CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

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PERSONNEL RULES AND REGULATIONS

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CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 1 -- GENERAL PROVISIONS

Section 1-1. Purpose

In accordance with the provisions of the Personnel Ordinance #079-89 adopted by the City of Gallatin, Tennessee, it is the declared purpose of these rules to establish and provide normal, orderly, and uniform policies and procedures for employees in the service of the City of Gallatin, Tennessee.

These rules and regulations shall apply to all employees of the Municipal Government of the City of Gallatin, without regard to race, religion, age, sex, political affiliation, or national origin, except those employees who are specifically exempted in accordance with Article V of the Personnel Ordinance.

Covered employees will receive all the benefits such a program derives: to bring into the service the high degree of understanding, cooperation, efficiency, and unity which comes through systematic application of good procedures in personnel administration; and, to serve as a guide to administrative action concerning the various personnel activities and transactions consistent with the following general standards:

(a) Employment shall be based on proven merit and demonstrated efficiency and fitness, as ascertained through fair and practical methods of selection without regard to race, religion, age, sex, political affiliation, or national origin;

(b) Conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the City government;

(c) Appointments and promotions shall be made solely on the basis of proven merit, efficiency, and fitness as demonstrated by examination and/or other evidence of competence;

(d) Tenure of employment shall be subject to satisfactory performance of work, personal conduct compatible with the trust inherent in the public service as necessary for the performance of work, and authorization of available funds;

(e) A position classification plan shall be established and maintained with periodic reviews and revisions made as necessary to meet changing times and needs, and covering all positions in the classified service, including employment standards and qualifications for each class;

(f) A uniform plan of compensation shall be established, directly correlated with the classification plan, providing a rate or range of pay for each class. It shall be

reviewed and revised periodically as necessary to meet changing times and needs, such revisions to be supported by current community wage and salary surveys to assure that competitive wage and salary scales are maintained;

(g) Vacant positions shall be filled within budget limitations, in accordance with job qualifications and requirements without discrimination as to race, religion, age, sex, political affiliation, or national origin;

(h) Every effort shall be made to stimulate high morale by fair administration of this ordinance and by every consideration of the rights and interests of employees, consistent with the best interests of the public and the City;

(i) Procedures shall be established for the announcement of all tests deemed necessary and for the acceptance of applications for employment; the establishment and use of resulting employment lists; and, the certification and appointment procedures for eligible persons from such appointment lists;

(j) Employees shall be encouraged to participate in developmental activities such as on-the-job training and educational job-related courses during off-duty hours;

(k) Employee benefits shall be provided in keeping with general community practices;

(l) Rules and standards shall be established as guidelines for employee conduct both on and off the job;

(m) Communication methods shall be established and maintained to inform employees of their responsibilities, rights, and privileges as employees;

(n) The operation and effect of the City's personnel system shall be evaluated prior to the end of the fiscal year by the Personnel Official. Findings and recommendations shall be reported to the Mayor, a copy of which shall be filed with the Recorder's Office and copies distributed to the City Council.

Section 1-2. Administration

These rules shall be administered by the Personnel Official under the direction of the Mayor and in conformity with Article V of the Personnel Ordinance establishing a personnel system.

Section 1-3. Appropriations

No provision of these rules and regulations shall be implemented, and no persons shall be employed or salaries or wages changed, unless the necessary appropriations are provided in the annual budget on adoption or by amendment or special appropriation.

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 2 – DEFINITIONS

ABSENCE WITH PAY – A known absence from duty which has been approved by the supervisor and/or department head and for which compensation is received.

ABSENCE WITHOUT PAY – An absence which may or may not have been known and may or may not have been approved.

ABSENCE WITHOUT LEAVE – An absence from duty which was not authorized or approved by proper authority and for which either a leave request was not made or such request was denied.

ALLOCATION – The assignment of a position to its appropriate class in relation to duties performed.

ANNIVERSARY DATE – The most recent date of appointment to or employment in a classified position. Anniversary date shall also denote the adoption of a new job description for an existing position, when the new job description is accompanied by a pay increase.

APPEAL – An application for review of an alleged grievance submitted or instituted in writing by an employee to higher authority.

APPLICANT – An individual who has completed and submitted an application for employment with the City.

APPLICATION – A form or forms which are prescribed by the Personnel Official in applying for positions with the Municipal Government of the City of Gallatin.

APPOINTING AUTHORITY – For purposes of administering these rules, the City Council delegates to the Mayor the power to appoint, remove, suspend, demote, and dismiss, subject to final confirmation by the City Council; however, as provided by Section 13-107 through 13-116 of the City Code, each department head shall have the authority to employ, suspend, dismiss, and discipline employees under his or her control subject to the review of the appointing authority, Board of Aldermen, and in accordance with the provisions of this Ordinance.

APPOINTMENT – The offer to and acceptance by a person of a position either on a classified or temporary basis.

APPOINTMENT DATE OR EMPLOYMENT DATE – The original date of appointment to or employment in a classified position.

AUTHORIZED REPRESENTATIVE – A person or persons possessing authority, authorized and delegated by the immediate superior, when such authority and power to delegate such authority shall not be inconsistent with the provisions of the City Charter and these Rules and Regulations.

CERTIFICATION – Endorsement as meeting required minimum standards for a vacant position.

CHIEF EXECUTIVE – The Mayor of the City of Gallatin, as provided by Section 13-101 of the City Code.

CLASS – A group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title class specification and pay range.

CLASS SPECIFICATION – A written description of a class, consisting of a class title, a general statement of the level of work and of the distinguishing features of work, examples of duties, minimum or desirable qualifications for the class, and the types of knowledge and abilities required.

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

CLASSIFICATION PLAN – The resulting system of positions that have been grouped into appropriate classes according to (1) and (3) under "Classification" above, reflecting the hierarchical structure of the specifications; (2) the class specifications; and, (3) rules for administering the classification plan.

CLASSIFIED SERVICE – All offices and positions in the City service as defined in the City Code Section 13-102.

COMPENSATION – The standard rates of pay which have been established for respective classes of work, as set forth in the compensation plan.

COMPENSATION PLAN – The official schedule of pay approved by the City Council, assigning one or more rates of pay to each class title.

COMPENSATORY LEAVE – Time off from work in lieu of monetary payment for overtime work. Compensatory time shall not be used as a means of circumventing the overtime requirements of the Fair Labor Standards Act; however, its use is permissible under Federal Law and as provided for in Rule 4, Section 4-7, of these rules.

CONTINUOUS SERVICE – 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.

CRITICAL RESPONSE POSITIONS – Those positions requiring such response to service or call to duty, the absence of which in time of need would cause a threat to life or property.

DEMOTION – Assignment of an employee from one class to another which has a lower maximum rate of pay.

DEPARTMENT – The primary organizational unit which is under the immediate charge of a department head.

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.

DEPARTMENTAL RULES – Those policies and procedures set out by the department head and approved by the Mayor peculiar to the operation of the individual department and shall be consistent with, but may not be synonymous with, the Rules and Regulations.

DISCIPLINARY ACTION – An action which may be taken by the employee's appointing authority, or the authorized representative, when an employee fails to follow the policies and procedures of his or her department; or, in cases of misconduct as set out in the Personnel Rules and Regulations; or, in any violation of these Personnel Rules and Regulations. For these types of action, the employee is usually reprimanded, suspended, or dismissed, or a combination of these methods may be used.

DISMISSAL – A type of disciplinary action which separates an employee from the Municipal Government payroll for cause.

ELIGIBLE – A person who has successfully met the required qualifications for a particular class.

ELIGIBLE LIST – The ranking of eligibles for a vacancy in the order of their overall composite qualifications.

EMPLOYEE – An individual who is legally employed by the City government and is compensated through the City payroll for his services. Individuals or groups compensated on a fee basis are not included. "Employee" is synonymous with "incumbent" but is different from the concept of "position."

> **CLASSIFIED employee –** Those employees who have satisfactorily completed their probationary period and are employed in a budgeted position on a full-time or part-time basis for an indefinite period of time.

PROBATIONARY employee --Those employees who, upon satisfactory completion of the probationary requirements, are expected to become classified employees.

TEMPORARY employee – Those employees who are appointed for specific periods of time or occasional work, to include provisional, emergency, and student appointments, as provided for in Rule 9, Sections 9-4 through 9-7, respectively, of the Personnel Rules and Regulations.

VOLUNTEER – Those employees who serve without compensation or with a token compensation which qualifies for exemption under the Fair Labor Standards Act.

CONTINGENCY – Those employees who are hired to meet the immediate requirements of an emergency condition which threatens life or property, such as fire, flood, earthquake, riot, etc.

EMPLOYEE DEVELOPMENT – All types of training programs, both formal and inservice, for the purpose of improving both the quality of service of the employee and his/her chances for advancement.

ENTRANCE LIST – A list of up to five applicants from outside the City classified workforce. For placement on the Entrance List, the applicants shall have qualified through the competitive appointment process by meeting required minimum qualifications for the vacant position and participating in the appropriate examination as required for the position. The applicants shall be placed on the Eligible list in the order determined by their composite appointment score.

EVALUATION – The system which has been established for evaluating an employee's performance by his or her supervisor. Evaluations are made "as of" the first month, the third month, and the fifth month of the six-month probationary period; on the first, sixth and eleventh month of the 12-month probationary period; and, on an annual basis thereafter. The supervisor arrives at a rating by comparing an individual employee's performance against the performance standards for his/her position.

EXAMINATION – The process of testing, evaluating, or investigating the efficiency, fitness, and qualifications of applicants. Examples include:

Written examination – To measure the applicant's knowledge, skills, and abilities, in job-related factors considered important in the performance of the job classification for which considered.

Oral interview – A personal interview in which the department head, supervisors, or non-staff technical advisors meet with the applicant and determine

from a structured or unstructured line of questioning whether or not the applicant has job-related traits appropriate for the position for which considered.

Work sample – A set of specific tasks to allow the applicant to demonstrate that he/she is capable of following prescribed instructions on the job and demonstrate his/her ability related to the job.

Medical and psychological examinations – Performed by licensed professional personnel, as appropriate, to determine that the applicant is physically and mentally capable of accomplishing duties required of the position.

Rating of education, experience, training, residency and veteran preference, and other special qualifications – Based on information contained in the application and other documentation, reference checks, and other sources subject to investigation as to truth and completeness and related to the position for which considered.

EXAMINEE OR COMPETITOR – An outside applicant or a Municipal Government employee who is an applicant for a position and who has applied to compete in an examination.

EXEMPT SERVICE – Those positions not included in the Classified Service as defined in the City Code Section 13-102

GENDER – Words importing the masculine gender include the feminine.

GRIEVANCE -- An employee's feeling of difference or disagreement; or, a misunderstanding, complaint, point of view, or opinion arising between an employee and his/her supervisor and/or employer regarding some aspect of employment, employment conditions, relationship between employee and employer, or some management decision affecting him/her. A grievance can be something real or alleged, or a misunderstanding concerning the rules and regulations or administrative orders involving the employee's health, safety, physical facilities, equipment or material used and/or other related items.

IMMEDIATE FAMILY – For purposes of these Personnel Rules and Regulations, this term shall include spouse, parent, child, sibling, half-sibling, grandparent, grandchild, and any other person deemed to be a close relative by the Mayor.

JOB RATE - 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.

LAYOFF – The involuntary nondisciplinary separation of an employee from a position.

LEAVE – An approved type of absence from work as provided for by these rules.

MILITARY TRAINING LEAVE – In accordance with TCA 8-33-109, the period of 20 working days or less, with pay, per calendar year, granted to employees who are members of a military reserve component, including members of the Tennessee Army and Air National Guard. Military training is 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.

NEPOTISM – Favoritism shown to relatives by reason of relationship rather than merit.

ON CALL – Being available at a designated place at a designated period of time.

OVERTIME – Authorized time worked by an employee in excess of the normal work cycle or work period.

OVERTIME PAY – Compensation paid to an employee for overtime work performed in accordance with these Rules.

PAY RANGE – One or more specific pay rates having a percentage relationship to one another, assigned to a class or group of position classes as the compensation for that class or group of classes.

PAY RATE – A specific dollar amount, expressed as either an annual rate, monthly rate, weekly rate, or hourly rate as shown in the pay plan.

PENSION – The annuity or lump sum payment received, based on the amount of previous contributions and earnings over the years, payable upon retirement from a municipal position.

PERFORMANCE – The manner in which an employee executes his/her assigned duties and responsibilities. Performance is evaluated by the immediate supervisor under the employee evaluation system.

PERSONNEL FILE – The file, which is maintained in the Personnel Office for each employee. It consists of such items as the application for employment and records of transfers, promotions, demotions, reinstatements, reclassifications, changes in pay, attendance, performance evaluations, leaves, disciplinary actions, counseling interviews, etc.

POSITION -- Any office or employment, whether occupied or vacant, full-time or part-time, consisting of a group of current duties and responsibilities legally assigned or delegated to one individual by competent appropriate authority. Not the same as "employee."

POSITION DESCRIPTION – A written document covering a group of duties and responsibilities assigned to an employee.

PROBATIONARY PERIOD – The designated period of employment after an applicant is appointed from the Classified Service Eligible List or an employee is promoted, during which he/she is required to demonstrate fitness for the position by the actual performance of the duty. The probationary period shall be 12 months for certified police and certified fire positions and 6 months for all other employees.

PROMOTION -- Assignment of an employee from one class to another which has a higher maximum rate of pay.

PROMOTIONAL LIST -- A list of qualified classified employees who have requested promotional consideration for a particular vacant position.

PROVISIONAL EMPLOYEE – An employee filling a position in the classified service without competition, pending the establishment of an eligible list.

RANK - The order in which names of applicants appear on an eligible list, based on their composite qualifications (written or oral examination scores, interview scores, physical test results, etc.)

RECLASSIFICATION – A classification action of a position upward, downward, or to a different classification based on sufficient changes in the kind, difficulty, or responsibility of work assigned to the position.

RECORDS – All records maintained on each employee, both in the Personnel Office and the departments. Such records include the personnel file, attendance records, records of disciplinary actions, counseling records, training accomplishments, etc.

REEMPLOYMENT LIST – A list of classified or probationary employees who have been involuntarily separated from City employment without fault of their own and who have requested consideration for appointment to future vacant positions for which qualified.

REGULAR APPOINTMENT – Appointment without time limitation or special restrictions as to continued employment to a classified position authorized to be filled and made as a result of certification as prescribed in these Rules.

REMOVAL – Separation of an employee on probation or for failure to meet the legal requirements for employment.

REPRIMAND, ORAL – 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 -A written notification to an employee by the employee's supervisor detailing performance or conduct which does not meet job expectations. A

copy shall be given to the employee with the opportunity to reply. The reprimand shall be filed in the employee's personnel file along with any response provided by the employee.

REQUISITION – Action taken by the appointing authority or designated representative to secure a list of eligible applicants from the Personnel Official.

RESIGNATION – Separation by the employee of the Municipal Government at the request of the employee.

RETIREE – A former City employee who has voluntarily resigned 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.

REVIEW, ANNIVERSARY - The date upon which an employee's work progress is to be reviewed, usually on an annual basis, at which time the employee's status and/or pay may be revised upward, downward, laterally; or, remain the same.

SENIORITY – The status of an employee which is acquired by continuous service with the government and which may be considered in promotions, lay-off, etc.

SEPARATION – Any type of action whereby an employee is removed from the municipal payroll.

SERVICE AWARDS – That award presented to an employee in recognition of faithful service rendered to the citizens of the City of Gallatin; or, an award given for a period of continued service.

