

City of Red Bank

BOARD OF COMMISSIONERS MEETING

Agenda

October 17, 2023

6:00 PM

I. Call to Order – Mayor Hollie Berry

II. Roll Call –City Recorder Tracey Perry

Mayor Hollie Berry _____ Vice Mayor Stefanie Dalton _____, Commissioner Jamie Fairbanks-Harvey _____, Commissioner Pete Phillips _____, Commissioner Hayes Wilkinson _____

III. Invocation – Moment of Silence

IV. Pledge of Allegiance – City Manager Martin Granum

V. Consideration of the Minutes for approval or correction:

- A. 10/03/2023 Work Session Minutes**
- B. 10/03/2023 Regular Commission Minutes**

VI. Communication from Mayor Berry

VII. Commissioner's Reports

- A. Vice Mayor Dalton**
- B. Commissioner Fairbanks-Harvey**
- C. Commissioner Phillips**
- D. Commissioner Wilkinson**

VIII. City Manager Granum's Report

IX. Presentation

- A. 2023 Property Tax Relief Program**

X. Temporary Adjournment of Regular Meeting

- A. Beer Board Hearings**
 - 1. Call to Order - Mayor Berry**
 - 2. Roll Call - City Recorder Perry**
 - 3. New Business**
 - a. Application for Special Event Beer Permit by Jeff Schwenke d/b/a Clever Alehouse - Request to serve beer at Red Bank City Park on October 21st from 11 a.m. - 5 p.m.**
 - b. Application for Off-Premise Beer Permit by Marvin Hewatt d/b/a Mapco, located at 314 Morrison Springs Rd, Red Bank, TN**

4. Adjournment

XI. Reconvene Regular Meeting

XII. Unfinished Business - citizens will have an opportunity to speak on these items prior to the final vote

- A. PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 23-1248 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING ORDINANCE AND MAPS OF THIS CITY TO REZONE PROPERTY LOCATED AT 210 LULLWATER ROAD FROM L-1 LIGHT MANUFACTURING TO R-T/Z TOWNHOME AND ZERO LOT LINE RESIDENTIAL PURSUANT TO CERTAIN RESTRICTIONS (second and final reading)**
- B. ORDINANCE NO. 23-1250 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO REPEAL ORDINANCE NO. 15-1036, THE RED BANK PERSONNEL POLICIES ORDINANCE, CODIFIED AT APPENDIX A TO THE RED BANK CITY CODE, TOGETHER WITH ALL AMENDMENTS THERETO AND ADOPTING A NEW EMPLOYEE HANDBOOK ORDINANCE, CODIFIED AT APPENDIX A TO THE RED BANK CITY CODE (second and final reading)**

XIII. New Business - citizens will have an opportunity to speak on these items prior to the final vote

- A. RESOLUTION NO. 23-1625 A RESOLUTION TO AMEND THE EXISTING AGREEMENT (200269) BETWEEN THE CITY OF RED BANK, TENNESSEE, AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$72,500.00 FOR THE INCREASED CONSTRUCTION COST OF PROJECT NO. 130774.00**
- B. RESOLUTION NO.23-1624 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE AMENDING RESOLUTION 22-1513 AND APPOINTING ONE (1) MEMBER TO THE CITY OF RED BANK FESTIVAL CITIZENS' ADVISORY BOARD**

XIV. Citizen Comments from Red Bank Citizens on Items not on the Agenda (3-minute limit)

XV. Adjournment

"Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission and do not necessarily represent the religious beliefs or views of the Commission in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Commission."

City of Red Bank

COMMISSIONERS AGENDA WORK SESSION

Minutes

October 3, 2023

5:00 PM

The City Commission of the City of Red Bank, Tennessee met in a public and duly advertised Agenda Work Session on October 03, 2023, at 5:00 p.m. at the Commission Chambers located at 3117 Dayton Boulevard. The date, time, and location of the meeting were advertised in the Chattanooga Times Free Press, on the City's Facebook page, and on the City of Red Bank website together with instructions and an internet link to enable virtual attendance by the public. The purpose of the meeting was to receive information on and discuss upcoming business items. Those in attendance were Mayor Hollie Berry, Vice Mayor Stefanie Dalton, Commissioner Jamie Fairbanks-Harvey, and Commissioner Hayes Wilkinson. Commissioner Pete Phillips was absent. Also present were City Manager Martin Granum, City Attorney Arnold Stulce, Jr., Finance Director John Alexander, Police Chief Dan Seymour, Fire Chief Brent Sular, Fire Training Captain Andrew Wood, Fire Captain Josh Hamill, Public Works Director Greg Tate, Deputy Director of Public Works Leslie Johnson, and City Recorder Tracey Perry.

- I. Employee Introduction - Officer David Harding, PD hire**
- Davis Guedron, PW promotion to Stormwater Specialist
- Jimmy Ruffner, PW promotion to Laborer II
- Stacey Bradley - runner up for the "Women in Tech" award

Chief Seymour introduced Police Officer David Harding to the Commission.
Public Works Director Tate congratulated and presented Davis Guedron's promotion as Public Works Stormwater Specialist and Jimmy Ruffner's promotion to Laborer II.
Chief Seymour and Commission congratulated IT Manager Bradley on runner-up for the "Women in Tech" award.

- II. Rezoning Request for 210 Lullwater Rd Ord No. 23-1249 (DPWD Johnson)**
PUBLIC HEARING SCHEDULED FOR 10/17/2023

Deputy Public Works Director Johnson explained the intent of the application for rezoning and made recommendations, but eliminating conditions A, C, and Exhibit B.

- III. Fire Prevention Week Res No. 23-1619 (Captain Hamill)**

Fire Training Instructor Wood informed the Commission on Fire Prevention Week and upcoming Fire Prevention Week presentations.

- IV. National First Responders Day Res No. 23-1620 (Capt Hamill & Police Chief Seymour)**

Police Chief Seymour informed the Commission of First Responders Day.

- V. License Plate Readers through a collaborative grant agreement with Hamilton County Government Res. No. 23-1621 (Police Chief Seymour)**

Police Chief Seymour informed the Commission of Resolution No.23-1621 to collaborate and accept a portion of the State of Tennessee Office of Criminal Justice Program FY2023 Violent Crimes Intervention Fund Grant (VCIF) from the Hamilton County Sheriff's Office.

- VI. Approve purchase of playground equipment Res No. 23-1622 (PRM Grabe)**

No discussion due to lack of time.

- VII. Accept GameTime Grant Res No. 23-1623 (PRM Grabe)**

No discussion due to lack of time.

VIII. Red Bank Representation at the TPO and TCC Agenda Item No. 23-874 (CM Granum)

No discussion due to lack of time.

IX. Accepting the revised Employee Handbook Ord. No. 23-1250 (CR Perry)

No discussion due to lack of time.

X. Beer Board Hearing: Mario Enrique Tax Garcia (Family Tax, LLC) has applied for an On-Premise Beer Permit for his business, Sabor Modern Latino and Sushi, located at 1800 Dayton Blvd, Red Bank, TN

No discussion due to lack of time.

XI. Citizen comments on items on this Work Session Agenda (CM Granum)

Michael McCain, 4200 Tacoma Ave- Inquired about cameras interacting, potential cost after the grant, and use of cameras on public roads.

Davis Guedron, 4810 Stagg Rd - Spoke in opposition to license plate readers.

XII. Any other business to discuss

No business to discuss.

Mayor Hollie Berry (Date)

City Recorder Tracey Perry (Date)

City of Red Bank

BOARD OF COMMISSIONERS MEETING

Minutes

October 3, 2023

6:00 PM

The City Commission of the City of Red Bank, Tennessee met in a public and duly advertised Agenda Work Session on MONTH DD, YYYY, at 5:00 p.m. at the Commission Chambers located at 3117 Dayton Boulevard. The date, time, and location of the meeting were advertised in the Chattanooga Times Free Press, on the City's Facebook page, and on the City of Red Bank website together with instructions and an internet link to enable virtual attendance by the public. The purpose of the meeting was to receive information on and discuss upcoming business items. Those in attendance were Mayor Hollie Berry, Vice Mayor Stefanie Dalton, Commissioner Jamie Fairbanks-Harvey, Commissioner Pete Phillips, and Commissioner Hayes Wilkinson. Also present were City Manager Martin Granum, City Attorney Arnold Stulce, Jr., Finance Director John Alexander, Police Captain John Wright, Deputy Fire Chief Eddie Iles, Fire Chief Brent Sylar, Public Works Director Greg Tate, Deputy Director of Public Works Leslie Johnson, and Assistant City Recorder Summer Sheldon.

I. Call to Order – Mayor Hollie Berry

Mayor Berry called the meeting to order at 6:07 p.m.

II. Roll Call –City Recorder Tracey Perry

City Recorder Perry called the role.

Mayor Hollie Berry _____ Vice Mayor Stefanie Dalton _____, Commissioner Jamie Fairbanks-Harvey _____, Commissioner Pete Phillips_____, Commissioner Hayes Wilkinson_____

III. Invocation – Moment of Silence

Mayor Berry led a moment of silence.

IV. Pledge of Allegiance – City Manager Martin Granum

City Manager Granum and Wyndham Potts from Boyscout Troop 172 led the pledge of allegiance.

V. Consideration of the Minutes for approval or correction:

A. September 19, 2023 Work Session Minutes

Vice Mayor Dalton made a motion to approve as written, seconded by Commissioner Fairbanks-Harvey. Motion carried with all Commissioners present voting "yes".

B. September 19, 2023 Regular Meeting Minutes

Commissioner Wilkinson made a motion to approve as written, seconded by Commissioner Fairbanks-Harvey. Motion carried with all Commissioners present voting "yes"

VI. Communication from Mayor Berry

- Thank you to the Small Cities Coalition for organizing a legislative luncheon this past week with many of our state representatives. State-level issues that are affecting our local municipalities were discussed.
- Thank you to all volunteers who attended the Stringers Ridge Cleanup Day for National Public Lands Day, and to all the public and private organizations that made Stringers Ride a possibility 10 years ago.
- The Red Bank Community Food Pantry will be on Thursday, October 5th, from 4:30 - 6 p.m. Volunteers are needed and can sign up at redbankfoodpantry.org

VII. Commissioner's Reports

A. Vice Mayor Dalton

- Welcome everyone
- Every U.S. household can now go to covid.gov/tests to order four (4) free COVID-19 rapid tests that will ship through the United States Postal Service.
- A neighbor put in a work order requesting that the faded signs for school zone times in the Alpine Crest Elementary neighborhood be replaced. Our awesome Public Works team has already completed the job! On behalf of that neighbor and our entire school community. Thank you for everything you do for the city!
- The City just wrapped up its first-ever Pollinator BioBlitz event in Red Bank, organized by the National Recreation & Park Association. Through the City's pollinator project on the iNaturalist app, community members identified 26 different plant and creature species. My son and I, along with Mayor Berry and her son, walked White Oak Park and the White Oak Connector Trail and had fun spending time really observing our environment.
- I attended the Chattanooga Design Studio's CIVIQ event featuring Jeff Speck as the guest speaker. If you don't know who Jeff Speck is or what he wrote about in his book, "Walkable City: How Downtown Can Save America, One Step at a Time," then please look him up. He's a city planner and urban designer who is internationally renowned for his decades of work, research, and consulting with cities to make their communities more walkable and connected. His talk centered around things like car-centric city design, urban sprawl, mixed zoning, parking minimums, and road design and their impact on walkability and connectedness.
- I had an incredible morning at Walden's Ridge Park grand opening this past Saturday, alongside Mayor Berry and Commissioner Wilkinson. I have to give three special shout-outs to some Red Bank neighbors who have been key players in the development and opening of this park -- first and foremost, Tim Laramore, who is the Executive Director of the North Chickamauga Creek Conservancy was a part of this project from day one; Gaston Farmer, who is the Conservation Project Manager for the Land Trust for Tennessee; and finally, our own City Commissioner, Hayes Wilkinson, who volunteered his time to help develop the trails. Thank you all for your dedication to making this park a reality!
- Great town hall meeting at Rivermont Elementary last night with School Board Member Ben Connor and County Commissioner David Sharpe. Lots of great feedback, questions, concerns, and ideas.
- Hamilton County Department of Education is hosting a community input meeting tomorrow, October 4th, from 6-7:45 pm, at Red Bank Middle School specifically to get feedback on the county mayor's proposal to consolidate three of four elementary schools -- Alpine Crest, Rivermont, Dupont, and Hixson Elementary -- into a new megaschool built at the Dupont Elementary site. Please show up and make your voices heard.

- Happy Fall Break to all of our students next week!
- Thank you.

B. Commissioner Fairbanks-Harvey

- Hello Red Bank
- Vice Mayor Dalton and I attended the Hamilton County Department of Education school board meeting on Thursday, September 21st at 6 p.m. There was a positive exchange between us and school board members.
- Echoing Vice Mayor Dalton on the meeting tomorrow night at Red Bank Middle at 6 p.m. for further input on maintaining the elementary school in Red Bank.
- Vice Mayor Dalton and I have been invited to present the City of Red Bank's resolutions to the Hamilton County Commissioners next Wednesday at 9:30 a.m. at the courthouse.
- Red Bank High School plays its next home football game this Friday against Sequoyah at 7 p.m.
- The next Listen and Learn will be on October 16th at Mr.Burrito from 6-7 p.m.
- Thank you

C. Commissioner Phillips

Commissioner Phillips was absent

D. Commissioner Wilkinson

- Thank you for coming out tonight.
- The Stringers Ridge Cleanup went extremely well. Thank you to everyone who came out.
- The White Oak Bicycle Co-op partnered with Red Bank Elementary for a week of bicycle fun. All second graders participated in a bike safety educational program. They all received a free bicycle helmet, courtesy of the Epilepsy Foundation of Southeast Tennessee.
- There are two days left to vote for WOBC partner Bridge Outdoor, to win a \$25,000.00 grant and a Land Rover Defender. You can vote at thebeth.org
- Walden Ridge's grand opening was Saturday. Congratulations to everyone who had a hand. The organizations include Hamilton County Parks, North Chick Conservancy, Sorba, Southeastern Climbing Coalition, Land Trust for Tennessee, and all volunteers. Go check it out!

VIII. City Manager Granum's Report

- Good Evening Mayor and Commissioners.
- The procurement is underway seeking proposals for a Red Bank Comprehensive Plan to include a Small Area Study of the former Red Bank Middle School site located at 3715 Dayton Boulevard for the City of Red Bank, Tennessee.
- We have invited the MTAS to take a look at our Finance Department and advise us on how we are organized, staffed, and preparing ourselves for the needs of today and tomorrow. Stay tuned for feedback coming from John, Tracey, and me as this staff assistance visit unfolds. We are scheduled for an in-brief on Monday, 16 October with Honna and other subject matter experts from MTAS.
- IT Manager Stacey Bradley was a keynote speaker at the 2023 Cha Tech Excellence Awards Gala last week where she spoke powerfully about the networking, mentoring, professional development, encouragement, and camaraderie she has experienced since joining that organization, and how important that was as she made herself ready to take

her IT career to the next level. We are fortunate to have Stacey on our team as Red Bank's first-ever IT Manager.

- Thank you, Mayor.

IX. TEMPORARY ADJOURNMENT OF REGULAR MEETING

A. Beer Board Hearing

1. Call to Order - Mayor Berry

Mayor Berry called the meeting to order.

2. Roll Call - City Recorder Perry

City Recorder Perry called the roll. Mayor Berry, Vice Mayor Dalton, Commissioner Fairbanks-Harvey, and Commissioner Wilkenson were present. Commissioner Phillips was absent.

3. New Business

a. Application for On-Premise Beer Permit by Mario Enrique Tax Garcia (Family Tax, LLC) d/b/a Sabor Modern Latino and Sushi, located at 1800 Dayton Blvd, Red Bank, TN

Mayor Berry introduced the topic and called the applicant forward. Applicant Mario Enrique Tax Garcia (Family Tax, LLC) of Sabor Modern Latino and Sushi, located at 1800 Dayton Blvd, Red Bank, TN, was present. The applicant read and understands the Beer Board Ordinance and was advised that no beer sales are to be made until permit is picked up. Vice Mayor Dalton made a motion to approve, seconded by Commissioner Wilkinson. No discussion. No citizen comments. Motion was approved with all Commissioners present voting "yes".

4. Adjournment

Vice Mayor Dalton made a motion to adjourn, seconded by Commissioner Fairbanks-Harvey. Meeting was adjourned.

X. RECONVENE REGULAR MEETING

XI. Unfinished Business - citizens will have an opportunity to speak on these items prior to the final vote

A. ORDINANCE NO. 23-1247 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING ORDINANCE AND MAPS OF THIS CITY TO REZONE PROPERTY LOCATED AT 119 AND 121 WEST RIDGEWOOD AVENUE FROM R-1 RESIDENTIAL TO C-1 COMMERCIAL (second and final reading)

Mayor Berry read the intent of the Ordinance, i.e., to approve a request to rezone 119 and 121 West Ridgewood Ave from R-1 Residential to C-1 Commercial. Vice Mayor Dalton made a motion to approve, seconded by Commissioner Wilkinson. No discussion. No citizen comments. ROLL CALL VOTE: Mayor Berry "yes", Vice Mayor Dalton "yes", Commissioner Fairbanks-Harvey "yes", Commissioner Phillips absent, Commissioner Wilkinson "yes". Ordinance No. 23-1247 was approved on the second and final reading with all Commissioners present voting "yes".

B. ORDINANCE NO. 23-1248 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE

AMENDING ORDINANCE NUMBER 15-1020 TITLED THE RED BANK ZONING ORDINANCE, TO AMEND CHAPTER II. GENERAL REGULATIONS, SECTION 14-209 CHANGES AND AMENDMENTS (second and final reading)

Mayor Berry read the intent of the Ordinance, i.e., to approve an administrative language update to the Ordinance. Commissioner Fairbaks-Harvey made a motion to approve, seconded by Commissioner Wilkinson. No discussion. No citizen comments. ROLL CALL VOTE: Mayor Berry "yes", Vice Mayor Dalton "yes", Commissioner Fairbanks-Harvey "yes", Commissioner Phillips absent, Commissioner Wilkinson "yes". Ordinance No. 23-1248 was approved on second and final reading with all Commissioners present voting "yes".

XII. New Business - citizens will have an opportunity to speak on these items prior to the final vote

A. AGENDA ITEM NO. 23-874 TO APPOINT RED BANK REPRESENTATIVES TO THE CHATTANOOGA-HAMILTON COUNTY / NORTH GEORGIA TRANSPORTATION PLANNING ORGANIZATION AND THE TECHNICAL COORDINATING COMMITTEE

Mayor Berry read agenda item No.23-874, i.e., to appoint Red Bank Representatives to the Chattanooga- Hamilton County/ North Georgia Transportation Planning Organization and the Technical Coordinating Committee. City Manager Granum explained the intent to appoint Mayor Berry to the TPO Executive Board. In her absence, Deputy Public Works Director Johnson will have the privilege to vote on behalf of Mayor Berry. Public Works Director Tate will be appointed as an official representative of the TPO Technical Coordinating Committee on behalf of the City of Red Bank. His alternate to the TCC will be Deputy Public Works Director Johnson. These appointments will remain in effect until changed in writing by the official representative of the City of Red Bank. Upon motion made and seconded, the ayes being unanimous, the agenda item as described above was adopted.

B. RESOLUTION NO. 23-1619 A RESOLUTION BY THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE TO PROCLAIM OCTOBER 8-14, 2023, AS FIRE PREVENTION WEEK

Mayor Berry read the intent of the Resolution, i.e., to proclaim October 8-14, 2023, as Fire Prevention Week. Fire Captain Hamill read the Resolution and informed the Commission on the history of Fire Prevention Week and the schedule for Fire Prevention Week presentations. Some discussion. No citizen comments. Vice Mayor Dalton made a motion to approve, seconded by Commissioner Fairbanks-Harvey. Some discussion. No citizen comments. Resolution No. 23-1619 was approved with all Commissioners present voting "yes".

C. RESOLUTION NO. 23-1620 A RESOLUTION BY THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE TO PROCLAIM OCTOBER 28, 2023, AS NATIONAL FIRST RESPONDERS DAY

Mayor Berry read the intent of the Resolution, i.e., to proclaim October 28, 2023, as National First Responders Day. Police Chief Seymour read entire resolution. Some discussion. No citizen comments. Vice Mayor Dalton made a motion to approve, seconded by Commissioner Fairbanks-Harvey. Some discussion. No citizen comments. Resolution No. 23-1620 was approved with all Commissioners present voting "yes".

D. RESOLUTION NO. 23-1621 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK AUTHORIZING THE CHIEF OF POLICE TO COLLABORATE AND ACCEPT A PORTION OF THE STATE OF TENNESSEE OFFICE OF CRIMINAL JUSTICE PROGRAM FY2023 VIOLENT CRIMES INTERVENTION FUND GRANT (VCIF) FROM THE HAMILTON COUNTY SHERIFF'S OFFICE

Mayor Berry read the intent of the Resolution, i.e., to authorize the Chief of Police to collaborate and accept a portion of the State of Tennessee Office of Criminal Justice

Program Fiscal Year 2023 Violent Crimes Intervention Fund Grant (VCIF) from the Hamilton County Sheriff's Office. Police Chief Seymour explained to the Commission the purpose and use of the state grant, covering the cost, maintenance, and installation of automated license plate readers on State Route Eight (8) for five (5) years. This is a non-matching grant for one hundred (100) percent reimbursement. Grant and the administration of the program, involving multiple local law enforcement agencies, is managed by the Sheriff's Department. Some discussion. Several citizen comments. Commissioner Fairbanks-Harvey made a motion to approve, seconded by Commissioner Wilkinson. Much discussion. No additional citizen comments. Resolution No. 23-1621 was approved with all Commissioners present voting "yes".

