5-10 years of service = 2% matching
- 11-20 years of service = 4% matching
- 20+ years of service = 6% matching

Upon hire, employees are automatically enrolled in the plan. Employees are 100% vested in the retirement after three (3) years of service. When an employee meets the conditions set forth in the retirement plan regulations, the employee may elect to retire and receive all benefits earned in the Town's retirement plan.

The Board of Mayor and Aldermen shall periodically designate the authorized carrier for each of the above benefits. Under the TCRS 401(k) and 457 Agreements, an employee may retire at age 60 or later. Employees must give a thirty (30) days' notice of retirement.

Section I. Supplemental Retirement Program

Any regular full-time employee may contribute a portion of their salary on a pre-tax basis to a 457 plan. Participation in the 457 plan is completely voluntary. Employees may enroll in the 457 plan at any time during their employment.

Section J. Service Recognition

See Article IX, Section I for details regarding service recognition.

Section K. Unemployment Insurance

The Town adheres to the Tennessee Unemployment Compensation Act. The Town is required by law to make appropriate payments.

Section L. Town-Supplied Equipment and Uniforms

In many circumstances, the Town issues equipment such as cell phones, computers, personal safety devices or other equipment deemed necessary to perform the job duties required by the employee's positions.

The Town provides or pays a portion of the cost of uniforms and equipment (such as cell phones, computers, personal safety devices, etc.) deemed necessary for employees to carry out their day-to-day work.

The Town requires employees, whose uniforms are assigned by an outside vendor, to sign a Uniform and Equipment Agreement (Appendix N) upon issuing such uniforms or equipment. If an employee loses or damages the equipment or uniforms, other than in the line of duty, or if they are not returned in good condition at the time of termination, then the Town may require the employee to pay for replacement items in accordance with the Uniform and Equipment Agreement. From time to time, any/all employees may be required to wear collared shirts, tee shirts, and/or jackets with the Town logo embroidered or embossed on them. These garments will be issued to employees by the Town.

Section M. Employee Assistance Program (EAP)

Confidential professional assistance is offered to any employee or family member of an employee who feels an experienced counselor could help resolve a personal problem. The EAP offers assistance in the areas of marital, family, children, financial, legal, alcohol abuse, drug and substance abuse, grief, anxiety, depression, stress, and any other personal or emotional problems. Although there is no charge for this service, costs may be incurred if a counselor recommends outside help. However, the EAP will work to minimize the employee's costs by locating a qualified referral source that may be covered in part or completely by insurance. The Human Resources Manager will connect employees with the EAP professional.

The Town of Farragut also 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 the 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.

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

1. The Town of Farragut recognizes that almost any human problem can be successfully treated, provided it is identified in its early stages and appropriate referral is made, whether the problem is one of physical, mental or emotional illness, finances, marital or family distress, alcoholism, drug abuse, legal problems 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 problem.
3. The purpose of this policy is to assure employees that, if personal problems are the cause of unsatisfactory job performance, the employee may receive careful consideration and an offer of assistance to help resolve these problems in an effective and confidential manner.

The procedure for implementing the supervisor referral is as follows:

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 Department Head or immediate supervisor.
2. If low performance or attendance problems continue, the Department Head/supervisor will discuss the problem formally with the employee, whereby the employee may be referred to the EAP for assistance following corrective action procedures. This discussion will consist of a written counseling statement as outlined in the corrective action policy (Article XIII). Both the job-related problem and the offer of EAP must be documented. The Department Head may notify the Human Resources Department and request assistance in making a referral.
3. 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. The employee will be paid for this time away from the department at the same rate received as if working his/her regular schedule and applies to the initial assessment only. 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 help 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. (See Article XIII)
5. When the Department Head or Human Resources Manager refers the employee for assistance, further communications will be made to the Department Head or Human Resources Manager by the counselor only if a Release of Information has been signed by the employee. Generally, the only information that is released is whether or not the employee made the appointment and is following the treatment plan.

The Town of Farragut’s EAP Program is operated by outside consultants and available free of charge to employees and family members living in the immediate household. Except under the circumstances outlined above, all information is confidential.

Section N. Educational Advancement

Tuition reimbursement for employees is a plan which offers financial assistance to an employee who takes accredited courses on a for-grade basis directly related to his/her work or to a position the employee may conceivably be considered for in the future and which is likely to increase his/her value to the Town.

This program is not specifically intended to support a full-time course of study, but is designed to enhance the quality of work that the individual brings to the job. It is provided to those employees classified as regular full-time who have satisfactorily completed the probation period and after approval as provided below.

Tuition reimbursement is available when the following requirements have been met:

1. Employee is permanent full-time. Reimbursement will not be approved for employees whose last annual performance evaluation is not at or above “meets standards”.
2. Written notice of intention to use the Tuition Reimbursement Program shall be presented to the Department Head prior to March 1 to be included in the following fiscal year. This notice should be presented to the Town Administrator for approval to be included in the budget. Each individual department head is responsible for allocating funds to cover the Tuition Reimbursement Program for his/her employees.
3. Employee has submitted a Tuition Reimbursement Request Form (Appendix B) for preapproval from his/her Department Head and Town Administrator to enroll in a class. The Tuition Reimbursement Request Form shall be submitted no later than five working days before the course begins. Tuition Reimbursement Request Forms are available from the Human Resource/Administrative Office.
4. Upon completion of the preapproved course, the employee must submit proof that he/she has received a grade C or better; or the employee must submit written proof from the instructor and/or sponsor that the employee was enrolled and in attendance in a course taken on a non-credit or audit basis. The employee must also submit the tuition receipt verifying cost and payment of the tuition.
5. The employee shall affirm that he/she has not been reimbursed for this approved educational training by some other funding source. Persons being supplemented under any other program(s) (i.e. state supplements, G.I. Bill, scholarships, government funding, etc.) are not eligible for course reimbursement under the Town’s Tuition Reimbursement program.
6. Employees will be reimbursed for educational tuition upon submission of a transcript as follows:

<u>For Grade Basis</u>	<u>% Reimbursement</u>
• A or B	100% of Tuition
• C	50% of Tuition
• Below C	No reimbursement

7. Employees will be limited to a reimbursement of up to \$1,000 per fiscal year. The reimbursement will be presented in a lump sum check after the course is completed and notification of completion of the course has been received. The reimbursement is subject to IRS regulations and may be considered taxable income.