SICK LEAVE – An absence due to non-occupational illness or injury.

STANDARDS – A set of definitive guidelines established by the department head for measuring an employee's performance. Each position within the classified pay plan shall have one or more measurable standards, and these serve as a foundation to determine whether or not the incumbent qualifies for a step increase on his/her anniversary review date. All references in this document to the term "standards" shall be synonymous with performance evaluation forms.

STANDING LIST – A list of qualified applicants maintained for a period of not more than six months from which the top applicants attain Eligible List placement as position vacancies occur. The order of placement on the Standing List is determined by each applicant's composite appointment score, as derived from examination scores, experience, education, residence and veteran preference, and other related factors.

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

SUPERVISORY EMPLOYEE – An individual having authority, in the interests of the Municipal Government, to perform one or more of the following: hire, transfer, suspend, layoff, recall, promote, demote, discharge, assign, reward, or discipline other employees, or effectively recommend such action. The exercise of such authority should not be of a merely routine or clerical nature, but must require the use of independent judgment. It is the intent that this definition applies to those individuals compensated as supervisory personnel.

SUSPENSION – An enforced leave of absence for disciplinary purposes or pending investigations of charges made against an employee.

TERMINAL LEAVE – The leave granted to a retiring or separating employee following his/her last workday. It usually consists of the unused vacation and/or unused compensatory time.

TERMINATION – The separation of an employee from the Municipal Government by resignation, layoff, disability, death, retirement, or dismissal.

TRANSFER – Assignment of an employee from one position to another position. Transfers can take place within a department; between departments; between positions of the same pay ranges; between positions of the same class; or, between positions of a different class.

VACANCY – An unoccupied budgeted position within the Municipal Government.

VACATION LEAVE – The leave granted within each calendar year for vacation purposes.

WORK CYCLE – The number of hours regularly scheduled to be worked beyond which overtime pay is normally required. The work cycle, also known as the work period, for the Police Department is 171 hours in 28 continuous days; for the Fire Department it is 212 hours in 28 continuous days; and, for all other departments it is 40 hours in seven continuous days.

WORK DAY – The scheduled number of hours an employee is required to work per day.

WORK WEEK – The number of hours regularly scheduled to be worked during any seven consecutive days, usually 40 hours, with special provisions made in those departments requiring additional work shifts or work hours.

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 3 – CLASSIFICATION PLAN

Section 3-1 Purpose

In accordance with Section 13-105 of the City Code, the classification plan provides a complete inventory of all positions in the City's service and an accurate description and specification for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities having the same meaning throughout the classified service.

Section 3-2 Composition of the Classification Plan

The classification plan shall consist of:

(a) A grouping in classes of positions in relation one to another which are approximately equal in difficulty and responsibility; which call for the same general qualifications; which can be equitably compensated within the same range of pay under similar working conditions; and which reflect the hierarchical structure of the organization;

(b) Class titles, descriptive of the work of the class, which identify the class; and,

(c) Written specifications for each class of positions.

Section 3-3 Use of Class Titles

Class titles are to be used in all personnel, accounting, budget appropriation, and financial records. No person will be appointed or employed in the City service under a title not included in the classification plan. This in no way precludes the City from using a working title different from the class title.

Section 3-4 Use of Class Specifications.

Specifications are conveyors of communication between the City Council, the Personnel Official, the classified service, and others of concern. They are to be interpreted in their entirety and in relation to others in the classification plan. Particular isolated phrases or examples do not fully define the class. Specifications are deemed to be descriptive and explanatory of the kind of work performed and not inclusive of all duties performed. The minimum qualification standards on class specifications should serve as norms for applicants coming into the class in order to assure that qualifications best suited for particular class are obtained.

Section 3-5 Use of the Classification Plan

The classification plan is to be used:

(a) As a guide in recruiting and examining candidates for employment;

(b) In determining lines of promotion and in developing employee training programs;

(c) In determining salaries to be paid for various types of work;

(d) In determining personal service items in departmental budgets; and

(e) In providing uniform job terminology understandable by all City officers and employees and by the general public.

Section 3-6 Administration of the Classification Plan

The Personnel Official, in conformity with the City Code, Section 13-104, is charged with maintenance of the classification plan so that it will reflect the duties performed by each employee in the classified service and the class to which each position is allocated. It is his/her duty to examine the nature of the classes in conformity with Section 3-7 of this Rule; to make changes in the classification plan as are made necessary by changes in the duties and responsibilities of the existing positions; and, to periodically review the entire classification plan and recommend changes.

Section 3-7 Allocation of Positions

Whenever a new position is established or duties of an old position change, department heads shall submit in writing, on forms prescribed by the Personnel Official, a comprehensive job description describing in detail the duties of such a position. The Personnel Official shall thereupon investigate the actual or suggested duties and shall then make appropriate class allocations or the establishment of a new class in accordance with the Personnel Ordinance and City Charter.

Section 3-8 Request for Reclassification

Any employee who considers his/her position improperly classified shall first submit the request to his/her supervisor or department head who, in conjunction with the Personnel Official, shall review such request as to its justification. If the department head believes such request is justified, s/he shall submit the same to City Council for approval. If the department head finds the request is not justified, s/he shall advise the employee of this decision in writing, and the employee shall have the opportunity to provide a written response to this decision, which response shall be placed in the employee's personnel file. Once an employee has requested a position reclassification, s/he shall be prohibited from requesting a reclassification of that same position for a period of twenty-four (24) months from the department head's prior determination.

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 4 - PAY PLAN

Section 4-1 Composition – Hourly Paid Employees

The pay plan shall consist of minimum and maximum rates of pay and, if appropriate, intermediate steps for each existing class of positions as adopted in accordance with Section 13-106 of the Municipal Code.

Section 4-2 Maintenance of the Hourly Pay Plan

The pay plan is intended to provide fair compensation for all classes in the classification plan. The plan is predicated on general rates of pay for similar employment in private establishments and other public jurisdiction in the area, the financial condition of the City, and other factors. To this end, the Personnel Official will, from time to time, normally on an annual basis, make comparative studies of all factors affecting the level of pay ranges. The Personnel Official, in consultation with the Finance Director, will then recommend to the Mayor such changes in pay ranges as appear to be in order. The Mayor will then submit the pay plan to the City Council for adoption according to the Municipal Code, Section 13-106 (b).

Section 4-3 Step Increases Within the Same Pay Grade

(a) No employee shall be paid more than the maximum step level of that position classification.

(b) The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances (such as the inability to fill the position at the hiring rate or exceptional qualifications of an applicant) warrant employment of an employee at a higher rate in the pay range. The department head may appointment an applicant up to step 3 of the pay schedule with approval from the Director of Human Resources. Placement of an applicant above step 4 at the time of hire will require the approval of the Director of Human Resources and the Mayor. Consideration should be given to the skills and experience of the individual being hired in relation to current placement on the schedule of current employees.

(c) Except as may be authorized elsewhere in this Rule, increases shall be granted no more frequently than annually, to be effected on the anniversary review date. Effective on that date:

If the employee is currently below the maximum step level of that position classification, he/she shall be advanced to the next higher step, provided his total annual performance evaluation rating is in the acceptable range or higher. If the total annual performance evaluation rating is unacceptable or marginal, the employee shall not qualify for a step increase until the following anniversary review date. No employee shall be granted a step increase at any time when his/her overall performance rating is less than acceptable.

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

The following pay rates shall be established when an employee is promoted, demoted, transferred, or reclassified:

(a) When an employee is promoted to a position in a higher class, their pay shall be increased to the minimum starting rate of the new class or increased to the step in the new class that is closest to the employee's current salary with at least a 5% increase, whichever is greater, and they shall thereafter be eligible for subsequent step increases according to Section 4-3(c) above.

(b) When an employee is demoted <u>without cause</u> to a position for which he/she is qualified, he/she shall be placed at the step in the class to which demoted that equals his/her current pay rate but does not exceed the maximum pay rate of the lower position. If the demotion is taken <u>for cause</u> or if the demotion is requested by the employee pursuant to Rule 11, Section 11-2(d), the employee shall be placed at the entry level (Step 0) in the class to which demoted. (See Section 4-4(e) also.) Demoted employees shall thereafter be eligible for subsequent step increases according to Section 4-3(c) above.

(c) When an employee is transferred from a position of one class to another position within the same class, his/her pay shall continue at the same rate. The action shall have no effect on their review anniversary date and they shall thereafter be eligible for subsequent step increases according to Section 4-3(c) above.

(d) When an employee is reclassified to a position of one class to another position within a higher class, their pay shall be set as under the criteria for promotion in Section 4-4(a) above and their review anniversary date shall be changed to the promotion date. When an employee is reclassified to a position of one class to another position within a lower class, their pay shall be set as under the criteria for demotion in Section 4-4(b) above.

(e) 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.

Section 4-5 Pay Rate for Temporary or Seasonal Work

When employment is on a temporary or seasonal basis, only the minimum rate for that position for the time actually worked will be paid. The department head shall set the rate of pay within the constraints of his/her budget.

Section 4-6 Pay Rate for Reinstated Employee

An employee who is reinstated in accordance with Rule 11, Section 11-3, shall be placed at the step within their former class that will most closely compare with their former rate of pay without a decrease. The review anniversary date shall be recalculated to adjust for any break in employment, and thereafter the employee shall be eligible for subsequent step increases, based on their adjusted employment date, according to the criteria in Section 4-3(c) above.

Section 4-7 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 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.

(a) 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. 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.

(b) Payment of overtime and compensatory time shall be strictly governed and limited by budgetary appropriation.

(c) Personnel who are compensated by salary and determined to be exempt from the Fair Labor Standards Act are not entitled to payment of overtime.

(d) Law enforcement officers who are not otherwise salaried and exempted from overtime provisions of the Fair Labor Standards Act shall be paid overtime at the rate of one and one-half times their hourly rate of pay for all hours actually scheduled and worked in excess of 171 hours in a 28-day work period.

(e) Uniformed fire personnel who are not otherwise salaried and exempted from overtime provisions of the Fair Labor Standards Act shall be paid overtime at the rate of one and one-half times their hourly rate of pay for all hours actually scheduled and worked in excess of 212 hours in a 28-day work period.

(f) 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.

(1) Prior to any exemption from overtime and use of compensatory time, the department head shall notify the Personnel Official, who shall confirm that all criteria of the Fair Labor Standards Act have been met for such exemption.

(2) 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.

(A) 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.

(B) Employees other than those defined in Section 4-7(f)(2)(A) 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.

(C) Exceptions to the above require approval of the Mayor.

(3) 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.

(4) 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 4-8 Longevity Pay

In order to recognize those employees of the City who have provided continuous service to the government and create an incentive for employees to remain in the service of the City government, the City has adopted a Longevity Pay Plan as a supplement to the existing pay plan. The Longevity Pay Plan is adopted as additional compensation to be paid to the employees based on length of continuous employment. To be eligible, employees must be on the active payroll of the City of Gallatin as of November 30 of each year. Longevity pay, as set out herein, shall not be paid in any year if this pay plan is repealed prior to November 30 of that year.

YEARS OF SERVICE	$ PER YEAR
LESS THAN 5	0
5	150
6	175
7	200
8	225
9	250
10	275
11	325
12	375
13	425
14	475
15	525
16	600
17	675
18	750
19	825
20	900
OVER 20	900

Longevity payments will be made in a single amount each year, payable on the second Friday of December.

(a) 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.

(b) Any action which results in the removal of an employee's name from the payroll will constitute a break in service resulting in total loss of any accumulated time, unless the employee is reinstated by the City in accordance with its rules.

(c) For the purpose of this plan, employment with the City government shall be defined as that time worked within a department for which the employee receives compensation which is paid in accordance with the City's pay plan.

(d) For the purpose of completing the total service for longevity purposes, pension time will not be added to the length of service. For example, an employee who has five years active service, is on disability pension for five years, and returns to work, will be given only five years credit for prior service.

(e) An employee on a service or disability pension as of November 30 would not be considered to be on an active payroll for the purpose of longevity pay.

(f) Except as noted in Section 4-8(g) below, there will be no pro rata payments for individuals who are not actively employed as of November 30 of the current year.

(g) Employees who have completed at least five continuous years active service and are retired for disability upon the recommendation of a licensed medical practitioner will be entitled to longevity pay. The amount of longevity pay will be prorated based on the number of full months actively employed in the year of retirement.

Section 4-9 Reporting Pay

An employee who reports for a regularly scheduled shift and is unable to perform assigned duties through no fault of their own will be paid a minimum of two hours pay at their straight-time rate. This compensation shall be known as "reporting pay" and is intended to offset the employee's expense and effort in commuting to and from work for an incomplete shift. The department head will evaluate the circumstances which cause the employee to be released from work and will authorize the reporting pay.

(a) Reporting pay will not be paid under any one or more of the following circumstances:

(1) When an employee is capable of performing alternate work consistent with this job qualifications and is assigned that alternate work at the same or higher rate of pay as that of the regularly assigned position;

(2) When an employee is absent without leave on the shift immediately preceding the incomplete shift on which reporting pay would otherwise be appropriate. Absence without leave is determined by the criteria contained in Rule 16, Section 16-10;

(3) When the employee is able to perform his/her regularly assigned job or alternate duties for at least two hours after reporting for work. For periods of less than two hours, reporting pay will be authorized by the department head only to the extent necessary to provide the employee two hours total compensation for the interrupted shift. For example, if the employee begins work at 7:00 a.m. and is sent home at 8:30 a.m., he/she will be paid one and one-half hours at the straight-time rate and ½ hour reporting pay; and/or,

(4) When the employee is unable to complete his/her shift due to circumstances beyond his/her control, reporting pay is limited to those instances in which the employee is unable to work due to work-related circumstances beyond his/her control. Examples appropriate for reporting pay are sanitation crews unable to work because of ice and snow and closure of the Resource Authority, or clerical workers unable to operate equipment due to interruption of electric power.

(b) Reporting pay is not considered "hours worked" for computation of overtime pay under the Fair Labor Standards Act. For example, an employee working 40 hours in a 7-day work week and receiving two hours reporting pay will not be paid overtime since his/her hours actually worked did not exceed 40.

Section 4-10 General Pay Increases

The City Council may, at its discretion, approve from time to time a general pay increase to adjust for cost-of-living or market wage conditions. In the event such increase is approved, its percentage equivalent shall be applied equally to all grades of the pay plan in order to maintain the same degree of spread between grades and steps within grades.

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 5 – RECRUITMENT AND EMPLOYMENT

Section 5-1 Recruitment

The Personnel Official shall make every effort to attract qualified applicants to compete for positions in the Classified Service. Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified applicants for the various types of employment positions. Recruitment, therefore, shall not necessarily be limited to residents of Gallatin; however, in cases where residents and nonresidents are equally qualified for positions presently vacant, the resident shall receive first consideration in filling such vacancies.

Section 5-2 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 10, Section 10-9. for special circumstances). 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.

Section 5-3 Acceptance of Applicants

Applications for employment shall be accepted at any time. As a result of a single application, an applicant shall be considered for all classes of positions in which his/her principal qualifications might be profitably used. Each applicant for municipal employment shall make application in the manner prescribed by the Personnel Official. Such information may be required as is necessary in order to judge the applicant's merit and fitness.

Section 5-4 Minimum Qualifications

The Personnel Official may, after consultation with the department head concerned and City Council, prescribe minimum qualifications as required for the nature of work to be performed. Upon approval by the Mayor, such requirements shall be announced to all applicants.