E. RESOLUTION NO. 23-1622 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE AUTHORIZING THE PURCHASE AND INSTALLATION OF NEW PLAYGROUND EQUIPMENT AND ACCESSORIES, TO REPLACE THE CURRENT PLAYGROUND AT WHITE OAK PARK IN THE APPROXIMATE AMOUNT OF \$163,201.01, FOR THE PUBLIC WORKS DEPARTMENT

Mayor Berry read the intent of the Resolution, i.e., to authorize the purchase and installation of new playground equipment and accessories, to replace the current playground at White Oak Park in the approximate amount of \$163,201.01, for the Public Works Department. Deputy Public Works Director Johnson explained to the Commission the need for the purchase of new playground equipment and accessories at White Oak Park. This is a budgeted item. Some discussion. No citizen comments. Vice Mayor Dalton made a motion to approve, seconded by Commissioner Fairbanks-Harvey. Resolution No. 23-1622 was approved with all Commissioners present voting "yes".

F. RESOLUTION NO. 23-1623 RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, TO AUTHORIZE THE CITY OF RED BANK TO ACCEPT THE GAMETIME "PLAYGROUND GRANT 2023" FOR THE PURCHASE AND INSTALLATION OF NEW WHITE OAK PLAYGROUND REPLACEMENT

Mayor Berry read the intent of the Resolution, i.e., to authorize the City of Red Bank to accept the Gametime Playground Grant 2023 for the purchase of new White Oak playground replacement. Deputy Public Works Director Johnson explained to the Commission the benefits and use of the playground grant, including increasing the amount of the funds budgeted in order to enhance the new installation. Some discussion. No citizen comments. Vice Mayor Dalton made a motion to approve, seconded by Commissioner Wilkinson. Resolution No. 23-1623 was approved with all Commissioners present voting "yes".

G. ORDINANCE NO. 23-1249 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING ORDINANCE AND MAPS OF THIS CITY TO REZONE PROPERTY LOCATED AT 210 LULLWATER ROAD FROM L-1 LIGHT MANUFACTURING TO R-T/Z TOWNHOME AND ZERO LOT LINE RESIDENTIAL PURSUANT TO CERTAIN RESTRICTIONS (first reading)

Mayor Berry read the intent of the Ordinance, i.e., to amend the zoning ordinance and maps of the city to rezone property located at 210 Lullwater Rd from L-1 Light Manufacturing to R-T/Z Townhome and Zero Lot Line Residential pursuant to certain restrictions. Deputy Public Works Director Johnson made a recommendation to the Commission to approve the Ordinance but to remove Condition a, Condition c, and Exhibit B. Commissioner Fairbanks-Harvey made a motion to approve the amendment to remove Condition a, Condition c, and Exhibit B, seconded by Commissioner Wilkinson. Much discussion. No citizen comments. ROLL CALL VOTE: Mayor Berry "yes", Vice Mayor Dalton "yes", Commissioner Fairbanks-Harvey "yes", Commissioner Phillips absent, Commissioner Wilkinson "yes". Ordinance No. 23-1249 was approved on first reading with all Commissioners present voting "yes".

H. ORDINANCE NO. 23-1250 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO REPEAL ORDINANCE NO. 15-1036. THE RED BANK PERSONNEL POLICIES ORDINANCE, CODIFIED AT APPENDIX A TO THE RED BANK CITY CODE, TOGETHER

WITH ALL AMENDMENTS THERETO AND ADOPTING A NEW EMPLOYEE HANDBOOK ORDINANCE, CODIFIED AT APPENDIX A TO THE RED BANK CITY CODE (first reading)

Mayor Berry read the intent of the Ordinance, i.e., to repeal Ordinance No.15-1036, the Red Bank Personnel Policies Ordinance, codified at Appendix A to the Red Bank City Code, together with all amendments thereto and adopting a new employee handbook ordinance, codified at Appendix A to the Red Bank City Code. City Recorder Perry presented to the Commission on updated policies in new employee handbook. Commissioner Fairbanks-Harvey made a motion to approve, seconded by Commissioner Wilkinson. Much discussion. No citizen comments. ROLL CALL VOTE: Mayor Berry "yes", Vice Mayor Dalton "yes", Commissioner Fairbanks-Harvey "yes", Commissioner Phillips absent, Commissioner Wilkinson "yes". Ordinance No. 23-1250 was approved on first reading with all Commissioners present voting "yes".

XIII. Citizen Comments from Red Bank Citizens on Items not on the Agenda (3-minute limit)

No citizen comments.

XIV. Adjournment

Vice Mayor made a motion to adjourn, seconded by Commissioner Wilkinson. The meeting adjourned at 8:00 p.m.

Mayor Hollie Berry (Date)

City Recorder Tracey Perry (Date)

ORDINANCE NO. 23-1249

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING ORDINANCE AND MAPS OF THIS CITY TO REZONE PROPERTY LOCATED AT 210 LULLWATER ROAD FROM L-1 LIGHT MANUFACTURING TO R-T/Z TOWNHOME AND ZERO LOT LINE RESIDENTIAL PURSUANT TO CERTAIN RESTRICTIONS

WHEREAS, Be Big Inc., who owns the property, has petitioned the Red Bank Planning Commission and the Red Bank City Commission to rezone the property located at 210 Lullwater Road, Hamilton County Tax Map 126C Group C Parcel 039, from L-1 Light Manufacturing to R-T/Z Townhome and Zero Lot Line Residential; and

WHEREAS, the Southeast Tennessee Development District planning staff recommended against approving the request due to concerns regarding increased density on the steep slope area and instead recommended rezoning to R-1 Residential; and

WHEREAS, the Red Bank Planning Commission held an advertised public hearing on this matter on June 15, 2023; and

WHEREAS, the Red Bank Planning Commission heard and considered all statements favoring or opposing the requested rezoning including that of the Southeast Tennessee Development District planning staff; and

WHEREAS, the Red Bank Planning Commission on August 17, 2023, studied the petition in relation to existing zoning and land use and potential patterns of development and recommended approval pursuant to certain conditions below, with three voting in favor and one opposed; and

WHEREAS, the City Commission, upon notice, held a public hearing in conjunction with the regularly scheduled Commission Meeting on October 17, 2023; and

WHEREAS, comments in favor of and comments opposing the proposed rezoning were heard and considered; and

WHEREAS, the City Commission, having studied the recommendations of the Southeast Tennessee Development District planning staff, the City Staff, and the Red Bank Planning Commission, finds that the requested use, subject to the conditions below, would not have a negative impact on adjacent land uses, and is a reasonable extension of existing zones in the area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF RED BANK, TENNESSEE, AS FOLLOWS:

SECTION 1. The Zoning Ordinances and Zoning Maps of this City are hereby amended by conditionally rezoning from L-1 Light Manufacturing to R-T/Z Townhome and Zero Lot Line Residential, 210 Lullwater Road, Tax Map Parcel No. 126C C 039, as shown on the attached parcel map labeled "Exhibit A", subject to the following conditions:

~~(a) No use other than single family detached residential shall be permitted.~~

(b) Compliance with Ordinance 23-1240 regarding standards and minimum requirements for development within and stabilization of steep slope areas.

~~(c) The final plat/site development plan shall be constructed substantially in accord with the preliminary site plan, copy attached as "Exhibit B" hereto.~~

(d) No lots shall be accessed via Lynda Circle.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3. The zoning maps of this city shall be amended to conditionally reflect R-T/Z Townhome and Zero Lot Line Residential, but subject to the conditions listed in SECTION 1 of this Ordinance for the property described herein above and that said maps make specific reference to this Ordinance to be noted on the zoning map.

SECTION 4. If the Owner does not accept the limiting conditions and restrictions within sixty (60) days following approval on the second and final reading, the Ordinance shall automatically become null and void.

SECTION 5. Every section, sentence, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not affect or impair any other section, sentence, clause, or phrase.

Mayor Hollie Berry (date)

City Recorder Tracey Perry (date)

October 3, 2023
PASSED ON FIRST READING

PASSED ON SECOND READING AND FINAL READING

APPROVED AS TO FORM:

City Attorney Arnold Stulce, Jr.

ACCEPTED, ACKNOWLEDGED AND
AGREED AS TO THE LIMITING FACTORS,
CONDITIONS AND REQUIREMENTS HEREOF

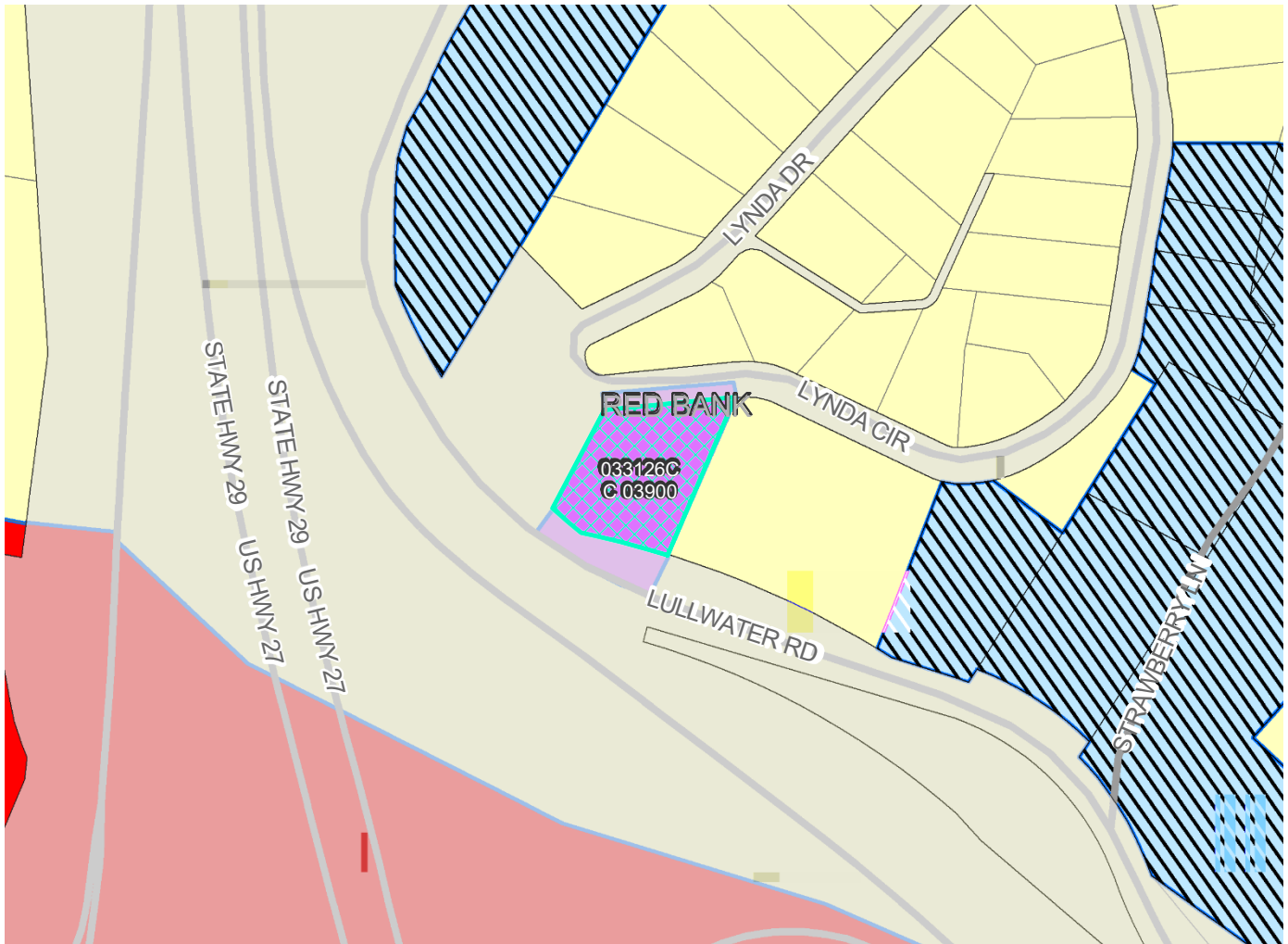
BY: _____
Applicant

ATTACHMENT A:

Red Bank, Tennessee

210 Lullwater Road Rezoning L-1 to R-T/Z CONDITION

Ordinance No 23-1249



Legend

 Parcels to be Rezoned R-T/Z

Zoning

	C-3	Neighborhood Commercial
	C-1	Commercial
	C-2	Commercial
	L-1	Light Manufacturing

	M-1	Manufacturing
	R-1	Residential
	R-2	Residential
	R-3	Residential
	R-4	Special

	R1-A	Residential
	RT-1	Residential Townhouse
	R-TZ	Residential Townhouse/Zero Lot Line
	RZ-1	Zero Lot Line Residential
		Zoning with Conditions
		Planned Unit Development

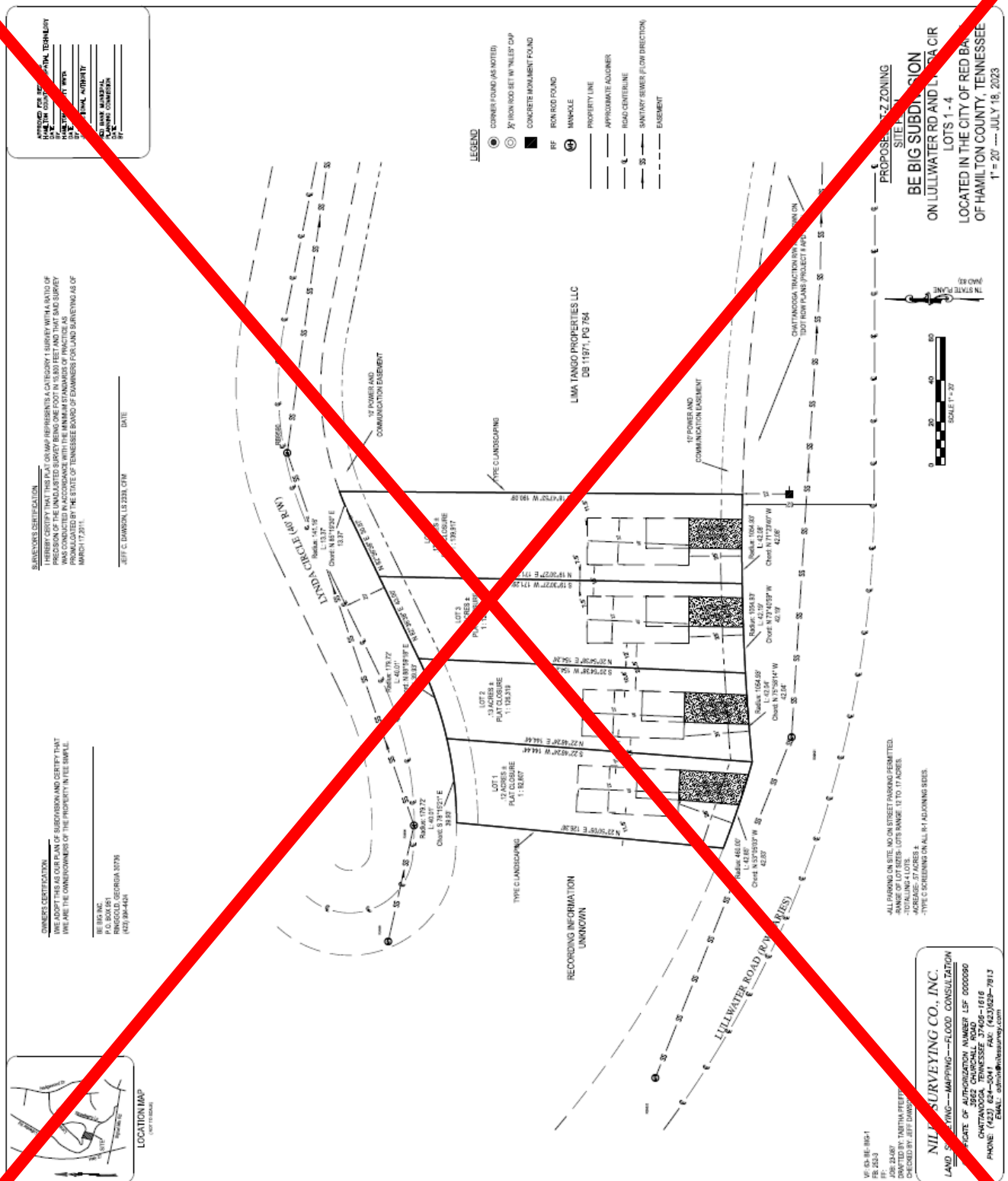
Map Prepared By: Community Development
Southeast Tennessee Development District Chattanooga, TN
Geographic Information Systems

This map is for planning purposes only.
This is not an engineering map.

Source: SETDD & 2023 HCGIS Data



EXHIBIT B: SITE PLAN



ORDINANCE NO. 23-1250

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO REPEAL ORDINANCE NO. 15-1036, THE RED BANK PERSONNEL POLICIES ORDINANCE, CODIFIED AT APPENDIX A TO THE RED BANK CITY CODE, TOGETHER WITH ALL AMENDMENTS THERETO AND ADOPTING A NEW EMPLOYEE HANDBOOK ORDINANCE, CODIFIED AT APPENDIX A TO THE RED BANK CITY CODE

WHEREAS, the existing personnel policies ordinance, as amended, has become increasingly outdated, unworkable and burdensome to the efficient administration of the City's personnel system; and

WHEREAS, The City Commission recognized the need for greater expertise applied to the full spectrum of human resource issues and created the position of Director of Human Resources; and

WHEREAS, the City Manager and Human Resources Director engaged the Municipal Technical Advisory Service (MTAS) to assist in the full revision of the existing personnel policies ordinance; and

WHEREAS, a working group was developed including the city manager, Human Resources Director, Finance Director, the Chief and Deputy Chief Of Police, the Chief and Deputy Chief of Fire and the Director and Deputy Director of Public Works; and

WHEREAS, this working group met over the past year and undertook a comprehensive review of the existing personnel policies of the City, to compare same to practical day-to-day workings of the City, incorporate personnel management best practices, and develop an employee handbook to foster efficient and effective operations of the city; and

WHEREAS, the Board of Commissioners, upon recommendation of the City Manager, finds it to be in the best interest of the City of Red Bank that the present personnel policies system and ordinance, be repealed and that a new employee handbook, adopted by ordinance, be substituted in its place and stead; and

WHEREAS, the implementation of the new Longevity Pay scale shall be retroactive to July 1, 2023, for all City of Red Bank employees in full-time status since July 1, 2023.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank:

SECTION 1. That the Red Bank Personnel Policies Ordinance No. 15-1036, codified at Red Bank City Code Appendix A, together with all amendments thereto be and the same is hereby repealed.

SECTION 2. That the City hereby adopts and implements the Red Bank Employee Handbook Ordinance of 2023 in the form attached hereto as Exhibit A to this Ordinance, the

terms, provisions, and conditions of which are incorporated herein and made a part hereof by reference, the same to be codified at Appendix A of the Red Bank City Code under the title of Red Bank Employee Handbook Ordinance of 2023.

SECTION 3. The City Manager, acting by and through the various department heads and/or as the City Manager shall so determine, shall be responsible for distributing a copy of the employee handbook ordinance hereby adopted and for holding at least one (1) education class session with all/every City employee having an opportunity to attend. Further, each Department Head is responsible for tendering a copy of the new employee handbook to each City employee within their respective department and is responsible for obtaining a signature acknowledgment receipt from each City employee, which signed acknowledgment, shall be placed in each employee's personnel file.

SECTION 4. Every section, sentence, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect or impair any other section, sentence, clause, or phrase.

SECTION 5. This Ordinance shall take effect from and after the date of its final passage the health, safety, and welfare of the citizens of the City of Red Bank requiring it, which effective date shall be clearly written upon the last page of this employee handbook ordinance by delineating "EFFECTIVE DATE OCTOBER 17, 2023."

Mayor Hollie Berry (date)

City Recorder Tracey Perry (date)

October 3, 2023
PASSED ON FIRST READING

PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

City Attorney Arnold Stulce, Jr.



City of Red Bank

Employee Handbook

Revised October 2023

Ordinance No. 23-1250

Approved on Second and Final Reading:

Effective Date:

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CHAPTER 1

GENERAL PROVISIONS

1.1 WELCOME & INTRODUCTION

For employees who are beginning employment with the City of Red Bank, welcome. For employees who have been with us, thanks for your past and continued service. We extend best wishes for career success and personal happiness here at the City of Red Bank. We understand that it is our employees who provide the municipal services that our City relies upon, and we hope the employee handbook will be of help to you.

The "Personnel Regulations," adopted by an Ordinance by the Board of Commissioners, referred to as the Employee Handbook, are applicable to all employees of the City of Red Bank. The City reserves the right to change any and all such policies, practices, and procedures in whole or in part at any time, with or without notice to employees.

Additional standard operating procedures may be issued by the City Manager or other Department Heads after review with relevant Department Heads and the City Recorder / HR Director and upon approval by the City Manager when deemed appropriate. The City Manager will be furnished with a copy of all rules, regulations, policies, and procedures developed and implemented by each Department. The standard operating procedures of other Departments should not be in conflict with this Employee Handbook. If a conflict does occur, this Employee Handbook will prevail.

The Employee Handbook will be made available to all employees upon employment and will be required to certify that they have read and understood the Employee Handbook.

1.2 **PURPOSE / NO CONTRACT CREATED/EMPLOYMENT AT- WILL OBJECTIVES**

~~A. — These policies create no contract, agreement, or other expectation with respect to continued employment. Neither is any “property interest” nor “liberty interest” created by this Handbook, by these policies, or by the fact of employment with the City of Red Bank. The employment relationship by and between the City and the employee is and remains at will and may be terminated by either the City or the employee at any time for any reason or no reason, except as may be governed by applicable law and/or a case-by-case fact-specific basis.~~

A. The City of Red Bank is firmly committed to the principle of fair and equal employment opportunities for its citizens and strives to protect the rights and opportunities of all people to seek, obtain, and hold employment without being subjected to illegal discrimination and harassment in the workplace. It is the City's policy to provide an environment free of discrimination and harassment of an individual because of that person's race, color, religion, sex(including pregnancy, sexual orientation, and gender identity), national origin, age(40 or older), disability, genetic information(including family medical history), or military status, or any other category protected by state and/or federal civil rights laws.¹ The purpose of these regulations is to implement a system of personnel administration, which provides consistent, impartial, and effective policies and procedures for employees of the City of Red Bank, Tennessee. Another purpose of these policies is to establish a high degree of understanding, cooperation, efficiency, and unity among City of Red Bank employees fostered by a systematic application of quality procedures in personnel administration. These regulations shall apply to all employees of the City of Red Bank without regard to race, color, religion, gender, age, national origin, disability, military status, genetic information, or political affiliation.