8. This reimbursement amount is for tuition only. The reimbursement amount shall not include books, lab fees, registration fees, or any other associated fees. All fees and other associated costs are the responsibility of the employee.
9. If an employee leaves service during the course, he/she shall not be entitled to reimbursement. Should the employee voluntarily resign within two years of taking the class, the former employee will have to reimburse the tuition money to the Town at a pro-rated amount of 50% per year.

NOTE: The Town reserves the right to amend, modify or discontinue the benefits and plans offered under this Article XVI, including making any changes to the benefits, eligibility and employee premium and/or contribution requirements for the group health insurance and welfare plans provided for herein.

Article XVII – Workplace Safety / Risk Management

Section A. Policy

It is the policy of the Town to provide a safe and secure work environment for all Town employees. The Town has established workplace safety procedures and regulations that comply with regulatory requirements and which are intended to increase safety consciousness among all employees. It is Town policy to maintain a constant vigilance of all safety programs, and where safety standards are found to be deficient the Town shall take immediate action to correct the situation. The Town adheres to the philosophy that the safety of the employees and the public is a high priority.

Employees are responsible for abiding by the Town's *Safety Manual*. A copy of the *Safety Manual* can be obtained from the Human Resources Department.

Section B. Workers' Compensation

The Town covers all employees under Workers' Compensation Insurance. The Town adheres to the provisions and requirements of the Division of Workers' Compensation of the Tennessee Department of Labor.

When an employee is injured while working and being compensated by the Town and requires medical attention, the employee should seek medical attention from a physician on the panel of physicians approved by the Town's workers' compensation insurance carrier. The panel of approved physicians will be posted in each location. In a life-threatening emergency situation, the injured employee may use the most convenient medical service or hospital.

Employees off work on temporary total disability (TTD) or on-the-job injury leave shall receive compensation in accordance with the Tennessee Department of Labor regulations. The Human Resources Manager under the direction of the insurance carrier or its representatives shall coordinate all workers' compensation claims. The employee shall be required to communicate to and coordinate all activities (i.e., medical care, restricted duty, return to work, etc.) through the Human Resources Manager. Failure to follow proper procedure may result in disciplinary action.

The Town of Farragut Human Resources Manager will assist the employee in scheduling medical provider appointments, if requested, by the employee. For injured employees who return to work on light duty status, up to two hours spent at medical or physical therapy appointments as follow-up treatment for any occupational injury or illness shall be considered Town work shall not be charged against any of the employee's accrued paid sick leave. Any time over two hours away from work shall be charged against the employee's accrued paid sick leave.

Section C. Workers' Compensation Reporting Procedures and On the Job Injury Leave Procedures

Employees shall adhere to the Town's Workers' Compensation Reporting and On the Job Injury Leave Procedures. Employees shall report immediately any injury incurred in the course of their employment, however minor, to their supervisor or Department Head, and take necessary first aid or medical treatment. It is mandatory that within twenty-four (24) hours the employee (or supervisor if the employee is deemed unable) shall complete and sign the *Employee Injury Report*. Next, the employee will complete and sign Form C-42 in order to choose a treating physician and Form C-31, the Medical Waiver and Consent form (Appendix C and D). An employee determined to have been able, and who fails to complete these forms shall not be eligible for occupational disability or injury leave.

When an employee is injured on the job, the supervisor or Department Head shall, immediately after receiving the Employee Injury Report, complete the Supervisors' Accident Investigation Section of the report. The original of each report must be submitted to the Human Resources Manager within twenty-four (24) hours of the incident. The Department Head may keep a copy for his/her file. Where an accident causes serious bodily injury or death to an employee, the supervisor shall immediately notify the Department Head and the Human Resources Manager.

Section D. Return To Work

Employees shall adhere to the Town's *Return to Work Policy* found in Appendix E. In all cases of occupational disability, the responsibility of determining the character, degree, and potential duration of an injury shall rest with the licensed practicing medical doctor(s) designated by the Town. The medical doctor(s) may make periodic examinations, progress reports, and recommendations as deemed necessary by the Human Resources Manager. The employee shall be required to return to work upon the approval of the medical doctor(s) with or without reasonable accommodations.

An employee who suffers a work-related illness or injury and is unable to return to work shall be granted worker's compensation leave that will run concurrently with the Family Medical Leave Act (FMLA). While on worker's compensation leave, the employee must follow the treating physician's orders. If the treating physician orders include time off of work, the physician's order includes both their regular job and their secondary job (if any).

Employees on worker's compensation leave will be required to use sick or annual leave during the first seven days of an on the job injury. If the absence from the injury exceeds 7 days, a reimbursement to the employee's leave balance may occur. The employee shall continue to accrue sick leave and vacation pay at the employee's regular rate while he/she is on any paid worker's compensation leave up to the maximum allowable benefit.

Before an employee is returned to full duty, the employee must be certified by the attending physician as capable of performing the essential functions of the job. The physician will be furnished a copy of the job description, including a list of the essential job functions and required capabilities. The attending physician must certify the employee's ability to perform the essential job functions. The Town reserves the right to obtain a second medical opinion from the physician of its choosing before a final decision is made on a return to duty.

If an employee is unable to return to the position held at the time of the injury, the Town Administrator may take reasonable steps to place the individual in a comparable position, if one is available, for which he/she is

qualified and able to perform the essential functions, with or without reasonable accommodations. However, the Town is not required to create a “light duty” position.

