

RESOLUTION AMENDING GALLATIN PERSONNEL RULES AND REGULATIONS

WHEREAS, Section 13-104 of the Gallatin Municipal Code provides for amendment of the Personnel Rules; and

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the Gallatin Personnel Rules and Regulations are hereby amended as shown by the attached Exhibit:

BE IT FURTHER RESOLVED that this Resolution shall take effect from and after the date of final passage, the public welfare requiring such.

IT IS SO ORDERED.

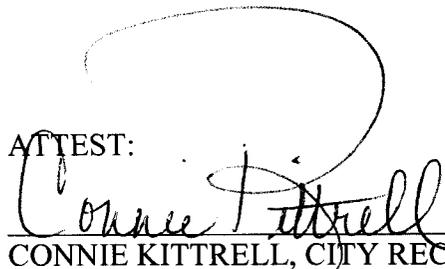
PRESENT AND VOTING

AYE: 7

NAY: 0

DATED: March 6, 2012.

ATTEST:



CONNIE KITTRELL, CITY RECORDER



MAYOR JO ANN GRAVES

APPROVED AS TO FORM:



JOE THOMPSON, CITY ATTORNEY

RULE II – DEFINITIONS

DEPARTMENT – The primary organizational unit which is under the immediate charge of a department head. ~~For purposes of these rules, the Personnel Division, Planning Division, Engineering Division, and Codes Administration Division shall be deemed "departments".~~

DEPARTMENT HEAD – A person, appointed in accordance with the provisions of the Charter or Municipal Code, who is responsible for administering the functions of a department, ~~or in the case of the Personnel Division, Planning Division, Engineering Division, or Codes Administration Division; the Personnel Official, City Planner, City Engineer, or Building Official respectively.~~

EMPLOYEE – An individual who is legally employed by the City government...

~~**NONCLASSIFIED employee** – Those elected or appointed officials or others as defined in Section 13-102(a) (1) through (17), (18) of the Gallatin Municipal Code.~~

~~**JOB RATE** - Step D, the middle of the salary range for each pay grade. Theoretically, the average performing employee can be expected to reach this step level in the third year after appointment. A specific dollar amount identifying the minimum through maximum wages of the salary range for each pay grade. This is the “going wage rate” for all jobs in the position classification, based on periodic market wage surveys of comparable employers in the City’s labor area.~~

MILITARY TRAINING LEAVE – In accordance with TCA 8-33-109, the period of ~~15~~ 20 working days or less, with pay, per calendar year, granted to employees who are members of a military reserve component...not charged to vacation leave. *The calendar year pay will not exceed 160 hours for 40 hour per week employees, 168 hours for 42 hour average week employees, or 224 hours for 56 hour average week employees.*

PROBATIONARY PERIOD – The designated period of employment... The probationary period shall be 12 months for ~~police~~ *certified police and certified fire positions* and 6 months for all other employees.

REPRIMAND, ORAL – *(NEW) Oral notification to an employee by the employee’s supervisor of performance or conduct that does not meet job expectations. An Oral Reprimand shall be documented by the Department Head, who shall maintain a written record of the Oral Reprimand either in departmental files or in the employee’s Personnel File.*

REPRIMAND, WRITTEN - ~~The least severe of the three types of disciplinary action established by these Rules.~~ *A written notification to an employee by the employee’s supervisor detailing performance or conduct which does not meet job expectations. Reprimands must be written and A copy shall be given to the employee with the opportunity to reply. They are The reprimand shall be filed in the employee’s personnel file along with any response provided by the employee.*

RETIREE – A former City employee who *has voluntarily resigned is no longer on the active payroll* after at least 20 or more years of continuous employment; or, after five or more years continuous employment when retirement is medically necessitated by a disability occurring while a City employee so long as the employee remains covered by the City’s disability program, or when the employee has *voluntarily resigned having attained age 65 while on the active payroll*.

STEP INCREASE-- (NEW) *An annual pay adjustment provided the total annual performance evaluation rating is in the Acceptable range or higher.*

RULE IV - PAY PLAN

Section 4. Rates of Pay for Promotion, Demotion, Transfer, and Reclassification

- 4.11 If their pay is below the minimum for the new class, their pay shall be increased to the minimum of the new class (~~Step A~~) (*Step 0*), and they shall thereafter be eligible for subsequent step increases according to Section 3.3 above.
- 4.2 When an employee is demoted without cause to a position for which he/she is qualified, he/she shall be placed at the step in the class to which demoted that ~~provides the smallest decrease in pay equals his/her current pay rate but does not exceed the maximum pay rate of the lower position.~~ If the demotion is taken for cause or if the demotion is requested by the employee pursuant to Rule XI, Section 2.4, the employee shall be placed at the entry level (~~Step A~~) (*Step 0*) in the class to which demoted. (*See Section 4.5 also.*) Demoted employees shall thereafter be eligible for subsequent step increases according to Section 3.3 above.
- 4.5 Notwithstanding any provision of this section to the contrary, a department head upon written request and evidence of a compelling reason to establish salaries at a step in class other than that provided by this section, may request approval from the Mayor to vary the terms of this section. ~~A copy of the Mayor’s written authorization for variance from the terms of this section shall be transmitted to the members of the City Council within five days of approval.~~