¹ Reference: Title VII of the Civil Rights Act of 1964 and the Uniformed Services Employment and Reemployment Rights Act (USERRA)

A.

B. These policies create no contract, agreement, or other expectation with respect to continued employment. Neither is any "property interest" nor "liberty interest" created by this Handbook, by these policies, or by the fact of employment with the City of Red Bank. The employment relationship by and between the City and the employee is and remains at will and may be terminated by either the City or the employee at any time for any reason or no reason, except as may be governed by applicable law and/or a case-by-case fact-specific basis.

1.3 AUTHORITY FOR PERSONNEL FUNCTION

The authority and responsibility for administering the personnel function within the City of Red Bank are governed by the City Charter.

1.4 POSITIONS COVERED

Applicability

The Employee Handbook will apply to all employees and, in some limited instances to elected officials. Temporary, seasonal, volunteer, reserve, and part-time employees are subject to all regulations but do not have access to insurance benefits, leave accrual, holiday pay, or retirement benefits.

1.5 RESPONSIBILITIES

Board of Commissioners

The Board of Commissioners is responsible for the appointment of the City Manager, and the establishment of overall policy guidelines for the operation of City government including the adoption of the Employee Handbook and amendments to, development, and adoption of an annual fiscal budget.

City Manager

The City Manager is the Chief Administrative Officer for the City of Red Bank. The City Manager is hired and serves at the will and pleasure of the Board of Commissioners. He or she is responsible to the Board of Commissioners for the proper operations of all City functions. The responsibilities of the City Manager include appointment and termination of all City employees, enforcement, and application of all laws, provisions of the City Charter and Municipal Code, and acts of the Board of Commissioners including but not limited to the Employee Handbook. The City Manager is also responsible for the implementation of additional rules, policies, and procedures, which may be necessary for the proper operation of the City or its various departments, provided that such rules and procedures are not in conflict with the Employee Handbook adopted by the Board of Commissioners.

Department Heads and Supervisors

Department Heads are appointed by and serve in such positions at the pleasure of the City Manager and may be removed from such positions, or reassigned within the Department, at the will of the City Manager. Department Heads and supervisors are responsible for the administration and enforcement of the Employee Handbook for employees in their respective program areas. In addition, Department Heads, with the approval of the City Manager, may issue Departmental rules and procedures as may be necessary for the proper operation of their Department, provided that such rules and procedures are consistent with the City's Charter and other applicable rules and regulations governing the operation of the City. The Employee Handbook will supersede all Departmental rules and procedures if conflicting.

City Recorder / HR Director

The City Recorder / HR Director's responsibility and functions regarding the administration of the Employee Handbook shall include, but not be limited to, the development and presentation of the Employee Handbook and recommended

amendments consistent with proper employment practices to the City Manager for consideration and presentation to the Board of Commissioners. The City Recorder / HR Director shall also provide technical assistance to Department Heads and supervisors on the interpretation and application of the Employee Handbook.

1.6 PERSONNEL RECORDS

Personnel File

The Personnel file is the official record of employment for the employee(s) and is the property of the City of Red Bank. The Personnel file will be maintained in a secure manner by the City Recorder / HR Director.

The Personnel file for each employee may contain, but not be limited to the following information: 1) personnel action forms noting position and wage information; 2) employee enrichment or other documentation related to an employee's development; 3) employment documentation including application and resume, employee data sheet, and income tax deduction forms; 4) outside employment forms 5) official commendations, training and education records including certificates and diplomas; 6) documentation pertaining to all disciplinary matters and corrective actions; and 7) information relative to grievance proceedings, and complaints of discrimination and harassment filed by the employee. All employees acknowledge and understand that with certain very limited exceptions, personnel records and the Personnel file are "public records" and subject to review and copying by eligible persons as provided by state law, which itself is subject to revision and change from time to time.

Medical Records

Medical information obtained from city-provided medical examinations are the property of the City of Red Bank. Inquiries made in reference to the Open Records Law, and all medical-related information, will be maintained in a secured file system

separate from an employee's official personnel record. Information may include, but not be limited to the following: benefit documentation such as health insurance and retirement forms, fitness for duty examinations, drug testing results, medical information related to leaves of absence, inoculation records, etc. These documents will be maintained in a secured file system that is not open for public inspection, except in certain limited circumstances. These procedures are in accordance with the confidentiality requirements of the Health Insurance Portability and Protection Act (HIPPA), Americans with Disabilities Act (ADA), Family Medical Leave Act (FMLA), and rules and regulations of the Equal Employment Opportunity Commission (EEOC).

Public Access

Inquiries for detailed employment information or public inspection of employee records are required to be made in writing and should be directed to the City Recorder / HR Director who will then forward them to the appropriate Department(s). Employee records, with limited exception, are open for public inspection in accordance with Tennessee Law. Certain Police Department Records and Reports may be exempt by reason of certain regulations, and all requests will be reviewed by the Chief of Police on a case-by-case basis and will comply with Tennessee Law.

Certain confidential information will be redacted from any personnel files that are requested for inspection, as per Tennessee Law. Adequate time will be allotted to allow for the redaction of such information as allowed by law. All requests will be completed in a responsive and timely manner.

Costs may be incurred by the requestor and will include employee time and duplication based on the MTAS schedule of customary fees as adopted by the City.

In all such matters, notice will be attempted, and copies provided as soon as administratively possible. Exceptions may be made to the release of limited general information, such as the following: (a) Employment dates; (b) Position held; (c) Location of job.

FINAL READING OCTOBER 17, 2023

CHAPTER 2

DEFINITIONS

Absence Without Leave - Any absence for which a leave request was either not made or denied or the employee did not have enough leave accumulated.

Administrative Leave - Approved absence by the Department Head or City Manager temporarily relieving an employee of their normal responsibilities for special circumstances for which compensation is received such as involvement in a critical incident, allegations of misconduct, employees with whistleblower status, or other situations deemed in the City's best interest subject to personal needs of the employee or the personnel needs of the City.

Anniversary Date - The most recent date of appointment to, or employment in, a full-time position used to determine seniority.

Application - A form used to apply for positions with the City of Red Bank.

Appointing Authority - The City Manager is the appointing authority for the City of Red Bank. The individual responsible for appointing all Department Heads and all other positions as specified in the code and charter for the local government.

Appointment - The offer to, and acceptance by, a person of a position with the City upon approval of the City Manager.

At-Will Employer - All employment relationships of the City of Red Bank are "at will" which means the City of Red Bank can terminate an employee at any time for any reason, except an illegal one, or no reason without incurring legal liability.

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.

COBRA - The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events. Qualified individuals are required to pay the entire premium for coverage up to 102% of the cost to the plan.

Certification - Endorsement as meeting required minimum standards.

Classification - A systematic process of evaluating the duties, responsibilities, scope, and complexity of a position description to determine the job title that most appropriately matches the job specifications and standards.

Compensation - The rate of pay that has been established for the respective position.

Continuous Service - The most recent period of employment with the City without a break in service as evidenced by separation from the City payroll and Personnel records.

Counseling/Coaching - Opportunities to address employee performance, contributions, goals, and or plans in a one-on-one situation.

Department - The primary organizational unit which is under the immediate charge of a Department Head and designated in budget documents.

Department Head / Director - The individual who leads, manages and develops the Department to ensure it maintains a high standard of excellence in all its activities.

Disciplinary Action - An action taken by the employee's Department Head or City Manager, when an employee fails to follow or violates the policies, procedures, or rules of conduct of Departmental rules, these Personnel Rules and Regulations, or the Municipal Code. Disciplinary action may include oral counseling, written reprimand, suspension, reclassification, or dismissal, in that order.

Dismissal - A type of disciplinary action that separates an employee from the City of Red Bank payroll.

Division - A group, unit, or shift within a department.

Eligible - A person who has successfully met the required qualifications for a particular position.

Employee - An individual who is legally employed by the City and is compensated through the City payroll for his/her services (see definitions for full-time and part-time employees hereinafter)

Employee Development - Internal and external professional and academic programs for the purpose of improving the quality of service of the employee and improving their skills and knowledge.

Employment Date - The original date of an appointment to, or employment in, a position is the employment date.

Examination - The process of testing, evaluating, and investigating the efficiency, fitness, and qualifications of applicants and employees.

Exempt Employee - Employees who are exempt from overtime in accordance with the Fair Labor Standards Act (Title 29, Part 541, of the Code of Federal Regulations).

Flex Time - Time worked and taken off in the same workweek, outside of the employee's normal work schedule, that does not amount to more than forty (40) hours.

Full-time Employee - An employee working a minimum of 30 hours per week and hired under the personnel rules in a full-time budgeted position is considered full-time.

Immediate Family - Includes present spouse in a marriage relationship lawfully recognized by the State of Tennessee, parents, step-parents, grandparents, current parents-in-law, current grandparents-in-law, foster parents, children, step-children, brother, sister, brother-in-law, and sister-in-law of the employee, grandchildren, legally adopted children, children taken into the home to raise under a properly executed court order and those blood relatives of the employee that are verifiably living in the home and dependent upon the employee for care whose relationship may be determined by the City Manager. Proof of these relationships may be required. Extended family in regard to the bereavement act shall be considered aunts, uncles, nieces, and nephews.

Insubordination - Disobedience to or exhibiting disrespect for authority.

Job Description - A written document describing the essential functions of a job, additional functions, minimum Knowledge Skills Abilities (KSA's) qualifications, ADA requirements, and performance indicators.

Job Hazard Analysis - Per OSHA: A job hazard analysis is a technique that focuses on job tasks as a way to identify hazards before they occur.

KSA - Knowledge, skills, and abilities.

Layoff - A reduction in force or dismissal of employee(s) from his/her job(s) because of tightened budgetary constraints or work shortage (not due to poor performance or misconduct).

Leader - An employee who is responsible for managing and/or supervising other employees and/or projects within the City of Red Bank.

Leave With Pay - Approved absence by the Supervisor and/or Department Head for which compensation is received, all subject to approval or disapproval by the City Manager.

Leave Without Pay - Approved absence by the Department Head and City Manager for which no compensation is received, all subject to approval or disapproval by the City Manager.

Management - A person appointed to a position that either directs, manages, and/or supervises a Department and/or employees within that Department.

Maternity Leave - Excused absence due to adoption, pregnancy, childbirth, or related medical conditions, and nursing the infant.

Military Training Leave - Leave granted to employees who are members of a Military Reserve Component or National Guard.

Modified Duty - A temporary adjusted work assignment given to an employee in order to accommodate physical limitations while recovering from a work-related injury or illness.

Nepotism - Employment of an immediate family member which would create a direct supervisor/subordinate relationship with a family member or create an actual conflict of interest or the appearance of a conflict of interest.

On Call - An employee being available at a designated place for a designated period of time.

Overtime - Authorized time worked by an employee in excess of forty (40) hours per week, or per work cycle, in the case of police officers and firefighters and as permitted under current Federal and State regulations.

Overtime Pay - Compensation paid to an employee for overtime work.

Part-time Employee - A person employed continuously who regularly works less than the established hours of employment for a day, week, or month. Part-time employment shall not exceed 29 hours per week. Part-time employees are not entitled to receive employee benefits such as health insurance, holiday pay, pension or retirement accruals, vacation, and, personal leave pay, or other benefits provided to full-time employees.

Paternity Leave - Excused absence due to adoption, pregnancy, childbirth, or related medical condition under the Family Medical Leave Act and TN Maternity Leave Act.

Pay Class - Specific pay rates having a relationship to one another to which all full-time positions are assigned.

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

Pension - The monthly compensation received due to retirement from a municipal position based on service, age, or disability.

Personnel File - Includes the employment application, and records used to determine an employee's qualifications for promotion, compensation, termination, or disciplinary action.

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 by the competent, appropriate authority.

Promotion - Assignment of an employee from one position to another which has a greater level of responsibility and potentially a higher rate of pay.

Provisional Employee - An employee filling a position where no regular position exists in the City budget and/or where the principal source of funds is grant funds provided from a source outside the City government.

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 kind, difficulty, or responsibility of work assigned to the position.

Records - All files maintained on each employee, in the City Recorder / HR Director's office and the employee's department of employment, such as the personnel file, attendance records, records of disciplinary actions, counseling records, pay records, training accomplishments, etc.

Relative(s) - A person connected with another by blood or lawful degree of affinity, including but not limited to the employee's: lawful spouse, brother, sister, parents, stepparents, grandparents, children, stepchildren, grandchildren, father/mother-in-law, son/daughter-in-law, brother/sister-in-law, aunts, uncles, nieces, cousins and any other member of the employee's household.

Reprimand - Oral or written reprimands are issued to address situations where an employee's performance or conduct does not meet expectations or requirements.

Reserve(s) - Volunteer member(s) of the Police Department having received requisite levels of Law Enforcement and other specific training to fulfill the assignments of the agency without monetary compensation or stipend.

Resignation - Separation from the employment of the City of Red Bank at the request of the employee.

Safety-Sensitive Employee - "Safety-sensitive" position, meaning that the employee's duties are "so fraught with ... risks of injury to others that even a momentary lapse of attention can have disastrous consequences. The City of Red Bank considers all Police Department, Fire Department, and Public Works Department employees, with the exception of civilians, to be "safety-sensitive".

Seniority - The status of an employee acquired by continuous service with time-in-grade/position which may be considered in the granting of benefits, promotions, and making reductions in the workforce by lay-off.

Separation - Any type of action whereby an employee is removed from the municipal payroll.

Service Awards - Award presented to an employee in recognition of faithful service rendered to the citizens of the City of Red Bank, or an award given for a period of continuous service.

Sick Leave - An approved absence due to non-occupational illness, injury, or health maintenance. Sick leave shall be considered a benefit, available for use from time to time under limited and specified circumstances, and not a right for employees to use at his/her discretion.

Standard Operating Procedures (SOP) - Administrative policies and procedures established by the Department Head and approved by the City Manager; specific to the operation of the individual department; shall be consistent with, but not be synonymous with, these rules and regulations.

Supervisory Employee - A supervisory employee is an individual having the authority to assign, reward, and discipline employees. A responsibility to direct, or to adjust his/her grievances or effectively recommend such action.

Suspension - An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

Temporary Employee - An employee holding a position other than full-time that is of a temporary, seasonal, casual, or emergency nature or for such a limited time as is specified by the City Manager.

Termination - Separation of an employee's service by resignation, layoff, disability, death, retirement, or dismissal.

Time in Class - Calculated from the date of employment in a specific job or the date of advancement or promotion to another rank or position. (See also, Seniority).

Transfer - Assignment of an employee from one position to another.

Vacancy - Any unoccupied budgeted position within the City of Red Bank.

Vacation Leave - Leave granted for vacation purposes, consistent with these policies, within each calendar year.

Work Review Status - A new employee appointed to a regular classified position, or an employee promoted who is required to successfully serve a specific work status review/trial period as directed by the City Manager for a period to be determined by the performance of the employee. All positions are subject to the At-Will Status.

Work Week - The number of hours regularly scheduled to be worked during any seven (7) consecutive days.

CHAPTER 3

RECRUITMENT AND EMPLOYMENT

3.1 EQUAL EMPLOYMENT OPPORTUNITY (EEO)

It is the obligation and policy of the City of Red Bank to provide equal opportunity employment to all employees and applicants for employment. No person will be discriminated against in employment because of race, color, religion, sex(including pregnancy, sexual orientation, and gender identity), national origin, age(40 or older), disability, genetic information(including family medical history), or military status. The City of Red Bank will endeavor to provide reasonable accommodation to qualified individuals with disabilities in accordance with the requirements of applicable law.²

This policy applies to all terms, conditions, and privileges of employment and all policies of the City, including hiring, placement, training, employee development, promotion, transfer, compensation, benefits, educational assistance, layoffs, termination, and retirement. The City complies with Title VI of the Civil Rights Act of 1964. requires that no person shall, on the grounds of , be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance

The City will not discriminate on the basis of a person's national origin or citizenship status with regard to recruitment, hiring, or discharge. However, the City will not knowingly employ any person who is or becomes an unauthorized immigrant. In compliance with the *Immigration Reform and Control Act*, all employees hired after November 6, 1986, regardless of national origin, ancestry, or citizenship must provide suitable documentation to verify identity and employability. The documentation must be provided before employment. The City will comply with any and all requirements of applicable law, now existing or hereafter enacted.

Commented [TP1]: Cite USERRA and Title VII

Commented [TP2]: Title VI protects from discrimination regarding City services.

² Reference: Title VII of the Civil Rights Act of 1964 and the Uniformed Services Employment and Reemployment Rights Act (USERRA)

A. Americans with Disabilities Act (ADA)

Purpose

The purpose of this policy is to provide a policy in compliance with 42 U.S.C. 12101 et. seq. The Americans with Disabilities Act (ADA) as amended. The City of Red Bank is committed to the fair and equal employment of individuals with disabilities under the ADA. It is the City's policy to provide reasonable accommodation to individuals with disabilities who are qualified for the job in question unless the accommodation imposes an undue hardship on the City. The City prohibits any harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested reasonable accommodation. The City is not required to create a position for an employee with or who develops a disability.

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

Eligibility

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

Disability

"Disability" refers to a physical or mental impairment that substantially limits one or more major life activities. A "qualified person with a disability" means an individual with a disability who has the requisite skills, experience, and education

for the job in question, and who can perform the essential functions of the job with or without reasonable accommodation.

Reasonable Accommodation

The City will seek to provide reasonable accommodation for a known disability or at the request of an individual with a disability. A "reasonable accommodation" is any change or adjustment to the job application process, work environment, or work processes that would make it possible for the individual with a disability to perform the essential functions of the job and does not place undue hardship on the City.

Essential Job Functions

For each position, the job description typically will identify essential job functions. The City Recorder / HR Director generally will review job descriptions periodically to evaluate job functions designated as essential. An applicant's or employee's questions about a job's requirements should be directed to the City Recorder / HR Director.

Requesting a Reasonable Accommodation

An employee with a disability is responsible for requesting accommodation from the Department Head and engaging in an informal process to clarify what the applicant or employee needs and identify possible accommodations. The City Recorder / HR Director will inform the employee of his/her rights under the ADA and document the interactive process discussions. An employee may be required to provide documentation from an appropriate professional, such as a doctor or a rehabilitation counselor, concerning the applicant's disability and functional limitations. If an employee disagrees with the result of the medical examination, the employee may request a second examination performed and paid for by the employee. In the event of a disagreement in two previous medical opinions, a third opinion may be obtained with both parties sharing the cost of the examination.

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

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

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

Job applicants with a qualifying disability may request reasonable accommodation in the context of the application process and the City will attempt to provide reasonable accommodation in that application process.

Safety

All employees are expected to comply with all safety procedures. The City will not place qualified individuals with disabilities in positions in which they will pose a direct threat to the health or safety of others or themselves. A "direct threat" means a significant risk to the health or safety of oneself or others that cannot be eliminated by reasonable accommodation. The determination that an individual with a disability poses a direct threat typically will be made by the City Recorder / HR Director and will be based on factual, objective evidence. A written copy of

the determination will be given to the applicant or employee so that he or she may submit additional information and/or challenge the determination that he or she poses a direct threat.

Confidentiality

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

Complaint Procedure

It is the policy of the City to prohibit any harassment of, or discriminatory treatment of, applicants or employees on the basis of a disability for requesting reasonable accommodation. If an individual feels he or she has been subject to such treatment or has witnessed such treatment, the situation may be reported to any supervisory employee of the City in such individual's departmental chain of authority or to the Human Resource Manager.

The City's policy prohibits retaliation against an applicant or employee for exercising his or her rights under the ADA or applicable state fair employment laws. Any employee found to have engaged in retaliation against an applicant or employee for exercising his or her rights or for requesting reasonable accommodation under this policy will be subject to disciplinary action up to and including discharge. If an applicant or employee feels he or she has been retaliated against, the situation may be reported to any supervisory employee of the City or any of the following, the (Department Head / City Manager / City Recorder / HR Director / City Attorney / City Commission).

3.2 JOB ANNOUNCEMENTS

Department Heads who need to fill a budgeted and recognized job opening should contact the City Manager and the City Recorder / HR Director in order to begin the recruitment process. The City Recorder / HR Director will prepare and

publicize job announcements in order to bring notice of vacancies to as many qualified people as possible. The City Manager retains all lawful discretion to make hiring and job assignment determinations, and to decide whether and when to fill a particular position opening, even if open and budgeted.

A. In-House Posting / Application

Notice of vacant regular positions will be distributed to all Departments for posting on employee bulletin boards or for circulation among employees within that Department for a minimum of six business days. Employees interested in applying for the opening will complete an internal job posting form available from Human Resources.

B. Public Advertisement

The City Manager and/or the City Recorder / HR Director will determine whether to utilize media and what forms of media to extend the public advertisement for the open position. The advertisement may also include the City website. The determination for what type of advertisement will be based on, but not limited to position, skill requirement, and the level of response from other means of recruitment.

3.3 APPLICATION PROCESS

A. Application Acceptance/Retention

Any candidate for employment must complete and sign a City application form in order to be considered for hire. Applications for employment will only be accepted for announced vacancies, except in the Fire and Police Departments where a pool of applicants is maintained. Applications will remain on active status for six (6) months from the date of the original submission, and only for the specific position applied for. No preference is accorded to an earlier applicant over a later applicant because of the relative date(s) of application.

3.4 ELIGIBILITY

A. Recruitment

Individuals will be recruited from a geographic area as wide as necessary to assure obtaining well-qualified applicants for various types of employment positions. Recruitment, therefore, will not be limited to residents of the City of Red Bank.

B. Nepotism

A relative of a City employee will be considered for employment by the City if the applicant possesses all the qualifications for employment. However, to avoid conflict of interest situations, the City will not consider a relative for employment if: (a) the employee will participate in the decision to hire the relative, (b) the employee will supervise the relative or employment activities of the relative, (c) the employee will be in a position to influence the employment activities of the relative, (d) the recruitment of the relative will create either an actual conflict of interest or potentially create the appearance of a conflict of interest, or (e) the relative will work in the same department as the employee. These criteria will also be applied when assigning, transferring, or promoting an employee. Employees who become relatives must also meet the requirements to avoid a conflict of interest.