Should an employee be unable to return to full duty within three (3) months after the date of injury, or within six (6) months if the Town Administrator has approved the extended time, and no comparable position for which the employee is qualified is available, the employee may be subject to separation only if:

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

Section E. Drug and Alcohol Testing

The Town has two substance abuse testing policies. The first is for CDL holders. The second is for all other employees. Employees shall adhere to the Town’s Drug and Alcohol Testing Policies found in Appendix F.

Article XVIII – Harassment, Workplace Violence, and Retaliation

It is the policy of the Town of Farragut that all employees have a right to work in an environment free from discriminatory harassment based on sex, gender, race, color, age, national origin, religion, disability, political affiliation, genetic information, veteran’s status, military affiliation or obligation, or any other protected discriminatory factor. The Town prohibits any form of harassment of its employees by other employees and will take immediate and appropriate action to prevent and to correct behavior that violates that policy. The Town also strives to protect its employees from any form of harassment by third parties, including citizens and vendors.

Consequently, this policy applies to officers and employees of the Town of Farragut, including but not limited to, full and part-time employees, elected officials, permanent and seasonal/temporary employees, employees covered or exempt from the *Personnel Policies and Procedures Manual* or other regulations of the municipal government and employees working under contract for the municipality.

Section A. Definition of Sexual Harassment and Other Forms of Harassment

Sexual harassment is defined as sexually offensive or inappropriate conduct, including unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. This conduct constitutes unlawful sexual harassment when: (1) submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; (2) submission to or rejection of such conduct is used as the basis for an employment decision; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. While sexual harassment usually involves members of the opposite sex, it also includes same sex harassment (i.e., males harassing males and females harassing females because of the recipient’s sex).

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with our work effectiveness. Sexual harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment include:

Verbal: Sexual innuendos, suggestive comments, joke of a sexual nature, sexual propositions, threats, and offensive language.

Non Verbal: Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.

Physical: Unwanted physical conduct, including touching, pinching, brushing the body, coerced sexual intercourse, assault.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with work effectiveness. Sexual harassment may be overt or subtle. Some behavior which is appropriate in a social setting may not be appropriate in the workplace. But whatever form it takes, verbal, nonverbal or physical, sexual harassment can be insulting and demeaning to the recipient and cannot be tolerated in the workplace. Sexual harassment by an employee, manager, supervisor, or third-party non-employee will not be tolerated by the Town of Farragut. All employees, managers and non-supervisors will be expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy against sexual harassment. Based on the seriousness of the offense, disciplinary action, up to and including termination, will be taken against any employee who violates this policy. In furtherance of this policy, the Town of Farragut prohibits managers and supervisors from dating or otherwise having a romantic or sexual involvement with any subordinate employee.

The Town also has a strong policy against harassment based upon race, sex, national origin, color, disability, age, veteran's status or religion might include words, gestures, behaviors, or actions which diminish employees, makes the job environment hostile, affects employment decisions, and/or interferes with work performance. It is the intent of this policy to treat all harassment complaints seriously and to utilize the same complaint processing procedure regardless of the type of complaint. The Town of Farragut encourages any employee to raise questions he or she may have regarding harassment with the Town Administrator or Human Resources Manager.

Section B. Workplace Violence and Harassment

It is the policy of the Town of Farragut 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. The Town of Farragut will not tolerate 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.

No employee or non-employee shall be allowed to harass or bully any other employee, equal to, subordinate or superior in position, or non-employee by exhibiting behavior including, but not limited to, the following:

Verbal: Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slur; offensive flirtations or propositions, verbal intimidation (bullying), exaggerated criticism or name-calling; spreading untrue and malicious gossip about others.

Non-verbal: The use of suggestive body language, use of hand signs, or any additional suggestive, intimidating, or lewd gestures such that any reasonable person would deem them inappropriate; derogatory or offensive posters, cartoons, publications or drawings.

Physical: Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.

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:

- all types of firearms, potentially lethal weapons, and dangerous chemicals;
- explosives or blasting caps; and
- chains or other objects carried for the purposes of injury or intimidation.

The Human Resources Manager is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the Town Administrator may request that the Knox County Sheriff or legal counsel to provide assistance to the Human Resources Manager or assume responsibility for the investigation.

The Town retains the right, based upon reasonable suspicion of a violation of these policies, or out of business necessity in order to locate needed materials, documents or other things, to search an employee's office, desk, locker, and other Town property under the control of the employee.

Reasonable suspicion sufficient to justify a search may be based upon a clear and reasonable belief, through observation or information provided by a reliable and credible source that a violation of Town policies is occurring, and that in furtherance of the investigation of such violation access to such areas is necessary.

A decision to search shall be made by the Town Administrator in consultation with the employee's Department Head and the Human Resources Manager.

Searches of Town property under the control of an employee (offices, desks, filing cabinets, lockers, etc.) are subject to being conducted without notice to the employee, once the reasonable suspicion standard has been satisfied, or the need to search has been established by the Town Administrator.

Section C. Making Harassment Complaints

Employees have the responsibility to *immediately* bring any form of unwelcome workplace harassment or violence to the attention of either the Town Administrator or the Human Resources Manager at the option of the employee. Both of these Town officials are trained to respond promptly and effectively to any complaint. Although employees are free to address inappropriate conduct with the offending person, an employee does not have to complain first to the offending person.