Section 8. Overtime

Overtime shall be approved only when necessary for work essentially in the public interest or to preserve and protect public health and safety. Except as indicated below, *all employees who are subject to the provisions of the Fair Labor Standards Act shall receive overtime compensation at the rate of one and one-half times the employee’s regular hourly rate or accrue compensatory time at the rate of one and one-half times for all quarterly (15 minutes) hours* ~~overtime work shall be compensated at the rate of one and one-half times the hourly rate of pay for all hours~~ actually worked in excess of 40 hours in the established seven-day work week. (*Note: employees must work 8 minutes*

beyond the 40 hours to be credited with one-quarter hour.) Paid leave time, such as but not limited to vacation leave, holiday pay, or sick leave, shall not count towards the 40 hour calculation; however, occupational disability leave time will be computed. Compensatory time is considered a benefit and privilege granted by the Department Head and is not a right for the employee to use at his/her discretion.

8.1 *It is established that some overtime hours will be necessary to cover staffing shortages, special city projects, and other circumstances, and therefore all employees may be expected and scheduled to assume their fair share of overtime. ~~The work must be of an unusual, unscheduled, or emergency nature and must,~~ Except in the case of bona fide emergencies, all overtime must be approved in advance by the department head or authorized representative. Daily work schedules may be modified within the forty (40) hour workweek to accommodate workload fluctuations without accrual of compensatory time or payment of overtime.*

8.2 *Payment of overtime and compensatory time shall be strictly governed and limited by budgetary appropriation.*

8.6 *Compensatory time shall not be used as a means of circumventing the overtime requirements of the Fair Labor Standards Act; however, the employee may agree in advance to the use of compensatory time as long as such agreement is made freely and without coercion or pressure.*

8.62 *After such exemption has been approved, hours worked will be carefully recorded on weekly time sheet documents, and the Finance Department shall keep a record of accumulated time earned and taken by each employee in city service.. When compensatory time is accrued in this manner for hours worked in excess of 40 hours in the established seven-day work week, it shall normally be paid at the straight-time hourly rate to the extent possible in the first week in which the employee works less than 40 hours. ~~Or it may be carried over to the maximum allowable by Federal Law and used by the employee with reasonable notice and agreement by the supervisor and department head.~~*

8.621 *Employees who work in a public safety activity, emergency response activity, or regular seasonal activity may earn up to 160 hours of overtime worked or 240 hours of compensatory time. If the maximum amounts are exceeded, the employee will be paid for any overages on the next payroll date.*

8.622 *Employees other than those defined in 8.621 may earn up to 30 hours of overtime worked or 45 hours of compensatory time. If the maximum amounts are exceeded, the employee will be paid for any overages on the next payroll date.*

8.623 *Exceptions to the above require approval of the Mayor.*

8.63 *An employee must have the appropriate supervisor's/DH prior approval to use earned compensatory time. The dates when compensatory time off shall be granted shall be determined by agreement between employees and their supervisor/DH. The supervisor/DH may, in his/her sole discretion, require the employee to use earned compensatory time for any period the supervisor/DH so desires.*

8.64 Employees who terminate employment for any reason and who have compensatory time accrued under this criteria shall, as soon as practicable after termination, be paid the compensatory time at the straight-time hourly rate of pay, *as of the date of separation, or the average regular rate received by the employee during the last three (3) years of the employee's employment, whichever is higher.*

Section 10. Longevity Pay

10.1 *To receive longevity pay, an employee must be continuously employed without any interruption in service. Continuous service is defined as the most recent period of employment with the City, void of any unauthorized breaks in City service as evidenced by separation from the City payroll. If the City has authorized any leave of absence without pay in excess of 14 consecutive calendar days, it shall be deducted from the employee's length of service except when federal and state laws prohibit loss of seniority for certain absences. Suspensions for disciplinary reasons which exceed a one-day period shall also be deducted from the employee's total length of service.*

~~Section 12.—Implementation of Pay Plan~~

~~12.1—Each employee shall be assigned to the step in the pay grade for his/her assigned class that is nearest his/her or her current salary that will not result in a pay decrease, except that those employees whose current rate of pay is above Step D shall not be granted any increase until their anniversary review date occurring on or after July 1, 1989.~~

~~12.2—Those employees whose salary on the effective date of implementation is below the proposed minimum for the new assigned class shall be moved to the minimum for that class.~~

~~12.3—There shall be no change to anniversary review dates as the result of implementation of this revised pay plan.~~

~~12.4—There shall be no step increases granted until July 1, 1989, whereupon step increases shall take place as authorized in Section 3 of this Rule, on the anniversary review date.~~

~~12.5 In the event that application of any part of this section shall cause an employee to suffer a pay loss, i.e., he/she would have received a greater rate of pay under the predecessor pay plan, the Personnel Official shall have the authority to adjust the rate of pay to that level necessary to preclude such a loss of pay.~~

~~12.6 There shall be no retroactive pay increases as the result of implementation of this pay plan.~~

RULE V – RECRUITMENT AND EMPLOYMENT

Section 2. Notification

The Personnel Official shall prepare notices of job vacancies and post such notices in City work places for a period of seven days, during which applications from classified employees shall be accepted for promotional consideration (*See Rule X, Section 9.1 for special circumstances*). ~~Additionally, if the pool of qualified applicants for the position classification has been exhausted or otherwise cancelled or consists of fewer than 15 names,~~ *Applicants from other current City employee work pools, such as Temporaries or Reserve Officers, may also be reviewed. If the Department wishes to search for more candidates, then* the Personnel Official shall advertise the vacancy in the local newspaper and such other publications, *websites, or other methods* as may be deemed necessary to obtain a sufficient response from qualified applicants.