C. Intimate Relationships

Under no circumstance shall an intimate relationship exist or be established by and between employees where one has supervisory authority over the other.

Any employee who is involved in an intimate relationship with another employee will not:

- (a) Participate in the decision to assign, promote, or transfer the other employee,
- (b) Supervise or oversee the employment activities of the other employee, or
- (c) Be in a position to influence the employment activities of the

employee

If a romantic or intimate relationship is established between two or more employees post-hire, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to the Department Head and HR Director. When a conflict or potential conflict arises due to the relationship affecting employment, the City reserves the right to make any and all employment decisions in the best interest of the City, including transfer and or separation from employment of any such employees. Under no circumstances shall the City be required to create a position of employment for any of the such employees.

D. Re-Employment Benefits

Former full-time employees of the City of Red Bank, who are offered re-employment with the Department Head's recommendation and City Manager approval, shall have their benefits, including the original hire date, fully restored, subject to certain terms. Longevity of service shall be calculated from the original hire date minus time not employed by the City of Red Bank.

3.5 REJECTION OF APPLICANTS

A. Rejection of Applicants

An applicant may be removed from consideration for reasons that may include, but are not limited to the following:

1. The application was not filed within the specified time or was not filed on the prescribed form.
2. The applicant does not possess the established qualifications.
3. The applicant has established an unsatisfactory employment or personnel record as evidenced by a reference check of such nature as to demonstrate unsuitability for employment.

4. The applicant has made false statements of any material fact or has practiced deception in his/her application.
5. The applicant is addicted to the habitual use of drugs or intoxicants or has a conviction record of a felony or of a misdemeanor involving moral turpitude.
6. The applicant was previously in the City's service and was removed or resigned while not in good standing.
7. Any other lawful or non-discriminatory reason(s).

3.6 TESTING AND EXAMINATIONS

A. Testing

The Department Head in conjunction with the City Manager and/or City Recorder/ HR Director will ensure investigations and/or examinations are conducted as appropriate to assess the aptitude, education, experience, knowledge, skills, abilities, physical fitness, and other qualifications required for positions in the service of the City. The City of Red Bank may utilize various testing formats and resources as deemed appropriate.

B. Types of Examinations

The examinations held to establish eligibility and fitness for any class may consist of one or more of the following parts as determined by the Department Head in conjunction with the City Manager and/or City Recorder / HR Director. In addition to personal interview(s), any combination of the following selection techniques, or others that may be appropriate, may be utilized:

1. **Written Test** - This test, when required, shall include a written demonstration designed to show the applicant's familiarity with the

knowledge involved in the class of positions to which he/she is seeking an appointment.

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

7. Medical Examinations, General Physicals, Drug Screening, and Fit-For-Duty Evaluations

a. Pre-employment, post offer

Following a conditional offer of employment, every prospective employee working a safety-sensitive position or any employee possessing a commercial driver's license (CDL) as part of the job requirement will be given a pre-employment physical examination and a drug screen by a licensed physician designated by the City of Red Bank. The purpose of these examinations is to determine if the employee can perform the essential functions of the job. The cost of these medical examinations will be paid for by the City.

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

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

b. Post-hire

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

Employees in safety-sensitive positions may be required to submit to random drug testing, all employees may be subject to post-incident drug testing, all in accord with the City's Drug-Free Workplace Policy.

Regular part-time, seasonal, or temporary employees may be subject to medical examination as determined by the Department Head with concurrence from the Human Resources Director. The cost of these medical examinations will be paid for by the City.

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

Employees determined to be physically or mentally unfit to continue in their positions may be reclassified or they may be separated from the local government service in the event it has been determined that they:

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

CHAPTER 4

APPOINTMENTS

4.1 GENERAL PROVISIONS

Selection and appointment of personnel are to be made by the City Manager. The City Manager, pursuant to the City Charter, has the sole authority to appoint, promote, reclassify, transfer, suspend, discharge, or otherwise remove all employees of the City of Red Bank.

Applicants that are being considered for a preliminary offer of employment will be thoroughly vetted in a process that may include background checks, driving history checks, both employment and personal reference checks, personal interview(s), along with a post-offer physical and drug screening.

Whenever a Department Head wishes to fill a vacancy, a written request for appointment must be submitted to the City Manager. In general, the Department Head in consultation with the City Manager will make the final candidate selections, but the final appointment approval or disapproval and whether to fill a vacant position is at the sole discretion of the City Manager.

In the context of a Public Health Emergency or Declaration of Emergency initiated by the President of the United States and/or by the Governor of the State of Tennessee and/or by the Mayor of the City of Red Bank, the City Manager is authorized to activate and put into place extraordinary policies and procedures allowing certain and selected employees to work from home, to be granted and placed upon "paid administrative leave status", to "telecommute". The City Manager is further authorized to take such other actions and/or combinations of actions with respect to same as shall be deemed, at that time, appropriate and necessary at

such time or times in order to maintain essential services by the City of Red Bank and to further maintain such functions and/or policies or variants thereof during the continuance of any such declared Emergency or any such Public Health Emergency and as may seem necessary or appropriate.

The City Manager, upon the implementation of any such policy and/or policies and/or procedures, shall report the same to the City Commission, collectively by email and/or by telephonic communication or by any other means. The City Commission, acting in a specially called and/or regularly scheduled meeting of the City Commission, is authorized to rescind, revise, override and/or approve the City Manager's action(s) by Ordinance and/or by resolution.

4.2 REGULAR APPOINTMENT

An employee who has been appointed to a regular budgeted City position and who has successfully completed the specified testing requirements may be appointed as a regular City employee. The appointment must be based upon the recommendation of the Department Head and approved by the City Manager.

All City of Red Bank employment is considered at will and employment may be terminated at any time and for any reason with or without cause.

4.3 TEMPORARY AND PART-TIME APPOINTMENT

Temporary and part-time appointments are made for seasonal or occasional work that typically require less than continuous year-round service. Individuals on temporary appointments, including provisional, are not eligible for benefits such as vacation leave, sick leave, holiday pay, health insurance, and retirement benefits. Employees in a temporary or part-time position are eligible to apply for any vacant position through the in-house recruitment process but shall not be afforded any preference by reason of status. Appointment to a reserve, temporary, or part-time position does not guarantee placement in a full-time position. These positions may also include student employment (internships), which may provide academic credit

only in lieu of pay.

4.4 PROVISIONAL / GRANT APPOINTMENT

Provisional appointments are made to positions where work may be continuous and year-round but where no regular position exists in the City budget, and/or where the principal source of funding is grant funds. Provisional appointments may be made at the discretion of the City Manager. A provisional appointment may be for full or part-time hours.

4.5 EMERGENCY APPOINTMENTS

In an emergency, the City Manager may authorize the temporary appointment of any qualified person in a position to prevent the stoppage of public business or loss, or serious inconvenience to the public. However, a vacancy of which the Department Head has had reasonable notice, or an employment condition of which he/she had, or might, with due diligence, have had previous knowledge, shall not be considered an emergency under this section. Emergency appointments shall be limited to a period not to exceed thirty (30) days in any twelve (12) month period, unless otherwise extended by the City Manager. If an emergency appointment is extended past an additional thirty (30) days, Board of Commissioners approval will be required.

4.6 PROMOTIONS

A. Policy

The City of Red Bank offers qualified employees promotions to higher-level positions when in the interest of public service. A promotion is assigning an employee from one position to another that has a higher maximum pay rate, rank, and responsibility. Management may consider current employees with the

necessary qualifications and skills to fill vacancies above entry level unless outside recruitment, in the discretionary determination of the City Manager, is considered to be in the City's best interest. Promotions in every case must involve a defined increase in duties and responsibilities and shall not be made for the sole purpose of affecting an increase in compensation only.

When a position above entry level becomes vacant or is to be vacated, the Department Head will notify the City Recorder / HR Director and the City Manager. The HR Director will post the position and the Department Head will schedule any required examinations, assessments, or interviews.

B. Eligibility

An employee's eligibility will be determined by the requirements of the position. Preference may be given to those employees who have a demonstrated record of achievements, contributions, and the skills and capabilities for greater responsibilities. Employees must have satisfactory service with the City to be considered eligible for promotions.

There is and shall be no entitlement to promotion based upon seniority or years of service, although such factors may be considered. No promotion shall be effective unless and until approved by the City Manager.

4.7 TRANSFERS

A. Policy

Transfers may be made within a Department or between Departments. If a position is available and both Department Heads agree, any employee who has a satisfactory performance record is eligible and qualified for a transfer. A Department Head requesting to transfer an employee should notify the HR Director in writing. A regular employee requesting to be transferred should notify the Department Head in writing. All transfers, whether initiated by the Department Head or employee, must be approved by the City Manager. The City Manager may transfer temporary, emergency, provisional, or seasonal employees at any time at

his/her discretion.

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B. Conditions for Transfer

The transfer of an employee from one position to another without significant change in the responsibility level may be effective, for one or more of the following reasons:

1. When an employee meets the qualification requirements for the new position;
2. When on occasion, there may be an opportunity where it is determined by the Department Head and the City Manager that transferring an employee from one position to another is in either the employee's or the City's best interest subject to the to personal needs of the employee or the personnel needs of the City;
3. If further training and development of an employee in another position would be beneficial to the future staffing potential of the City; and,
4. Other reasons, which may but need not necessarily include the personal needs of the employee(s) at issue, determined to be justifiable by the Department Head and the City Manager.

4.8 RECLASSIFICATIONS

A. Reclassification

A Department Head may reclassify, with approval from the City Manager, an employee to a position of a lower class for which they are qualified for any of the following reasons:

1. The employee's position is being abolished or reduced and the employee would otherwise be laid off;
2. The employee's position is being reclassified to a higher grade, and the employee is not qualified for the reclassified position;

3. There is lack of work and/or lack of funds, including without limitation budgetary constraints;
4. There is a change of hours;
5. The employee voluntarily requests such reclassification;
6. Another employee is returning from authorized leave in accordance with rules pursuant to leave and will occupy the position to which the employee is temporarily assigned, and the employee does not possess the necessary qualifications to render satisfactory service in the position the employee holds.
7. The employee does not perform the necessary job functions to render satisfactory service in the position the employee holds.
8. As a result of disciplinary action.

4.9 ATTENDANCE AND PUNCTUALITY

Punctual and regular attendance is necessary for the City to operate efficiently. Employees are expected to report for duty and be ready to begin work by the start of the regular work day or their regular shift, unless on approved leave. They are to remain on duty until the close of the regular workday or of their regular work shift unless prior arrangements are made with a supervisor and/or Department Head.

Employees unavoidably late or absent from work because of illness or other causes must personally notify their immediate supervisor a minimum of 30 minutes prior to the beginning of the work day via telephone, unless unusual circumstances prevent the employee from making proper notification. Employees must explain the reason for the absence and, if possible, the anticipated time and date they will return to work.

The City provides a variety of forms of leave to cover absence from work. Unless there are emergency factors involved, leave is to be requested at least 48 hours in advance. When this is not possible due to sudden illness or emergency, the employee is to personally notify his/her immediate supervisor via telephone conversation as soon as possible, and in all cases a minimum of thirty (30) minutes prior to the start of the workday in which the employee will be absent. Department Heads may establish more stringent notification requirements for employees to notify supervisors in the event the employee is unable to work. Employees who are absent for three consecutive days and fail to notify their supervisor will be deemed to have resigned employment with the City of Red Bank.

CHAPTER 5

SEPARATIONS

5.1 TYPES OF SEPARATION

All employees of the City of Red Bank are employed on an at-will basis. All separations of employees from positions with the City shall be designated as one of the following types: resignation, layoff, retirement, dismissal, or death.

At the time of separation, all records, equipment, issued or City purchased clothing, keys, security cards, and other City property in the employee's possession must be returned to his/her supervisor in good condition. The employee and the supervisor will certify whether or not that employee has returned all necessary items. An employee who is laidoff, terminated, or has resigned must be paid his/her wages in full at the next regular payday, not to exceed twenty-one (21) days from the date of his/her discharge or termination.

5.2 RESIGNATION

An employee may resign by submitting written notification stating the reason and the effective date to the Department Head as far in advance as possible, but at a minimum of fourteen (14) calendar days. Notice may be waived at the discretion of the City Manager.

Failure to comply with any of these requirements may be considered reasonable grounds for classifying the resignation as "not" in good standing and, may be cause for denying future re-employment with the City.

After notice has been given, requests to use any accrued leave such as sick, vacation, compensation time, or other personal days must be approved by the Department Head.

5.3 REDUCTION IN FORCE

A. AUTHORITY AND PURPOSE

The purpose of this section is to establish an effective and equitable process in the event that a reduction-in-force is necessary. A reduction-in-force (RIF) may be determined by either the Board of Commissioners or the City Manager. The City Manager may promulgate additional policy, rules and procedures necessary for the implementation of a reduction-in-force.

B. SCOPE

This Regulation applies to all full-time, part-time and temporary employees. "Provisional" or "Grant Appointment" employees, hired for a specific period covering the duration of an assigned project, are not subject to the provisions of this Policy. State-funded positions, which the City supplements, may be subject to a reduction or elimination of the City supplement. A loss of the City supplement may not ultimately result in a position reduction.

In the event that a reduction-in-force becomes necessary, consideration shall be given to organizational needs, the quality of each employee's service, job performance, and seniority in determining retention.

For the purpose of this Regulation, it is understood that upon determination that a reduction-in-force becomes necessary, a RIF plan may be implemented based on the circumstances.

C. REDUCTION IN FORCE

The City retains the right, at any time, to abolish positions and terminate the employment relationship because of economic necessity, budgetary constraints, non-appropriation of funds, reorganization to improve efficiency, and other operational reasons.

The City may, but is not required to, consider the length of service, the disciplinary history, and other factors of employees when making Reduction in Force considerations and determinations.

5.4 RETIREMENT

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

Retiring employees who are less than 65 years of age and have a minimum of thirty (30) years of service with the City of Red Bank prior to retirement and who are going to draw retirement funds from Tennessee Consolidated Retirement System may be eligible to continue to carry his/her single Medical, Dental, and Vision insurance coverage at whatever percentage of premium was in effect at the time of that employee's retirement.

At age 65, when a retiree is eligible for Medicare, it shall become his/her primary coverage and participation in the City's insurance plan will cease. The City retains the right and authority to modify its insurance plans and financial support of insurance coverage for all employees and/or retired employees at any time and from time to time.

Employees who are eligible for retirement and who wish to retire should advise his/her Department Head and the HR Director with as much advanced notice as possible but no less than 90 days prior to the anticipated date of retirement in order to allow sufficient time for completion of the appropriate paperwork and processing. Advance notice of retirement also enables the recruitment process to fill the anticipated vacancy.

5.5 DISMISSAL

Dismissal is the immediate removal from a position or City service by the City Manager with the date of separation occurring as defined in the Separation Notice.

5.6 DEATH

Separation shall be effective as of the date of death of an employee. All compensation due in accordance with these rules shall be paid at the next scheduled payroll in the same manner it was normally paid to said employee, which may include, as applicable, direct deposit to a bank account jointly owned by such employee and another person.

CHAPTER 6

EMPLOYMENT PLAN

6.1 ADMINISTRATION

The City will maintain a listing of positions in the City. The City Manager or his/her designee will be responsible for maintaining accurate job descriptions in the Employment Plan in conjunction with Department Heads and incumbent employees. Job descriptions may be amended at any time and from time to time by and at the discretion of the City Manager. Each Department Head will be responsible for maintaining updated copies of job descriptions for all employment positions within their respective Department and an Organizational Chart showing the functions and chain-of-command within their respective Department. The employee and his/her supervisor will maintain open communications and dialogue to ensure that job descriptions are periodically reviewed and updated as appropriate.

See also provisions related to Emergency Declarations in Section 4.1 hereof.

6.2 USE OF JOB DESCRIPTIONS

Job descriptions are a mechanism of communicating goals, objectives, values, and expectations among all Departments of the City. The job descriptions contain a general description of the position, essential functions, safety requirements, and additional duties of the job. These elements listed are not entirely inclusive or descriptive of all duties. Job descriptions may be amended at any time and from time to time by and at the discretion of the City Manager. Job descriptions shall not be used as a basis for refusing lawful assignments or directives from a Supervisor, Department Head, or City Manager, even if any such task may not be included in said job description.

The job description will also contain minimum training and qualifications and

Americans with Disabilities Act (ADA) elements and standards required to perform essential job functions. The minimum qualification standards on job descriptions should serve as norms for applicants coming into the job setting and should also serve as a basis for performance indicators in meeting the expectations of the City for each employment position.

6.3 USE OF JOB TITLES

Job titles are to be used in all personnel, accounting, and financial records. No person will be appointed or employed in a position in the City under a job title not included in the Job Classification Plan and not approved by the City Manager.

6.4 USE OF JOB CLASSIFICATION PLAN

The Job Classification Plan is one of several elements 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 various types of work;
4. In determining personnel expenses in departmental budgets.

6.5 CREATION OF A NEW OR RECLASSIFICATION OF EMPLOYMENT POSITION

When a new position is established, or the duties of an existing position change, the Department Head is to submit, in writing, to the HR Director, a comprehensive job description that describes in detail the duties of the position. The HR Director or his/her designee will review the actual and recommended duties provided by the Department Head and provide an assessment to the Department Head on whether the duties are sufficiently changed to warrant a change in pay classification. The job description for the

new position or the revised description of an old position will be approved by the City Manager prior to inclusion in the Job Description Plan for the City. The HR Director will notify all affected employees of any changes to their job descriptions.

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

To the maximum extent possible, requests for the creation of a new position or reclassification of an existing position should be submitted between February 1st and April 1st during the annual planning budget process. If a Department Head considers a position to be improperly compensated, a request for a pay reclassification and/or wage adjustment should be submitted to the City Manager.

CHAPTER 7

COMPENSATION PLAN

7.1 COMPENSATION PLAN

The City will maintain a Compensation Plan that assigns pay ranges to each employment position identified in the Job Classification Plan for the City. Salaries of individual employees will be set within those ranges as approved by the City Manager, within budgeted fiscal resources. Exceptions must be specifically approved by the City Manager and will be approved during the budget approval process by the Board of Commissioners.

The Compensation Plan is intended to provide fair compensation for all positions contained in the Job Classification Plan considering range of pay for other classes, general rates of pay for similar employment in private establishments and other public jurisdictions in the area, cost of living data, the financial condition of the City, and other related factors. To this end, the City Manager may develop with assistance from staff, comparative studies of factors affecting the level of salary ranges and recommend to the Board of Commissioners during the budget approval process such changes in salary ranges as appear to be in order. These changes will be made by adjusting the Compensation Plan's salary schedule to the appropriate amount as approved by the Board of Commissioners.

7.2 REQUESTS FOR PAY RECLASSIFICATION / WAGE ADJUSTMENT

A Department Head may submit a pay reclassification or wage adjustment request to the City Manager if he/she considers a position in his/her Department to be improperly compensated. If the duties of a position have substantially changed or a new position is established, a new job description is required, and

the process outlined in section 6.5 must be followed. The City Manager may authorize pay reclassifications or wage adjustments submitted by Department Heads outside of the time period stated.

A written recommendation will be forwarded to the City Manager for consideration, subject to budgetary constraints. The decision of the City Manager shall be final in accordance with this Employee Handbook.

7.3 SALARY LIMITS

No employee may be paid at a rate less than the minimum, nor more than the maximum pay range prescribed for the class in which the employee is working as set forth in the Compensation Plan, with the following exceptions.

A. Trainee Status

New employees may be hired into a position upon the approval of the City Manager, below the specified range for that particular employment position when the employee does not meet the minimum specified requirements for the position at the hire date but could meet those requirements with specific training and or certificates. No employee may remain in trainee status for more than twelve (12) months without approval of the City Manager.

B. Temporary Work Assignment in Higher Capacity

All employees who are assigned temporary work in a higher classification may receive additional compensation, (minimum base of the higher classification) for any period in excess of two (2) weeks retroactive to the date of appointment. No temporary appointment can be made for a period longer than three (3) months without approval of the City Manager.

C. Acting Department Head

When a supervisor or employee of the City is appointed by the City Manager as Acting Department Head for any Department for a period in excess of two (2) weeks, then said supervisor or employee, while serving as the Acting Department Head, may receive additional compensation retroactive to the date of appointment by the City Manager. Compensation will be determined by the City Manager based on the level of responsibilities assumed by the Acting Department Head.

D. City Manager Approval

The City Manager may authorize additional compensation, subject to budgetary constraints and available funding when an employee temporarily assumes responsibilities that are significantly outside the scope of their normal job duties. Department Heads and supervisors are not eligible for additional compensation when performing tasks of subordinates in their Department. The City Manager may approve adjustments retroactively when warranted. This provision will only be exercised in cases in which significant cost savings are achieved by not having to hire or train additional temporary staff.

See also provisions related to Emergency Declarations in Section 4.1 hereof.

7.4 MINIMUM WAGE

In accordance with the FLSA, no employee, whether full-time, part-time, or trainee, shall be paid less than the federal minimum wage unless they are expressly exempt from the minimum wage requirement set forth in the FLSA.

7.5 PAY RATES FOR CHANGES IN STATUS

The following pay policies shall be effective in relation to promotions, transfers, and reclassifications. This list is not all-inclusive. Other possibilities may exist that have not been provided. This provision will also apply to uncertified police

officer candidates who upon completion of a Tennessee POST approved Basic Law Enforcement Training Academy will have a change in status from uncertified to Certified.

A. Promotion

When an employee is promoted to a position in a higher salary grade, the rate of pay will be at least the minimum rate of the higher position range unless the employee is promoted under a "trainee status" as per Section 7.3.A.

B. Reclassification

In the case of reclassification to lesser job responsibilities, the employee's rate of pay may be reduced to a lower rate comparable to other employees performing similar job duties as recommended by the Department Head and approved by the City Manager. When the reclassification is at the same level or higher the employee's rate of pay may stay the same or be increased.