Section 5-5 Rejection of Applicants

The Personnel Official shall reject any application and remove his/her name from any eligible or standing list, if applicable, whenever:

(a) The application is incomplete or contains material omissions or false statements;

(b) The applicant does not possess minimum qualifications as contained in the job description;

(c) Adverse reference checks indicate a record of unsatisfactory past employment or otherwise suggest unsuitability for employment;

(d) Medical or psychological data shows that the applicant has physical or mental conditions that would likely prevent satisfactory performance of duties;

(e) The department head responsible for the area in which the position vacancy exists determines in a pre-employment interview that the applicant, for job-related reasons, is not qualified for the position;

(f) The applicant does not respond to a mail inquiry within seven days, does not return a telephone inquiry within two days, or fails to report for a scheduled exam or interview without making alternative arrangements;

(g) The applicant declines the position for which being considered; or,

(h) The applicant requests removal of his/her name from consideration for employment.

Section 5-6 Department Head Recruitment and Selection Procedures

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.

(a) The Recruitment of Applicants:
Before filling any department head position at the City of Gallatin, an internal and external search must be conducted simultaneously. The process as described below may be modified as circumstances warrant with appropriate approvals by the Mayor and City Council.

(1) Advertising/Posting Vacancy:
A position description and appropriate pay range must be authorized by the Mayor and approved by the City Council. The Director of Finance and the Director for Human Resources will review and confirm that the position is included in the approved budget and funded at the level to be advertised. The search packet will include:

- The finalized position description

- An advertising/recruitment plan. The listing may include, but is not limited to: professional journals, minority outreach listing, Volunteer State Community College website, Department of Labor website, City of Gallatin website, departmental in-house postings, local newspapers, Career Builder – The Tennessean, and other sources identified by the Council.
- The duration of the job posting is internally seven days and externally a minimum of 30 days
- If necessary, a listing of the committee members including the names, race and gender of the proposed committee members.

Human Resources will post the department head position for seven days internally. Human Resources will post the position on the City of Gallatin website, distribute postings to each department, and advertise with any outside entities, including minority outreach, as previously identified in the advertising plan. All advertisements must include the abbreviated EEO nondiscrimination statement.

All inquiries regarding the position from potential candidates should be forwarded to the Director for Human Resources.

(2) Minimum Amount of Time for Advertising:
Department Head job vacancies shall be advertised for a minimum of thirty (30) days.

(3) Application Process:
All prospective applicants must complete the City of Gallatin application form, as well as any additional materials requested. In this way, all applicants will be strongly encouraged and given an opportunity to indicate their status as a member of a protected group and there will be consistency in the application material received.

(4) The Applicant Pool
The applicant pool must generally reflect the availability data for the defined vacancy in that labor market or field as determined by the HR Director based upon census data and recruitment area desired for the position. The HR Director will confirm that the pool has been certified to the City Council.

(5) Review of Applicant Pool:
Human Resources will pre-screen the application pool for minimum qualifications and forward those meeting minimum qualifications to the Council.

An expert panel from the field where the department head vacancy occurs will be recommended by the Director of Human Resources and approved by the

Mayor and City Council. Individuals within the community may offer their assistance and be considered for service on the panel.

The panel will recommend and forward for approval a list of candidates for interview. The Director for Human Resources will review the pool for adequate representation of females and minority candidates. The Human Resources Director shall present to the City Council all efforts to recruit minority and female persons.

(6) Interviewing Process:
Upon receiving the necessary approval by Council, the Director of Human Resources will schedule interviews. The expert panel members and each City Council member will individually interview each candidate. Prior to the interview, the Council members and expert panel shall, in addition to becoming familiar with the applications, review the position summary/job description, required qualifications, and the advertisement. Human Resources Director will provide appropriate interview inquiries.

(7) Checking References:
Since reference checks provide useful indicators for predicting the applicant's potential for success, the interests of both the City of Gallatin and the applicant are served by reference checking. A listing of questions to ask for references will be provided by the Director of Human Resources to the Council members and/or expert panel members.

(b) The Appointment of an Applicant:
(1) Procedure for Recommending Appointments:
Specific Department heads per municipal code shall be required to maintain their residence either within the corporate limits or within two (2) miles of the corporate limits, but in no event outside the boundaries of Sumner County, Tennessee; provided, however, that this residency requirement does not apply until ninety (90) days after their appointment.

All officers of the city, except the city attorney, shall devote all of their time to their respective offices.

The expert panel will recommend a candidate for appointment to the City Council. The City Council then will consider for appointment the candidate recommended. Department heads shall be appointed by a majority vote of the councilmembers present, and shall serve at the will of the council.

If a majority vote does not occur, the expert panel will recommend another candidate to the City Council. This process will continue until the Council has a majority vote.

Once a majority vote occurs, the department head's appointment will be approved by resolution. The Director for Human Resources will forward a request to offer to the Mayor and City Council containing the following supporting material:

- All completed reference checks
- Justifications to support the decision
- The proposed salary – Salary recommendations will be in agreement with the pay plan.
- Proposed effective date.

The Office of Human Resources will provide an offer of employment to the candidate for signature. Human Resources will also provide a background authorization form, and inform the candidate of physical screening requirements.

Any official communication regarding the offer shall be through the Director of Human Resources. Candidates shall communicate any changes in acceptance through the Director of Human Resources.

(2) Prior Approval for Employment:
Under no circumstance shall a commitment be made to an applicant until the Office of Human Resources has reviewed and approved the recommendation for employment.

(3) Notification of Applicants:
Using the applicant tracking system, the Office of Human Resources will update the status of the remaining candidate pool to notify the remaining candidates for Department Head that the position has been filled. If a position is re-opened, all applicants shall be apprised of the status of his or her application.

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 6 – EXAMINATIONS

Section 6-1 Recruitment by Examination

In accordance with Section 13-107 of the City Code, all appointments in the Classified Service shall be made according to merit and fitness and may be subject to competitive examinations to fairly and impartially test applicants in those matters related to their capability and fitness to efficiently perform the duties of the position for which tested.

Section 6-2 Admission to Examination

Admission to examinations shall be open to all applicants who, according to the determination of the Personnel Official, have properly applied for the position within the time frame established and have shown in their application and other documentation that they meet or exceed the minimum qualifications of the position as contained in the job description. Each qualified and scheduled applicant shall be notified of the date, time, and location of the test site and such notification shall be sent by first class mail at least 10 calendar days prior to the date of testing. No person shall be authorized to take a competitive examination without prior written authorization of the Personnel Official. For purposes of filling entry-level positions only, any time frame for application established pursuant to this rule may be waived if it is determined by the Personnel Official in conjunction with the appropriate Department Head that such waiver is in the best interest of the City.

Section 6-3 Types of Examinations

Competitive examinations to establish standing lists and eligible lists for appointment to the classified work force may consist of, but not be limited to, one or more of the following, as determined by the Personnel Official under direction of the Mayor:

(a) Written examination – To measure the applicant's knowledge, skills, and abilities, in job-related factors considered important in the performance of the job classification for which considered.

(b) Oral interview – A personal interview in which the department head, supervisors, or non-staff technical advisors meet with the applicant and determine from a structured or unstructured line of questioning whether or not the applicant has job-related traits appropriate for the position for which considered.

(c) Work sample – A set of specific tasks to allow the applicant to demonstrate that he/she is capable of following prescribed instructions on the job and to demonstrate abilities relating to the job.

(d) Medical and psychological examinations – performed by licensed professional personnel, as appropriate, to determine that the applicant is physically and mentally capable of accomplishing duties required of the position.

(e) Rating of education, experience, training, residency and veteran preference, and other special qualifications-based on information contained in the application and other documentation, reference checks, and other sources subject to investigation as to truth and completeness and related to the position for which considered.

Section 6-4 Rating Examinations.

Scores developed in the examinations administered as indicated in Section 3 shall determine the applicant's placement on the standing list for the position for which tested. There shall be no minimum passing score and all applicants properly completing the required competitive examination shall be placed on the standing list provided no disqualifying factor exists as indicated in Rule 5, Section 5-5. Additional criteria for promotional examinations, when necessary, may be developed by the department head, Personnel Official, and Mayor. Examples of such criteria are seniority, evaluation scores, and overall employment records.

Section 6-5 Hiring Preferences

(a) Veteran's Preference – Each applicant for original appointment who has been honorably discharged from the armed forces of the United States and who has served therein during a period of war, shall have preference added to his/her examination rating as defined in the Tennessee Statutes, Chapter 32, Section 8-30-306, as follows:

Veterans	--	5 points
Disabled veterans	--	10 points

Provided, however, that such person shall have made a passing score on all parts of the examination, and provided further that such applicants are entitled to veteran preference on entrance examination only. No veteran preference points will be allowed for promotional examinations.

Veteran preference points shall be given for service in the following periods and the applicant shall be given credit only for service during the dates listed:

World War II - December 7, 1941 to December 31, 1946
Korean Conflict - June 25, 1950 to January 31, 1955
Vietnam Conflict - February 28, 1961 through May 7, 1975
Grenada/Lebanon - August 24, 1982 - July 31, 1984
Panama - December 20, 1989 - January 31, 1990
Persian Gulf War - August 2, 1990 - (not determined)

(b) Residency Preferences. Each applicant for original appointments whose permanent residence is within the city limits of Gallatin, Tennessee or outside the city limits of Gallatin, Tennessee but within Sumner County, or within any county adjacent to Sumner County shall have preference points added as follows:

Resident within city limits of Gallatin – 8 points

Resident outside city limits of Gallatin – 5 points

Resident within County adjacent to Sumner County – 1 point

Proof of residency shall be evidenced by such documentation as requested and approved by the Mayor, which shall include but not be limited to voter registration, driver's license, property tax roll, utility billing, school records and other such written documentation.

(c) Prior Temporary Employment. Each applicant for classified appointment who has prior service as a temporary employee with the City of Gallatin shall be granted an additional 2 points preference for each full month of prior temporary employment that meets the following criteria:

(1) Temporary employment must have been in the same job-related field in which the applicant is being considered for classified appointment. For example, employment as a lifeguard shall provide no preference toward classified appointment as a general worker;

(2) The applicant must have been a temporary employee in the most recent 12-month period preceding the closing date for the classified vacancy; however, preference points shall then be granted for all related temporary employment during the three-year period preceding the closing date for the classified vacancy;

(3) The applicant must be fully qualified for the classified position, e.g., possess a valid driver's license or other certification as required for the position, if applicable, not be "closely related" to another classified employee within the department (see Rule 17, Sec. 17-16, etc.; and;

(4) All periods of temporary employment in the most recent three-year period preceding the closing date for the classified vacancy shall have been terminated under favorable circumstances and, in all such periods, all factors of service (such as attendance patterns) were considered satisfactory (see Rule 9, Sec. 9-7.b.)

Section 6-6 Medical Examinations

The following provisions shall apply to medical examinations:

(a) Initial Medical Examination. After offering a position of employment to the applicant, the applicant shall be required to undergo a medical examination to determine their fitness to perform the work and the essential functions of the position to which appointment is offered. All such applicants shall be required to obtain certification from the examining physician certifying that the person meets the minimum physical and mental standards for the essential functions required by the position. The examining physician shall be a licensed practicing medical doctor designated by the Personnel Official and confirmed by the Mayor. The medical certificate shall be completed no later than the day prior to the first day the applicant is to begin employment duties. Any applicant rejected for not meeting the minimum fitness standards of physical and mental ability to perform the essential functions shall not be appointed to the classified service. The physical examination shall be at no expense to the applicant.

(b) Post employment examinations. As a condition of continued employment, all employees must continue to meet minimum fitness standards required by the position to which appointed. Any employee may be required by his/her department head to undergo a physical or mental examination to determine whether he/she is physically and/or mentally able to perform the required duties. The cost of the examination, limited to diagnostic procedures deemed appropriate by the examining physician or other professionals to whom the employee has been referred by the examining physician to determine fitness and not inclusive of any treatment subsequent thereto, shall be at no expense to the employee. The examination shall be accomplished by a licensed medical practitioner or practitioners as designated by the Personnel Official and confirmed by the Mayor. Examiners may additionally include such professional practitioners as may be recommended by the initial examiner. The examination shall be sufficiently extensive to reasonably ascertain whether or not the employee is capable of performing the required duties.

(c) Medical Examination Board. When an employee of the City is determined by the examining physician as not meeting the minimum fitness standards required by the position to which appointed, he/she may request consideration by a Medical Examination Board. Such a request must be submitted by the employee or his/her authorized representative, in writing, to the Personnel Official within five days of the notification by the examining physician. The Personnel Official shall designate, subject to confirmation by the Mayor, a Medical Examination Board comprised of three licensed, practicing medical doctors. The Medical Examination Board shall review all evidence and shall render an opinion which shall be final and binding as to the physical or mental fitness of the employee to perform the work of the position in which he/she is employed. The employee is responsible for all costs of the Board if the Board concurs in the findings of the examining physician that the employee is physically or mentally unfit for continued employment.

(d) Separation or Transfer. If found physically or mentally unfit for the position in which employed, the employee shall be transferred or demoted to an available position for which he/she is determined to meet the minimum fitness standards as determined by the examining physician. If no such position is available or the employee declines such a transfer or demotion, he/she shall be separated from the City service.

(e) Screening for alcohol/controlled substance. In the event a department head has reasonable cause to believe that an employee is working with impaired abilities as the result of use of alcohol or illegal controlled drugs, he/she will order an examination to verify the extent, if any, of such impairment. Prior to the issuance of such an order, the department head will, in all cases, adhere to the full provisions of this Section and Rule 17, Section 17-22.

(1) "Reasonable Cause" Defined. A reasonable cause appropriate for alcohol or drug testing may exist under one of the following circumstances:

(A) The employee is involved in an accident on the job and the preliminary investigation indicates that the employee's performance significantly contributed to the accident; and/or

(B) The employee commits serious or repetitive errors in the job environment which fall short of accidents but could lead to an accident and are reasonably likely to be limited to drug/alcohol use; and/or

(C) The employee's character or behavior changes in such a way as to be symptomatic of drug/alcohol use. Such changes are often characterized by mood swings and changes in appearance, attitude, speech, and work habits.

(2) Because of the subjectivity of the criteria for "reasonable cause" as defined above, at least two of the employee's supervisory personnel must concur that there is sufficient basis to believe that the employee's abilities are impaired due to probable drug or alcohol use. Supervisors making such an evaluation are to base their opinion on what constitutes "normal" behavior from prior observation of the employee.

(3) If the department head orders the medical screening, he/she will direct the employee, accompanied by his/her immediate supervisor, to report to the nearest medical facility or physician's office as designated by the Personnel Official to accomplish the appropriate medical tests to determine the presence or absence of alcohol or drugs.

(4) Disposition Awaiting Results of Screening. The employee will be suspended pending investigation and/or hearing as authorized in Rule 12.

(5) Negative Results. If the results of the screening are negative (do not confirm impairment,) the employee will be immediately reinstated with full pay and benefits; and hours of work that were missed as a result of the suspension will be paid at his/her normal straight-time rate in effect at the time of absence. All evidence of screening will be removed from the employee's file and will have no effect on his/her future career.

(6) Positive Results. If the results of screening are positive (confirming impairment,) the department head will request the Personnel Official to obtain a more extensive confirmation using the same urine or blood specimen as originally screened. Pending receipt of the confirmation report, the employee will remain on suspension. If the confirmation screening is negative, action will be taken under Section 6-6(e)(5) above. If the confirmation screening is positive

(A) And the employee is a temporary, volunteer, or probationary employee, he will be terminated without rights to appeal. The period of suspension will be considered unpaid absence.