RULE VI – EXAMINATIONS

Section 9. Medical Examinations

9.58 Appeal Rights. An employee required to undergo alcohol/drug screening shall not be afforded rights to a Medical Examination Board as contained in Section 9.3. of this Rule; however, classified employees may appeal disciplinary decisions as allowed in Rule XII, ~~Section 12.~~

RULE VIII – ELIGIBLE LISTS

Section 1. Establishment of Eligible Lists

1.3 Entrance List. If there is no Reemployment List ~~and or~~ Promotional List established, the Personnel Official shall ~~select the top five names from the Standing List (see Sec. 2) and certify these on an Entrance List to the appropriate department head for interview and appointment of one of the five.~~

notify the Department Head and the two shall agree as to how many names from the Standing List shall be placed on the Entrance List for interview and appointment. In the event none of the five initial names are selected by the department head, he/she shall notify the Personnel Official in writing of the job-related reasons for non-selection. The Personnel Official shall then construct a supplemental Entrance List with the next five another set of names from the Standing List. This process shall be repeated until the hiring decision is made.

RULE IX - APPOINTMENTS

Section 1. Procedure

1.2 ...The requisition shall be submitted to the Personnel Official on the prescribed ~~from form~~ signed by the Mayor...

1.6 ...See also Rule XI, Section 2, and Rule XII, Sections ~~10 and 11~~ 8, 9, and 10.

Section 2. Certification

In accordance with Section ~~13-108~~ 13-109 of the City Code, ...

...No appointment, except a temporary or provisional appointment, shall be made by the department head without such ~~verification~~ certification or prior authorization.

Section 4. Provisional Appointments

...provisional appointment may be made by the department head in accordance with Section ~~13-109~~ 13-107 of the City Code...

Section 10. Initial Probationary Period

10.1 All probationary appointments, including promotional appointments, shall be for a probationary period of six months, except for ~~commissioned police officers and detectives~~, certified police and certified fire positions whose probationary period shall be 12 months. This period shall be computed from the date of appointment or employment. ~~The 12-month probationary period shall be served in trainee classifications.~~

10.9 ...he/she has in any manner violated any one or more of the items listed under Section 13-114 of the ~~Personnel Ordinance~~, Gallatin City Code, or Rule V, Section 5, ~~and/or Rule VIII, Section 5 of these Rules,~~...

~~10.10 For appeals on termination, see Rule XII, Section 12 of these rules.~~

RULE X – PROMOTIONS

Section 2. Promotion Policy

In accordance with ~~the Personnel Ordinance~~, *Section 13-113 of the Gallatin Municipal Code*, promotions shall be based on...

Section 5. Eligibility to Compete in Promotional Examinations

Promotional examinations shall be open only to employees in the Classified Service who ~~have served in a specified class(es) for a period of no less than six months and~~ have completed their initial probationary period. ~~No employee shall be eligible to compete in a promotional examination without having satisfactorily completed the probationary period required for the department and~~ *have* met the acceptable work standards for the position during the period as provided for in these Rules. *(See Section 9.1 for exception)*. No employee shall be deemed eligible for a promotional examination whose last service rating was not ~~satisfactory~~. *in the Acceptable range or higher...*

Section 9. Special Job Requirements

- 9.1 An employee serving their initial probationary period who then seeks another classified position within the City must resign and be re-hired upon selection. *Upon the employee's resignation, all accrued benefits, other than those exempted under state or federal law, are forfeited. However, if the open position is within the same Department of the probationary employee, then, with the Department Head's permission, the probationary employee may be appointed to that position without loss of service or benefits. A new probationary period shall be established at that point.*

RULE XI – TRANSFERS, DEMOTIONS, REINSTATEMENTS

Section 1. Transfers

- 1.4 No employee shall be eligible for transfer whose last service rating was not ~~satisfactory~~ *in the Acceptable range or higher*.

Section 2. Demotions

- 2.5 When it has been determined that the employee has in any manner violated any one or more of the items as listed under Rule V, Section 5, ~~or Rule VII, Section 5,~~ or as set out...

**RULE XII – SEPARATION, DISCIPLINARY ACTION, AND
SUSPENSION PENDING INVESTIGATION AND/OR HEARING**

Section 1. Types of Separation

...At the time of separation and prior to final payment, all records, assets, and other items of City property in the employee’s custody shall be transferred to the department head and certification to this effect shall be executed by the department head. If there is a shortage of these items, any amount due the City, based on current replacement costs, may be withheld from the employee’s final compensation *in accordance with TCA, Title 50, Chapter 2, Part 1, Section 50-2-110 effective July 1, 2011.*

Section 8. Disciplinary Guidelines

8.2 The normal progression of discipline shall be as follows:

~~8.23 Suspension with Pay: Usually utilized when the outcome of an internal investigation is pending (also called “administrative leave”).~~

8.4 The guidelines listed below are provided for use by department heads in determining the appropriate level of discipline for various types of misconduct...