C. Transfer

When an employee in a position of one class is transferred to the position of another class of the same or equal level, he/she may or may not continue to be paid at the same pay rate, depending upon the job responsibilities and qualifications, but shall have no effect on his/her anniversary date in regard to benefits.

7.6 PAY FOR PART-TIME WORK

When employment is on a part-time basis, or negotiated by contract, only the proportioned part of the rate for the time actually worked as set in the Job Classification Plan and Compensation Plan will be paid. The rate of pay for part-time work shall be based upon the applicable market and the Compensation Plan rates for the job being performed by the individual. A Part-time employee may

work less than 30 hours per week on average. No contract for employment of any kind may be entered without the approval of the City Commission in open session and without the approval of the City Attorney as to the form of any such contract.

7.7 OVERTIME PAY

A. Civilian / Non-Public Safety Employees

Overtime must be authorized by the Department Head or designee and is subject to approval or disapproval by the City Manager.

- a. Non-exempt employees required to work additional hours shall be compensated in accordance with the Fair Labor Standards Act (FLSA) at a rate of one and one-half ($1\frac{1}{2}$) times the employee's regular rate of pay for all hours worked over forty (40) hours in the work week.
- b. An employee must be in paid status for a full forty-hour work week in order to be eligible for overtime. When computing overtime, holidays, sick leave, and vacation time will be counted as hours worked.

Additional hours worked during a legal paid holiday, will not be paid at the overtime rate unless the number of additional hours exceeds forty (40) hours in the work week. Any employee who is required/scheduled to work or for reasons of operating efficiency, called into work on a legal paid holiday shall be paid holiday pay and will be compensated at the rate of one and one-half times ($1\frac{1}{2}$) for the hours worked.

Any employee who is required to work overtime hours on a paid legal holiday shall be paid holiday pay and shall be compensated at one and one-half times ($1\frac{1}{2}$) for hours worked.

B. Public Safety Employees

Overtime pay for Public Safety Employees (Fire and Police) will be

calculated using the Fair Labor Standards Act (FLSA) 207(k) Exemption.

The FLSA requires state and local governments using the FLSA 207(k) exemption to declare the work period for employees engaged in law enforcement and fire protection. The act does not require the same work period for all law enforcement and fire protection personnel. "Separate work periods can be declared for different employees or groups of employees." The work period chosen, however, need not coincide with the pay period for FLSA 207(k) employees.

DOL regulations establish the maximum hours for each work period after which law enforcement and fire protection employees are entitled to time-and-a-half overtime pay. The City will at all times adhere to then current DOL regulations with respect to such matters.

Overtime pay is then calculated for hours worked in excess of the FLSA 207(k) maximum. The rules regulating the definitions of hours worked also apply. If employees are required to arrive at work early, the time is compensable. All time spent by law enforcement personnel in training sessions is counted as hours of work, but they are not compensated for overtime unless the total hours worked exceeds the maximum number of hours in the declared work period.

When off-duty police and firefighters are called back to work, they must be paid at least their regular hourly rate or at time and a half if they fall into an overtime situation. Any on-call premium that is paid must be taken into consideration in determining the employee's overtime rate.

Volunteer firefighters who are paid by the call or by the hour when called to duty often are referred to by fire departments as "on-call firefighters." On-call volunteer firefighters do not fall under this FLSA 207(k) exemption.

All provisions set forth hereinabove in this Section 7.8 are subject to change as applicable D.O.L. regulations and requirements are or may be amended. The provisions and examples are valid as of adoption of this manual but are illustrative

only. The current D.O.L. regulations shall at all times govern.

A. Mandatory Overtime

Department Heads are afforded the authority to require overtime at their discretion based on the needs of their department.

7.8 CALL-BACK PAY

A non-exempt employee who is called back to work for the City of Red Bank or on an emergency basis may be compensated at the regular overtime rate of one and one-half (1½) times their regular rate of pay for a minimum of two (2) hours as approved by his/her supervisor. An employee must be in paid status before they will receive the overtime rate of one and one-half (1 ½) times pay.

7.9 HOLIDAY PAY

Holiday pay is a benefit provided by the City of Red Bank. All full-time employees shall be entitled to eight (8) hours of pay at their regular rate of pay for each holiday. In the case of shifts over eight (8) hours, the employee shall be entitled to twelve (12) hours of pay for each holiday. Shifts of twenty-four (24) hours wishing to take off the entire shift have the option, subject to supervisory approval to use accrued vacation leave.

A full-time employee called out on an emergency basis on a legally paid holiday will be compensated according to the call-back policy.

Any employee who is scheduled to work on a holiday may take the day off in lieu of Holiday Pay, subject to supervisory approval.

Approval by the Department Head and the City Manager must be given prior to the leave being taken by the employee. There will be no deduction from accrued leave if an employee is approved off in lieu of Holiday Pay.

7.10 PAYROLL DEDUCTIONS

By law, the City of Red Bank is required to deduct, where applicable, federal withholding taxes, Social Security taxes, and court-ordered garnishments from an employee's pay. Additional deductions may also be made when authorized by an employee.

A. Federal Income Tax

Federal taxes are withheld from employees' paychecks based on the number of dependents claimed by each individual. Employers are required to keep on file a copy of the W-4 form. In the event of changes in the employee exemption status, a revised W-4 must be filed before payroll deduction adjustments will be made.

B. Social Security Tax

Social Security payments and deductions will be made according to the Social Security Act. The Finance Department shall keep such records and make such reports as may be required by applicable state and federal laws and regulations.

C. Self-Initiated Deductions

Deductions may be made from an employee's pay only with the employee's written authorization. These deductions may include, but not be limited to:

1. Health insurance premiums,
2. Dental insurance premiums,
3. Vision insurance premiums,
4. Retirement plan contributions,
5. Charity contributions approved by City of Red Bank, and
6. Supplemental insurance approved by City of Red Bank.

D. Other Deductions

Other deductions may be made from an employee's pay as required by law with or without the employee's authorization. These deductions may include, but not be limited to court-ordered:

1. Wage garnishments
2. Bankruptcy payments
3. Child support payments

7.11 REIMBURSEMENT FOR TRAVEL EXPENSES

Authorization for all trips will be made by the Department Head and approved by the City Manager prior to travel when possible. The City will reimburse authorized employees for approved travel expenses on official City business. Travel expenses for attending meetings, conventions, and training seminars incurred by an employee are reimbursable to the employee upon filing a written travel reimbursement voucher for review by the Department Head, Finance Director, and approval by the City Manager. Reimbursement will be based upon US General Services Administration (GSA) per diem and travel rates and rates then in effect and as revised from time to time. The travel policy can be obtained from the City Recorder / HR Director.

7.12 COMPENSATION FOR TRAVEL TIME

Employees who travel to attend a city-approved training class or conference/seminar will be compensated according to the FLSA as outlined in the travel policy, which may be obtained from the City Recorder / HR Director.

7.13 LONGEVITY PAY

Subject to year-to-year budgetary constraints and approval in each year's budget, longevity pay will be paid to full-time employees based on the following:

- The employment date for longevity pay eligibility shall begin when an employee is hired to work on a full-time basis (no credit for part-time, provisional, seasonal, or other temporary employment prior to

full-time employment.)

- Each employee will be eligible for budgeted longevity pay on the date of completion of one (1) full year of service and the completion of each succeeding year of service, based on their individual employment date for longevity pay.
- Individual longevity pay shall be included with the first payroll paid that begins in the month following the month in which the employee becomes eligible for such longevity pay and will be based on annual compensation.
- Part-time employees are not eligible for longevity pay. Time spent as a part time employee shall not be utilized in calculating eligibility for longevity pay.
- Any break in service incurred when an employee leaves the City of Red Bank and returns will require a calculation for the longevity pay the re-hired employee will be eligible to receive. The calculation will be based on the total amount of time spent at Red Bank to include all service time prior to the separation of service along with all service time after return to service.

1-4 years	1.5%
5-9	2.0%
10-14	2.5%
15-19	3.0%
20-24	3.5%
25	4.0%

Longevity pay shall be subject to TCRS retirement and all applicable taxes. Employees absent due to vacation, sick leave, approved leave without pay, workers' compensation leave, military leave, or FMLA shall be deemed in continuing employment with the City for such periods.

CHAPTER 8

GENERAL POLICIES AND PROCEDURES

8.1 HOURS OF WORK

A. Regular Working Hours

The City Manager, in conjunction with Department Heads, shall establish hours of work for each position and the hours during which offices shall be open for business. Public service needs will be taken into account in determining regular working hours. Employees do not set or modify their work hours or start/finish times. The normal work period for full-time administrative employees is from 8:30 AM to 4:30 PM. Any deviation from this work schedule will be flex time and must be approved in advance by the City Manager, Department Head or the Deputy Department Director. ~~The City Manager shall have the discretion based upon staffing levels to establish a flex schedule, depending on the needs of the particular Department. Flex time is time worked and taken off in the same workweek, outside of the employee's normal work schedule, that does not amount to more than forty (40) hours.~~

Commented [TP3]: Department Heads and Supervisors should also be included here

Commented [TP4]: As well as here

See also provisions related to Emergency Declarations in Section 4.1 hereof.

B. Meal Period

A meal period shall be provided to all employees except in the case of an emergency. It shall be paid as regular hours scheduled for an employee's normal workday. The duration of the meal period for employees shall typically be thirty (30) minutes in duration.

C. Breaks

If workload and conditions permit, two (2) work breaks, not to exceed ten (10)

minutes, are authorized each day. One break is allowed during a four (4) hour work period. For example, if working an eight (8) hour shift, an employee would take a 10-minute break during the first 4 hours in the morning and 10-minute break in the last four hours in the afternoon. It is the responsibility of the supervisor to ensure that this privilege is not abused.

D. Time Sheets

All employees shall record actual hours worked on a time sheet as prescribed by the City. Department Heads and supervisors shall review and sign all time records. Any and all such "time sheets" may be kept or compiled electronically and electronic/facsimile signatures may be utilized. The following rules shall apply to the use of time sheets:

1. All employees are responsible for recording their starting time, quitting time, and total hours worked for each workday, including extra time worked and time flexed off.
2. Employees are not permitted to begin work before their normal starting time or to work late after their normal quitting time without the prior approval of their supervisor.
3. An employee failing to properly sign his/her time sheet must have it immediately approved and initialed by a supervisor or Department Head to ensure payment for hours worked. Failure to properly record hours worked may result in not being paid for those hours in question on the time sheet. Continued non-compliance may result in disciplinary action.
4. No unauthorized representative/employee shall mark on another employee's time sheet. Employees that alter another employees' time sheet shall be subject to disciplinary action.
5. Submitting a time sheet indicating time not actually worked will be considered as falsifying the employee time record and will result in immediate disciplinary action.

Commented [TP5]: This phrase gives the supervisor teeth in the flex game

6. Employees are not authorized to amend their work day without prior approval of their supervisor and their Department Head.

8.2 TRAINING

Employees are encouraged to take advantage of education and training benefits offered by the City to improve their job skills and qualify for promotions. These benefits are limited to training and education that are relevant to the employee's current position or determined by management to provide them with expanded skills and abilities to contribute to the goal and objectives of the City of Red Bank. Training may also be mandatory and failure to meet training goals or assignments and/or requirements may be the subject of disciplinary action up to and including termination.

These benefits will be available to all employees on a first come, first served basis, subject to availability of budgeted funds provided annually by the Board of Commissioners during the budget process, and upon the prior approval of their Department Head and City Manager.

A. Training Requests

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

The City Manager and/or the respective Department Head will authorize or require employee attendance and participation at conferences, seminars, workshops, or other functions of a similar nature that are intended to improve or upgrade the

employee's job skills.

Requests to attend a training session, when possible, should be made at least thirty (30) days prior to the deadline for registration. The Department Head must have a process to ensure that all employees in their department have an equal opportunity to complete training classes

When a request for training is approved, the employee's cost for registration, tuition and publications, transportation, lodging, and other reasonable expenses must be preapproved in order to be covered by the City in accordance with then existing City policies.

B. Higher Education Tuition Reimbursement

The following guidelines shall constitute the policy and procedure for the City for full or partial tuition reimbursement for attendance at an accredited college, university, and/or business and technical school for single courses or programs leading to a degree or certificate.

1. Prior to enrollment, employees must submit a written request with a proposed study curriculum to their Department Head. Employees requesting tuition reimbursement from the City of Red Bank must provide documentation of any financial aid. Requests will be considered for attendance at an accredited college, university, and/or business and technical school for single courses or programs leading to a degree or certificate.
2. The Department Head will review and approve each written request and submit for approval by the City Manager an appropriate funding request to cover reimbursement expenses. Tuition reimbursement is always conditional to availability of funds.
3. If funding has been appropriated by the Board of Commissioners as part of the fiscal budget process, the

employee will be notified by the Department Head that he/she is authorized to proceed with enrollment in the course or program at least fifteen (15) days prior to the registration deadline for such courses.

4. Tuition and associated fees (but not books) will be reimbursed up to the equivalent tuition rate and associated fees.
5. Employees will receive reimbursement for core courses only unless the employee can demonstrate the relevance of the elective course to current or future job responsibilities with the City. Reimbursement for elective courses must be approved by the City Manager prior to enrollment in the course by the employee. Failure to obtain prior approval will result in the denial of a request for reimbursement for tuition expenses relative to a particular elective or non-related course.
6. Employees are prohibited from receiving double-funding for education (i.e., academic scholarships, veterans' benefits, grants, etc.). Employees may be required to sign a statement verifying that the City is the sole source of outside funding.
7. When the employee completes such courses, he/she will provide an official transcript or report card and an itemization of reimbursable expenses, with receipts, to the Department Head and the Finance Department for review and approval by the City Manager.

In cases where employees have special scheduling problems while attending approved education and training programs, every effort will be made to allow the employee time from his/her work schedule to attend classes, subject to departmental scheduling and workloads. In situations of this type, the employee must make up the time within the pay

period. Written approval of the employee's Department Head must be obtained prior to using the time.

8. Employees will only have the tuition reimbursed for courses that are successfully completed and must submit the official transcript containing their grade score along with their reimbursement request. The employee must maintain a passing grade to remain eligible for the program.
9. Tuition reimbursement rates shall be limited to and calculated based on State of Tennessee public colleges and universities, applicable to in-state residents.
10. Any funding or reimbursement is subject to that current year's budgetary constraints and requirements. The entire program may be defunded at any time or from time to time without notice.

8.3 WORKPLACE SAFETY

Workplace safety is everyone's responsibility. As part of the safety management plan, the City, its management, and employees are responsible as follows:

A. Management Commitment

The City of Red Bank will maintain a Safety Committee composed of a Chair and a minimum of four (4) staff level safety officers from the different Departments appointed by the Department Heads and approved by the City Manager. The Committee will have, but not be limited to, the following responsibilities:

1. Meet on a quarterly and/or as needed basis to address safety

- related issues for the City.
2. Provide recommendations for necessary safety equipment to perform assigned work in a safe manner.
 3. Provide recommendations on the elimination of known hazardous conditions at City work sites.
 4. Provide recommendations on training in accident prevention and promoting safe work practices.
 5. Investigate all workplace accidents and prepare a report to the City Manager within 10 days of the incident.
 6. Provide recommendations on the establishment of appropriate rules for safe conduct of City employees while on duty.
 - 6-7. Write and update job hazard analysis for each position.

The Deputy Fire Chief/Fire Marshall serves as Chair of the Safety Committee and is designated as the Safety Officer for coordination and purposes of reporting to OSHA and TOSHA and other regulatory safety agencies.

B. Employee Responsibility

1. Employees will follow prescribed safety rules and regulations provided for their benefit. Each employee is responsible to use all applicable safety equipment and devices provided by the City in performing required job duties. Employees will identify safety problems and carry out each work assignment or task in a safe and responsible manner. If an incident/accident occurs, the employee is required to document the accident/injury, and report immediately to his/her next level of supervision. The Department Head will immediately report the incident/accident to the City Manager's office.
2. The employee is responsible to cease work immediately and cause the stoppage of work of other employees if the

operation of unsafe equipment or an unsafe working environment exists.

3. The appropriate corrective measures will be undertaken by a supervisor to remove the unsafe work condition, remove all workers from an unsafe site, or cause the repair of unsafe equipment. Under no circumstances should an employee be directed by a supervisor or team leader to continue to work in an unsafe work site or operate unsafe equipment until the unsafe condition or equipment has been properly addressed.
4. Should an unsafe work site or equipment condition cause a disruption in completing the task, the supervisor or team leader will immediately reassign the employee to other duties until such time as he/she may continue required work to complete the assigned task.

C. Reporting On-the-Job Accidents and Injuries

1. **Reporting On-the-Job Accidents and Injuries** -- Any employee involved in an accident or injury on the job, however slight, shall immediately report the accident or injury to his/her supervisor, Department Head, or the City Manager.
2. **Such report shall be made utilizing the statutorily required First Report of Injury Worker's Compensation form as required by the State of Tennessee.**
3. **Emergency Medical Treatment** -- If an employee is injured to the extent that emergency medical treatment is required, the employee will be transported immediately to a local physician or local major health care facility emergency room for treatment/observation.
4. The employee will document his/her report of the injury/accident through his/her supervisor, as soon as

possible, but no later than four (4) hours following the incident if physically able.

The Department Head is responsible to provide the City Manager's office with notice of the accident/incident within eight (8) hours of the incident or injury. The First Report of Injury form should be forwarded to the City Manager's Office as soon as reasonably possible. The supervisor will investigate the injury/incident. Once the accident is investigated, documentation will be included, related to contributing factors, possible unsafe work conditions, eyewitness accounts, and other relevant information and forwarded to the City Manager when concluded. If applicable, an Accident Witness Statement may be completed in conjunction with the report. The City Manager or his/her designee shall file appropriate reports with the City's official workers' compensation insurance carrier and other state and federal occupational safety organizations as appropriate.

D. Safety Rules

Each Department may develop specific safety rules pertaining to its respective Department. Safety rules shall be reviewed by the Safety Committee and submitted to the City Manager for review and approval prior to implementation.

8.4

PERSONAL CONDUCT

Employees are representatives of the City, and as such, are expected and encouraged to conduct themselves at all times in a manner so as not to bring discredit upon the City of Red Bank and are not to air grievances or complain to the general public about issues related to City employment. All such employee

complaints or grievances are to follow the procedure set forth in this document and the City Manager's Open Door Policy.

8.5 CODE OF ETHICS

This policy is the code of ethics for personnel of the City of Red Bank. It applies to all regular full-time and regular part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities. (See chapter 3, Municipal Code).

8.6 PERSONAL APPEARANCE

Personal appearance and manner of dress is an important part of job responsibilities. Employees are expected to dress and groom in a manner which reflects good taste, and which is appropriate for the type of work performed. Since all employees deal with co-workers and the public on a daily basis, personal hygiene is a requirement. Employees should ensure their personal hygiene will not be offensive to others around them. This includes but is not limited to – scented body products, perfume/cologne, oral hygiene, and body odor. Specific dress codes vary based on the position held and whether the job requires the use of a uniform. An employee who does not meet the standards of this policy will be required to take corrective actions, which may include leaving the premises.

A. Uniforms

In Departments where uniforms or an allowance for uniforms are provided, employees shall wear the appropriate uniform. All sworn employees in the Fire and Police Departments are required to wear the appropriate attire at all times. There

will be an allowance allotted for those employees required to wear uniforms that is specific to their respective Department. All uniforms are expected to be kept neat, clean, and in good repair.

B. Administrative Personnel

Employees who do not regularly meet the public should wear clothing that follow basic requirements of safety and comfort, but the clothing should still be as neat and business like as working conditions permit. Administrative personnel who deal with the public are expected to dress in a manner that is professional and that projects a positive image for the City. Administrative personnel will not be provided uniforms, other clothing of any type, or a clothing allowance. Following are the guidelines for administrative personnel.

Dress Code Guidelines

1. Clothing should be worn and fit in such a manner that it does not expose the abdomen, chest, or buttocks areas.
2. Clothing should be free of sexually related references, foul or offensive language, or messages that suggest or promote the use of illegal drugs or alcohol. No political messages or statements are permitted while on duty.
3. Tattoos shall not be obscene or sexually suggestive or promote the use of illegal alcohol or drugs.

8.7 USE OF CITY VEHICLES AND EQUIPMENT

It is the policy of the City that certain positions require employee access to City vehicles, either during the work shift or on a 24-hour on-call basis. City vehicles are not intended for personal use. City vehicles belong to the citizens of

the City and are assigned solely for purposes consistent with providing services to the citizens. City-owned or leased vehicles assigned to employees as “take home” vehicles are to be driven to and from their primary residence, only and by the most direct route, any deviation from the most direct route or personal use during work hours must be approved in advance by the Department Head. If an employee’s residence is outside of Hamilton County, the City Manager’s written discretionary approval is required before use of an after-hours take-home vehicle. All municipal vehicles and equipment (including office equipment) are for municipal use only. No person other than a City employee may operate a City vehicle or piece of equipment. Vehicle passengers that are employees or appointed or elected officials of the City may be transported and then only as part of official business. Officers of the Police Department may transport citizens during official business for specific emergency purposes.

Non-employees may be transported in City-owned vehicles with Department Head approval. Drivers and/or operators must have a valid Driver’s License and other certifications as required for a particular vehicle or piece of equipment they operate and be approved by the Department Head. Safety belt usage is required for both the driver and all approved passengers while riding in a city-owned vehicle.

There is no expectation of privacy for an employee or passenger utilizing a City vehicle or equipment and the City uses or may use tracking devices and or personal identifying electronic monitoring devices at any time and from time to time with or without notice.

A. Reporting Vehicle or Equipment Accidents or Damage

All municipal employees that operate a City-owned vehicle or a piece of equipment shall immediately report to their supervisor or Department Head any vehicle or equipment accidents, or damage or loss incurred (regardless of the cost of repair) while operating said vehicle or piece of equipment and shall remain at the scene unless injured and transported for emergency care. If the accident or damage incurred involves a motor vehicle, the supervisor will then request a crash report

be completed.

The employee will document his/her account of the incident in a report separate from the official crash report and submit to his/her supervisor or the Department Head as soon as possible. This report will be submitted to the City Manager's Office as soon as administratively possible.