(B) And the employee is in a classified status, the department head will determine appropriate disciplinary action in accordance with Rule 12.

(7) Refusal to Undergo Screening. In the event an employee refuses to undergo screening that has been ordered consistent with the previous criteria, he/she will be immediately advised by his/her department head that the order is a lawful and reasonable requirement for continued employment, consistent with these Rules; that provisions for screening are intended to protect employees by establishing conclusive medical evidence; and, consequences of failure to undergo screening as required. If the employee persists in his/her refusal

(A) and he/she is a temporary, volunteer, or probationary employee, he/she will be terminated without rights to appeal.

(B) and the employee is in a classified status, the department head will determine appropriate disciplinary action in accordance with Rule 12.

(8) Appeal Rights. An employee required to undergo alcohol/drug screening shall not be afforded rights to a Medical Examination Board as contained in Section 6-6(c). of this Rule; however, classified employees may appeal disciplinary decisions as allowed in Rule 12.

(9) Additional requirements for alcohol and drug screening may be imposed by Federal and State laws and regulations for certain categories of employees. Such requirements shall take precedence over these Rules. (See Rule 17, Section 17-22)

RULE 7 – (RESERVED)

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 8 – ELIGIBLE LISTS

Section 8-1 Establishment of Eligible Lists

The Personnel Official shall establish and maintain an Eligible List of qualified applicants as follows:

(a) Reemployment List. Any classified or probationary employee who has been involuntarily separated from City employment without fault of their own (e.g., lay-off due to lack of funds or abolishment of position) may request reemployment consideration and their name shall be placed on the Reemployment List for any position vacancy for which they are qualified. Such request must be submitted in writing to the Personnel Official within three months of the employee's separation. If more than one person is placed on the Reemployment List, placement shall be in the order of seniority. The former employee shall remain on the Reemployment List for one year from the date of separation or until reinstated or disqualified under one or more of the reasons indicated in Rule 5, Section 5-5.

(b) Promotional List. If there is no Reemployment List established for a position vacancy, the Personnel Official shall solicit applications from qualified classified employees by posting a Notice of Job Vacancy for not less than seven calendar days. Qualified employees shall be placed on the Promotional List in the order of their seniority or, if applicable, according to their ranking as determined by promotional examination (see Rule 6, Section 6-4).

(c) Entrance List. If there is no Reemployment List or Promotional List established, the Personnel Official shall 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 initial names are selected by the department head, he/she shall notify the Personnel Official in writing of the job-related reasons for nonselection. The Personnel Official shall then construct a supplemental Entrance List with another set of names from the Standing List. This process shall be repeated until the hiring decision is made.

Section 8-2 Standing Lists.

A standing list for each position vacancy shall be created from all qualified applicants who have completed all required competitive examinations as indicated in Rule 6, Section 6-3. The standing list shall remain in effect for not more than six months from the date it is established. Names shall be deleted from the standing list under the following circumstances:

(a) As they are used to create an Entrance List in accordance with Rule 8 Sec. 8-1(c);

(b) When the applicant has accepted another position within the City classified service; or,

(c) When the applicant is disqualified for one or more of the reasons contained in Rule 5, Section 5-5.

Section 8-3 Duration of Lists

Eligible Lists and Standing Lists shall be retained in force as follows:

(a) Reemployment Lists shall be retained for no more than one year from the date of the prior employee's separation or until disqualified under one or more of the reasons contained in Rule 5, Section 5-5.

(b) Promotional Lists shall be retained only for the period necessary to fill the current position vacancy. Classified employees desiring promotional consideration must submit a new application for each position during the seven calendar days in which the Notice of Job Vacancy is posted.

(c) Entrance Lists shall be retained for a period not to exceed six months; until the department head has interviewed and hired or disqualified all applicants appearing on the list; or, until all applicants are disqualified under one or more of the reasons contained in Rule 5, Section 5-5. As names are removed from the Entrance List, they are replaced by the highest standing applicant from the applicable Standing List.

(d) Standing Lists of at least 15 applicants shall be retained for a period not to exceed six months or until sooner exhausted by appointment or disqualification of all applicants under one or more of the reasons contained in Rule 5, Section 5-5. Whenever the appropriate Standing List is exhausted and a position vacancy occurs, and there are no qualified reemployment or promotional candidates, a competitive examination shall be scheduled by the Personnel Official. The vacancy shall be adequately advertised to ensure a sufficiently large number of qualified applicants in order to construct a new Standing List.

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 9 - APPOINTMENTS

Section 9-1 Procedure

Appointments of all employees shall be based on merit and fitness for the position, to be ascertained insofar as practicable by competitive evaluation. Such qualifications shall include the physical condition of the applicant. Preference shall be given to former employees of the Municipal Government who have good service records and are on the reemployment list.

(a) In accordance with the Personnel Ordinance, all vacancies in the Classified Service shall be filled by reemployment, promotional appointment, original appointment, provisional appointment, transfer, or demotion.

(b) Whenever the immediate supervisor wishes to have a vacancy (as defined by Rule 2) filled, he/she shall submit a requisition for each position for eligibles for appointment to the class of position for which the vacancy exists. The requisition shall be submitted to the Personnel Official on the prescribed form signed by the Mayor. The requisition shall request that the Personnel Official certify the names of persons eligible for the position or positions to be filled. It shall state the class, title, entrance salary, and location of the position and any other pertinent requirements of the position that the Personnel Official may deem necessary.

(c) Upon receipt of a valid requisition, the Personnel Official shall, in accordance with Section 9-2 of this Rule, certify to the department head the names and personnel records of those qualified candidates on the list for the class; or, authorize some other kind of appointment as provided for in these Rules. No appointment, except a temporary or provisional appointment, shall be made without such certification or prior authorization.

(d) Upon receipt of the certified names of those qualified candidates on the list for the class and the personnel records, the department head shall by means of further interviewing, investigating, reviewing an approved medical examination, and/or other appropriate means, select an employee to fill the position in accordance with Section 9-2 of this Rule. The department head shall immediately certify to the Personnel Official the name of the person appointed to the vacancy.

(e) In the absence of a certified list of qualified candidates, a provisional appointment may be made by the department head. See Section 9-4 of this Rule.

(f) During the period of suspension of an employee or pending final action on proceedings to review suspension, demotion, or discharge of an employee, a position left vacant by any such action may be filled by the department head

subject to the provisions of the Personnel Ordinance and these rules. See also Rule 11, Section 11-2, and Rule 12, Sections 12-8, 12-9 and 12-10.

(g) Vacant positions shall be filled after any budgeted vacancy exists in any classified position and where an appropriate register exists, in accordance with job qualifications and requirements and without discrimination as to race, religion, age, sex, political affiliation, or national origin.

Section 9-2 Certification

In accordance with Section 13-109 of the City Code, certification shall be made from existing lists in the following order of preference:

(a) Reemployment lists.

(b) Promotional lists.

(c) Entrance lists.

Upon receipt of a requisition from the department head to fill a classified position, the Personnel Official shall take action to construct a list of eligible applicants under the procedures set forth in Rule 5, 6, and 8. If, after diligent effort, the Personnel Official is unable to obtain qualified applicants to certify, he shall notify the department head in writing. A provisional appointment may then be made or the vacancy may be filled in any other manner provided for by these Rules. No appointment, except a temporary or provisional appointment, shall be made by the department head without such certification or prior authorization.

Section 9-3 Notification

All individuals eligible and certified in response to a properly executed personnel requisition shall be notified by the Personnel Official or a representative of the department wishing to make the hire, to interview with the department head within such time as may be designated by the department head. The department head shall immediately certify to the Personnel Official the names(s) of the person(s) appointed to the vacancy or vacancies.

Section 9-4 Provisional Appointments

When the Personnel Official is unable to certify eligibles for a vacancy or vacancies because there is no appropriate list of qualified candidates or because there is not a sufficient number of persons on appropriate lists willing to accept appointment, a provisional appointment may be made by the department head in accordance with Section 13-107 of the City Code. A provisional appointment may be made provided that employment lists shall be established for any such position within six months or the vacancy or vacancies may otherwise be filled in any other manner as provided by

these Rules. The department head shall immediately certify to the Personnel Official the name(s) of the person(s) appointed to the vacancy or vacancies.

(a) A "provisional employee" may serve only until the Personnel Official shall certify to the department head a qualified candidate(s) and may be removed at any time without charges, right of appeal, and hearing.

(b) In case of lay-off, it shall be made within classes of positions and all provisional employees in the affected class or classes shall be laid off prior to the lay-off of any probationary or classified employee.

Section 9-5 Emergency Appointments

In an emergency, the Mayor or authorized representative may appoint 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 any employment condition of which the department head had previous knowledge, or might have had previous knowledge with due diligence, shall not be considered an emergency under this Section. Emergency appointments shall be limited to a period not to exceed 30 days in any 12-month fiscal year.

Section 9-6 Student Appointments

Upon the authorization of the Mayor or designated representative, students majoring in fields of value to the City in qualifying, cooperating, accredited, educational institutions, may be appointed on an internship basis for a specified period of time not to exceed 12 months. These employees shall not be entitled to participate in the retirement program or to accumulate seniority, vacation time, sick leave, or other benefits that are allowed probationary and classified employees.

Section 9-7 Temporary Employees

The following shall apply to temporary employees:

(a) Persons who are employed to do seasonal or occasional work in those departments having intermittent periods of heavy workload or seasonal recreational patterns of operation shall be designated as temporary employees.

(b) Temporary employees shall be appointed by the department head without the competitive examination process as described within Rule 6 for appointment to the Classified Service; however, no temporary employee will be placed on the payroll and allowed to work until authorization is obtained from the Personnel Official or designated representative. Authorization will be provided only after the Personnel Official has determined that the prospective temporary employee meets the following criteria:

(1) All periods of prior employment with the City were terminated under favorable circumstances and, if the employee resigned from prior City employment, adequate notice was given. This restriction shall be waived by the Personnel Official in extenuating circumstances provided the hiring department head believes reemployment would be in the best interest of the City service.

(2) If previously employed with the City, all factors of service (such as attendance patterns) were considered satisfactory. This restriction shall be waived by the Personnel Official in extenuating circumstances provided the hiring department head believes that the applicant is qualified to perform the duties of the position.

(3) A review of the employment application and any other available information indicates that the applicant is qualified to perform the duties of the position.

(4) The applicant has provided appropriate identity and eligibility documents as required by the Immigration Reform and Control Act (Public Law 99-603.)

(c) Temporary employees shall be utilized for the number of hours as needed to accomplish the work for which employed, within the constraints of the departmental budget and the limitations as contained in Section 9-7(d) of this Rule. Their employment shall then be terminated without right to appeal or hearing.

(d) The department head, in appointing a temporary employee, shall limit the term of his/her employment, where possible, within a calendar year to 999 hours.

(e) The pay rate for temporary employees shall be established in accordance with Rule 4, Section 4-5 of these Rules.

(f) For those exceptions to employees who worked over 999 hours, an employee's total hours worked as a temporary/seasonal worker will be capped at 1508 hours per year. If an employee works in more than one department, then combined hours must not exceed 1508 per year. **It will be up to Department Heads to monitor temporary hourly employees to keep below the yearly 1508 hours worked limit.**

Section 9-8 Classified Part Time Employees

Any employee certified and appointed from an appropriate eligible list to work in a classified position at less than the established hours of employment for each day, week, or month, shall be classified as Classified Part-Time. Such an employee shall be assigned to one of the following four tiers by the Department and allowed to accumulate seniority, vacation time, sick leave, and other benefits accordingly: Tier

1-25 weekly hours, Tier 2-30 weekly hours, Tier 3-32.5 weekly hours, and Tier 4-35 weekly hours. He/she shall be eligible to participate in such benefits as insurance as provided by the carrier. Classified Part-time employees shall be required to satisfactorily complete a six-month probationary period, meet the acceptable work standards for the position during the period, and satisfy all other requirements of employment as is required of all other classified employees as provided for in these Rules.

Section 9-9 General Provisions

The following provisions shall apply:

(a) All temporary and provisional employees shall not normally be entitled to become members of the Retirement Plan unless they otherwise attain eligibility in conformance with the Tax Reform Act and provisions of the City's Retirement Plan document; nor shall they accumulate seniority, vacation time, sick leave, or other benefits that are allowed probationary and classified employees. Periods of temporary employment do not count towards the award of longevity pay and service awards.

(b) All temporary and provisional employees who pass the appropriate examination, attain a place on the eligible list, and are subsequently appointed to a classified position shall be required to satisfactorily complete the probationary period required for the department and meet the acceptable work standards for the position during the period as provided for in Section 9-10 of this Rule. This period shall be computed from the date of appointment to the classified position.

(c) All temporary employees must be processed by the Personnel Official.

Section 9-10 Initial Probationary Period

The probationary, or work-test period, shall be regarded as an integral part of the examination process and shall be utilized for all probationary or promotionally appointed employees to encourage and secure the most effective adjustment to their position in the service of the Municipal Government; for closely observing and evaluating work performance; and, for rejecting any employee whose performance does not meet the required standards of work for the position to which appointment is made.

(a) All probationary appointments, including promotional appointments, shall be for a probationary period of six months, except for 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.

(b) The employee's status shall not be changed to classified until the department head certifies that the employee has successfully completed the probationary period

and met the acceptable work standards for the position during the period as provided in this Rule.

(c) Each employee serving a probationary period shall have his/her performance evaluated in writing; personally discussed with him/her by his/her immediate supervisor; and, reviewed by the department head as of the end of the first, third, and fifth month of the six-month probationary period and as of the end of the first, sixth, and eleventh month of the 12-month probationary period. See Rule 14, Section 14-1.

(d) Prior to the expiration of an employee's probationary period, the department head shall notify the Personnel Official in writing, on forms provided by the Personnel Official, of the department head's decision as to whether the employee should be placed in the Classified Service, terminated, or, if the probationary period was for a position to which the employee was promoted, rejected. Failure of the department head to notify the Personnel Official of a termination or rejection prior to the expiration of the probationary period shall result in the automatic elevation of the employee into the Classified Service for that position.

(e) During the probationary period, an employee may be dismissed at any time, with or without cause, with no rights to appeals and hearing.

(f) An additional probationary period of up to six months beyond the initial probationary period may be requested by the department head if submitted in writing to the Personnel Official prior to the expiration of the initial probationary period. Upon such written request and pending review by the Personnel Official and approval by the Mayor, the probationary period shall be automatically extended. If the Mayor chooses not to approve the extension of the probationary period, then s/he must communicate this decision to the department head in writing. The department head shall then have five (5) business days to determine whether the employee shall be placed in the Classified Service, terminated, or, if the probationary period was for a position to which the employee was promoted, rejected.

(g) For accumulation of and rights to holidays, vacation leave, and sick leave during an approved, extended probationary period, see Rule 16, Sections 16-1, 16-2, and 16-3.

(h) When it is determined that a probationary employee is found to be afflicted with any mental or physical disease or defect that would prevent the satisfactory performance of the duties of the position which he/she seeks to hold; is addicted to the habitual use of narcotics or intoxicants; has failed to submit pertinent information requested; has practiced fraud or deception or made false statements concerning the job or in his/her application; or, when it has been determined that he/she has in any manner violated any one or more of the items listed under

Section 13-114 of the Gallatin City Code, or Rule 5, Section 5-5, the department head shall immediately terminate his/her employment.