8.41 First Group Offenses include those types of behavior which are the least severe in nature...include, but are not limited to, the following:

- 8.411 Unsatisfactory attendance or excessive tardiness
- 8.412 Abuse of City time
- 8.413 Obscene or abusive language
- 8.414 Inadequate or unsatisfactory performance
- 8.415 Failure to comply with these Rules and Regulations, except as otherwise specified herein.
- 8.416 *Smoking in designated non-smoking areas.*

8.43 Third Group Offenses includes acts and behavior of such a serious nature...to the following:

- 8.4312 Insubordination that constitutes a serious breach of discipline.
- 8.4313 *Any violation of the Code of Ethics contained in Chapter 2, Article 2, Division 1 of the Gallatin Municipal Code.*
- 8.4314 *Any actions that result in the loss of a license/certificate, etc., whether driver’s, professional, or otherwise, that would prohibit an*

employee from performing their job duties and cannot be re-obtained in a reasonable time period.

8.11 Administrative Suspension: Suspension utilized when a department head concludes that it is in the best interests of the employee, the department, or the public as a whole that an employee be suspended from active duty pending an investigation into the employee's conduct. Administrative suspension may also be utilized when the department head concludes that the employee's presence may hinder the investigation.

Typically an Administrative suspension is with pay; however, in the event the department head has knowledge at the time of suspension that, if proven true, would result in termination due to misconduct, the Administrative suspension may be without pay.

Section 9. Notice of Intended Dismissal

Notice of intended dismissal actions must be in writing and served either personally or by certified mail on ~~such~~ the employee. ~~Such~~ The notice of intended dismissal shall contain a statement of the reasons for the action taken and a statement informing the employee of the right to request in writing, within five (5) City business days of receipt of the notice of intended dismissal, a pre-dismissal hearing to be conducted by the Mayor. ~~The employee may, however, be suspended either with or without pay until a written determination following the pre-dismissal hearing has been rendered. Notification will be delivered or mailed to the employee's telephone/address on payroll records. It is the employee's responsibility to keep all payroll and personnel information current.~~

9.1 An employee who does not request a pre-dismissal hearing shall be separated as of the date of the notice of intended dismissal.

9.2 An employee requesting a pre-dismissal hearing shall be considered to be on a Leave Without Pay and subject to the rules of Section 8, Leave Without Pay, PR XVI.

9.3 For purposes of Section 9 and Section 10, a business day is defined as a Monday through Friday, excluding holidays and the actual day of notification. The business day ends at 4:30 p.m.

Section 10. Pre-Dismissal Hearing

10.5 In the event of dismissal, the date of the Mayor's decision will become the effective date of separation. The employee may request review by the City Council, who may, but is not required to conduct such a review...

Section 11. Reinstatement; Reimbursement of Lost Wages

If at the conclusion of the appeal process *the final resolution is that the employee should be reinstated to the same position with no disciplinary actions, an employee is found to have received a notice of intended dismissal without sufficient or adequate cause or merit*, then that employee shall be reinstated effective immediately to the same position from which dismissed. In such a case, if the employee was suspended without pay ~~pending the results of the pre-dismissal hearing~~ then that employee shall be reimbursed on the next regular pay date following final resolution of the matter for all lost wages for the hours of work for which the employee would have been otherwise normally scheduled, and all benefits, leave time, etc. shall be reinstated/reimbursed. *However, the final resolution may also include disciplinary terms for which no lost wages/benefits are reimbursable, such as but not limited to suspended time, demotions/transfers, or other actions other than dismissal.*

RULE XIII – GRIEVANCE PROCEDURE

Section 3. Procedures

3.1 The employee, upon feeling that such grievance has occurred, shall...

3.13 For purposes of Section 3, a working day is defined as a Monday through Friday, excluding holidays and the actual day of notification. The working day ends at 4:30 p.m.

3.4 Within 10 working days...department head. *The Mayor will furnish the employee with his/her final written decision and furnish copies of the decision will be furnished* to the immediate supervisor, the department head, and the Personnel Official...

3.6 The Personnel Ordinance and these Rules grant to classified employees...that it necessitates a personnel action subject to ~~Personnel Board~~ review *in accordance with Rule XII...*

RULE XIV – EMPLOYEE EVALUATIONS

Section 1. Types of Evaluations and Procedure

1.8 When a classified employee's performance has reached the level...an official written reprimand shall be issued to the employee in accordance with Rule XII, Section 9 8.

In the interests of good performance...the department head may, in accordance with the provisions of Rule XI, Section 2, and Rule XII, Sections ~~10 and 11~~ 8, 9, and 10, demote, reduce in pay, suspend, or dismiss the employee...