The supervisor will conduct an investigation of the incident/accident and document their findings in a report. The report shall be forwarded to the City Manager's office the next business day.

B. Damage to Private or Public Property

In the event of a crash or damage incurred which involves damage to private property or other public property, the employee will request an officer from the Red Bank Police Department or other appropriate law enforcement authority, to complete the appropriate crash or property damage report that describes in sufficient detail the incident incurred. If the crash or damage incurred involves a police vehicle, then the employee will notify his/her supervisor who will then request an officer from an outside law enforcement agency with appropriate jurisdiction to complete an investigation. The employee will also document the Property Damage/Loss in detail that describes the incident as soon as possible.

The Supervisor will conduct an investigation of the incident and document his/her findings in a report which shall be forwarded to the City Manager's office the next business day.

C. Employee Negligence While Operating Vehicle or Equipment

After investigation of an accident, if it can be demonstrated the employee operating the vehicle or piece of equipment was negligent in operation of the vehicle or piece of equipment or in violation of motor vehicle regulations, operational safety rules, departmental guidelines, or city policy, the employee may be subject to disciplinary action.

D. Employee Drugs and/or Alcohol Testing Following Accident or Damage

Refer to Drug and Alcohol Policy.

E. Driving Records

Any employee who is required as an employment condition to possess and maintain a valid Operator or Commercial Driver License must immediately, before reporting for duty the next workday, inform his/her supervisor should his/her license become denied, expired, restricted, suspended, or revoked any time during employment with the City. An annual review of employees' driving records will be conducted by the City of Red Bank.

8.8 EMPLOYEE COLLECTIVE BARGAINING/UNION ACTIVITY

While employees have the right to join labor organizations, all union activity is to be conducted off City property and outside working hours. City equipment and materials are not used to conduct union business. No employee of the city shall be a party to, participate in, or instigate a strike against the City.

**8.9 INTERVIEWS AND CONVERSATIONS WITH ADVERSE PARTIES
AND/OR THEIR AGENTS OR ATTORNEYS**

If the City is engaged in any litigation or involved in any matter which might later be litigated, no employee will communicate with any attorney, insurance adjuster/agent, the plaintiff(s) involved, investigator, or outside media sources regarding any incidents related to the particular matter without first consulting with the City Attorney and the City Manager who will make arrangements for any desired and/or appropriate interviews.

Employees should refrain from discussing pending or threatened litigation or matters which might later be litigated with other employees. Should the complaint involve a charge being filed by an employee against the City or another employee; employees, including those involved in the litigation, are not to discuss

the matter being litigated with other employees without first consulting with the City Manager. Failure to follow this regulation may be the subject of disciplinary action. Nothing contained in this Section shall prohibit any employee from communicating with an attorney or legal advisor of such employee's choice in the event of action by said employee against the City and/or as to which the employee has or potentially has personal liability.

8.10 SOLICITATIONS PROHIBITED

Solicitation of employees on the premises is strictly prohibited. This prohibition applies to employees and/or their immediate family members, elected or appointed officials and/or their immediate family members, persons outside the City government, social and/or service organizations, not-for-profit organizations, third-party solicitation organizations, and all other individuals or entities. Solicitations of gifts (for such occasions as employee birthdays, resignations, retirements, weddings, and births) by city employees/co-workers are considered authorized. Similarly, common and modest requests to support community activities (such as cookie sales, student camp scholarships, school or team fundraisers, etc.) that seek sponsors or donors will be allowed with the following guidelines:

- It must be championed by a City employee,
 - The "ask" must be passive, such as simply placing a flyer or sign-up in the break room,
 - No City resources, such as email or copiers, may be used,
 - The duration of the ask will be limited to seven (7) calendar days or less."
- It should be emphasized, however, that no pressure is to be placed on any employee to make any contributions.

The City Manager may, but is not required, establish a policy at his/her discretion whereby those persons or vendors wishing to make services, or the availability of goods known to employees, may do so by leaving printed materials

with the City Manager for employee viewing at specific locations for a specific limited period of time.

Departments may not solicit citizens, businesses or others for the benefit of their employees or programs utilizing either employees or third-party solicitation organizations. However, grant applications may be submitted.

8.11 ELECTRONIC COMMUNICATION DEVICES

Employees who operate a City-owned vehicle and/or equipment are not to use a handheld cell phone, either personal or business, or other communication devices while driving, with the exception of police officers, emergency medical technicians, or firefighters in the actual discharge of their official duties, per TCA 55-8-199(d). Cell phones shall not be used while re-fueling City vehicles or equipment. In the event cell phone use is necessary, employees are required to take appropriate safety measures including, but not limited to, using hands-free accessories, using speakerphone or pulling over to a safe location to respond to the call. The City Manager/ Department Head/ Supervisor has the authority to restrict or prohibit use of cell phones at any time on the job when use may present a safety hazard to the employee, co-worker and/or to the general public and private property.

A. Personal Cell Phones

Employees should keep the use of personal cell phones or other personal handheld communication devices to a minimum so that their use does not interfere with the employee's work or the City's operations. Cell phones shall be turned off or set to silent or vibrate mode during all meetings, conferences, offices, and in other locations where incoming calls may disrupt normal workflow.

B. City Cell Phones

The City may provide and assign City-owned cellular phones and electronic communication devices to employees when it will enhance employee productivity

and provide a higher level of service. Business cell phones are typically provided to positions that require immediate and on-going communication due to management responsibilities, field operations, and emergency response purposes. There is no expectation of privacy with respect to City provided cell phones or other communication devices. Business cell phones shall be used only for appropriate City business purposes only in the most cost-effective manner possible. Since they are provided to only conduct City business, the employee should limit the occasional personal usage to calls that are essential. The use of business cell phones for occasional essential personal business must be kept to a minimum and must not interfere with the conduct of City business. Department Heads are required to review the telephone time records to monitor appropriate use. The cost of any long-distance personal telephone calls, even of an emergency nature, shall be paid monthly by the employee and not the City. The use of a City cell phone is a privilege and should be utilized as such.

Employees must be aware that any electronic communication devices owned by the City are open to audit for monetary and/or content review or for any purpose and are subject to public record requests at all times.

8.12 COMPUTER USE AND MONITORING

Computers, the internet, and e-mail, as with other technologies, should be used to maximize the City's efforts in serving its citizens. It is every employee's duty to use the City's computer resources and communication devices responsibly, professionally, ethically and lawfully. These policies are not intended to, and do not, grant employees any contractual rights.

Computer Use Policy Overview

The computer resources are the property of the City and should be used for legitimate business purposes. While personal use of City computer resources is not forbidden, it is discouraged. Personal use shall be minimal and shall not interfere with the performance of the employee's, or other employees', job duties

and responsibilities. Employees are permitted access to the computer resources to assist them in performing their jobs. Confidential information should not be provided using e-mail or shared with individuals who are not employed by the city without authorization. No one may use loopholes within the computer security systems, acts of deception, or knowledge of a special password to damage computer systems, compromise sensitive information, obtain extra resources, take resources from another employee, gain access to systems, or use systems from which proper authorization has not been given. Employees may not impersonate other individuals or misrepresent themselves to gain access to or compromise the City's information technologies. Employees will comply with all cyber-security policies set forth by the City.

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

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

Waiver of Privacy Rights

There is no expectation of privacy and employees expressly waive any right of privacy in anything they create, store, send or receive using the computer resources. The City has the right and employees consent to the City accessing and reviewing all materials employees create, store, send or receive using the computer resources.

Inappropriate or Unlawful Material

Material that is, or could reasonably be regarded as, derogatory ~~or discriminatory on the basis of race, color, religion, gender or gender identity, age, national origin, disability, military status, genetic information or any other basis protected by law,~~ or is fraudulent, harassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful, may not be sent, by e-mail or other forms of electronic communication (such as bulletin board systems, news groups, and chat groups) or displayed on or stored in the computer resources. Any such material received by electronic transmission from a source outside of the city should be deleted immediately.

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Misuse of Software

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

Compliance with Laws and Licenses

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

Communication of Confidential Information

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

Use of Encryption Software

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

The City monitors any and all aspects of the use of computer resources.

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

Public Records

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

8.13 USE OF TOBACCO PRODUCTS

The City of Red Bank complies with the Non-Smoker Protection Act of 2007 which prohibits smoking (including electronic cigarettes and “vaping” products and devices) in/on all public places such as buildings, equipment, and City-owned vehicles. All employees who operate City-owned vehicles are prohibited from smoking within the vehicle or if operating any piece of equipment, while upon that piece of equipment. This includes other approved occupants that may be being transported in the vehicles.

8.14 OUTSIDE EMPLOYMENT

An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy. (See Chapter 3, Municipal code)

With the approval of one's Department Head “moonlighting” is permissible, provided there is no conflict of interest or impairment of work performance for the City. Before outside employment begins, employees must

present a written request describing the work to be performed.

Employees missing work because of sickness or injury that can be attributed to outside employment will not receive pay or other leave benefits for time lost from their City job unless mandated under applicable Federal or State laws.

Approval of outside employment may be withdrawn for any of the above reasons.

Outside employment of Police Officers in security and other police-work type employment is subject to additional regulations found in the Police Department General Orders and/or Policy Manual.

8.15 EMPLOYEE AWARDS

Upon recommendations of any Department Head, or supervisor, and at the discretion and approval of the City Manager, employee awards, including but not limited to safety awards, service awards, productivity awards, and retirement awards, may be presented to an employee in recognition of significant contributions made by that employee to the City service.

8.16 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City recognizes that dealing with stressful events can affect employees' health, home, and work. Employee Assistance programs can help employees address family, personal, work, and substance abuse issues. Department Heads and supervisors may recommend the use of the Employee Assistance Program to provide employees with assistance in addressing work-related problems. EAP providers follow strict confidentiality guidelines as outlined by federal law. The Human Resources Director is the point of contact for EAP needs.

8.17 RECORDING AND CAMERA DEVICES

To encourage an atmosphere for honest and open workplace communications, to protect confidential and proprietary information, and to protect

employee privacy, the use of personal electronic audio/visual recording devices (including mobile phone technologies) is prohibited, except when the use of an audio/video recorder is part of the employee's job responsibilities as strictly defined within his/her job description (e.g. a police officer utilizing such technologies in the performance of official duty surveillance, suspect/victim interviews, etc.). Electronic recordings are allowed during official Board of Commissioners, Municipal Court, Planning Commission, and other various board meetings. Audio/video recordings may also be utilized during administrative inquiries and/or investigations for documentation purposes at the discretion of the Department Head and/or City Manager. This prohibition in no manner restricts or inhibits an employee's rights under the 1935 National Labor Relations Act in furtherance of their protected concerted (group) activity to address pay or hazardous working conditions.

Nothing contained herein shall be interpreted to prohibit the usage of security-type remote video recording devices when authorized or directed by a Department Head and approved by the City Manager to monitor departmental operations or in an effort to discern the origins of theft or misplacement of City property or to investigate instances of vandalism or circumstances of serial damage to City property.

CHAPTER 9

WORKPLACE HARASSMENT AND VIOLENCE

9.1 PURPOSE

Any conduct, verbal or physical or threatened by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile work environment and whether or not such conduct was intended to create or result in creating an intimidating, offensive, or hostile work environment will not be tolerated.

Employees are expected and required to maintain a productive work environment free from harassing or disruptive activity including threats of physical violence. No form of harassment, including sexual harassment and harassment based on race, color, religion, sex(including pregnancy, sexual orientation, and gender identity), national origin, age(40 or older), disability, genetic information(including family medical history), or military status will be tolerated.³

This policy applies to all City employees, elected officials, appointed officials, part-time/temporary employees, and contractors.

9.2 SEXUAL HARASSMENT

The City of Red Bank will not tolerate sexual harassment or harassment of any kind and prompt action will be taken to investigate and resolve sexual harassment complaints and harassment complaints of any sort. Sexual harassment can be conduct directed toward a man or a woman by either sex and includes but is not necessarily limited to the following sorts of conduct:

³ Reference: Title VII of the Civil Rights Act of 1964 and the Uniformed Services Employment and Reemployment Rights Act (USERRA)

1. Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
2. Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, innuendos, and offensive personal references;
3. Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
4. The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, recordings of any sort, or photographs;
5. Demeaning, insulting, intimidating, or sexually suggestive written, printed, recorded, or electronically transmitted materials (such as email, instant message, and Internet materials).
6. Explicit or implicit requests or pressures to sexual advances as a condition of employment, continued employment, advancement, or promotion or for any other job related inducement, benefit, or favor.
7. Any conduct which interferes with an affected person's work performance.
8. Any conduct which creates an intimidating, hostile, or reasonably offensive work environment.
9. Any actions or words in the workplace which an affected employee reasonably believes constitute sexual harassment and or intimidation and or the creation of a hostile work environment.

Any employee who believes that an individual's actions or words in the workplace constitute sexual harassment of herself or himself or with respect to any other employee or person has a responsibility to report or complain about the situation as soon as possible.

9.3 HARASSMENT COMPLAINTS AND REPORTS

Employees should immediately notify their immediate supervisor, Department Head, or City Manager of any incidents under this policy. Complaints of harassment will be handled and investigated promptly and in as impartial and confidential a manner as possible. Complaints will be processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal under the policy, or the matter is administratively and/or legally resolved.

Any employee who feels he or she or any other employee or person is being subjected to harassment should immediately notify his/her supervisor. If the dispute involves the supervisor, then the employee shall notify the Department Head. If the dispute involves the Department Head, then the employee shall notify the City Manager. If the Complaint involves the City Manager, the employee shall notify the City Attorney. The employee shall be prepared to provide sufficient information to begin the investigation process. The Supervisor/Department Head will report all notifications of harassment to the City Manager. Concerns involving allegations of harassment and or sexual harassment related to any elected official shall be reported to the City Manager and the City Attorney.

9.4 INVESTIGATING HARASSMENT COMPLAINTS

The HR Director, with the assistance of the City Attorney, is the designated investigator of complaints of harassment, including complaints of sexual harassment, against or involving employees. The City Manager may designate another investigator if there is a possible conflict of interest. When an allegation of harassment is made by an employee, the person to whom the complaint is made shall immediately prepare a report of the complaint and submit the report to the investigator. The complainant and accused party shall be separated for the duration of the investigation, upon the approval of the Department Head and City Manager. If the Complaint involves the City Manager, the employee shall notify the City Attorney who shall be responsible for prompt investigation and preparation of a report which shall be submitted to the Mayor and Commissioners.

The investigator(s) will meet with the employee, any witnesses, the supervisor, any other members of management considered appropriate and other individuals that may have relevant information. The investigator and Department Head may elect to conduct a hearing as part of the investigative process. An investigative report will be written with the findings from the investigation. If the complaint is made against the Department Head, the City Manager will be responsible for reviewing these actions. If the Complaint involves the City Manager, the employee, Department Head, and HR Director shall notify the City Attorney who shall be responsible for investigation and preparation of a report which shall be submitted to the Mayor and Commissioners.

9.5 ACTION ON COMPLAINTS OF HARASSMENT

A. Determination of Harassment

Based upon the investigative report, the Department Head in conjunction with the City Manager or his/her designee, in consultation with the City Attorney, shall determine whether the conduct of the person against whom a complaint of harassment has been made likely constitutes harassment. In making the determination, the Department Head and the City Manager or his/her designee shall look at the record as a whole and at the totality of the 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. A written report of findings will be made and filed in all cases, even if there was no evidence of harassment. If the Complaint involves the City Manager, the employee shall notify the City Attorney who shall be responsible for investigation and preparation of a report which shall be submitted to the Mayor and Commissioners.

B. Disciplinary Action

If the City Manager or his/her designee determines that the complaint of harassment is founded, immediate and appropriate disciplinary action shall be initiated against

the employee guilty of harassment, consistent with his or her authority under the municipal charter, ordinances, or rules governing his or her authority to discipline employees. The disciplinary action may include oral counseling, written reprimand, suspension, demotion, or other disciplinary actions, including separation from employment with the City, depending upon the severity of the matter and circumstances surrounding the incident(s). A written record of disciplinary actions shall be maintained in the employee's personnel file.

C. Anti-Retaliation

In all events, an employee accused of harassment, and whether or not any such accusations shall have been found to be credible, shall not 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. All other City employees are prohibited from retaliating in any way to the above-mentioned parties. Any such retaliation or harassment will be dealt with immediately and will include disciplinary action, up to and including separation of employment.

D. Harassment by Non-Employee

In cases where harassment is committed by a non-employee against a City employee in the workplace, the employee is obligated to report such behavior to his/her leadership, and depending on the nature of the incident, also file a police report. The City Manager shall take whatever lawful action against the non-employee that is necessary to resolve the issue.

9.6 OBLIGATION OF EMPLOYEES

Employees are obligated to report instances of harassment involving themselves, other employees, and or third parties. Employees are also obligated to cooperate in every investigation of harassment. The obligation includes, but is not limited to, coming forward with evidence, both favorable and unfavorable, for a person accused of such conduct; fully and truthfully make written reports or verbally answer questions when required to do so by an investigator. Employees

are to refrain from making bad faith accusations of harassment.

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

9.7 WORKPLACE VIOLENCE AND HARASSMENT

The City of Red Bank is committed to preventing workplace violence and to maintaining a safe work environment. Other employees, citizens, residents, and persons with whom the City employees interact are to be treated with courtesy and respect at all times without threat of violence. Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated.

All threats of violence or actual violence, whether direct or indirect, and whether in person, conveyed by a third person, and/or by written or electronic media are to be reported immediately to your immediate supervisor or any other member of management and may include law enforcement. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible.

The City of Red Bank will promptly investigate reports of threats or actual workplace violence including suspicious individuals or activities. Anyone determined to be responsible for threats of or actual violence or other conduct that is in violation of this policy will be subject to prompt disciplinary action up to and including termination.

Employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisors, their Department Head, or the

City Manager before the situation escalates into potential violence. The City is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns. Employees have the right to file a police report at their own discretion.

9.8 POSSESSION OF FIREARMS AND OR WEAPONS

All employees, except those authorized to carry weapons for official job-related purposes (sworn law enforcement officers/arson investigators), are prohibited from carrying and or using weapons while performing work for the City. Weapons include, but are not limited to guns, swords, or knives with blades over four inches in length, explosives, and any chemical, including “mace” and or pepper spray or similar devices, whose purpose is to cause harm to or disable, even temporarily, to another person.

Notwithstanding any law or any ordinance or resolution adopted by the governing body of the City of Red Bank or Hamilton County, that prohibits or regulates the possession, transportation, or storage of a firearm or firearm ammunition otherwise lawful, an employee may, unless expressly prohibited by state or federal law, transport and store otherwise lawful firearms or firearm ammunition in the employee's personal motor vehicle, as defined in § 55-1-103, while on or utilizing any City of Red Bank parking area if:

- (1) The employee's motor vehicle is parked in a location where the motor vehicle is permitted to be; and
- (2) The firearm or ammunition being transported or stored in the employee's personal motor vehicle:
 - (A) Is kept from ordinary observation if the person is in the motor vehicle.
 - (B) Is kept from ordinary observation and locked within the trunk, glove box, or interior of the person's motor vehicle or a container securely affixed to the motor vehicle if the person is not in the motor vehicle.

- (3) Dangerous devices and weapons prohibited by T.C.A. § 39-17-1302 and or by state statute and or by federal law are prohibited from possession on City property, even if within an employee's locked motor vehicle, except when issued or sanctioned by the City for use in the performance of the employee's job, as in the circumstances of certain limited and sanctioned police activities.

CHAPTER 10

HOLIDAYS AND LEAVE

10.1 HOLIDAYS

A. Legal Holidays

The following days shall be legal holidays for all regular full-time and provisional employees of the City of Red Bank. The Christmas and New Year holidays will consist of two days to be determined by the City Manager, usually December 25 and 26 for Christmas and January 1 and 2 for New Year's unless one or both dates fall on a weekend; in that event, two other dates will be substituted.

New Year's Day	Two days: City Manager's discretion Usually, January 1 and 2
Martin Luther King Day	Third Monday in January
Presidents Day	Third Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Juneteenth	June 19 th
Independence Day	July 4 th
Labor Day	1 st Monday in September
Veterans Day	November 11 th
Thanksgiving Day	Two days: 4 th Thursday in November and the following Friday
Christmas Day	Two days: City Manager's discretion Usually December 25 & 26

B. Holiday Eligibility

In order to be eligible for holiday pay, a regular full-time or provisional employee must be in paid work or paid leave status on the employee's last regular workday

before and the first regular work day after the holiday. Employees who receive payments for temporary disability from workers compensation or short-term disability are considered in paid leave status. Employees normally assigned to work on the holiday because of shift assignments must be in pay status on the holiday unless that holiday falls on their regular day off.

10.2 LEAVE RECORDS

All leave, whether vacation, sick, military or other, will be based on the calendar year. Records of leave balance will be maintained by the Payroll Accounting Administrator, or such other person designated by the Finance Director. Leave requests shall be submitted on approved forms. **Pay may not be granted to any employee for an absence not documented in writing and submitted to the Payroll Accounting Administrator prior to the end of the pay period.**

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10.3 VACATION LEAVE

The City Manager reserves all rights to amend this vacation leave policy at any time and from time to time. A new employee shall accrue vacation leave from the date of employment. Full-time employees may take vacation leave as earned, subject to the prior approval of the Department Head who shall schedule vacation leave in accordance with staffing requirements for the Department. The City Manager is authorized to negotiate with potential new employees with ten (10) years or more of experience, additional vacation time. This capability is to be used as a measure to recruit highly qualified individuals. Part-time and temporary employees are not entitled to accrue nor receive vacation leave benefits or pay.

A. Vacation Leave Accrual

The following chart outlines the vacation accrual rate based on the number of years of service. Vacation time will not accrue if an employee is on leave without pay or

suspension without pay for more than fifty percent (50%) of the month. Employees who receive payments from worker's compensation or short-term disability are considered in paid leave status and are eligible to accrue vacation time. The maximum amount of vacation leave that can be carried over is four hundred (400) hours from year to year. Any leave in excess of the maximum accrual must be utilized by December 31st of each calendar year or will be forfeited by the employee. If an employee is unable utilize excess leave by December 31st due to City business that would jeopardize the operation, safety, or cause undue hardship to the City or its citizens, the accumulated excess leave may, with the approval of the of the City Manager, be paid to the employee. The City retains the right to prospectively amend this policy at any time and from time to time.