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 10 – PROMOTIONS

Section 10-1 Promotion and Opportunities

It is the policy of the Municipal Government of the City of Gallatin to provide promotional opportunities whenever possible to qualified employees. Employees are encouraged to take advantage of those opportunities by qualifying themselves for advancement through further education and study; by passing the appropriate examination and attaining a place on the appropriate eligible list; and, by a high level of job performance, service, interest, and loyalty.

Section 10-2 Promotion Policy

In accordance with Section 13-113 of the Gallatin Municipal Code, promotions shall be based on merit and fitness to be ascertained insofar as practical by competitive evaluation. Vacancies in positions above the lowest rank in any category in the Classified Service shall be filled insofar as practical by the promotion of employees in the Service. With a view toward the selection of the best available candidate for each position, recruitment shall also be made from outside the Municipal Service; however, in cases where candidates are equally qualified for positions presently vacant, the promotional candidate shall receive first consideration in filling such vacancies.

(a) If no class reemployment list exists, the Personnel Official may certify the names of the top three qualified candidates ranked highest on the promotional list. The department head shall then fill the position(s) from those candidates available in the highest qualified rating.

(b) Except in rare cases as set out in Section 10-8 of this Rule, no classified promotional appointments will be made pending the furnishing of a competitive promotional list for filling the vacancy. When a higher position becomes vacant or is to be vacated, the Personnel Official will be notified immediately by the department head. The appropriate examination will then be announced and given as soon as possible for all eligible employees and the appropriate eligible list shall be prepared. The department head shall thereafter appoint someone from the top three candidates available in the highest qualified rating certified from the eligible list to fill the vacancy as previously set out in these Rules.

(c) Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation.

(d) All promotional appointments shall be for the probationary period required in that department. During the probationary period, the employee may be rejected at any time without cause and without right of an appeal or hearing when, in the judgment of the department head, the quality of the employee's work is not such as to merit continuation in the position.

(e) The Personnel Official, subject to the approval of the Mayor, shall determine the method of selection as described in Rule 5, and shall use one or more of the selection procedures and the certification process as described in Rule 9 when filling a vacancy by promotion.

(f) The Personnel Official, after consultation with the department head, shall in each case determine whether an open competitive examination or a promotional examination will best serve the interests of the Service in attracting well-qualified candidates.

Section 10-3 Promotional Examinations

The term "promotional examination" signifies a fitness test to determine the relative standing of promotional candidates for positions in the separate class. A promotional competitive examination may include eligible employees in specific classes in all departments, a few departments, or only in the department for which the eligible list is being established.

(a) The Personnel Official and department head, subject to approval by the Mayor, shall determine whether or not the promotional opportunities will be restricted to a specific class or classes of qualified applicants in the departmental unit or units eligible to compete, or whether or not they will be available to all employees in the Classified Service.

(b) Except as provided for in this Rule, procedures as set out in Rule 6 shall apply in the announcement, inspection, etc., of promotional examinations.

Section 10-4 Types of Promotional Examinations

Promotional examinations may consist of the same type of tests as are prescribed for entrance examinations. Promotional examinations shall give credit for seniority by adding a percentage, determined by the Mayor, to the final score of a candidate. Credit may also be given for City service merit ratings. Veteran preference shall apply to entrance examinations only.

Section 10-5 Eligibility to Compete in Promotional Examinations

Promotional examinations shall be open only to employees in the Classified Service who have completed their initial probationary period and have met the acceptable work standards for the position during the period as provided for in these Rules. (See

Section 10-9(a) of this Rule for exception). No employee shall be deemed eligible for a promotional examination whose last service rating was not in the Acceptable range or higher. He/she shall possess the minimum qualifications for the position for which the examination is to be held, and his/her most recent service rating must be such as to show a quality of service high enough, in the judgment of the department head and the Personnel Official, to justify consideration for promotion.

Section 10-6 Notification

Whenever the Personnel Official orders or conducts a promotional examination, notice of such examination shall be published and posted in the department or departments in which eligible persons are employed. It shall be the duty of the department head in each department where eligible persons are employed to see that each eligible person is notified of the examination or has access to such notice. When a promotional examination is to be given, the Personnel Official shall advertise the examination in such a manner that eligible employees in the Classified Service will have an opportunity to take the examination as provided for in these Rules. Notices of promotional competitive examinations need be circulated only in areas where there are employees eligible to compete.

Section 10-7 Application

The Personnel Official may require that each eligible person who cares to compete for promotion must fill out application blanks as prescribed and present his/her application on or before a specified date.

Section 10-8 Promotion Without Examination

In exceptional cases, the Mayor may authorize the promotion without competition of an eligible employee upon presentation by the department head of a written statement showing that the duties performed by the employee nominated are natural preparation for the higher position; that such employee is entitled to promotion by reason of service and effective performance; and, that no other employee of the department meets the foregoing conditions. In the event the Personnel Official finds that the number of persons qualified to compete in a promotion examination is more than one, but not more than two, he/she may, without further examination, certify as eligible for promotion the names of these qualified persons to the department head.

Section 10-9 Special Job Requirements

In some cases, be it a promotion, transfer, demotion, or entrance hire, a “special job requirement” may not have been met by the applicant. In such cases if no candidate has met such qualifications then a Department Head may promote, transfer, demote, or hire from an entrance list the person best qualified for a job and allow said person to obtain certification in a specified period of time but in no case longer than 6 months. If a person is voluntarily demoted or transferred, or hired from an entrance

list and they do not obtain the "special job requirement" within the specified time period, they would be terminated from employment with no right of appeal.

(a) 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.

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 11 – TRANSFERS, DEMOTIONS, REINSTATEMENTS

Section 11-1 Transfers

Any employee in the Classified Service who has successfully completed their probationary period may be transferred, at the discretion of management or at the request of the employee, upon management approval, to the same or similar position in a different department without being subject to an additional probationary period. Transfers may be made as a result of, but shall not be limited to, layoff; the abolishment of a position; to provide further training and development of an employee in another position that would be beneficial to the future staffing potential of the City; and, to meet the personal needs of the employee as is consistent with other requirements of this Rule.

(a) Transfers of employees other than Classified may be made at any time at the discretion of management as provided for in these Rules, provided that an employee so transferred while serving in a probationary status shall continue to be governed as set out in Rule 9, Section 9-10.

(b) Transfer of any employee from one position to another without significant change in level as provided for in this Rule may be initiated only when the employee meets the qualification requirements for the position and when it can be shown that the move is in the best interests of the City.

(c) A department head desiring to make a transfer of an employee or a classified employee desiring to be transferred should make his/her request known in writing to the Personnel Official. As vacancies occur in other departments to which the transferee would be eligible to transfer, his/her name will be submitted to the department head for consideration. If the department head is willing to accept the employee as provided for in these Rules, the employee must then have his/her request for such transfer approved in writing by his/her department head, the department head receiving the employee, and the Personnel Official. Final approval rests with the Mayor.

(d) No employee shall be eligible for transfer whose last service rating was not in the Acceptable range or higher.

(e) All transfers of any employee are required to be processed by the Personnel Official with approvals as set out in this Rule.

(f) When an employee in a position of one class is transferred to the position of another class of the same or equal level, he shall continue to be paid at the same step rate with no effect on his review anniversary date.

(g) Nothing contained in these Rules or the Ordinance shall be construed as affecting the power of the City Council of the City of Gallatin to abolish positions in the Classified Service.

Section 11-2 Demotions

The department head may demote an employee in the Classified Service to a position of lower grade for which he/she is qualified for any of the following reasons:

(a) Because his/her position is being abolished and he/she would otherwise be laid off;

(b) Because another employee returning from authorized leave granted in accordance with Rule 16 will occupy the position to which the employee is currently assigned;

(c) The employee does not possess the necessary qualifications to render satisfactory service in the position he/she holds;

(d) The employee voluntarily requests such demotion; or,

(e) When it has been determined that the employee has in any manner violated any one or more of the items as listed under Rule 5, Section 5-5, or as set out in 13-114 of the City Code as follows:

(1) Dishonesty, intemperance, immoral conduct, insubordination, failure to adhere to rules and regulations or other written instructions, any other act of omission or commission tending to injure the public service, any other willful failure on the part of the employee to conduct himself/herself properly, or any willful violation of the provisions of these Rules or the Ordinance;

(2) Conviction of a felony, a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon the ability to perform public service and for which a jail sentence is imposed; and/or,

(3) Any other act or failure to act which, in the judgment of the department head, is sufficient to show that the person is an unsuitable and unfit employee, including active political campaigning on a partisan basis.

In accordance with Section 13-114 of the City Code, notice of such action must be in writing on forms provided by the Personnel Official and served personally on such employee, except where an emergency situation exists, in which case the notice shall

be served within three working days of the action taken. Such notice shall specify the penalty and contain a statement of charges or the reason for the action taken. The provisions of this section shall not apply to reductions in pay which are a part of the general plan to reduce salaries and wages or to eliminate positions. Upon demotion, the pay rate will be determined in accordance with Rule 4, Section 4-4(b).

Nothing herein contained in these rules or the Ordinance shall be construed as affecting the power of the City Council to abolish positions in the Classified Service.

In accordance with Section 13-114 of the City Code, pending final action on proceedings to review the demotion of an employee, such position may be filled by the department head subject to the provisions of the Ordinance and these Rules.

Section 11-3 Reinstatements.

The following provisions shall apply to reinstatement:

(a) Any classified or probationary employee who has been involuntarily separated from the City Service without fault or delinquency on his/her part shall, at the request of said employee, be reinstated in accordance with these Rules to the same class of position he/she held at the time of separation, or, for classes which, in the opinion of the Personnel Official, require basically the same qualifications, duties, and responsibilities as those of the class of positions for which the lay-off was made, provided:

(1) His/her former position, or a similar classified budgeted position, is vacant;

(2) He/she makes application in writing to the Personnel Official for reinstatement and placement upon the reemployment list on forms provided by the Personnel Official within three months from the official date of separation, in accordance with this Rule and Rule 8, Section 8-3; and,

(3) He/she is still qualified to perform the duties of his/her former position or a similar position.

(b) Names of such requesting laid-off persons shall be placed upon the reemployment lists in the order of total cumulative time served in a probationary and classified status. The total cumulative time shall also include time served on military leave of absence while in the City Service.

(c) Such persons shall be eligible for reemployment and remain on the reemployment list for a period of one year from the date their name was first entered on the list, or the Personnel Official determines that the person has ceased to have the qualifications for the class of positions.

(d) A reinstated employee who has been involuntarily separated from the City Service will be paid at a salary rate within the approved salary range for the position in which he/she is reinstated and shall be at a step comparable to the one previously held, provided separation was no discredit to the employee and was not for disciplinary reasons.

(e) A reinstated employee who has been involuntarily separated from the City Service without fault or delinquency on his/her part shall be credited with prior accumulated service in accordance with Section 11-3(b) of this Rule. Sick leave accumulated prior to his/her separation may be credited only to classified employees. For vacation purposes, he/she shall be considered a new employee. For purposes of salary increase, the amount of broken service shall extend his/her review anniversary date.

(f) Any classified or probationary employee who has resigned in good standing may make a request, in writing, to the Personnel Official on forms provided by the Personnel Official, to be reinstated in accordance with this Rule. The requesting person's last department head must submit his/her recommendation for approval to the Personnel Official on forms provided by the Personnel Official. These forms shall include the requesting person's name, title, last salary grade, date of separation, and reason for request for reinstatement. The final approval to enter the requesting person's name on the reemployment list rests with the Mayor and must be granted in writing.

(g) Credit for prior accumulated service to the requesting person who has resigned shall be at the discretion of the Mayor. For purposes of sick leave, vacation time, salary, and other benefits, he/she shall be considered a new employee.

(h) An employee may be reinstated without qualifying in a competitive examination.

(i) Employees restored to duty after military service are not reinstated in the sense of this rule. See Rule 16, Section 16-5 regarding military leave.

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 12 – SEPARATION, DISCIPLINARY ACTION, AND SUSPENSION PENDING INVESTIGATION AND/OR HEARING

Section 12-1 Types of Separation

All separations of employees in the Classified Service shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation; lay-off; disability; death; retirement; and, dismissal.

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 I, Section 50-2-110 effective July 1, 2011.

Section 12-2 Resignation

An employee may resign by submitting the reasons therefor and the effective date of resignation. The written notice shall be submitted as far in advance as possible to the department head; however, a minimum two-week notice is required. Failure to comply with this requirement shall be considered in future recommendations and/or reemployment with the City.

Unauthorized absence from work without notification for a period of three consecutive working days (or, two consecutive work shifts for firefighters) will be considered by the City as an abandonment of position. See Rule 16, Section 16-10.

Section 12-3 Lay-Off

An employee in the Classified Service may be laid off when it is deemed necessary by reason of a shortage of funds or work; the abolishment of a position; material changes in the duties or organization; or, for related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. The individuals subject to lay off shall be determined by the department head taking into account all relevant factors including, but not limited to, needs of the department and the particular skills of the employee/s involved.

Section 12-4 Disability

In accordance with Rule 6, Section 6-6, an employee may be separated from the City service or demoted to a vacant authorized position for disability when it has been determined that he cannot, because of physical or mental impairment, continue to

perform the required duties of the position in which he is employed. The City shall pay the reasonable fee or fees levied by the licensed practicing medical doctor or doctors designated by the Personnel Official and confirmed by the Mayor to determine the employee's disability. The provisions of Rule 6, Section 6-6, shall be strictly adhered to in determining disability and shall apply to all positions in the City Government referred to as the Classified Service, as set out under Section 13-104, Municipal Code.

Employees who are determined to be physically or mentally unfit to perform their job may be transferred or demoted to fill an authorized vacancy in another position in the City for which they are qualified and in which they can perform notwithstanding their disability. If no such vacancy exists, they will be automatically placed on the reemployment list for any other position for which they are qualified and able to fill.

Section 12-5 Death

Separation shall be effective as of the date of death. All compensation due in accordance with these Rules shall be paid to the estate of the employee, except such sums as by law must be paid to the surviving spouse.

Section 12-6 Retirement

Whenever an employee meets the conditions as set forth in the retirement program regulations, he/she may elect and receive all benefits earned under the City's Retirement Plan. Official notice of such intended action must be submitted by the employee on forms provided by the Personnel Official and within the prescribed time limits as set out in the Retirement Plan. Should the retiring employee have unused sick leave and/or vacation time accumulated, he/she shall be eligible for terminal vacation leave pay as set out in Rule 16, Section 16-2(q), and terminal sick leave allowance in accordance with Rule 16, Section 16-3(j).

Police officers and fire department personnel who retire or are separated from service due to injury suffered as a direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by Tennessee law) shall in addition to the benefits provided in this section, be afforded the same level of health insurance benefits as afforded at the time of separation from service.

Section 12-7 Disciplinary Action

The Department Head, in accordance with the provisions of this Rule, may demote, dismiss, reduce in pay, or suspend without pay for not more than thirty (30) calendar days in any calendar year (except that suspensions may be extended pending any investigation and hearing), any employee for any one or more of, but not limited to, the following reasons:

(a) Dishonesty, intemperance, immoral conduct, insubordination, unsatisfactory performance of duties, failure to adhere to these Rules and Regulations or other

written instructions, any other act of omission or commission, whether on-duty or off-duty, tending to injure the public service, any other willful failure on the part of the employee to conduct himself/herself properly, or any willful violation of the provisions of the Personnel Ordinance or the Personnel Rules and Regulations.

(b) Failure to adhere to the City's policy on discrimination, which shall include any act of harassment.

(c) Conviction of a felony, a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon the employee's ability to perform public service or for which a jail sentence is imposed.