All complaints will be handled in a timely manner. A thorough and independent investigation will be conducted based on the employee's statement of what has occurred. The municipality will not tolerate the harassment, bullying, or violence toward its employees. The Town will take immediate, positive steps to stop it when it occurs. The municipality may also be responsible for the acts of non-employees, with respect to the harassment of employees in the work place, where the municipal government (or its agent or supervisory employees) knows or reasonably should have known of the conduct and failed to take immediate corrective action. Prevention is the best tool for the elimination of harassment. Therefore, the following rules shall be strictly enforced. An employee who feels that he/she is being subjected to harassment should immediately contact one of the persons below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to the Town's Human Resources Manager or the Town Administrator

Should the harassment involve the Town Administrator, the employee may report the unwelcome

harassment or work place violence to the Human Resources Manager or the Town attorney. Both the Human Resources Manager and the Town attorney are trained to respond promptly and effectively to any complaint. Employees have the right to circumvent the employee chain of command in selecting which person to whom to make a complaint of harassment. Regardless of which of the above persons the employee makes a complaint of harassment, the employee should be prepared to provide the following information:

1. Official's or employee's name, department and position title;
2. The name of the person(s) committing the harassment, including their job title(s);
3. The specific nature of the harassment, how long it has gone on and 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.

Section D. Investigation of Harassment Complaints

The Human Resources Manager or their designee is the person designated by the municipal government to be the investigator of complaints of workplace violence or harassment against employees. In the event the complaint is against the Human Resources Manager, the investigator shall be appointed by the Town Administrator. When an allegation of workplace violence or harassment is made by an employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the Human Resources Manager or Town Administrator. The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of workplace violence or harassment, witnesses interviewed during the investigation, the person against whom the complaint was made and any other person contacted by the investigator in connection with the investigation. The notes shall be made at the time the verbal interview is in progress. Upon conclusion of the investigation, the investigator shall prepare a report of the findings to the Town Administrator. The report shall include the statement of the person complaining of workplace violence or harassment, the written statement of witnesses, the written statement of the person against whom the complaint was made, all the investigator's notes connected to the investigation and a recommendation for disciplinary action, if any.

Upon receipt of a report of the investigation of a complaint of harassment, the Town Administrator shall immediately review the report. If the Town Administrator determines that the report is not complete in some respect, he/she may request additional statements be taken from the person complaining of harassment, the person against whom the complaint has been made, witnesses to the conduct in question or any other person who may have knowledge about the harassment. Based upon the report and his/her review of the information, the Town Administrator shall within a reasonable time, determine whether the conduct of the person against whom a complaint of harassment has been made constitutes harassment. In making that determination, the Town Administrator shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred and the conduct of the person complaining. The determination of whether harassment occurred will be made on a case-by-case basis.

If the Town Administrator determines that the complaint of harassment is founded, he/she shall take immediate and appropriate disciplinary action against the employee guilty of harassment, consistent with his

authority under the municipal charter, ordinances or rules governing his authority to discipline employees. Disciplinary action for harassment shall be governed by the same rules governing disciplinary actions generally (see Article XIII). The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee and any other factors the Town Administrator believes relate to fair and efficient administration of the municipal government, including, but not limited to, the effect of the offense on employee morale and public perception of the offense, and the light in which it casts the municipality. Disciplinary action up to and including termination of employment shall be taken. A determination of the level of disciplinary action shall also be made on a case-by-case basis. A written record of disciplinary actions taken shall be kept, including verbal reprimands. In all events, an employee found guilty of harassment shall be warned not to retaliate in any way against the person making the complaint of harassment, witnesses or any other person connected with the investigation of the complaint of harassment. In cases where the harassment is committed by a non-employee against a municipal government employee in the work place, the Town Administrator shall take whatever lawful action against the non-employee is necessary to bring the harassment to an immediate end.

Section E. Obligation of Employee

All employees, managers, supervisors and non-supervisors, will be expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur. Approval of, participation in or acquiescence in conduct constituting workplace violence or harassment will be considered a violation of this policy. Additionally, employees are obligated to report instances of workplace violence or harassment. Employees are also required to cooperate in every investigation of workplace violence and/or harassment. The obligation includes, but it is not necessarily 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 also obligated to refrain from making bad faith accusations of workplace violence and harassment. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action, up to and including termination, will be taken against any employee who violates this policy.

Section F. Retaliation

The Town of Farragut prohibits all forms of retaliation against any individual who complains in good faith about workplace discrimination or harassment or reports in good faith conduct which violates Town policy. This policy also protects individuals who participate in the investigation of any such complaint or report.

It is the Town's policy to encourage discussion of workplace issues and to help protect others from being subjected to inappropriate behavior. Violation of this policy may result in disciplinary action up to and including dismissal.

Any employee who believes he or she has been retaliated against shall *immediately* report the retaliation to the Town Administrator or the Human Resources Manager.

Section G. Open Door Policy

The Town of Farragut recognizes that the question of whether a particular action or incident produces a discriminatory employment effect requires a factual determination based on all facts in the matter. Given the nature of this type of discrimination, the Town also recognizes that false accusations of workplace violence or harassment can have serious effects on innocent individuals. We trust that all employees of the Town will continue to act responsibly to establish and maintain a pleasant working environment, free from

discrimination, for all. The Town of Farragut *encourages* any employee to raise questions he or she may have regarding these issues with the Town Administrator or Human Resources Manager. The Town of Farragut Human Resources Department has an open door policy and employees are welcome to discuss any aspect of their employment without fear of retaliation.

Article XIX – General Policies and Procedures

Section A. Employee Conduct

Employees of the Town shall not engage in any criminal, dishonest, infamous, immoral, or notoriously disgraceful conduct or behavior, activity, or association, either on or off duty, which discredits him/her and/or the Town. Each employee is expected to conduct himself/herself both on and off the job in such a manner as to reflect positively on both himself/herself and the Town.

No person shall seek or attempt to use any political endorsement in connection with any appointment to a position, or demotion, or dismissal from a Town position.

No person shall use or promise to use, directly or indirectly, any official force or influence whether possessed or anticipated, to secure or to attempt to secure for any person an appointment to a position within the Town or any increase in wages or other advantage in employment for the purpose of influencing the vote or political action of any person or for any other consideration. (Appendix H: Ethics Policy)

No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment or promotion, or any advantage in, a position within the Town employment. Any officer or employee who violates any of the provisions of this section shall forfeit his office or position.