**Full-time
8 Hour Shift Employees**

Years of Service	Maximum Accrual Rate Hours Per Month	Maximum Annual Hours Earned	Maximum Hours Accrual Cap
0-10 year	8.00	96	400
11-20 years	12.00	144	400
Over 20 years	16.00	192	400

**Full-time
24 Hour Shift Employees**

Years of Service	Accrual Rate Hours PerMonth	Annual Hours Earned	Maximum Hours Accrual Cap
0-10 year	10.60	127.2	400
11-20 years	15.90	190.8	400
Over 20 years	21.20	254.4	400

**Full-time
12 Hour Shift Employees**

Years of Service	Accrual Rate Hours PerMonth	Annual Hours Earned	Maximum Hours Accrual Cap
0-10 year	8.40	100.8	400
11-20 years	12.60	151.2	400
Over 20 years	16.80	201.6	400

B. Vacation Leave Requests

Vacation leave shall be requested in writing on a Leave Request form in advance of the requested date of vacation. In an emergency situation, however, a verbal or written request for leave may be approved by the supervisor if contact is made prior to the beginning of the workday by the employee. Employees may not use vacation leave for more than three (3) consecutive weeks unless the employee is on Family Medical Leave Act (FMLA) leave or unless approved in advance by the City Manager.

If two employees request vacation for the same period, preference, subject to scheduling demands and needs of the department, will be given to the employee who submitted the request first. Leave will be granted on a first-come, first-serve basis, but also subject to scheduling demands and needs of the department. If the absence of both employees would not interfere with the normal operations of the Department, the Department Head has the option of scheduling both employees for the same or overlapping vacation period(s).

C. Vacation Compensation upon Separation

Upon separation, an employee is eligible to receive the balance (subject to the maximum accrual limitations herein provided) of his/her vacation hours in one lump sum payment, subject to applicable withholdings and deductions, on their final check on the next payroll period.

D. Employee Birthday

The employee is allotted an additional day (8-hour shift employees are allotted 8 hours and 12/24 hour shift employees are allotted 12 hours) of leave in honor of his/her birthday after he/she has been employed with the City for at least six months. This day may be taken upon departmental approval for a period of up to thirty (30) days following the birthday, subject to the scheduling needs of the department. The employee must request leave from his/her supervisor not less than 48 hours prior to taking birthday leave.

10.4 SICK LEAVE

Sick leave shall not be considered a right which a full-time employee may use at his/her discretion, but rather as a privilege. It is intended to be used for legitimate sick leave purposes only. Sick leave is intended as an employee benefit against the threat to an employee's income posed by a serious illness or accident. Each employee should attempt to build as much sick leave time as possible as a buffer against unexpected emergencies. Employees are encouraged to take sick leave when they are ill, but at the same time are cautioned against abuse of the sick leave privilege. A full-time employee shall accrue sick leave from the date of employment. Temporary and or part-time employees are not eligible for sick leave benefits.

A. Sick Leave Accrual Rate

Sick leave for all regular full-time and provisional employees, regardless of years of service, shall accrue at the rate of eight (8) hours per month. New hires shall be granted twenty-four (24) hours of sick leave upon commencement of employment, use subject to approval by the Department Head. The twenty-four (24) hour sick leave grant for new hires is a credit against and is not in addition to the eight (8) hours per month accrual of sick leave above referenced.

Sick leave may not accrue if an employee is on leave without pay or suspension without pay status. Employees who receive payments from worker's compensation are considered in paid leave status and are eligible to accrue sick time.

Sick leave credit shall not accrue for hours worked in excess of an employee's regular schedule. Temporary and part-time employees are not eligible for the accrual of sick leave. Sick leave will be credited, hour for hour taken.

B. Sick Leave Uses

Sick leave uses may only be used for the following purposes:

1. Employee is incapacitated by illness or non-job-related injury.
2. He/she is seeking medical, dental, optical, psychological, or other diagnosis and treatment.
3. Necessary care and attendance of a member of the employee's immediate family when approved by their Department Head. (See Chapter 2 for definition of Immediate Family).
4. Death of a member of the employee's immediate family in addition to the 24 working hours of bereavement leave. Sick leave can be utilized for this purpose in the situation that additional time is needed but is limited to 16 working hours except upon the approval of the Department Head and City Manager allowing additional time to be taken.
5. Death of a member of the employee's family which is not defined as an immediate family member shall be limited to one (1) day or eight (8) hours under the bereavement policy. Relatives for this purpose are limited to aunts, uncles, nieces and nephews. However, an additional one (1) day or eight (8) hours of sick leave can be utilized for this purpose in the situation that additional time is needed for travel, but only at the discretion of the Department Head or City Manager.
6. Any other reason that is allowable under the Family Medical Leave Act.

C. Sick Leave Abuse

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 or other disciplinary action. Absences due to illnesses or injuries which qualify and are timely and appropriately applied for under the Family and Medical Leave Act (FMLA) or Workers' Compensation will not be counted against an employee's attendance record. Medical documentation within the guidelines of FMLA and Workers' Compensation will be required in these

instances.

Department Heads and supervisors are provided with general attendance quarterly information by the payroll Accounting Administrator in Finance and Administration. Department Heads suspecting abuse will address the matter with the employee and City Recorder / HR Director.

1. Employees may use up to three (3) days/instances per calendar year for unexcused sick leave absences. Absences that are supported by a doctor's certificate will not count towards the three (3) days/instances. Doctor's certificates shall be submitted upon return to work from any sick leave absence of three consecutive days or more or the absence will not be considered excused.
2. Patterns of absence could include but are not limited to, frequent use, frequent sick leave in conjunction with days off, holidays or vacation leaves, using sick leave within a short time after it is earned, not maintaining a sick leave minimum balance, or taking sick leave when other accrued leave is denied.

If it is suspected that an employee may jeopardize the health of others by returning to work too soon following sick leave, he/she may be required to submit documentation from a qualified doctor stating he/she is clear of illness and can re-enter the workplace at no risk to others. If sick leave abuse is determined, management will take the appropriate steps to counsel employees to improve their attendance.

D. Sick Leave Compensation Upon Separation

Employees are eligible to utilize their accumulated sick time, as allowed under the then current applicable regulations set forth by the Tennessee Consolidated Retirement System. The employee must meet retirement eligibility requirements for sick leave to be added as time served. Sick leave is not counted toward early retirement.

In cases of termination for cause, benefit eligibility will be based on the then current Tennessee Consolidated Retirement System regulations.

E. Notice to Supervisor

An employee who is absent because of illness shall verbally notify his/her immediate supervisor as soon as possible but at least thirty (30) minutes prior to the start of the workday in which the employee will be absent. Department Heads may set more stringent reporting requirements if necessitated by the nature of the job. Failure to personally call in as required may result in the absence being charged to leave without pay, in addition to any disciplinary action that may be indicated. An advance written request for sick leave is required whenever possible.

F. Doctor's Certificate

Whenever possible, an employee should provide a doctor's certificate or other evidence of illness in writing. A doctor's certificate of illness shall specify that the employee was ill and unable to work on the specific dates of absence being requested as sick leave. The Department Head may require a doctor's certificate for all sick leave requests when abuse of sick leave is suspected.

G. Voluntary Sick Leave Donation Program

The City of Red Bank provides a sick-leave donation program policy to provide a financial cushion and benefit for the protection of City employees in the event of long-term illness. Under this program/policy, employees may donate up to eighty (80) hours of such employee's accrued sick leave to the benefit of another employee who has exhausted his or her accumulated sick leave and or vacation leave and who would otherwise suffer severe economic hardship or loss of income. Details regarding the program can be obtained from the Human Resources Department.

10.5 BEREAVEMENT LEAVE

In the event of the death of a member of the employee's immediate family, an employee may receive up to twenty-four (24) hours in bereavement leave/pay. Individuals considered "immediate family" members are listed in Chapter 2. An employee may use sick leave for the purpose of additional bereavement leave in the event of a death of a relative as outlined in Chapter 10.4 B. Additional leave for bereavement must be with the approval of the Department Head.

10.6 WORKER'S COMPENSATION LEAVE

An employee of the City who suffers injury or illness as a result of a work-related accident or condition shall, if eligible under State law, receive compensation during the period of illness or injury by the Tennessee Municipal League Insurance in accordance with the Tennessee Worker's Compensation Act. Current as of the enactment of this policy, Worker's Compensation pays an employee 66.67% of their weekly salary once the employee has been disabled for seven (7) days due to a qualifying work-related injury. Compensation will be made as of the eighth day of disability due to an occupational injury. Such employee shall disclose to the Finance Director and/or the City Recorder the amount of all workers' compensation benefit payments received. If the employee is disabled for fourteen (14) days or more, workers compensation will pay the employee retroactively from the first full day of absence from work up to the return date to work. Employees receiving worker's compensation payments may use accrued leave time for the balance of the wages not paid by worker's compensation. In the event that State law shall be hereafter amended, this policy is and shall be automatically amended to comply with State law.

Employees shall report any injury or illness incurred in the course of their employment, however minor, to their Supervisor or Department Head. Failure to make such a report may delay or disqualify the employee from receiving Workers Compensation benefit and receiving any injury leave.

_____ The continuation of employment of an injured employee, who is unable to
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return after a period of three (3) months, may be reassessed by the City Manager, at which time a decision will be made regarding continuation of employment.

10.7 TEMPORARY MODIFIED DUTY

The City is committed to providing work, when possible, for employees who have been temporarily restricted by a physician due to a work-related injury or illness. Such work will be provided subject to availability. Employees on temporary modified duty must furnish a written update of their medical condition to the Human Resources Department from the treating physician after each visit and more frequently upon direction of the HR Director in order to remain in the reassigned job. The City is under no obligation to create a position or a job for an employee and whether or not disabled or temporarily disabled from performing such employee's normal job activities except as may be otherwise required by ADA.

Assignment

Work may be assigned due to the nature of the injury or illness and the limitations set forth by the treating physician and subject to the employee's qualifications. Reasonable effort will be made to place employees in positions within their own Departments, but, if necessary, employees may be placed wherever an appropriate position is available. If an employee is unable to perform the job duties of any available temporary assignment, the employee may be terminated. While on temporary modified duty, employees will continue to receive their regular rate of pay.

10.8 FAMILY AND MEDICAL LEAVE ACT

A. Full-time employees are entitled to benefits under the Family and Medical Leave Act of 1993 (FMLA). Any provisions herein which conflict with the provisions of FMLA are controlled by FMLA as now or then existing. Prospective revisions to FMLA will automatically amend this policy.

B. Reasons for Taking Leave

The City, in compliance with the Family and Medical Leave Act of 1993, will allow eligible employees to take up to twelve (12) weeks of Family Medical Leave in a twelve-month period for the birth of a child or the placement of an adopted or foster care child. Leave may also be taken to care for oneself, a child, spouse, or parent who has a serious health condition. The right to take leave applies equally to male and female employees who are eligible.

Married couples who are employed by the City of Red Bank shall both be entitled to the full twelve (12) weeks of leave if the spouse experiences her own serious health condition as a result of the pregnancy. If the pregnancy is considered normal without complications, then the married couple would only be eligible for a combined twelve (12) weeks of Family Medical Leave.

Eligible employees may take up to twelve (12) weeks of paid leave to deal with family issues resulting from a spouse, son, daughter, or parent being called to active duty (including being notified of an impending call to active duty).

Eligible family members (employees) of military personnel defined as the spouse, son, daughter, parent or next of kin of a covered service member may take a maximum of twenty-six (26) weeks of leave under Family Medical Leave to care for a wounded member of the Armed Forces. This includes family members of the National Guard or Reserves who are undergoing medical treatment, recuperation, therapy or other medical treatment for a "serious illness or injury". An employee is required to use their accrued sick leave and vacation leave when family and medical leave is taken. Should the employee not have any accrued paid leave available, the leave may be taken as unpaid leave, with approval of his/her supervisor.

The twelve-month period in which an employee is entitled to take unpaid leave is based on a rolling 12-month period measured backwards from the date an employee uses any FMLA leave. An employee's leave entitlement is determined each time leave is requested by looking back over the immediately preceding

12-month period.

C. Job Benefits and Protection

During the period of FMLA leave, the City will maintain with continued required contributions from the employee, the employee's single health, dental and vision coverage only under the group health plan. The employee must pay their portion of any dependent health, dental, and vision insurance or supplemental insurance premiums that are due during the period of leave. If the employee uses accrued sick, vacation or compensation time and is on "paid" leave, these premiums will be deducted from his/her paycheck as per normal procedures. Any employee not in a pay status must make premium payments on the first of each month that he/she is on leave.

The Family and Medical Leave Act requires that employees be restored to their original or equivalent position with equivalent pay, benefits and other employment terms upon their return to work.

Under specified and limited circumstance where restoration to employment will cause substantial and grievous economic injury to its operations an employer may refuse to reinstate certain highly paid "key" employee after using FMLA leave during which health coverage was maintained. A "key" employee is a salaried "eligible" employee who is among the highest paid ten percent of employees within 75 miles of the work site.

The City will adhere to the requirements of the FMLA, as amended and conflicts, if any, between the Policy Manual and the FMLA shall be governed by the FMLA.

D. Definition of Parent, Spouse, Son, or Daughter

The "parent", as defined by the Family and Medical Leave Act, need not be the employee's biological parent, provided that the individual "stood in loco parentis"

(acted as a parent), to the employee when the employee was a child. Benefits under FMLA are not extended to parents “in-law”.

FMLA defines the term “spouse” to mean “a husband or wife”, as the case may be. An employer would be required to give an eligible female employee unpaid leave to care for her husband and an eligible male employee unpaid leave to care for his wife. The City is not required to grant an eligible employee unpaid leave to care for an unmarried domestic partner. ~~The City of Red Bank does not recognize “same-sex marriage” for purposes of the personnel policies or regulations or for any purpose unless mandated by the laws of the State of Tennessee.~~

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

E. Serious Health Condition

A serious health condition is defined for this purpose as an illness, injury or impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical facility; or continuing treatment by a health care provider where the employee is unable to perform their job duties;

“Health care provider” means:

Doctor of Medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists and chiropractors, or nurse practitioners, nurse mid-wives and clinical social workers, or any health care provider recognized by the employer or employer’s group health plan benefits manager.

F. Eligibility

In order to be eligible, an employee must be continuously employed for at least twelve (12) months by the City of Red Bank and have worked at least 1,250 hours annually (24 hours per week) for the City during the past twelve (12) months. Federal law provides that employees must also work at a location where at least 50 employees are employed by the employer within 75 miles.

G. Medical Certification

An employee must provide his/her Department Head and the Human Resources Department with a certification, on U.S. Department of Labor approved form(s), by a health care provider when requesting family or medical leave which includes the following:

1. Date on which the serious health condition began;
2. Probable duration of condition;
3. Appropriate medical facts regarding the condition.
4. A statement that the employee is unable to perform the function of his or her job or that the employee is needed to provide care for a spouse, child, or parent.

The employer may require a second and/or third opinion, at the City's expense. The City may also require an employee to provide re-certification of a serious health condition when the period of leave extends beyond one month.

H. Notification Requirements

An employee is required to give the City at least thirty (30) days' notice when the circumstances of the leave are foreseeable. The City may deny or delay the FMLA leave if proper notice is not given. If the need for FMLA leave is not foreseeable, such as with an injury, the employee must give notice as soon as possible. In the absence of employee notice, the City may designate employee leave as

FMLA-qualifying leave and count the time towards their twelve-week entitlement.

I. Periodic Reports

While on family or medical leave, the employee is required to contact his/her supervisor in writing every other week to maintain contact and advise the supervisor of his/her continuing need for leave and plans to return to work.

If the circumstances of leave change and an employee is able to return to work earlier than the anticipated date, the employee must notify his/her supervisor at least two (2) days prior to the new return date.

J. Impact on Married Employees

Those employees who are legally married according to the laws of the State of Tennessee and both are employed by the City of Red Bank if considered eligible, may take up to twelve (12) weeks of Family Medical Leave under the same provisions as listed in 10.8, Section A.

K. Intermittent Leave

Eligible employees may take intermittent leave or be placed on a reduced leave schedule for the care of a newborn child or the placement of a child for adoption or foster care. Leave for a serious health condition may also be taken intermittently when "medically necessary". These leave requests must be supported by medical certification which includes the medical necessity and its expected duration.

Employees must make a reasonable effort to schedule foreseeable intermittent leave based on planned medical treatments so as not to unnecessarily disrupt the City's operations.

L. Reimbursement of Health Benefits

If an employee fails to return to work once the leave period is over, the City shall be entitled to recover the cost of the health premiums that the City paid during periods of unpaid leave. Unpaid accumulated annual (vacation) leave pay may be

utilized to offset the repayment of the cost of such premiums.

This provision only applies if the employee is physically able to return to work and chooses not to do so. It does not apply to “key” employees who are denied restoration under FMLA, or to any employee who is unable to return to work at the end of his/her family leave due to circumstance beyond the employee’s control such as “the continuation, recurrence, or onset of a serious health condition.”

M. Failure to Return to Work

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

N. Notification of Discharge

An employee may be discharged from employment at the end of the twelve (12) week entitlement period if the employee has not returned to work, has not supplied written notification of his/her intent to return to work or is unable to perform his/her job duties.

10.9 JURY DUTY

Employees who are called for jury duty are required to notify their Department Head as soon as possible. Leave with pay shall be authorized in order that employees may serve on jury duty. The City shall pay the employee for his or her regularly scheduled shift while serving on jury duty. An employee “on jury duty” who is not called for such jury duty shall report to the City for his or her regular shift. An employee called to report for jury duty on any given day and then later released shall then report to the City for the remainder of his or her regular shift on all such days.

10.10 MILITARY LEAVE

Any employee who is or becomes a member of the armed forces of the United States (including the Army, Army Reserves, Army National Guard, Navy, Naval Reserve, Marine Corps, Marine Corps Reserve, Air Force, Air Force Reserve, Air National Guard, Coast Guard, Coast Guard Reserve, Commissioned Corps of the Public Health) and leaves work for initial training for the Guard or Reserves, leaves work to join active duty military, or is called to active duty, will be placed on military leave. Such employee must present his/her supervisor or Department Head with advance notice of the active-duty orders. The employee's seniority, status and pay will remain unchanged during his/her time of military leave. Continued health insurance coverage will be offered up to 24 months. The City will continue to pay the portions of the premiums it was responsible for while the service member was employed if the leave is for fewer than 31 days. For military leaves longer than 31 days, coverage changes over to COBRA, and the employee will be required to pay up to 102% of cost of premiums due for such policy. An employee wishing to continue health insurance coverage during his/her military leave shall provide a mailing address where notices of premium payments due may be sent.

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

The returning employee will be re-employed in the position they would have occupied had they not been absent for military service, with the same seniority, status, and pay. Subject to budgetary restraints, any then current employee who may have otherwise occupied the position of the returning service member may be subject to reassignment, reassignment to a lesser paid position, or involuntary separation.

10.11 MILITARY RESERVISTS LEAVE

Any employee who is a member or may become a member of any reserve component of the armed forces of the United States or of the Tennessee Army and Air National Guard will be entitled to a leave of absence from their respective duties for periods of military service during which they are engaged in the performance of duty or training in the service of this state, or of the United States, under competent orders. While on such leave, the employee will be granted paid leave up to fifteen (15) days in any one (1) calendar year.

Qualified employees who seek paid leave under this policy must provide the official order calling for their service or training to their supervisor. Employees serving in the National Guard or Military Reserve will receive full compensation for a period of fifteen (15) days of military leave each calendar year, excluding holidays and scheduled off days. Such leave will not be charged to any form of accrued paid leave. An employee requesting military leave shall provide the City the dates for training and travel time in advance. After the fifteen (15) working days of full compensation, the City may provide partial compensation to its employees while under competent orders. After the fifteen (15) working days of full compensation, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, may use up to five (5) days of sick leave in lieu of vacation leave for the purposes of not having to take leave without pay.

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

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

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

It is the responsibility of the employee to make arrangements with his/her Department Head for leave to attend monthly meetings on regular off time, with the expectation that the paid leave granted herein will be applied to the annual training periods required for reservists.

8-33-110. Unpaid leave for members of Tennessee army and air national guard, Tennessee state guard and civil air patrol.

In addition to the leave of absence provided in § 8-33-109, all officers and employees of this state, or any department or agency thereof, or of any county, municipality, school district, or other political subdivision, all other public employees of this state and all private sector employees who are members of the Tennessee army and air national guard on active state duty or the Tennessee state guard and civil air patrol shall be entitled to an unpaid leave of absence from their respective duties, without loss of time, pay not specifically related to leave of absence time, regular leave or vacation or impairment of efficiency rating for all periods of service during which under competent orders they are engaged in the performance of duty or training in the service of this state, including the performance of duties in an emergency.

10.12 COURT LEAVE

Employees are authorized official leave to attend court and/or any related judicial proceedings such as a deposition, etc. on City related business as a result of a

subpoena. If at any time during the judicial process the employee is released from such duty, the employee shall immediately report for work to his/her supervisor if said time is within the employee's normal duty hours. Upon return to duty, the employee shall furnish evidence of having rendered the service required for the court service. The employee shall sign over his/her court paycheck and/or any compensation received from the litigant/party/attorney having issued the subpoena on City-related business (if any) to the City and receive his/her regular salary for the period of court leave. Court leave is not charged to any form of accrued paid leave.

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

10.13 ADMINISTRATIVE LEAVE

Upon recommendation of the employee's Department Head and notification of the Human Resources Department and the City Manager, employees may be placed on administrative leave at full pay for a variety of purposes, when it is determined that it is in the best interest of the City.

Absences under Administrative Leave may also be authorized when an employee is under investigation or otherwise required to be absent from duty, but not covered by vacation or sick leave. An employee may also be placed on Administrative Leave without pay as a disciplinary measure.