(d) Drug abuse, refusal to participate in a City-approved rehabilitation program deemed needed by the Mayor from substantiating evidence, or refusal to submit to pertinent testing in accordance with a city approved drug and alcohol testing program.

(e) An employment history with the City that demonstrates a consistent pattern of disciplinary and/or performance problems and a lack of corrective action by the employee, in spite of documented warnings and counseling efforts by the City to encourage improvement, so as to cause sufficient doubt as to whether continued employment is in the best interest of the individual and/or the City.

Section 12-8 Disciplinary Guidelines

It is the policy of the City to utilize disciplinary action to correct job behavior and/or performance problems when justified for cause. Disciplinary action shall be remedial rather than punitive in nature whenever possible, with the organizational objective of directing and motivating employees to fully carry forth their work obligations to the City. Employees shall be informed of standards of conduct and performance. These Rules and Regulations shall be fairly and consistently applied considering the seriousness of the infraction, mitigating circumstances, previous work record, and other relevant criteria.

(a) Department heads are granted authority to discipline employees, up to and including termination.

(b) The normal progression of discipline shall be as follows:

(1) Oral Reprimand: Oral notification to an employee by the employee's supervisor of performance or conduct that does not meet job expectations. This notification shall include an explanation of the proper performance or conduct expected and a warning that continued activity shall result in additional disciplinary action. An oral reprimand shall be documented in informal departmental records.

(2) Written Reprimand: A formal notification to an employee by the employee's supervisor detailing performance or conduct which does not meet job expectations, including an explanation of the proper performance or conduct expected, and a warning that continued activity shall result in additional

disciplinary action. A written reprimand detailing job performance which does not meet expectations may include reinstatement of probationary status for a period of time of up to three (3) months, which period may be extended as necessary, up to an additional three (3) months. A copy of this notification shall be forwarded to the Personnel Department for inclusion in the City's official personnel file for that employee.

(3) Minor Suspension: Disciplinary removal from paid status for one (1) to three (3) working days.

(4) Major Suspension: Disciplinary removal from paid status for four (4) or more working days, but for not more than thirty (30) calendar days in any twelve month period unless an extension has been made pending any investigation and hearing.

(5) Dismissal: Dismissal of an employee from City service for the most serious violation of performance or conduct or as the final step in a series of progressive disciplinary actions.

(c) However, there are offenses that are of such a severe or a serious nature that the normal progression of discipline cannot be used. Based on the severity of the first offense, disciplinary action can be started at steps other than the Oral Reprimand step.

(d) The guidelines listed below are provided for use by department heads in determining the appropriate level of discipline for various types of misconduct. The examples given are not intended to be all-inclusive nor are they intended to be mandatory or to limit the department head's discretion or authority to discipline employees. The department head shall consider the employee's previous work record and any mitigating circumstances that may be ascertained during the disciplinary investigation.

(1) First Group Offenses include those types of behavior which are the least severe in nature, but which require corrective action in the interest of maintaining a productive and well-managed work force. Initial corrective action for these infractions would normally be an Oral Reprimand. If the condition is not corrected, the employee shall be subject to increasing levels of progressive discipline. First Group Offenses include, but are not limited to, the following:

(A) Unsatisfactory attendance or excessive tardiness.
(B) Abuse of City time.
(C) Obscene or abusive language.
(D) Inadequate or unsatisfactory performance.
(E) Failure to comply with these Rules and Regulations, except as otherwise specified herein.
(F) Smoking in designated non-smoking areas.

(2) Second Group Offenses include acts and behavior that are more severe in nature than First Group Offenses. Initial corrective action for these offenses would

normally consist of a Written Reprimand or Minor Suspension. Subsequent infractions of this type should result in a Major Suspension or Dismissal, depending upon the circumstances surrounding the infraction. Second Group Offenses include, but are not limited to the following:

(A) Insubordination, which is defined as failure by an employee to follow a supervisor's directive, perform assigned work, or otherwise comply with applicable written policies or procedures.
(B) Sexual harassment or other inappropriate behavior.
(C) Violation of safety rules or Tennessee traffic laws while driving a city vehicle.
(D) Reporting to work when physical or mental ability is impaired by alcohol or the unlawful use of a controlled substance.
(E) Gambling on City property or during work hours.
(F) Failure to report to work without proper notice to the appropriate supervisor.
(G) Unauthorized use or misuse of City property, equipment, technology, or records.
(H) Making false or malicious statements that harm or destroy the reputation, authority, or official standing of a City employee or official.
(I) Employee misconduct.

(3) Third Group Offenses includes acts and behavior of such a serious nature that a first occurrence normally warrants dismissal. Third Group Offenses include, but are not limited to, the following:

(A) Absence without approved leave for three (3) consecutive working days.
(B) Possession or use of alcohol or the illegal possession or use of controlled substances while on duty, unless in the performance of duties.
(C) The theft of City owned or controlled property, including supplies, inventory (including criminal evidence and lost & found items), materials, fuel or fuel products, tools, machinery or equipment.
(D) Willfully falsifying, damaging, or the theft of City or employee records including, but not limited to, vouchers, reports, insurance claims, leave and time reports, and employment applications.
(E) Threatening other employees or acts of physical violence or fighting.
(F) Unauthorized sleeping during work hours.
(G) Unauthorized possession or use of firearms, dangerous weapons, or explosives.
(H) Participation in any kind of work slow-down, sit-down, or similar concerted interference with City operations.
(I) Disorderly or immoral conduct, including the conviction of a crime while in the employment of the City, or other acts, occurring either on or off-duty, that are of such a nature that to continue the employee in the current capacity could constitute negligence in regard to the City's duties to the public or other employees.
(J) Accepting gifts, favors, or services that might reasonably tend to improperly influence an employee in the discharge of official duties.

(K) Use of official position or authority for personal profit or political advantage.
(L) Insubordination that constitutes a serious breach of discipline.
(M) Any violation of the Code of Ethics contained in Chapter 2, Article I, Division 1 of the Gallatin Municipal Code.
(N) 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.

(e) Department heads invoking a Minor or Major Suspension shall furnish the employee an advance written notice containing the nature of the action, the reasons therefore, and the right to answer the charges orally or in writing. This notice shall be furnished at least twenty-four (24) hours prior to the proposed date of suspension. However, an immediate suspension with or without pay, with follow-up written notice, may be imposed when the department head determines that the act or behavior of the employee warrants such an action. An employee who has been placed on suspension shall be prohibited from entering any City employee work place during the suspension unless authorized in advance by the department head, Personnel Official or Mayor.

(f) The dismissal of an employee shall be preceded by an advance written notice explaining the nature of the action, the reasons therefore, and the right to answer charges orally or in writing at a pre-dismissal hearing as provided for in Section 12-9 & Section 12-10 of this Rule.

(g) Prior to issuing a notice of dismissal, the department head shall consult with the Personnel Official on whether the pre-dismissal procedures followed to date have been appropriate and whether the department head's decision to dismiss the employee is a reasonable one under the circumstances. This consultation is not intended to substitute the judgment of the Personnel Official for that of the department head on whether the employee should be dismissed.

(h) Unless the work infractions are of a similar recurring nature, infractions should not be counted against an employee for progressive discipline purposes that extend beyond a two-year period.

(i) In addition to the loss of pay resulting from disciplinary suspensions, other forms of discipline that may be invoked include denial of annual merit increases and demotion in pay grade, class, and salary.

(j) These procedures are designed to be utilized strictly as guidelines, and it is expected that department heads shall use their individual discretion when applying and/or recommending discipline. These guidelines are not in any way designed to restrict the department head from using personal judgment in handling disciplinary matters.

(k) 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 12-9 Notice of Intended Dismissal

Notice of intended dismissal actions must be in writing and served either personally or by certified mail on the employee. 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.

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

(b) An employee requesting a pre-dismissal hearing shall be considered to be on a Leave Without Pay and subject to the rules of Rule 16, Section 16-8, Leave Without Pay.

(c) For purposes of Section 12-9 and Section 12-10, 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 12-10 Pre-Dismissal Hearing

The purpose of pre-dismissal hearings is to provide the basis for making a determination of whether the department head's decision to dismiss the employee is a reasonable one under the circumstances. Any employee who has received a notice of intended dismissal shall have the right to make a written request, to be submitted to the Personnel Official within five (5) City business days of receipt of the notice of intended dismissal, for a pre-dismissal hearing with the Mayor.

(a) The Mayor shall, within five (5) City business days of receiving the written request, set the date, time and location for a pre-dismissal hearing, and shall notify the employee, the immediate supervisor and the department head of this information. The hearing shall be set for a date that is not less than five (5) City business days but not more than ten (10) City business days after the Mayor notifies these individuals of the date.

(b) The employee's attorney may be present at the hearing for the sole purpose of advising the client, and shall not be permitted to interfere with the proceedings. The Mayor may request the City Attorney to attend the hearing in order to serve in an

advisory capacity. The hearing shall be recorded using audiotape, digital technology or any other reliable process.

(c) Within ten (10) City business days of the conclusion of the hearing, the Mayor shall render a written decision to the employee, the employee's department head and the Personnel Official. The Mayor may confirm, modify in any way, or overturn the department head's decision to terminate the employee.

(d) With the exception of classified employees reporting directly to the Mayor, the Mayor shall have no ability to initiate disciplinary proceedings against any employee. This limitation shall not be construed to limit the Mayor's authority to report directly observed conduct of an employee to the department head or to report conduct of an employee communicated to the Mayor by a third party to the department head.

(e) 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. The employee must make the request by the end of the third business day following the date of the Mayor's decision to terminate the employee. The City Council shall, at its next regularly scheduled meeting, decide whether to review the Mayor's decision. If the City Council chooses to review the Mayor's decision, it shall, within seven (7) calendar days, call a special meeting for the sole purpose of reviewing the decision. The City Council may confirm, modify or overturn the Mayor's decision to terminate the employee.

Section 12-11 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, 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 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.

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 13 – GRIEVANCE PROCEDURE

Section 13-1 Policy

It shall be the policy of the City of Gallatin to provide a procedure for the presentation and mutual adjustment of points of misunderstanding or disagreement which arises between employees and their supervisors and to assure employees that their problems and complaints will be considered fairly, rapidly, and without reprisal.

Section 13-2 Definition

A grievance is an employee's feeling of difference or disagreement; something either real or alleged; a misunderstanding, complaint, point of view, or an opinion pertaining to some aspect of employment or employment conditions; relationship between an employee and their supervisor and/or employer; relationship with other employees; management or administrative decisions or orders affecting the employee's health, safety, physical facilities, equipment or material used; and, other related items.

Certain matters relating to employment are not subject to the filing of a grievance. These matters include position classification, pay, any disciplinary action whatsoever, any interpretation or alleged violation of the Ordinance or these Rules, demotions, transfers, and layoffs because of the abolishment of positions, and employee evaluations except where the employee's eligibility for a pay increase is affected.

Section 13-3 Procedures

The following procedure is provided to govern the presentation and adjustment of such disagreements. Its purpose is to determine what is right rather than who is right. It is the philosophy of management that free discussion between employees and supervisors will always lead to better understanding by both of the many practices, policies, procedures, and agreements which affect employees and management. The alleged grievance may be resolved at any step in this procedure by mutual concurrence of both parties. Notation of any settlement shall be signed by all parties and forwarded to the Personnel Official for placement in the grieving party's personnel file and placement otherwise deemed appropriate by the Personnel Official.

(a) The employee, upon feeling that such grievance has occurred, shall immediately discuss the matter with his/her immediate supervisor. If the matter is not then disposed to the mutual satisfaction of the employee and the supervisor, the following steps shall be followed:

(1) The employee shall, within five working days from the date of occurrence of the alleged grievance, submit in writing to the immediate supervisor, on forms furnished by the Personnel Official, a complete statement of what he/she feels the grievance to be and the relief requested;

(2) The supervisor shall then make a decision and advise the employee of his/her decision, in writing, within five working days after receipt of the alleged grievance. At the same time, the supervisor shall forward to the Personnel Official copies of the alleged grievance and the answer.

(3) For purposes of Section 13-3(a), 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.

(b) If the immediate supervisor's answer does not resolve the grievance to the satisfaction of the employee or if the supervisor fails to reply in writing within five working days, the employee may then submit the alleged grievance to his/her department head. The same procedure as outlined in Section 13-3(a) above shall be followed for submitting the grievance, except that the employee shall include a written statement of supporting reasons for the grievance. This statement must be submitted within three working days after receipt of the immediate supervisor's answer; or, within three days following the expiration date of the supervisor's answer period. The department head shall forward copies of the grievance and statement to the supervisor and the Personnel Official. If the immediate supervisor and the department head are one and the same, only Section 13-3(a), above, shall apply.

The department head shall then have the responsibility of settling the grievance at his/her level. He/she shall have the authority to revoke, modify, or sustain the decision of the immediate supervisor. He/she shall notify the employee in writing of his/her decision within five working days after receipt of the alleged grievance from the employee.

(c) If the department head's disposition of the grievance is not satisfactory to the employee, the employee may, within three working days after receipt of the decision, formally request in writing that his/her department head refer the grievance to the Mayor for a ruling. The department head shall then have three working days from receipt of such formal request to forward the grievance in its entirety to the Mayor.

(d) Within 10 working days of receipt of the grievance form from the employee, the Mayor shall review such facts and make his/her decision, in writing, on the disposition of the grievance. The Mayor can utilize any resources or methods deemed necessary to assist in the decision-making process. The Mayor may revoke, modify, or sustain the decision of the department head. The Mayor will

furnish the employee with his/her final written decision and furnish copies of the decision to the immediate supervisor, the department head, and the Personnel Official. The disposition of the alleged grievance by the Mayor in such cases shall be final and binding on all parties with no further appeal rights.

(e) If the Mayor finds that any action resulting in the grievance was taken for any political, retaliatory, or discriminatory reasons, the Mayor shall immediately revoke such action and direct that the situation be immediately returned to the condition or better that existed before the action was taken.

(f) The Personnel Ordinance and these Rules grant to classified employees the right, as a matter of law, to respond either orally or in writing to the imposition of suspension by a department head and, in the case of dismissal, the right to appeal and request review by the Mayor and City Council. It is not intended that the grievance procedure herein supplant, conflict with, supersede, or in any way jeopardize these rights; rather, it is expected that this procedure will apply to prevent problems, complaints, or disputes from becoming so serious that it necessitates a personnel action subject to review in accordance with Rule 12. Employees and management should recognize that complaints and grievances can sometimes be very helpful to an organization by giving every employee who has any feelings of dissatisfaction a chance to express himself/herself, and by calling matters to the attention of municipal officials where action is needed, allowing them to take prompt action where necessary. If the grievance procedure is used properly, it can assist in establishing a harmonious, cooperative working relationship between all employees of the City of Gallatin, essential to the operation of any municipal government.

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 14 – EMPLOYEE EVALUATIONS

Section 14-1 Types of Evaluations and Procedure

Probationary Evaluation

Each employee serving a probationary period shall have his/her performance evaluated in writing; personally discussed with him/her by his/her immediate supervisor; and, reviewed by the department head as of the first, third, and fifth months of the six-month probationary period, and the first, sixth, and eleventh month of the 12-month probationary period. Each probationary employee's department head shall be responsible for furnishing the Personnel Official with copies of evaluation reports as required in this Rule.

(a) The Personnel Official shall give the evaluation forms to the immediate supervisor at the time of appointment or promotion. The forms shall be completed and reviewed at intervals as required in the above paragraph and immediately forwarded by the department head to the Personnel Official for review and placement in the employee's personnel file.