Section 4. Affect of Overall Performance Rating

The overall performance rating developed in the performance appraisal, as derived from the total evaluation score, shall have the following effect on the employee's pay rate on his/her review anniversary date:

- 4.1 Employees rated as "Unacceptable" or "*Marginal*" shall be denied any step increase within their pay grade...
- 4.2 Employees rated as "~~Marginal~~" or "Acceptable", "*Commendable*", or "*Outstanding*" shall be entitled to a step increase...

Section 6. Appeals on Evaluation

Appeals of an evaluation may be made by the classified employee through the grievance procedure as outlined in Rule XIII, Section 3, only in matters where the employee's eligibility for a pay increase is affected. Appeal of ~~any disciplinary action such as suspension, demotion, reduction in pay, and dismissal~~ as a result of an evaluation may be made by the classified employee in accordance with Rule XII, Section ~~12~~ 10.

RULE XVI – HOLIDAYS, VACATIONS, LEAVES, AND ABSENCES

Section 1. Holidays

- 1.6 Any employee who is absent without leave or *absent without pay* on the working day immediately preceding or following the day set aside in observance of a holiday shall lose pay for the holiday.

Section 2. Vacation Leave

Vacation leave for ~~the following officials~~ *designated Department Heads/Assistant DH, the City Attorney, the Executive Director of Economic Development, Mayor, and City Recorder* shall be fifteen (15) business days each year for the first ten (10) years of service, and thereafter increasing one (1) business day for each year of service up to a maximum of twenty (20) business days:

~~Asst. Police Chief
Asst. Fire Chief
(See R0110-063)~~

Section 3. Sick Leave

All full-time classified employees ...personal illness within the immediate family, as defined in Rule II...

3.9 When an employee is absent due to reasons as provided in this Section, in order to be granted sick leave with pay he/she must meet the following conditions:

3.92 If the employee is absent for three consecutive working days or longer...confirming that the employee has been incapacitated from work for the period of absence, ~~stating the nature of the employee's illness~~, and certifying that he/she is again physically able to perform his/her regular duties...

3.12 An employee who ~~retires~~ *voluntarily separates* from City service, or *who is not the subject of a pending investigation into the employee's continued fitness for city service, or whose separation is not the result of gross misconduct* will be paid accumulated sick leave as indicated below at his/her regular straight-time rate of pay in effect on the effective date of ~~retirement~~ *separation*. "Gross misconduct" refers to acts or omissions on the part of employees which are symptomatic of intolerable behavior. Gross misconduct includes the following: theft or dishonesty; gross insubordination; willful destruction of city property; falsification of records; acts of moral turpitude; reporting for duty under the influence of intoxicants; the illegal use, manufacturing, possessing, distributing, purchasing or dispensing of controlled substances or alcohol; disorderly conduct; provoking a fight; and other similar acts involving intolerable behavior by the employee.

In the event of an active employee's death, no accrued untaken sick leave benefits are due or payable.

Age on Effective Date Of Retirement Separation		Percentage of Sick Leave Paid on Retirement Separation
Less than	62	0%
	62	20%
	63	30%
	64	40%
	65	50%
Over	65	50%

Years of Service on Effective Date of Retirement Separation	Percentage of Sick Leave Paid on Retirement Separation
30 Or more	50%
29	47%

28	44%
27	41%
26	38%
25	35%
24	32%
23	29%
22	26%
21	23%
20	20%
Less than 20	0%

(Note: In cases where the percentage received differs between the two tables, the employee shall receive the larger percentage.)

An employee who is forced to ~~retire~~ *separate* from City service prior to age 62 because of disability, and said disability is the result of an “on-the-job” accident, will be paid twenty percent (20%) of his/her accumulated sick leave at his/her regular straight-time rate of pay in effect on the effective date of ~~retirement~~ *separation* provided that, if the employee were entitled to receive a greater percentage according to the tables above, then he/she shall receive that percentage.

3.14 In order that the Personnel Official can certify payment of sick leave, the department head must report absences charged against sick leave...~~The Personnel Official shall report to the department head all employees in the department who take more than 12 days of sick leave in any employment year.~~

3.23 Sick Leave Pool. A sick leave pool...all other of their personal sick leave, *compensatory time*, and vacation leave balances have been exhausted...

3.23

(1) Enrollment. Any employee may enroll in the Pool...in order to qualify for membership in the Pool. *Hourly Police personnel who are compensated on a 42-hour-per-week average work schedule shall be required to have accumulated at least 84 hours...* Upon enrollment, employees shall agree to transfer 24 hours from their existing personal sick leave entitlement to the Pool (or, for employees in the Fire Department on a 56-hour-per-week basis, 33.6 hours shall be transferred *and 25.2 hours for 42-hour-per-week Police personnel*)...

3.23

(4) Requests to Withdraw Sick Leave...provided the employee meets the following criteria:

(b) Has exhausted all other personal sick leave, *compensatory time*, and vacation leave; and

- (c) Has submitted adequate evidence...the duration of such incapacity, ~~and the nature of the incapacity...~~

3.23

- (7) Donation/*Transfer* of Extra Time. ...Any Classified or Exempt employee, even if not a Pool Member, upon termination of employment with the City ~~may will have donate to the Pool any part~~ or all of their remaining personal sick leave *hours* for which they will not be paid by the City *transferred to the Sick Leave Pool account for members' usage*.