Section B. Political Activity

In accordance with T.C.A. Sections 7-51-1501 through 7-51-1503, all Town employees shall:

1. Enjoy the same rights of other citizens of Tennessee to be a candidate for and to hold any federal, state or local political office except for any elected office of the Town of Farragut; and
2. Enjoy the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. Provided, however, that:
 - a. Employees of the Town shall not participate in any such political activities while on-duty for the Town; and
 - b. Employees shall not use Town equipment, including wearing Town uniforms, or any other Town resources either on or off duty while participating in political activities; and
 - c. Employees shall not seek election or appointment to Town of Farragut Board of Mayor and Aldermen.

Any willful violation or violations through negligence of any of this policy shall be sufficient grounds for the discharge of any employee guilty of such violation.

Section C. Records

Personnel records including the employee's social security number, bank account and routing numbers, medical records, and driver's license information (unless driving is part of the employee's duties or job description), home and personal cell number and residential address are confidential under T.C.A. Title 10, chapter 7. Additionally, employee drug tests are generally protected from disclosure under T.C.A. 50-9-109.

Information including salary, disciplinary records, and employment applications are open records for public inspection. These records shall be open for public inspection during regular office hours in accordance with such procedures as the Town Administrator may prescribe. The Human Resources Manager shall retain records necessary to the proper administration of the personnel system and the Town Administrator shall prescribe necessary forms and report for all necessary personnel changes and actions. The Human Resources Manager shall maintain adequate records of all personnel activities and transactions, the proceedings of any and all hearings and appeals as they relate to personnel administration, this *Human Resources Policy and Procedures Manual*, the record of every applicant as required by applicable record retention standards, and the employment record of every employee.

Section D. Outside Employment

No regular, full-time officer or employee of the Town of Farragut shall accept or engage in additional employment outside the official hours of duty without the written approval of the Department Head and Town Administrator with concurrence by the Human Resources Manager (see Form for *Approval of Outside Employment* in Appendix G). The Outside Employment Form must be renewed by January 31st of each year. Approval may be granted after determining whether outside employment will cause, or can cause a conflict of interest; is incompatible with the employee's position with the Town; will interfere with the satisfactory performance of the employee's duties; or is likely to reflect discredit upon, or create embarrassment for the Town. If the second job interferes with performance at the Town, the employee will be counseled and appropriate steps to correct the deficiencies will be taken.

Employees may not accept or continue any outside employment if the work unreasonably inhibits the performance of any duty of their position. Employees are to be reminded that the Town of Farragut is their primary employer and that the Town will not schedule around the requirements of the employee's second job. Further, employees may not perform outside employment while on sick leave, FMLA leave or worker's compensation leave and worker's compensation restricted duty. Exceptions may be granted if an employee is returned to limited duty by a physician and the Town cannot accommodate the work constraints, but the secondary employer can without further injury or increased recovery time.

Section E. Business Dealings

Except for the receipt of such compensation as may be lawfully provided for the performance of Town duties, and except as noted below, no officer or employee of the Town shall have any financial interest in the profits of any contract, service, or other work performed by the town; or shall personally profit directly from any contract, purchase, sale, or service between the Town and any person or company; or serve as an agent to provide any surety, bail, or bond required by law or subject to the approval of the Board of Mayor and Aldermen.

No officer or employee shall accept any free or preferred services, benefits, or concessions from any person or company which person or company could in any manner directly or indirectly profit from action or inaction by the Town. Any official or employee who violates the provisions of this section shall be guilty of

misconduct and be subject to disciplinary action. All officials and employees shall comply with the Code of Ethics in effect.

Section F. Acceptance of Gratuities

No Town officer or employee shall accept or solicit any money or other consideration or favor from anyone other than the Town for the performance of an act which the officer or employee would be required or expected to perform in the regular course of employment; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be an attempt to influence the individual's actions with respect to Town business. For further explanation see Title 1, Chapter 5, Section 1-505 of the Municipal Code (Appendix H).

Section G. Use of Information

Employees may not disclose any information obtained in their employment that is made confidential under state or federal law except as authorized by law. Furthermore, employees may not use or disclose information obtained in their employment for financial gain for themselves or any other person or entity. For further explanation see Title 1, Chapter 5, Section 1-506 of the Municipal Code (Appendix H).

Section H. Use of Town Time, Facilities, Resources

No Town officer or employee shall use or authorize the use of Town time, facilities, supplies, inventory, materials, tools, machinery, equipment or other resources for private gain or advantage to himself/herself or any other private person or group; provided, however, that this prohibition shall not apply when the Board of Mayor and Aldermen has authorized the use of such resources of the Town, and the Town is paid at such rates as are normally and customarily charged by private sources for comparable services. For further explanation see Title 1, Chapter 5, Section 1-507 of the Municipal Code (Appendix H).

Section I. Use of Position

No Town officer or employee shall make or attempt to make private purchases in the name of the Town, nor otherwise use or attempt to use status as a Town employee to secure unwarranted privileges or exemptions. For further explanation see Title 1, Chapter 5, Section 1-508 of the Municipal Code (Appendix H).

Section J. Use of Town Provided Technology

The Town of Farragut owns, leases, maintains, or operates various electronic communication systems and equipment, including but not limited to cell phones, smart phones, computers, software, telephones, voice mail, facsimiles, telecopiers, copiers, postage meters, e-mail, the Internet, the Web or other electronic communication systems, network or equipment. Employees may not copy or remove any town related information from electronic systems for any purpose other than a work-related purpose authorized by the Town Administrator. The use of these Town provided electronic communication systems and equipment for personal or a non-work-related purpose during work hours is prohibited.