(b) The department head shall notify the employee, in writing, when he/she is not meeting the probationary period requirements, and shall offer the employee additional counseling, advice and assistance, an outline of the action expected of the employee to show future improvement, and an indication of the action which may be taken by the department head if improvement does not meet expectations within the specified time limits. A copy of any and all such correspondence to and/or from the employee shall be immediately forwarded in its entirety to the Personnel Official for the permanent file.

(c) Probationary evaluations must be completed and processed prior to the end of the probationary period, thus allowing time for changing the employee's status to classified, if he/she is to be retained; or, time for separation before the end of the period, if the evaluation indicates that he/she shall be rejected or his/her service terminated. Failure of the department head to complete the probationary evaluation, however, shall not result in the automatic placement of the new employee into the Classified Service, or, in the case of a promoted employee, shall not result in the automatic placement of the employee into the new position, if the Department Head shall otherwise substantially comply with the applicable provisions of Rule 9.

Annual Evaluation

Each classified employee shall have his/her performance evaluated in writing; personally discussed with him/her by his/her immediate supervisor; and, reviewed by the department head on an annual basis 10 days prior to the review anniversary date of his/her original appointment, except that evaluations shall also be made to coincide with the provisions of Rule 14, Section 14-4. Each classified employee's department head shall be responsible for furnishing the Personnel Official with copies of evaluation reports as required in this Rule.

(d) The Personnel Official shall send evaluation forms for annual evaluations to the immediate supervisor at least 30 working days prior to the evaluation. The evaluation shall then be completed and reviewed as required in the above paragraph in sufficient time for the department head to forward the form and all related correspondence to and/or from the employee, in its entirety, to the Personnel Official within 10 working days prior to the date of evaluation.

(e) The Notice of Personnel Action (Status Change) to accomplish a pay change in connection with the annual performance evaluation must be included with the completed evaluation form and forwarded to the Personnel Official on or before the review anniversary date.

(f) Performance evaluations of classified employees are required no less frequently than annually, regardless of whether or not a pay change will result.

(g) When a classified employee's performance has reached the level which the immediate supervisor determines to be unsatisfactory in comparison to the minimum standards for the position, and when an oral warning has not resulted in expected improvement; when more severe initial action is warranted; or, for other just cause or justified reasons, an official written reprimand shall be issued to the employee in accordance with Rule 12, Section 12-8.

In the interests of good performance when alternative actions such as written reprimand have not resulted in expected improvement; when more severe initial action is warranted; or, for other just cause or justified reasons, the department head may, in accordance with the provisions of Rule 11 Section 11-2, and Rule 12, Sections 12-8, 12-9, and 12-10, demote, reduce in pay, suspend, or dismiss the employee for continued performance below minimum standards for the position. The provisions of these Rules shall be strictly adhered to when applying this Section of this Rule.

Section 14-2 Use of Evaluation

Evaluations may be adapted to a variety of uses concerning the employee's career. Some of the typical uses are:

(a) Performance appraisal during the work test period;

(b) Performance appraisal on an annual basis;

(c) Evaluation for promotion;

(d) Manpower planning;

(e) In-service training; and,

(f) Self improvement.

As provided for in these Rules, evaluation records shall be considered as a favor in promotional examinations; as a means of discovering employees who should be promoted, transferred, increased in pay, and/or selected for specialized inservice training; or who, because of their lack of value to the service, should be demoted or dismissed.

Section 14-3 Employee Counseling Interview

As frequently as deemed necessary by the supervisor and/or department head, but at least once each year as a part of the employee's annual evaluation, an employee counseling interview will be conducted between the supervisor and the employee. A special section of the evaluation form shall be designated for this purpose. The interview is an effort to encourage the supervisor to forthrightly communicate to a subordinate his/her reactions to the employee's performance; to offer praise for a job well done; to offer positive assistance in remedying any shortcomings in the employee's job performance; and, to give the employee an opportunity to express his/her feelings and thoughts in those various job-related areas. The use of a form is primarily intended to help the supervisor organize his/her ideas and guide his/her discussion with the employee.

Section 14-4 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:

(a) Employees rated as "Unacceptable" or "Marginal" shall be denied any step increase within their pay grade and may be considered for a step decrease under the criteria of Rule 4; demotion under the criteria of Rule 11; and/or disciplinary action under the criteria of Rule 12. All such rated employees shall be provided close supervision, more intensive training, and follow-up to include frequent performance evaluations and counseling with a view toward attainment of established job standards in the least practicable length of time.

(b) Employees rated as “Acceptable”, “Commendable”, or “Outstanding” shall be entitled to a step increase within their pay grade under the criteria of Rule 4, Section 4-3, provided they are currently below the maximum pay step in their grade.

Section 14-5 Provisions.

The following provisions shall apply to evaluation:

(a) After an evaluation has been completed with a classified or probationary employee, the employee and the supervisor will sign the form. This certification by the employee should not be interpreted to mean that the employee is satisfied or dissatisfied with the evaluation, but does signify that the employee has seen the rating; that it has been explained to him/her; and, that he/she does understand the areas in which his/her performance has been strongest and weakest and what improvement is expected of him/her, if any. This certification by the supervisor should signify that the rating due has been completed and explained to the employee; that, in the supervisor’s best judgment, the rating reflects the true picture of the employee’s performance and clearly outlines the areas in which the employee’s performance has been the strongest or weakest; what actions are expected of him/her, if any; and, that counseling, advice, and assistance have been offered.

(b) The evaluation process for employee performance herein specified must be thoroughly explained to and discussed with all employees by their immediate supervisor at the time of employment or appointment, including those who rate employees as well as those being rated. It shall be the ultimate responsibility of the department head to see that the purposes and methods of carrying out the performance evaluations are fully adhered to for all affected employees as provided for in these Rules. Both the employee's personnel file and record of evaluations shall be open to the Mayor and/or City Council at all times.

(c) No annual performance evaluation will be conducted unless the rater has been in direct supervision over the rated employee for at least three consecutive months. Rating supervisors who are transferred or terminate in good standing shall complete interim evaluations for all classified employees under their supervision. The succeeding supervisor will complete annual evaluations on the “due date” (review anniversary date) provided he/she has supervised the employee for at least three continuous months; otherwise, the evaluation will be deferred until the three-month requirement is met.

(d) Justification for Rating. Each performance appraisal shall include, in narrative comments:

(1) specific and objective examples clearly indicating how the rated employee failed to meet, met, or exceeded the job standards; and,

(2) constructive comments to include goals and methods/timetables to achieve goals and standards.

(e) Indicators of Exceeded Standards. The following are some, but not all, possible indicators that may be used in determining whether an employee has exceeded standards:

(1) Demonstrated improvement in efficiency, productivity, and quality of work or service;

(2) Significant reduction of paperwork or the elimination of unnecessary steps in accomplishing job tasks;

(3) Cost effectiveness, i.e., remaining within budgetary constraints and/or accomplishing required tasks with the most efficient utilization of available resources;

(4) Timeliness of performance, i.e., meeting necessary deadlines while still maintaining a high level of performance; and,

(5) Effectiveness, productivity, and quality of subordinate performance (used in the measurement of supervisory abilities.)

Section 14-6 Appeals on Evaluation

Appeals of an evaluation may be made by the classified employee through the grievance procedure as outlined in Rule 13, Section 13-3, only in matters where the employee's eligibility for a pay increase is affected. Appeal of dismissal as a result of an evaluation may be made by the classified employee in accordance with Rule 12, Section 12-10.

Section 14-7 Review by the Personnel Official

In all matters relating to employee performance, the Personnel Official, as authorized by the Mayor, shall from time to time review procedures being used and make suggestions to supervisors and reports to the Mayor as may be necessary for carrying out the spirit and intent of this Rule.

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 15 – EMPLOYEE DEVELOPMENT AND TRAINING

Section 15-1 Employee Development and Training

The Municipal Government recognizes the importance of training employees within each departmental unit. This can be accomplished in most cases by the utilization of on-the-job training. This training will have a specific beginning date and ending date and will be coordinated by the Personnel Official. If the training is not completed within the stated time period, the department head may request a reasonable extension of the ending date. After the training period, the supervisor will make a report to the Personnel Official as to the progress made by the trainee.

The Municipal Government employee training policy provides that each department will organize for employee training in such a way as to assure that adequate and necessary training is provided and that unjustified training activities are not engaged in. To expedite the accomplishment of this objective, each department will cooperate with and utilize the professional assistance of the Personnel Official in carrying out the following:

(a) Establish a written departmental training policy;

(b) Develop comprehensive organizational training plans;

(c) Establish a training committee;

(d) Provide for adequate training personnel and time for training activities;

(e) Develop and maintain a system of reporting and review; and,

(f) Develop and maintain a system of evaluating all training activities undertaken.

Section 15-2 Administration of Employee Development Program

The Personnel Official shall

(a) Recommend policies and procedures for developing personnel through the development of technical and managerial skills, the providing of information, and the development of attitudes essential to effective work performance;

(b) See that training, as approved, is carried out. Have prepared certificates or other forms of recognition for persons who satisfactorily complete approved course and programs;

(c) Keep a record of all approved training courses and programs and a record of employees who successfully complete such courses and programs;

(d) Assist department heads in developing and conducting training to meet the specific needs of their departments and in developing and utilizing other techniques for increasing employee efficiency;

(e) Develop and conduct supervisory and management training and other types of training and employee development programs common to all departments;

(f) Make available information concerning job requirements and training opportunities in order to assist employees in increasing their efficiency in their present position and in preparing themselves for promotions to higher positions in the Municipal Government;

(g) Communicate effectively, to responsible personnel, existing and new objectives, policies, and procedures;

(h) Assure an adequate supply of trained personnel to fill, as they occur, job openings created by promotion, expansion, or losses;

(i) Encourage and assist in the acquisition of additional knowledge and skills in order to increase the usefulness of all employees by developing them for greater responsibilities to the limit of their capabilities;

(j) Maintain and improve essential employee knowledge and skills in order to accomplish the best performance on every job; and,

(k) Functionally supervise personnel development programs and activities throughout the Municipal Government.

Section 15-3 Safety Education and Training

(a) The Personnel Official shall have responsibility for coordinating and cooperating with the director of OSHA in a program of safety education and training. All employees are required to take every precaution in the prevention of accidents to themselves, their fellow employees, and the public. Department heads shall actively pursue cooperation in implementing safety programs.

(b) All employees whose duties require the operation of office equipment, motorized vehicles, machinery, or tools of any kind or nature shall use every precaution in the prevention of accidents to themselves or other employees, and shall be charged with the responsibility for the proper operation of all equipment that is used in the normal function of their duties.

(c) Certain employees, especially those hired in public service and safety positions within the Municipal Government, will be required to wear personal protective equipment, as determined by state and federal laws, rules, regulations, and policies of the respective Departments within the Municipal Government. Employees who are provided personal protective equipment by the Municipal Government shall agree to reimburse the Municipal Government for such personal protective equipment if he/she does not continue employment in the Service for reasons other than permanent disability or death after completion of any required training assignment for a period of three years. Such reimbursement shall be made within one year after separation from the Service and shall be for an amount proportionate to the uncompleted period of service specified. In exceptional circumstances, the Department Head may waive this requirement with the approval of the Mayor.

Section 15-4 Specialized (Outservice) Training

Specialized training (Outservice training) will provide for the assignment of Municipal employees to recognized educational and professional institutions and facilities to receive training which meets specific departmental needs for scientific, technical, professional, and administrative skills. Management of Municipal operations is thus provided with an additional and valuable means of assuring that the methods and knowledge of the work force do not become obsolete.

(a) All classified full-time employees of the Municipal Government are eligible for directly job-related specialized training assignments upon recommendation of the department head and approval of the Mayor. Such approval must be obtained before attending such training assignment. Attendance during working hours shall be only upon the approval of the Mayor.

(b) Each employee on assignment to specialized training shall maintain satisfactory performance in the prescribed course of study.

(c) Upon satisfactory completion of the original training assignment, the employee shall be reimbursed for tuition and necessary expenses. This Section shall not apply to repeated courses.

(d) An employee on full-time assignment shall agree to reimburse the Municipal Government for training expenses, other than salaries and wages, paid by the Municipal Government, if he/she does not continue employment in the Service for reasons other than permanent disability or death after completion of the training assignment for a period of three years or twice the training time, whichever is greater. Such training shall be calculated on the basis of quarter hours rather than calendar time. Forty-five quarter hours shall equal one year of a cost-reimbursed, job-related course. Semester hours shall be equated to the quarter-hour requirement. Such reimbursement shall be made within one year after separation from the Service and shall be for an amount proportionate to the uncompleted

period of service specified. In exceptional circumstances, the Department Head may waive this requirement with the approval of the Mayor.

(e) Requests for specialized training will be approved by the Mayor in accordance with the following criteria:

(1) The need cannot be met on an inservice basis;

(2) The employee cannot be expected to meet the need himself/herself;

(3) The benefit to the Municipal Government exceeds the cost;

(4) The training is directly applicable to job situations; and,

(5) The requesting department head has fully complied with the policy, procedures, and regulations as set forth by the Personnel Official and the Municipal Government training policy as provided for in these Rules.

(f) "Job-related," as used in this Rule, shall be determined by the Mayor, in consultation with the department head.

Section 15-5 CERTIFICATION/LICENSE REIMBURSEMENT PROGRAM

The Certification/License Reimbursement Program is designed to provide eligible employees financial assistance to continue their education and develop their abilities to expand upon position-related skills and qualifications. This program is subject to the amount allocated yearly in each Department's annual budget, which must be approved by the Mayor and City Council. To be eligible to receive reimbursement, an employee must meet the following guidelines and conditions:

(a) Employees must have completed their probationary period and be performing at the "Acceptable" level. The Mayor can waive the waiting period for extenuating circumstances upon request of the Department Head.

(b) Be a full-time employee at both the start and completion dates of the requested assistance. Part-time classified, temporary, elected, intern, or seasonal employees are not eligible.

(c) The assistance requested must be approved by the Department Head in advance and meet certification/license criteria applicable to the City of Gallatin.

(d) The request must provide development in one of the following ways:
(1) Specific business-related skills for City of Gallatin supervisory, management, or leadership roles.
(2) Development of technical skills in specific areas of city expertise.

(3) Broaden experience that will enhance one's ability to contribute to city effectiveness.
(4) Be a job requirement for a higher level City of Gallatin occupation.

(e) These requests are on a reimbursement basis ONLY upon proof of a passing grade. No advance payments will be allowed. Reimbursement will be provided based on the approved request, which must be submitted prior to any employee expenditure. All applicable tax laws will be followed as to the taxability of such reimbursement payments.

(f) All forms of financial aid received must be disclosed to the City. Existence of other forms of financial aid will reduce the amount paid through this program.

(g) Study materials, textbooks, office supplies, lab fees, workbooks, equipment, reference books, practice exams, etc., are not subject to the reimbursement process unless such items can be permanently retained and of use by the City.

(h) Employees shall sign a statement agreeing to prompt re-payments of funds paid by the City in the event of separation within three years after the completion of any requested assistance. In exceptional circumstances, the Department Head may waive this requirement with the approval of the Mayor.

(i) Requests for flex time, temporarily modified work schedules, or paid or unpaid time off work to take exams must be approved by the Department Head.