3.23

- (8) ~~Pay back of withdrawn time. If an employee is granted sick leave from the Pool, the employee may after once again accumulating the appropriate minimum number of personal sick leave hours based on their average work week, pay back any or all of the time granted by the Pool. Pay back is not required for continued membership. (25 Hour employee=50 hours accumulated, 30 Hour employee=60 hours accumulated, 35 Hour employee=70 hours accumulated, 40 Hour employee=80 hours accumulated, 42 Hour employee=84 hour accumulated, 56 Hour employee=112 hours accumulated)~~

Section 4. Maternity Leave

In accordance with the Pregnancy Discrimination act of 1978...shall be treated the same as disabilities caused or contributed to by other medical conditions, as set out in Rule XVI, Sections 3 and 8. See Section ~~8.5~~ 8.4 of this Rule for special provisions regarding maternity leave.

Section 5. Military Leave

All employees of the Municipal Government, except temporary, casual, provisional, and student, who enlist in the armed forces or who are presently members of any military reserve component, shall be granted reemployment, leave of absence, and other rights in accordance with Federal and State laws (~~TCA 8-3310~~) governing such rights. (~~See Resolution R91-403.~~)

Section 8. Leave Without Pay

...The approval of the Department Head shall be required for leaves without pay of ~~ten (10) work days~~ *fourteen (14) calendar days* or less. Approval of the Department Head and Mayor shall be required for leaves without pay of more than ~~ten (10) work days~~ *fourteen (14) calendar days*...

- 8.3 A general leave of absence without pay granted shall affect employee benefits as follows:

- 8.33—~~Coverage under the City's long term disability insurance shall terminate on the last day of any month in which the employee begins leave of absence~~

~~without pay, and shall resume after the employee has again been actively at work for 30 uninterrupted days.~~

~~8.34—Coverage under the City's life insurance plan shall terminate on the last day of any month in which the employee begins leave of absence without pay, and shall resume on the date he/she returns to work.~~

~~8.35—During the leave of absence, coverage under the City's health insurance plan shall terminate. The employee may elect to continue the coverage in force. If such election is made, the employee shall pay the full monthly premium, consisting of the employee's share and the cost normally paid by the City.~~

~~8.36—The period of leave of absence without pay shall be deducted from the creditable service for purpose of longevity pay in accordance with Rule IV, Section 10, except when federal and state law prohibit loss of seniority for certain absences.~~

~~8.37—The period of leave of absence without pay shall not be deducted from creditable service for purpose of service recognition in accordance with Rule XVII, Section 16.~~

~~8.38—An employee on leave of absence without pay on the day a holiday is officially observed by the City shall not be paid for that holiday.~~

8.33 Coverage under the City's Disability, Life, Health, and Dental insurance, etc. shall be administered under the contractual terms of the respective insurance carrier's policies. For leave of absences without pay for less than fourteen (14) calendar days, the City and employee will continue to pay their normal share of the monthly premiums. For leave of absences without pay for more than fourteen (14) calendar days, the employee will pay the full pro-rated portion of each monthly premium in 7 day increments.

8.34 The period of leave of absence without pay in excess of 14 consecutive calendar days shall be deducted from the creditable service for purpose of longevity pay in accordance with Rule IV, Section 10, except when federal and state law prohibit loss of seniority for certain absences.

8.35 The period of leave of absence without pay shall not be deducted from creditable service for purpose of service recognition in accordance with Rule XVII, Section 16.

8.36 An employee on leave of absence without pay on the day a holiday is officially observed by the City shall not be paid for that holiday.

8.4 Family and Medical Non-Discretionary Leave Without Pay

A classified employee and full-time salaried officials, appointed and elected, shall be eligible for a leave of absence without pay as follows:

- 8.41 The reason for the leave must be (i) for the purpose of the employee or official caring for a spouse, son, daughter or parent who has a serious health condition or (ii) due to a serious health condition rendering the employee or official unable to perform their job, or (iii) the birth and to care for the child immediately following birth or placement for adoption or foster care, *or (iv) for incapacity due to pregnancy, prenatal medical care or childbirth, or (v) to care for an injured covered military service-member or other qualifying military related exigencies.*
- 8.43 The amount of leave without pay for 8.41 (i) or (ii) *or (v)* shall be as reasonably necessary but in no event in excess of twelve (12) weeks per twelve (12) month period of employment. *For (v) certain circumstances may allow up to 26 weeks of leave for a covered military service-member.* For reason 8.41 (iii), *or (iv)*, the leave shall be as reasonably necessary but in no event in excess of four (4) months per twelve (12) month period of employment.
- 8.46 At the time of request for leave without pay under 8.4, an employee or official shall be required to use his or her available leave with pay towards the requested leave time. Leave with pay shall include vacation time, *compensatory time*, sick leave time and sick leave pool time.
- 8.47 During leave without pay under 8.4, the benefits of the employee or official ~~shall be terminated as set out in 8.3 except for health insurance coverage. The health insurance coverage of the employee or official in existence at the beginning of the leave, shall continue only for the duration of the leave without pay or the first twelve (12) weeks of such leave without pay in each twelve (12) month period, whichever occurs first. The employee shall be responsible for their portion of any benefit premiums owed. In the event the employee or official does not return to employment at the end of the leave, the employee or official shall be liable to the city for all health insurance premium payments made. In the event the employee or official does not return to employment at the end of the entitled leave, the Department Head may choose to terminate the employee's employment status. The Department Head may also choose to extend the employee's leave due to extenuating circumstances with the Mayor's approval. If the employee has paid leave hours available, their benefits can continue as before. If the employee does not have paid leave hours available, then he/she will be subject to the terms of Rule XVI, Section 8.1-8.3.~~