All electronic mail is a local government record and may be considered a "public record" for the purposes of the Tennessee Public Records Act. Under the Public Records Act, certain email communications may be open to public access and inspection. In addition, such communication may be subject to discovery under the Tennessee or Federal rules of Civil Procedure. (Appendix I, *Policy for the Use and Monitoring of Email Policy*)

Section K. Employee Cell Phone Policy

Employees whose job duties include the frequent need for a cell phone may receive a Town issued cell phone or a cell phone allowance to cover business-related costs on their personal cell phone. No further reimbursement for cell phone costs is available to employees who receive such an allowance. The Town shall maintain a limited number of cell phones assigned to a specific department or piece of equipment. Town reimbursed personal cell phone expense is subject to open records. Cell/smart phones are not to be used while operating Town vehicles or machinery except in the event of an emergency. When driving on Town business in a Town vehicle, Town employees will focus on safe vehicle operation and therefore, shall not use cell/smart phones, PDA/laptop computer, and like technology. Pursuant to the T.C.A. 55-8-199, employees must not text while driving. (Appendix K).

Section L. Nepotism

No applicants for employment shall be hired and no employees shall work or be placed in positions within the Town if the applicants immediate (as defined in Article II) or extended family as related through blood, adoption or marriage currently works for the Town. An applicant applying for a seasonal position and whose immediate family member works for the Town can only be hired if they are not directly or indirectly supervised by their family member.

If, after adoption of these Policies and Procedures, two employees in the same department or under the same direct supervision or accountability should marry or otherwise become in violation of this section by marriage or adoption, then those employees shall be asked to determine which of them will transfer within ninety (90) days to any vacant position in another department, division, or shift for which the employee is qualified and which would resolve the violation of the Town's nepotism policy. An employee who is allowed to transfer under these circumstances must meet the minimum qualifications of a vacant, budgeted position and must have had an overall satisfactory rating on the last performance evaluation. If such a transfer cannot be arranged within ninety (90) days for either of the employees, then the employees shall be asked to determine which of them will leave Town employment. In the event the employees cannot decide between them who will leave, and if a transfer cannot be arranged, then the Town Administrator shall resolve the issue at his discretion.

Section M. Employee Licenses and Certifications

All employees are responsible for maintaining current and valid licenses and certifications necessary to perform job duties. For example, any employee required to operate a Town vehicle or equipment must possess the appropriate type of valid driver's license at all times. An employee's failure to immediately report expiration or revocation of a required certificate or license shall be subject to disciplinary action in accordance with Article XIII. The Town shall conduct periodic checks of required licenses and certification to insure employees keep them valid and current.

Section N. Smoking and Tobacco Policy

All buildings owned and maintained by the Town of Farragut are tobacco free. Smoking is prohibited within twenty-five (25) feet of all entrances, passageways, operable windows, and ventilation systems owned and maintained by the Town of Farragut. All Town-owned, operated, and maintained vehicles are tobacco-free. While performing job duties, whether in or out of uniform, an employee may not smoke or chew smokeless tobacco.

Section O. Hours of Work, Attendance, and Inclement Weather

Hours of Work: The Town Administrator shall establish hours of work per work period for each budgeted position and the hours during which offices shall be opened for business. The needs of service and the reasonable needs of the public who may be required to do business with the various Town Departments always shall be taken into account before the personal wishes of employees. Although the regular work week for all positions shall be 40 hours, an hourly employee shall be considered a full-time employee if the individual works a minimum of 34 hours per work week for benefits purposes. For pay purposes, the workweek for all employees is Saturday, 12:00 AM through Friday, at 11:59 PM.

Whenever a salaried exempt employee requests a period of absence equal to or greater than one-half day, said employee shall obtain approval by the Town Administrator or his designee. Annual leave or sick leave will be utilized for absences of one-half day or longer.

Attendance: All employees shall be in attendance at assigned work stations or locations at established starting times in accordance with general departmental regulations and these *Policies*. Employees are required to adhere to the Town's time and attendance procedures, including but not limited to punching in and out at time clocks and completing leave slips. All departments shall keep daily attendance records of their employees which shall be reported to the Administration Department on Mondays by a time specified by the Town Recorder/Treasurer.

When an unexpected personal illness or situation arises, an employee is required to notify their Department Head at a minimum of one half hour before their work shift begins. Notification may be by phone, voice mail on their Department Heads' Town issued phone or an email to their Department Heads' Town email address. All employees are subject to discipline, up to and including termination, for failure to attend work as required. Any unauthorized absences from work for a period of three consecutive days or more may be considered by the Town Administrator as a voluntary resignation.

Inclement Weather: Generally, inclement weather does not warrant the closing of Town facilities or activities, and every employee is expected to make every attempt to report to work as usual. Some Town operations and activities must continue regardless of, or because of, the weather conditions. Employees who must perform these activities are considered emergency personnel and are designated as such under specific or all circumstances by the Town Administrator in conjunction with individual Department Heads. These employees may be asked to report to work under the most severe weather conditions. Emergency personnel who fail to report to work will be charged with leave without pay.

If an employee is late due to severe weather conditions, the employee will not lose paid time unless the delay is longer than one hour. Delays of longer than one hour will be charged to annual leave or compensatory leave, or made up within the workweek, with the approval of the Department Head.

If weather conditions become progressively worse during the course of the day, only the Town Administrator can approve closing all activities, operations, and functions in any department, facility, and/or building.

Section P. Personal Appearance and Dress

In all of our dealings with citizens of the Town and others with whom we come in contact, it is important that we are viewed as professionals in whom all those we deal with can have confidence. People with whom each employee deals will make judgments about our professionalism based on his or her appearance, dress and hygiene.

The Town expects all employees to dress in a manner that is appropriate to the duties and responsibilities of their positions and conveys an image of self-pride, pride in the organization and respect for other employees and the public. Work attire should be appropriate to the job task and assignment and in good taste. It is expected that employees will use good judgment and common sense in choosing their work-day attire. In addition, clothing should be clean, neat, pressed, and well-maintained.