10.14 LEAVE WITHOUT PAY

Leave without pay may be granted at the request of the employee and subject to the discretionary approval or disapproval of the employee's Department Head and City Manager. Each request will be considered on its own merits and approval will be granted only for reasons that are considered to be necessary in the best

interest of the City. Leave without pay in excess of ten (10) consecutive regular workdays will not be granted unless there is a reasonable expectation that the employee will return to duty at the expiration of the leave period. If an employee is eligible for and is receiving sick leave benefits from the City's Sick Leave Donation Program, such days shall not be considered leave without pay.

Leave without pay may be granted only when the employee has used all his/her accrued available vacation leave, compensation time, and or sick leave as applicable. Employees who receive worker's compensation payments are allowed to use accrued annual leave or compensatory time for the balance of the wages not paid by worker's compensation.

Employees granted leave without pay in excess of ten (10) consecutive regular workdays (unless on FMLA leave) will be notified that:

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

An employee may be laid off during their absence if there is a lay-off which affects his/her position. Should this occur, notice shall be sent to the employee's last known address or e-mail address.

A part-time employee may be subject to discharge if, in the best interest of the City, the City Manager shall determine that it is necessary to fill such employee's position with a full-time employee. The City will endeavor, but shall not be required, to send 10 days written notice of such contemplated action to the affected employee's last known address.

Vacation and sick leave will not accrue if an employee is on Leave Without Pay for more than 50% of the regular working days of a month. An employee who is on Leave Without Pay for less than ten (10) consecutive regular workdays may continue to receive health insurance coverage by paying the employee

portion of the premium in advance or by payroll deduction. An employee who is on Leave without pay for more than ten (10) consecutive regular workdays may continue to receive health insurance coverage by paying the full amount of the monthly cost of such insurance to the City in advance of the month for which coverage is to be provided.

FINAL READING OCTOBER 17, 2023

CHAPTER 11

EMPLOYEE BENEFITS

11.1 **HEALTH & VISION, DENTAL, LIFE, LONG TERM DISABILITY, AND VOLUNTARY INSURANCE**

The City currently provides regular full-time employees working an average of at least 30 hours per week an opportunity to participate in the City group benefits plan. This shall be effective on the first of the month following the date of hire thirty (30) full days of continuous employment with the City and the details of plan offerings will be reviewed with new employees when hired.

Commented [TP8]: Looking into this 30 day requirement with our broker.

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

11.2 **RETIREMENT INVESTMENT PLAN (TCRS-Tennessee Consolidated Retirement System)**

All regular full-time employees shall automatically become members of the TCRS retirement plan upon employment at no cost to them. The contribution rate for the City shall be set by the Tennessee Consolidated Retirement System each fiscal year and is 100% paid by the City on the employee's behalf. The City's elective contribution rate/percentage is an annual budget-determined rate and is subject to revision on an annual budget cycle-determined basis.

The City also provides the option for full-time employees to participate in an

IRC §457 plan which is a tax-deferred retirement savings plan.

The City reserves the right to, at any time and from time to time, modify any currently existing retirement investment plan, or to eliminate the same.

11.3 UNEMPLOYMENT INSURANCE

The City is a participating employer under the Tennessee Employment Security Act. Employees who become unemployed may be eligible for unemployment insurance benefits. If an employee becomes unemployed, the individual should contact the local office of the Tennessee Department of Employment Security to determine eligibility for benefits under the Act.

11.4 WORKER'S COMPENSATION INSURANCE

The City is a participating employer under the Tennessee Worker's Compensation Act. Employees injured on the job may be entitled to compensation for medical expenses and lost wages in accordance with the provisions of the Act. ALL INJURIES SUFFERED WHILE ON THE JOB, NO MATTER HOW INSIGNIFICANT, ARE REQUIRED TO BE REPORTED TO THE EMPLOYEE'S SUPERVISOR IMMEDIATELY UPON OCCURRENCE. Detailed information regarding accident and injury reporting procedures shall be developed by the Human Resources Department and City Manager to ensure proper reporting of accident incidents, medical and related expenses, and proper addressing of safety issues if warranted.

11.5 PAYROLL DEDUCTIONS AND DIRECT DEPOSIT

The City of Red Bank requires that all employee payrolls be processed through direct deposit. The employee shall facilitate payroll direct deposit and City mandated deductions on their paychecks, by submitting authorization in writing to

the Payroll Department. Such deductions may include group benefit insurance premiums and supplemental insurance premiums. To make a change in pre-tax deductions that are allocated under the Section 125 (pre-tax contribution program) plan, hereinafter known as PTCP. Employees must have a qualifying event as follows:

A. PTCP (pre-tax contribution plan) Permitted Changes.

Under the Internal Revenue Service (IRS) rules, you may change your health insurance deduction during the plan year only after one of the following PTCP-qualifying events:

- You have a change in family status (e.g. marriage, birth, death, legal separation, divorce, only dependent child's attaining the maximum age for coverage).
- Your spouse loses coverage due to termination of employment and you apply for coverage for your spouse.
- Your employment with the City terminates or you retire.
- Your spouse has a change in employment status which results in either acquiring or losing eligibility for health insurance coverage.
- You receive a divorce/legal separation and are required under a court order to provide health insurance coverage for your eligible dependent children and/or legally separated spouse.
- There is a significant change in your or your spouse's health coverage which is attributable to your spouse's employment.

Changes in pre-tax health insurance deductions that stem from any of these qualifying events must be made within 28 days of the event (30 days for a change of coverage because of the birth of a child).

B. IRS Regulations

Changes in benefit elections during the plan year that do not stem from a qualifying event are not permitted by the IRS and cannot change the amount of your pre-tax health insurance deduction.

Since IRS regulations restrict changes in your benefit elections and their related health insurance premium deductions during a plan year, employees who are enrolled in the PTCP are not permitted to make the following two changes during the plan year:

- You may not change from Family to Individual coverage while your dependents are still eligible for coverage unless the change stems from a qualifying event.
- You may not voluntarily cancel your coverage while you are still eligible for coverage unless the change stems from a qualifying event.

These limitations apply only to changes made during the plan year when there is no PTCP-qualifying event.

To change any deductions, such authorization may be revoked at any time by said employee by submitting a written statement of cancellation or change in deduction amount to the Accounting Administrator in the Finance Department provided it does not apply to deductions allocated under the PTCP plan.

CHAPTER 12

PARTICIPATION IN POLITICAL ACTIVITIES

12.1 POLITICAL PARTICIPATION

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

12.2 ELECTIVE CITY OFFICES

Whenever an employee of the City of Red Bank is elected to any City of Red Bank office, that employee's status and benefits with the City shall cease upon assumption of or being sworn into the City office. An employee cannot hold elective office with the City and simultaneously remain an employee of the City.

12.3 CANDIDACY OR ELECTED FOR OTHER PUBLIC OFFICE

An employee of the City of Red Bank may become a candidate for non-city political offices, provided that candidacy and/or election of such employee, does not create a conflict of interest with his/her City position and subject to such employee continuing to meet all obligations of his/her job as a City employee, including but not limited to working all normal working hours required as a City employee.

12.4 MEETING TO DISCUSS CANDIDACY/OFFICE

An employee who becomes a candidate for any elective office shall, within fifteen (15) days, meet with the employee's Department Head and the City Manager, to discuss the candidacy and its potential effect on the employee's

position. If after this consultation, the City Manager determines that the employee's candidacy has caused or has the potential to cause a conflict with the employee's regular City position, or that the employee is not meeting or cannot meet the work obligations of the City position in full, the employee shall be required to take accumulated vacation leave and/or leave of absence without pay for the remainder of the campaign. All leave of absence regulations and policies, and the time periods and time limitations applicable to such policies shall be and continue thereafter to be in full force and effect.

12.5 PERMITTED POLITICAL ACTIVITIES

A City employee may exercise his/her rights, when acting as a private citizen, to engage in political activity, not affecting an elective City office, including but not limited to:

1. Form, join, or possess membership in a political party, club, or other political organization;
2. Run for office in the organization and take an active role in the management of the organization;
3. Attend meetings,
4. Vote on the positions of the organization on candidates and issues.

12.6 PROHIBITED POLITICAL ACTIVITIES

Employees may not:

1. Use or permit others to use authority of their position with the City to endorse or actively support a candidate for any political office, including the use of any City property, uniforms, vehicles, reproduction, or mail equipment, facilities, computers, fax machines,

cell phones or other equipment deemed the property and/or resources of the City of Red Bank.

2. Employees may not represent themselves, nor knowingly permit themselves to be represented, as City employees, while engaging in any form of political activity.
3. City employees, individually or collectively, are prohibited from endorsing or actively working for the election of, recall of, or opposing or working for, the defeat of any candidate for City office while actively on duty, or while utilizing City vehicles, computers cell phones or other equipment.
4. An employee of the City, whether or not while actively on duty, may not directly, or indirectly, coerce, attempt to coerce, command, or advise another City employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes, or to campaign for or support any political candidate, or to refrain from any political activities except as provided in this Chapter.
5. No solicitations of signatures for political issue petitions or qualifying petitions for elective office will be allowed, nor shall anyone seeking political office actively engage employees for political positions while City employees are on active duty.
6. Employees who are candidates for or elected to a political position (in a jurisdiction other than the City of Red Bank) are required to fulfill their job responsibilities and duties while under employment with the City of Red Bank.

No employee shall be eligible for appointment to a City Board but may serve on the board as an ad hoc advisory member or in a City Liaison capacity.

Violation(s) of the above policies could result in a conflict of interest and/or if such appointment would result, in the judgment of the City Manager, in the appearance of a potential conflict of interest and will subject the employee violating such policy(ies) to disciplinary action.

FINAL READING OCTOBER 17, 2023

CHAPTER 13

DISCIPLINE AND TERMINATION

13.1 DISCIPLINE

The City reserves the right to discipline employees consistent with City policies and applicable law. In some instances, a specific incident in and of itself may justify severe initial disciplinary action; however, the action to be taken may depend on the seriousness of the incident and patterns of past performance and conduct. Example types of disciplinary action are, in no particular order:

1. Counseling,
2. Verbal reprimand,
3. Written reprimand,
4. Suspension,
5. Demotion, and
6. Dismissal

Violation of these and other later adopted Policies may be, and in most instances shall, be cause for imposition of disciplinary action. Prohibited conduct and cause for disciplinary action for conduct that reflects discredit upon the City service or is a hindrance to the effective performance of City functions shall be considered cause for disciplinary action. Improper action by an employee in an official capacity, any action by an employee not connected with official duties that bring the City into discredit, any action that affects the employee's ability to perform the duties of the employee's position, or improper use of the employee's position for personal advantage shall also be considered cause for disciplinary action.

Prohibited conduct may include, but is not limited to the following:

1. Conviction of a felony, or conviction of any crime where the conviction would tend to impair effectiveness as an employee or tend to bring discredit upon the City;
2. Theft, or attempted theft of property of the City, its employees, or the public;
3. Violation in any manner of the City's drug-free workplace policy, or partaking of illegal substances, intoxicating beverages, marijuana, or non-prescribed controlled substances while on duty, or being intoxicated while on duty;
4. Use of alcoholic beverages, marijuana, prescribed or non-prescribed controlled substances that affects performance in the position held by the employee;
5. Acts of discrimination or harassment based on race, color, religion, sex(including pregnancy, sexual orientation, and gender identity), national origin, age(40 or older), disability, genetic information(including family medical history), or military status~~race, religion, color, gender, national origin, age, marital status, sexual orientation, gender identity, disability or other protected status;~~⁴
6. Discourteous treatment of the public or other employees, offensive conduct or conduct unbecoming a City of Red Bank employee;
7. Workplace bullying, or using any aggressive behavior towards a co-worker or subordinate;
8. Physical violence, including engaging in acts of bodily harm or threatening to inflict bodily harm, physical intimidation, verbal or written threats of violence;
9. Acts of retaliation against employees for any reason;
10. Insubordination, willful disobedience or failure to follow a lawful supervisory directive;

Commented [TP9]: Cite Title VII

⁴ Reference: Title VII of the Civil Rights Act of 1964 and the Uniformed Services Employment and Reemployment Rights Act (USERRA)

11. Incompetence, inadequate performance or nonperformance of assigned duties;
12. Damage to or negligence in the care and use of City property, or improper or unauthorized use of City vehicles or equipment;
13. Claim of leave under false pretenses or misuse of leave;
14. Habitual or excessive absence or tardiness, or abuse of sick leave privileges;
15. Absence from duty without authorization or failure to notify one's supervisor when unable to report to work on time;
16. Giving of false information or withholding information with intent to deceive, including information provided during the recruitment and selection process;
17. Unauthorized use or disclosure of confidential information, including but not limited to the unauthorized disclosure of any private health information or medical records;
18. Falsification of timesheets;
19. On-duty or off-duty use of social media to post statements that (1) disclose confidential information obtained through City employment; (2) discriminate against, harass, or defame City employees; or (3) otherwise violate City rules, regulations and policies;
20. Violation of any provision of ordinances, policies or rules and regulations adopted by the Board of Commissioners, or any provisions of City or Departmental rules, policies and regulations;
21. Unsafe, reckless, or negligent behavior;
22. Violation of these Policies and standard of conduct set forth in the Red Bank Policies Manual ; or
23. Violation of Ethics Policy.

A. Termination: Only the City Manager can terminate an employee from City employment. Dependent upon the severity of the infraction(s) or breach(es) of standard(s), the City Manager has the authority to immediately terminate an

employee subject to certain exceptions as provided by applicable state and/or federal law.

- B. Grievance/Complaint:** The City does not provide a formal grievance process. Both supervisors and employees are expected to make every effort to resolve problems as they arise. Employees who are unable to resolve their concern with their supervisor are encouraged to contact the Human Resources Department for additional guidance. Pursuant to State law, some differing requirements may be applicable with respect to police officers in accordance with the provisions of TCA § 38-8-304.

C. "Name-Clearing" Hearing:

Upon being informed of termination and/or intent to terminate, employee is entitled, upon written request filed with the City Manager within 72 hours of being informed of termination and/or intent to terminate, to a hearing/audience before the City Manager (either in person or via remote communication at the discretion of the City Manager) in order for the employee to make statements and/or contradict the stated reasons for imposition of discipline and for the same to be preserved in the employee's personnel file. Under no circumstances shall matters stated or disclosed in any such audience necessitate any further consideration of the City Manager's determination to terminate the employee or otherwise impose disciplinary action.

13.2 NOTICE TO EMPLOYEE OF DISCIPLINARY ACTION

The employee will be furnished a written notice from the employee's supervisor or Department Head containing the nature of the action and/or the

intended form of discipline, including, if applicable, a recommendation to the City Manager that the employee be terminated or subject to other disciplinary action. The employee will be furnished with a written determination of such disciplinary action and the reasons substantiating such disciplinary action. If such disciplinary action results in separation of employment, then the employee will also be provided with any forms or documents required by state law.

CHAPTER 14

DRUG AND ALCOHOL TESTING POLICY

14.1 DRUG AND ALCOHOL TESTING POLICY

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct public business, the City of Red Bank has adopted a drug and alcohol testing policy. The types of tests required are pre-employment (for safety-sensitive positions), transfer (for certain safety-sensitive positions), reasonable suspicion, post-accident, random (for safety-sensitive positions), return-to-duty, and follow-up post-rehabilitation testing. A copy of the full policy, as may be revised from time to time, may be viewed on the City's intranet or alternatively, a copy obtained from the Human Resources Director upon request.

The policy is subject to revision from time to time. All employees are responsible for knowing, viewing, and complying with the policy as currently existing or hereafter amended and revised.

SEVERABILITY

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

EMPLOYEE ACKNOWLEDGEMENT FORM – DEDUCTIONS FROM FINAL PAY

EMPLOYEE ACKNOWLEDGMENT

I understand and agree that all City property must be returned upon separation from employment.

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

Name of Employee

Signature of Employee

Department

Supervisor

Date

Acknowledgement of Receipt City of Red Bank Employee Handbook Revised October 2023 (Ordinance No. 23-1250)

This is to acknowledge that I have received a copy of the City of Red Bank Employee Handbook, revised October 2023, or have been directed to the website concerning the City of Red Bank Employee Handbook and understand that it outlines certain City of Red Bank policies, procedures and benefits as may exist at the time of publication. I understand that it is my responsibility to familiarize myself with all information within the Employee Handbook.

I understand that the Employee Handbook DOES NOT constitute a contract or agreement of any kind; rather it is merely a statement of policies and procedures. I understand that the contents of the Employee Handbook does not confer any rights on or promises to me or guarantee my employment for any period of time. I understand that the City of Red Bank can

Commented [TP10]: We are pulling this from this location and possibly adding it to the end with other acknowledgements

alter, eliminate, or otherwise change any policy, information, or benefit described in the Employee Handbook (except the "at-will" employment policy), without notice, at any time and it is my responsibility to review the manual periodically to observe any recent changes.

I understand that my employment with the City of Red Bank is employment AT-WILL and can be terminated by me or the City of Red Bank at any time for any reason or no reason. I understand that, although other terms and conditions of my employment may change, this AT-WILL employment relationship will remain in effect throughout my employment with City of Red Bank. I understand that this AT-WILL relationship may not be modified by any oral or implied promises or agreements. I understand that no employee has a right to continued employment by virtue of anything stated or inferred in the Employee Handbook.

I understand that nothing in the Employee Handbook or any summary brochure should be deemed to be a promise by the City of Red Bank to provide any benefit. Rather, the City of Red Bank reserves the right to alter or eliminate any benefit, without notice, at any time.

I understand that this Employee Handbook replaces (supersedes) any and all prior City of Red Bank policies and any and all prior City of Red Bank Personnel regulations, employee handbooks or manuals, and any information contained in any such prior policy, handbook, or manual is no longer in effect. I understand that the Employee Handbook is the property of the City of Red Bank and is to be returned to the City of Red Bank when employment with the City of Red Bank ceases.

Employee Signature

Date _____

Print Name

Supervisor Signature

Date _____

Department Head Signature

Date

FINAL READING OCTOBER 17, 2023

RESOLUTION NO. 23-1625

A RESOLUTION TO AMEND THE EXISTING AGREEMENT (200269) BETWEEN THE CITY OF RED BANK, TENNESSEE, AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$72,500.00 FOR THE INCREASED CONSTRUCTION COST OF PROJECT NO. 130774.00

WHEREAS, the City of Red Bank approved a certain Agreement with the Tennessee Department of Transportation (TDOT) in regard to ADA Sidewalk Upgrades along Dayton Boulevard from the intersection of Newberry Street and south to Signal Mountain Road; and

WHEREAS, the original Total Project Cost estimate was figured in 2019 dollars for a total sum of \$290,000.00 with 80% (\$232,000.00) being funded through Federal Highway Safety Administration (FHWA)/TDOT Grant funds and 20% (\$58,000.00) local matching funds; and

WHEREAS, inflation, and the passage of time, together with the various consequences and occurrences, costs of materials and labor which have naturally occurred as a consequence of market forces beyond the control of either of the parties, none of which factors were attributable to action or inaction on the part of the City together with TDOT planning and directives, have caused a delay in the continuance of the Project and award of the Construction Phase of the Project; and

WHEREAS, in order to proceed with this Project, in accordance with the rules, requirements, and Local Program Guidelines of TDOT, it is necessary to amend and supplement the above-referenced Agreement originally executed in order to restate and more accurately reflect estimated construction costs in order to proceed to the next phase; and

WHEREAS, the original Resolution No. 20-1360, approved on February 05, 2019, included original funding for this project along with two others totaling One Million, Two-Hundred Sixty-One Thousand Dollars (\$1,261,000.00) of which Two Hundred Ninety Thousand Dollars (\$290,000.00), was marked for TIP: 130774 under TDOT agreement #200269 and shall necessarily be amended by increasing same in the amount of Seventy-Two Thousand and Five Hundred dollars (\$72,500.00) such that the total estimated construction cost amount shall be amended to reflect Three Hundred Sixty-Two Thousand, Five Hundred Dollars (\$362,500.00); and

WHEREAS, there is no change to the eighty/twenty (80% / 20%) percent grant funding formula originally authorized such that the TDOT bears eighty (80%) percent of the funding responsibility, via grant, and twenty (20%) percent is to be funded by the City of Red Bank from the State Street Aide Fund; and

WHEREAS, the new cost estimate reflects an additional, estimated cost outlay from the City's State Street Aid Fund of Seventy Two Thousand and Five Hundred dollars (\$72,500.00); and

WHEREAS, the time for completion of the started project will not need to be extended for an additional period at this time.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Red Bank, Tennessee as follows:

1. That the aforesaid Agreement, authorized on August 04, 2020, and as reflected by Resolution No 20-1360, by and between the City of Red Bank, Tennessee and TDOT, be AMENDED, so as to provide that the estimated project cost amount is Three Hundred Sixty-Two Thousand, Five Hundred Dollars (\$362,500.00); and
2. the City Manager is authorized and directed to sign any required Change Orders, together with all necessary contracts, agreements, documents, and/or amendments to reflect the revised project and the estimated increased costs.

Resolved this 17th day of October 2023.

Mayor Hollie Berry (date)

ATTEST:

City Recorder Tracey Perry (date)

RESOLUTION NO. 23-1624

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE AMENDING RESOLUTION 22-1513 AND APPOINTING ONE (1) MEMBER TO THE CITY OF RED BANK FESTIVAL CITIZENS' ADVISORY BOARD

WHEREAS, the City of Red Bank adopted Ordinance 21-1181, establishing procedures for establishing, organizing, and appointing members to Citizens' Advisory Boards; and

WHEREAS, the City of Red Bank has identified the need to establish a Red Bank Festival Citizens' Advisory Board; and

WHEREAS, the City of Red Bank desires to appoint the following persons to this Board:

Hilary Evans

NOW, THEREFORE BE IT RESOLVED by the Commission of the City of Red Bank, Tennessee that the above-named one (1) individual is hereby appointed to the Red Bank Festival Citizens' Advisory Board to serve staggered terms as provided in the Citizens' Advisory Board enabling Ordinance and to be determined by the Citizens' Advisory Board at its duly noticed, advertised and held Meeting.

Resolved this on the 17th day of October 2023.

Mayor Hollie Berry (date)

ATTEST:

City Recorder Tracey Perry (date)