8.49 ...Where both spouses are employees and/or officials and both request leave without pay for reason 8.41 (iii) *or (iv)*, the amount of leave shall be limited to a combined total of four (4) months leave without pay.

Section 9 Leave With Pay

9.4 Leave with pay up to and not exceeding ~~three working days~~ *24 hours of leave with pay* in a calendar year may be granted by the department head upon the death of the employee's immediate family member, as defined in Rule II...In the event that death in the employee's immediate family requires additional time for an out-of-town trip or for other good and sufficient reasons, the Mayor may authorize additional ~~days~~ leave, not to exceed ~~three working days~~, *24 hours of leave with pay* which shall be counted against the employee's accrued and unused sick leave credits.

Section 10. Absence Without Leave

An absence without leave is an absence from duty which was not authorized or approved and for which either a request for leave was not made by the employee, or such request was denied. Under such circumstances, the employee may be subject, upon his/her return, to such disciplinary action as the department head deems necessary in accordance with Rule XII... ~~This action may be appealed in accordance with Rule XII, Section 12.~~

RULE XVII – GENERAL POLICIES AND PROCEDURES

Section 2. Corrective Action

Any ~~employee~~ *supervisor* may take corrective action by orally admonishing employees as necessary. This action may be taken in an effort to correct a situation that, if uncorrected, may require formal disciplinary action.

Section 6. Outside Employment

~~In accordance with Section 13-124, Municipal Code,~~ *In accordance with Chapter 2, Article I, Section 2-9, Municipal Code,* no classified, full-time, appointed official or employee of the Municipal Government shall accept or engage in additional employment outside the official hours of duty without the written approval of the Mayor...

~~Section 7. Solicitation~~

~~7.1 No employee of the Municipal Government shall directly or indirectly solicit any money, service, favor, or other valuable consideration for carrying out his/her duties as an employee of the Municipal Government.~~

~~7.2 Solicitation of funds of any character or for any purpose whatsoever shall not be permitted by or of employees of the Municipal Government on the job without express approval of the Mayor or his/her designated representative.~~

~~7.3 No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept money, service, or other valuable consideration for or on account of any appointment to or proposed appointment to, promotion to or proposed promotion to, or to gain any advantage in the Classified Service.~~

Section 10. Pecuniary Interests and Gratuities

10.1 In accordance with *Chapter 2, Article I, Sections 2-2 and 2-4* of the Municipal Code, except for the receipt of such compensation as may be lawfully provided for the performance of his/her municipal duties, it shall be unlawful for any official or employee of the City to be privately interested in...

10.3 Any official or employee who violates the provisions of this Section shall be guilty of misconduct in his/her service *and subject to disciplinary action up to and including dismissal.*

Section 11. Use of Municipal Time and Facilities

In accordance with *Chapter 2, Article I, Section 2-7* of the Municipal Code, no official or employee in the Classified Service shall use or authorize the use of municipal time...

11.1 Computer, E-Mail, and Voice Mail Systems Policy

All computer, electronic mail ("E-mail"), and telephonic communications systems, including voice mail, and all communications and information transmitted by, received from, or stored in these systems are the property of the City of Gallatin and as such are to be used for job-related purposes...~~Without supervisory approval, such personal use should not exceed normal break times.~~ Employees ~~using~~ *abusing* the City's business systems or equipment for non-work related purposes are subject to disciplinary action appropriate for the offense, up to and including discharge.

To ensure that ~~the use~~ *uses* of the City's business systems and equipment ~~is~~ *are* consistent with the City's legitimate business interests, authorized representatives of the City...

Information comprising or concerning the City's business that is on the City's computers may not be used by any employee except as required to perform that employee's job. ~~For privacy reasons, employees may not gain access to another employee's E-mail or voice-mail messages without the recipient's express permission.~~ All access codes and passwords are city property and must be revealed to your supervisor if requested to do so.

~~Employees should use the City's Internet access, business systems, and equipment for City business only.~~ Email should not be used to solicit or proselytize others for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations without the Mayor's approval.

Employees will be asked to sign a Personnel form acknowledging this policy as below: “I have read the above policy and understand that when I use, open, or access the City’s telephones, voice mail, software, E-mail, or Internet service, I have no right to privacy in their use or the communication of information. I further understand that all such documents, files, and recordings ~~are~~ *may be* subject to the Tennessee Open Records Act and may be subject to inspection by the news media or public upon request...”