Non-uniformed administrative and office staff regardless of department shall wear business casual attire as set forth in the Personal Appearance Categories and Approved Clothing (Appendix J). Business attire is required for Board, Town Committee, and citizen meetings. The Town Administrator shall declare “special occasion” days which may include: Fridays, days before holidays, and days where a significant portion of the workday will be spent outdoors or engaged in manual labor indoors. On “special occasion” days, casual attire (blue jeans) is acceptable for such staff.

The following items are prohibited unless specifically authorized by the Department Head and Town Administrator:

- Suggestive attire, see-through fabrics, low cut blouses or shirts, midriff shirts, miniskirts, clothing that is not the proper fit, or any other revealing apparel
- Overalls
- Wind pants
- Tank tops, spaghetti straps, or tube tops (unless worn under a blouse)
- Athletic wear such as sweat shirts, sweat pants, jogging suits, yoga pants, and sports jerseys
- Printed t-shirts not assigned to the employee as part of their uniform
- Casual flip-flops
- Large belt buckles that draw attention or belt buckles with words or symbols
- Pants with frayed hems, holes, rips or obvious patches
- Overly worn, torn, or tattered clothing
- Clothing or accessories that promote political affiliations that are a violation of Section B. “Political Activity” of this Article.
- Subjective or inflammatory symbols or any offensive clothing that is a violation of the Town’s Harassment and Workplace Violence Policy (Article XIX).
- Shorts
- Denim blue jeans

Open toed shoes or sandals are not permitted in work areas where the exposure to chemical, environmental, or crushing hazards exist. Employees assigned to the Public Works Department, codes officers, and engineering technicians are required to wear non-athletic type boots which possess a sole with gripping capacity and safety toes. Other employees requiring the wear of such boots, as deemed necessary by the Town Administrator may be also covered. This policy applies to both full-time and part-time employees. More information is available in the Safety Policy.

Employees should maintain proper hygiene at all times. Hair should be clean, combed and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible regardless of the length. Extreme, fad type, or “edgy” hairstyles, such as “mohawks”, “faux-hawks”, mullets and the like are also not permitted. Sideburns, mustaches, and beards should be neatly trimmed. Beards may not be more than one inch in length from the chin or cheek. Long hair should be pulled back if it creates a safety concern. Fingernails should be clean and well-trimmed. Offensive body odors and fragrances should be avoided.

While on duty, tattoos shall not be visible by others and must be covered when working in settings where the employee is interacting with or may come in contact with members of the public. Body

piercing jewelry will only be worn on the ear. Male members shall not wear earrings while on duty or in uniform. Female members may wear conservative earrings that do not interfere with proper performance of duty or pose a safety hazard. No other visible piercings shall be permitted.

Good judgment should be exercised when wearing clothing with a logo or trademark. Generally, no logos or trademarks greater than 4 inches by 4 inches should be worn. Employees should be conscious of wearing logos that may have the potential to show bias or favoritism for vendors or contractors that do business or may do business with the Town of Farragut. Any logos that may project a negative image (such as advertising for tobacco or alcohol companies) shall not be worn.

Additionally, Town Hall staff members may wear jeans and boots when their job tasks outside of Town Hall necessitate jeans and sturdier shoes/boots. Jeans are not to be worn in the presence of the public in Town Hall. Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Any work time missed because of failure to comply with this policy will not be compensated and repeated violations of this policy will be cause for disciplinary action.

Town-Issued Clothing:

All Town uniforms shall be approved by the Town Administrator, in accordance with Article XVI, Section L. *Town-Supplied Equipment and Uniforms*. Employees required to wear a Town-issued uniform from an outside uniform rental company will be required to sign a Uniform and Equipment Agreement (Appendix N). Other Town employees may be required to wear Town issued uniform/clothing depending upon specific job duties and environmental work conditions. If issued a uniform, the employee shall wear such uniform while on duty, unless otherwise specified by their supervisor or Department Head.

Furthermore, employees are prohibited from wearing their uniform while not on duty (unless they are traveling to or from work). Town uniforms shall not be altered. Any employee wearing a Town uniform shall conduct themselves in a manner prescribed by the Town. Upon termination, all rental uniforms must be returned to the Human Resources Manager.

From time to time, a Department Head may choose to order clothing with the Town of Farragut logo for their employees. Such items should never be given to charities or individuals not employed by the Town of Farragut. Should an employee be separated from employment at the Town of Farragut, these items should be returned to Human Resources prior to the employee receiving their final paycheck.

Violations of the Town's personal appearance policy may be grounds for disciplinary action.

Section Q. Use of Town-Owned Vehicles

The Town of Farragut employees, who drive a town owned or leased vehicle, will at all times, operate them in a safe manner, adhering to all Town, State, and Federal traffic laws. Employees are expected to extend common driving courtesies to fellow motorists at all times. No employee will operate a Town vehicle unless he/she possess a valid driver's license. See Appendix M, *Vehicle Use Policy*

Section R. Travel

See Appendix L, *Travel and Expense Policy and Procedures*

Section S. Media Relations

From time to time, as an employee of the town, you may receive inquiries from the media (e.g., newspapers, television stations, radio stations, magazines, or other periodicals). To ensure that the Town of Farragut

maintains the appropriate public image and that communications to the media are accurate and in line with applicable town policies, if you are contacted by the media, you should refer the individual making the inquiry to the Town Administrator. No employees are authorized to give statements on behalf of the Town of Farragut to any representative of the media without the express authorization of the Town Administrator.

Section T. Social Media/Social Networking

This policy applies to every employee employed by the Town in any capacity who posts any material whether written, audio, video or otherwise on any Web site, blog, or any other medium accessible via the internet. For purposes of this policy, social media is content created by individuals using accessible and scalable technologies through the internet. Examples include, are not limited to: Facebook and any of their third party applications, blogs, MySpace, RSS, YouTube, Second Life, Twitter, Linkedin, Google +, Pinterest, online forums, etc.

The Town maintains an online presence. All communication using Town equipment or conducted on Town time may be considered a public record subject to monitoring and disclosure to the public.

The Town has the option of allowing employees to participate in existing social networking sites as part of their job duties. Department Heads may allow or disallow employee participation in any social media activities in their departments. Any postings on a non-Town social media site made in an official capacity shall be subject to the Tennessee Open Records Act and the Tennessee Open Meetings Act.

Without permission of the Town Administrator, an employee may not characterize him or herself as representing the Town, directly or indirectly, in any online posting. The use of a Town email address, job title, official Town name, seal or logo, and photographs of employee's wearing Town uniforms shall be deemed an attempt to represent the Town in an official capacity. Other communications leading an average viewer to conclude that a posting was made in an official capacity shall also be deemed an attempt to represent the Town in an official capacity. An employee posting on a social media site shall take reasonable care not to disclose any confidential information in any posting while also being mindful of restrictions on the disclosure of healthcare related information.

Employees shall view their personal email, Facebook page, etc. and post on their own time. Employees are cautioned to be mindful of their potential audience when posting on the internet. Employees assume any and all risks associated with blogging. Questionable posts may be vetted.

Town computers, email, internet-enabled phones, and voice mail are for *business* purposes and not to be used for illegal or inappropriate purposes and may be monitored at any time. Employees can have no expectation of privacy on Town business equipment. Social media posting by employees of a defamatory nature to the Town, its employees, citizens, or that otherwise violate Town policies will not be tolerated and will subject the employee to disciplinary action up to and including termination of employment.

Section U. Obstruction of Rights

No employee of the Town of Farragut shall consciously and by overt action(s) deprive any person of any rights to which such person is entitled under any law, ordinance, rule, or regulation of the Town.

Section V. Impartiality

Each employee of the Town shall discharge his duties fairly and impartially. Determinations and decisions shall be made without discrimination on account of race, color, creed, national origin, sex, ancestry, age, disability, veteran's status, military affiliation or obligation, religious belief, genetic information, political or organization affiliation, kinship or friendship.

Article XX – Amendments; Severability; Conflicts

Section A. Amendments and Changes

The provisions of this *Policy and Procedures Manual* may be amended by formal resolution of the Board of Mayor and Aldermen. The Board of Mayor and Aldermen has the right to amend the *Policy and Procedures Manual*, in accordance with the Municipal Code and state and federal laws, at any time. No employee or other person enjoys any contractual or vested right to the continuation of any rules, regulations, policies, procedures, provisions or employee benefits contained within this *Policy and Procedures Manual*. The provisions of all employee benefits covered in this document are subject to annual appropriation by the Board of Mayor and Alderman. In addition, all benefits offered through third-parties are subject to the terms and conditions of the service contract between the Town and the provider, which may be changed in the future, including the actual benefits offered, and any employee premiums and/or contribution rates.

Any of the provisions of this *Policy and Procedures Manual* that are intended to comply with State or Federal laws or regulations shall be administered and implemented so as to always remain in compliance with such laws or regulations as may be amended in the future, regardless of whether this document is actually modified to reflect such amendments in the laws or regulations.

Section B. Severability

The provisions of this *Policy and Procedures Manual* are hereby declared to be severable. Should any rule or regulation, section or subsection, provision, exception, sentence, clause, phrase or part of this Manual be held by any court to be invalid or unconstitutional, then the same shall not invalidate or impair the validity, force and effect of any other rule or regulation, section or subsection, provisions, exception, sentence, clause, phrase, or part of this Manual unless it clearly appears that such other part or parts is wholly or necessarily dependent for its operation upon the part or parts so held invalid and unconstitutional, and the remainder of this *Manual* shall continue in full force and effect, it being the corporate intent, now hereby declared, that this *Manual* would have been passed, approved and adopted even if such unconstitutional or void matter had not been included herein.

Section C. Conflicts

Should any rule or regulation, section or subsection, provision, exception, sentence, clause, phrase or part of this *Policy and Procedures Manual* be in conflict with any provision of the Town Charter or Municipal Code, then the Town Charter and Municipal Code shall prevail.

Section D. All Prior Rules Superseded

These Policy and Procedures shall be the Human Resources Policy and Procedures for all Municipal Government employees of the Town of Farragut, Tennessee, and shall supersede all previous Personnel rules and regulations. Those employees specifically excluded by Section 4 of the Municipal Code may not enjoy benefits and privileges of specific sections of the *Human Resources Policies and Procedures*. Any Rule or parts of Rules in conflict with the Human Resources Rules and Regulations or the Municipal Code are repealed to the extent of such conflict.

Section E. Departmental Rules

All departments may have supplemental rules and regulations that are specific to the work related goals and mission of that department.

Supplemental rules and regulations shall not be inconsistent with the Town's *Human Resources Policy and Procedures Manual* and are subject to review and approval by the Human Resources Manager and the Town Administrator.

The departmental policies and procedures must be submitted to the Town Administrator through the Human Resources Manager for approval before implementation, and a copy shall be available to all employees of that department at all times. Human Resources activities arising out of the administration of departmental policies and procedures are subject to the complaint and appeals procedures in accordance with these Rules and Regulations.

Section F. Implementing These Rules and Regulations

It is the responsibility of the Department Heads to carry out these rules and regulations in consultation with the Human Resources Manager. Department Heads and the Human Resources Manager shall be held accountable to the Town Administrator for failure to carry out these rules and regulations as written. The Town Administrator and the Human Resources Manager will advise and assist the Department Heads in enforcing and interpreting these rules and regulations.

Section G. Further Implementation

The Human Resources rules and regulations contained herein are an outline covering personnel policies and procedures and may be further amended by specific policies and procedures duly adopted by the Board of Mayor and Aldermen.

Section H. Provisions for Review

It shall be the duty of the Town Administrator to review and/or modify any action taken by the Human Resources Manager.