Section 12. Use of Position

In accordance with ~~Section 13-126~~ *Chapter 2, Article I, Section 2-8* of the Municipal Code, no municipal official or employee shall make or attempt to make private purchases, for cash or...

Section 14. Garnishments, Child Support, and Bankruptcy

14.6 ~~Any classified employee may appeal disciplinary action taken as provided in accordance with Rule XII, Section 12.~~ *Disciplinary action taken under this Section is not subject to an appeal process, except in the event of a Notice of Intended Dismissal. See Rule XII, Section 9 and 10.*

~~14.7 As authorized by TCA 36-5-501, In accordance with Tennessee State law, an administrative charge will be deducted from the income of any employee whose wages are subject to assignment to satisfy a court order. for child support. The administrative charge shall be in an amount equal to five percent (5%) of the wages assigned, not to exceed \$5.00 per month. as determined by court order.~~

14.8 The Bankruptcy Code strictly controls the type of payroll deductions that can be taken from income earned by employees who have approved petitions for Chapter 13 and other bankruptcy proceedings. ~~Without specific court authorization, payroll deductions are limited to payroll taxes, retirement contributions, and payment of the employee’s portion of any insurance premiums. For this reason, upon attachment of wages in response to bankruptcy proceedings, all payroll deductions for uniforms, savings bonds, Christmas savings accounts, or other deductions not authorized in the court order shall cease. In such instance, the department head is responsible for ensuring that the employee immediately turns in uniform items that were paid through payroll deductions. All payroll deductions for garnishments, including but not limited to Bankruptcy, IRS obligations, Child Support, or other financial obligations, will be handled in accordance with the legal document presented. Employees will still be responsible for all personal deductions and to request any necessary adjustments.~~

Section 15. Records and Reports.

The Personnel Official is responsible for maintaining in ~~confidential~~ files adequate records which will include the following:

- 15.5 ~~Personnel records, except examination, service rating reports, personal histories, and such other records as may be specified as confidential in these rules or by action of the Mayor, shall be public records and shall be open for public inspection, for bona fide reasons, during office hours and at reasonable times in accordance with such procedures as the Personnel Official may prescribe.~~
Personnel records are subject to the extent permitted by the Tennessee Public Record Act T.C.A. Section 10-7-501 et. seq.

Section 16. Service Recognition

- 16.1 Employees completing twenty-five (25) years of continuous service will be given a specially designed service emblem and receive a one-time award of 24 hours of leave with pay. ~~three (3) days off (24 hours or 33.6 hours for firemen on 24 hour shifts), to be coordinated through their department head. These three days may be taken consecutively or individually. This paid time off may be taken consecutively or individually but must be utilized within twelve months of their anniversary date.~~ Such time off shall not be deducted from vacation or sick leave or compensatory time.

Section 23. Driving Records

- 23.3 Department heads are responsible for additional spot checks of driver's licenses to ensure that valid licenses are carried by all employees who may operate city owned or personal vehicles in the performance of city business. *Employees will be required to show their valid driver's license to their supervisor at the time of their Annual Evaluation, and a copy of the license shall be sent to Personnel.*

Section 26. Emergency Conditions

- 26.12 Utilize vacation time ~~(even if less than the normal 2 hour rule)~~, compensatory time, or leave without pay, but not sick leave unless truly eligible under the sick leave policy.

Section 27. Harassment

Harassment of employees due to...It is specifically prohibited by Rule XII, ~~Section 7.27~~ Section 8.422 of the Personnel Rules and Regulations.

RULE XVIII – MISCELLANEOUS PROVISIONS

Section 5. Departmental Rules

- 5.2 ...Personnel activities arising out of the administration of these departmental policies and procedures shall be subject to grievance and appeal procedures only in accordance with Rule XII, Section ~~42~~ 10 and Rule XIII, Section 3 of these Rules and Regulations.

Section 9. ~~Benefit Plans for City Recorder—Department Heads—Director of Leisure Services—Personnel Official—City Planner—Asst. Fire Chief—Asst. Police Chief—Deputy Recorder—Deputy Finance Director.~~ *Appointed Officials/Employees and the Mayor and City Recorder/Judge.*

- ~~9.1—The city recorder, department heads, director of leisure services, personnel official, asst. fire chief, asst. police chief, deputy finance director, and city planner shall be entitled to receive the following benefit plans:~~

- 9.1 *Appointed Officials/Employees and the Mayor and City Recorder/Judge shall be eligible for the following benefit plans, with the exception that the Mayor and City Recorder/Judge shall not be eligible for (a) Longevity Pay benefits.*

- (a) Longevity pay (Rule IV, Section 10);
- (b) Retirement (Rule ~~XI~~, XII Section 6);
- (c) Holidays (Rule XVI, Section 1);
- (d) Vacation Leave (Rule XVI, *Section 2*);
- (e) Sick Leave (Rule XVI, Sections 3, 4, 5, 6, 7, 8, 9, 10, 11);
- (f) Health insurance, long term disability, life insurance, and workers' compensation all as established by the City Council for classified personnel;
- (g) Dental program, Christmas Club, Credit Union, holiday gift certificate program, and savings bonds program as established by the City Council for classified personnel;