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 16 – HOLIDAYS, VACATIONS, LEAVES, AND ABSENCES

Section 16-1 Holidays

The following days shall be declared official holidays for the Municipal Government employees, and other such days as may be designated by the City Council:

New Year's Day	January 1
Dr. Martin Luther King, Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thurs. in November
Day after Thanksgiving	Fri. after Thanksgiving Day
Christmas Eve	December 24
Christmas Day	December 25

(a) When January 1 falls on a Saturday or Sunday, New Years Day shall be celebrated on the following Monday; Dr. Martin Luther King, Jr. Day shall be celebrated on the Monday as officially designated by the United States Government; when Veteran's Day falls on a Saturday, Veteran's Day shall be celebrated on the preceding Friday; and, when Veteran's Day falls on a Sunday, Veteran's Day shall be celebrated on the following Monday; when Christmas Eve falls on a Saturday or Sunday, it shall be celebrated on the preceding Friday; when Christmas Day falls on a Saturday or Sunday, it shall be celebrated on the following Monday; when July 4 falls on a Saturday, Independence Day shall be celebrated on the preceding Friday; and, when July 4 falls on a Sunday, Independence Day shall be celebrated on the following Monday.

(b) After the first 60 days of employment, all classified and probationary employees shall be granted holiday pay either on the date set aside for the holiday or another day as agreed upon by the City; except, if a day off proves detrimental to the interests of the City, employees may be compensated by being paid an amount equal to eight hours off at the straight-time rate in effect as of the day set aside to celebrate the holiday. Full-time classified and probationary employees compensated on a 40-hour-per-week average work schedule shall receive eight hours off with pay. Part-time classified and probationary employees' holiday pay shall be calculated at a proportionate rate based on the tier assigned to in accordance with Rule 9, Section 9-8.

(c) All employees that are required to work on the day set aside for observance of the holiday, including those employees whose working hours specifically include holiday work time, shall be paid for the time worked at the straight-time rate in effect on that day.

(d) All employees who are granted a compensatory holiday in lieu of time off on a holiday shall take the compensatory holiday off during the month in which the holiday occurs or during the month immediately preceding or following the month in which the holiday occurs. Any compensatory holiday not taken within the foregoing specified time period shall be forfeited and void. If an employee takes compensatory holiday time in the month preceding the actual holiday and then is terminated for any reason prior to the actual holiday, the amount of compensatory holiday time utilized must be reimbursed to the City.

(e) Employees shall not be authorized to work holidays except by prior approval of the department head or in case of an emergency.

(f) 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.

(g) Official holidays occurring during any paid leave shall not be charged to the time the employee is on paid leave.

(h) As exceptions to the above provisions, hourly fire personnel who are compensated on a 56-hour-per-week average work schedule shall accrue 11.2 hours holiday pay for those official holidays as designated in this section. Hourly police personnel who are compensated on a 42-hour-per-week average work schedule shall accrue 8.4 hours holiday pay for those official holidays as designated in this section. Payment for such holiday leave shall be made in accordance with Section 16-1 (d) above.

Section 16-2 Vacation Leave

All classified full-time employees shall be allowed to accumulate vacation leave according to the following schedule:

YEARS SERVICE COMPLETED	ANNUAL VACATION LEAVE (WORKING DAYS)
0 – 1 years	5 days
2 – 5 years	10 days
6 – 10 years	12 days
11 – 15 years	15 days
16 – 18 years	18 days
19 or more years	21 days

Vacation leave for 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 five (5) years of service, and thereafter increasing to twenty (20) business days:

0 - 5 years	15 days
6 + years	20 days

For vacation leave purposes, the term "workday" as it applies in this section shall be computed on an eight-hour basis for all employees except fire employees who work 24 hours on/48 hours off work shifts, and whose workdays for vacation purposes shall be computed in an 11.2 hour basis. Hourly police personnel who are compensated on a 42-hour-per-week average work schedule shall have their vacation pay computed on an 8.4 hour basis.

(a) Vacation leave time will be accounted for and controlled on a calendar-year basis.

(b) Vacation leave compensation shall be figured at the employee's regular straight-time pay rate in effect as of the date the vacation leave time is taken.

(c) The date of service to be used in determining the vacation leave time accrual rate is the beginning date of the employee's current period of continuous classified service.

(d) Should employment terminate prior to completion of the probationary period, no vacation leave time or pay shall be allowed. Vacation shall be granted only after satisfactory completion of the probationary period.

(e) Temporary, casual, provisional, and student employees are not eligible for the accrual of vacation leave and shall not be entitled to vacation leave pay or time upon separation. Prior service as a temporary, casual, provision, or student employee does not count in the years of service computation.

    Only the employee's current, continuous period of service, exclusive of any official leave periods, may be counted for vacation leave accrual purposes. If a temporary, casual, provision, or student employee is subsequently reclassified as a probationary or classified employee, the accrual of vacation leave time begins with the date of reclassification.

(f) Classified part-time employees' years of service shall be calculated at a proportionate rate based on the tier assigned to in accordance with Rule 9, Section 9-8. If a classified part-time employee is subsequently reclassified to a classified full-time employee, only the equated full years of service may be counted for vacation leave carryover and accrual purposes.

(g) For vacation purposes, reinstated employees shall be considered as new employees, regardless of the reason(s) for separation.

(h) Vacation leave may not be taken before it is earned. If it is necessary that an employee be absent from work in excess of accrued vacation leave time, the proper deduction must be authorized from the employee's pay.

(i) Earned vacation may be taken throughout the year in whole, in part, or on a piecemeal basis to cover short periods of absence needed for recreation, rest, or other personal reasons. The department head may authorize or deny requests for vacation leave consistent with the needs of his/her work unit.

(j) Any one vacation leave should generally not exceed 10 consecutive working days; however, under unusual or special circumstances and workload demands permitting, specific approval of the employee's department head may be obtained for a longer vacation. In approving requests for more than 10 consecutive days of vacation, department heads should be guided by the following considerations:

(1) The effect of the employee's absence on the functioning and workload of the organization. Arrangements should be made to insure that there will be no detrimental effect to the workload of the organization due to the extended absence;

(2) The time needed by the employee to complete a special trip or project;

(3) The recent occurrence of the employee's last extended vacation. It is anticipated that the need for such vacations will not be frequent; and,

(4) The employee's standing with the City.

(k) The department head has the ultimate responsibility of seeing that proper staffing is adequate to insure that workload demands of the organization are met to provide needs and services for the overall operation and continuity at optimum efficiency and minimum cost; therefore, the number of consecutive days taken in any one vacation and the time any vacation leaves are to be taken shall be scheduled well in advance with the employee by the immediate supervisor and final approval shall rest with the department head.

(l) Classified full-time employees (and classified part-time employees on a proportionate basis) may accumulate and carry forward from one calendar year to the next the maximum number of days specified in the introductory paragraph of this section (the amount you earned in the previous year). In the event an employee has a greater accumulation than his/her maximum entitlement under paragraph one at the end of any calendar year, the carry-forward amount will be reduced to that maximum; however, the Personnel Official may authorize vacation hours which would otherwise be forfeited to be carried forward for a period not to exceed one hundred twenty (120) days in the next calendar year. In such instance, the department head must show that the employee, through no fault

of his or her own, was unable to take the required number of hours vacation due to the requirements of his or her position.

(m) The increased accrual rates based on length of continuous service become effective the first day of the work period following the completion of the required service period.

(n) Official holidays falling within a period of vacation leave are charged as holiday leave rather than vacation leave.

(o) An employee moving from one department to another retains all accrued, unused vacation leave.

(p) Classified full-time employees, and classified part-time employees on a proportional basis, who are being separated for any reason, may receive terminal vacation leave for any unused portion of their accumulated vacation leave not to exceed the maximum amounts specified in Section 16-2 above.

Section 16-3 Sick Leave

All full-time classified employees shall accumulate 12 days of sick leave per year. All such employees shall periodically be credited in the official records with accumulated sick leave days in accordance with this accrual rate. Sick leave shall be considered a benefit and privilege and not a right for the employee to use at his/her discretion. Employees shall, therefore, utilize their accumulated sick leave allowance for absences due to such reasons as follows: personal illness or physical incapacity, exposure to a contagious disease thereby endangering the health of the other employees, personal illness within the immediate family, as defined in Rule 2, when the employee's presence is necessary to care for the ill family member, disability resulting from pregnancy, childbirth, or related medical conditions, enforced quarantine of the employee in accordance with community health regulations; or, to keep an appointment with a licensed medical doctor, dentist, or other recognized practitioner.

(a) For sick leave purposes, the term "workday" as it applies in this Section shall be computed on an eight-hour basis except that hourly fire personnel who are compensated on a 56-hour-per-week average work schedule shall accrue sick leave on the basis of a "workday" of 11.2 hours. Hourly police personnel who are compensated on a 42-hour-per-week average work schedule shall accrue sick leave on the basis of a "workday" of 8.4 hours.

(b) Sick leave compensation shall be figured at the employee's straight-time pay rate in effect as of the date it is used by the employee.

(c) The date of service to be used in determining sick leave time accrual rate is the beginning date of the employee's current period of continuous classified service.

(d) Sick leave shall be granted to employees in probationary status only upon approval by the department head.

(e) Temporary, casual, provisional, and student employees are not eligible for the accrual of sick leave. Prior service as a temporary, casual, provisional, or student employee does not count in the years of service computation.

Only the employee's current continuous period of service, exclusive of any official leave periods, may be counted for sick leave accrual purposes. If a temporary, casual, provisional, or student employee is subsequently reclassified as a probationary or classified employee, the accrual of sick leave time begins with the date of reclassification.

(f) Classified part-time employees shall be allowed to accrue sick leave time at a proportionate rate, based on the tier assigned to in accordance with Rule 9 Section 9-8. If a classified part-time employee is subsequently reclassified as a classified full-time employee, only the equated full years of service may be counted for sick leave carry-over and accrual purposes.

(g) For sick leave purposes, reinstated employees shall be considered as new employees, regardless of the reason(s) for separation, unless determined otherwise by the Mayor. See Rule 11, Section 11-3 (g).

(h) 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:

(1) Notification of and reason for the absence must be made by the employee personally to his/her immediate supervisor or department head not later than the beginning of the first scheduled work day, or, within lesser limits if required by the department head in those departments considered to be of "critical response" to City service. The employee shall also provide the expected date of return to work at the time of notification.

(2) If the employee is absent for three consecutive working days or longer, or more than one consecutive work shift if he/she is a firefighter, he/she must present a written statement to the immediate supervisor or department head from a licensed, practicing medical doctor, confirming that the employee has been incapacitated from work for the period of absence, and certifying that he/she is again physically able to perform his/her regular duties. If personal illness within the immediate family is the basis for sick leave, the physician's statement must also verify that the employee's presence was recommended from a medical standpoint to provide necessary care to the ill family member. Until such statement is provided, the absence will be considered as unexcused and the employee will not be granted paid sick leave for the absence.

(3) Medical certificates as provided herein or other acceptable evidence may be required for shorter periods of absence as the department head and Mayor deem necessary.

(4) As it applies in this Section, evidence of medical examinations, nursing visits, or other inquiries may be required by the department head and the Mayor as they deem necessary.

(i) In the event of an extended illness, and in those instances where the accumulated sick leave allowance has been depleted, a classified employee may, in writing, request the department head to allow him/her to take any earned but unused vacation leave time as though it were sick leave.

(j) An employee who 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 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 Separation		Percentage of Sick Leave Paid on Separation
Less than	62	0%
	62	20%
	63	30%
	64	40%
	65	50%
Over	65	50%

Years of Service on Effective Date of Separation	Percentage of Sick Leave Paid on 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 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 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.

(k) In no event shall employees be entitled to any compensation for unused sick leave, except as provided for in Section 16-3 (j) above.

(l) In order that the Personnel Official can certify payment of sick leave, the department head must report absences charged against sick leave to the Personnel Official on the payroll form, accompanied by doctor's certificates, if required by this Section or by the supervisor for periods shorter than three days.

(m) Employees who abuse sick leave or deliberately make or cause to make false or misleading statements or claims shall be subject to the loss of such benefits, dismissal from the service, or other disciplinary action as the department head deems necessary.

(n) All supervisors confirming an absence as sick leave, knowing the cause not to be justified, or failing to report the absence as stated above, shall be liable to the same disciplinary action as the employee.

(o) Sick leave shall not accrue during the period an employee is on layoff status or leave of absence without pay.

(p) If an employee is transferred to another position or department, any unused sick leave which may have accumulated to his/her credit shall continue to be available for use as necessary.

(q) Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and the time charged to sick leave, pending proof of a doctor's statement.

(r) Official holidays falling within a sick leave period shall not be charged as sick leave.

(s) A classified employee who is injured while engaging in employment for the Municipal Government or approved outside employment may be carried on sick leave accumulated while working for the Government; however, in no case shall he/she be allowed to receive sick leave pay while drawing workers compensation and/or disability.

(t) Payment of sick leave shall terminate on the date the employee becomes eligible for payment of long-term disability benefits.

(u) Sick Leave Pool. A sick leave pool, hereinafter referred to as "the Pool", is established for all employees of the classified service and exempt service as may be applicable, to provide continued income of the Pool member employees when all other of their personal sick leave, compensatory time, and vacation leave balances have been exhausted, and valid reasons exist for additional sick leave to be withdrawn from the Pool's reserves.

(1) Enrollment. Any employee may enroll in the Pool after completing one year continuous employment, provided the employee has accumulated at least 80 hours accrual in said employee's personal sick leave entitlement, except that those employees of the Fire Department who are on a 56-hour average work week shall be required to have accumulated at least 112 hours in their personal sick leave entitlement 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. Enrollment shall be allowed immediately for those employees who meet the criteria as indicated above throughout the year, at the beginning of the next full month. All enrollments shall be accomplished on forms required by the Personnel Official. 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). Once the transfer of sick leave is accomplished, the employee shall forfeit all future rights to the hours of transferred sick leave and those hours shall be permanently deleted from the employee's existing personal sick leave entitlement.

(2) Additional Assessments. The trustees may direct an additional assessment against current Pool members of such amount as may be necessary to place the Pool in a solvent status. Each Pool member would be notified before additional assessments are made. Solvent status will be considered as 1,000 hours.

(3) Trustees. A five (5) member Board of Trustees shall be designated to govern the operations of the Pool, to include final action on any request to withdraw sick leave and any additional assessments that may be necessary. Four Trustees shall be required for a quorum. All decisions shall be made by majority of those Trustees present constituting a quorum. The decision of the Trustees shall be final without recourse to any appeal or grievance as may otherwise be contained elsewhere in these Rules. The Trustees shall be comprised of five members of the Pool. They shall be chosen by a random drawing conducted in a public setting coordinated by the Personnel Official prior to the end of each calendar year, from a list of all members of the Pool. Pool members will be notified prior to the drawing and given the opportunity

to have their name removed from consideration before the drawing takes place. Three alternates' names will also be drawn to fill the un-expired term/s of any trustee who may terminate or no longer be available to serve. The first alternate's name drawn will fill the first vacancy and so on. Normally Trustees may not serve back-to-back terms. Each member selected at random shall serve for 24 months beginning January 1st and the term expiring December 31st after the 24 months. The intent is to have two members rotate off one year and three members rotate off the next year to maintain continuity of the program. The Chairman for each year shall be the most senior Pool member of the class beginning its second term.

(4) Requests to Withdraw Sick Leave. Any active member of the Pool may submit a written request to the Trustees, on the form provided by the Personnel Official, to withdraw sick leave from the Pool, provided the employee meets the following criteria:

(A) Has been a member of the Pool at least three months as of the date of the request: and

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

(C) Satisfies all the other regular Sick Leave conditions of this Section. The Trustees shall have the authority to request and receive any other evidence they deem necessary in arriving at a decision.

(5) Trustee's Action on Requests for Withdrawal of Sick Leave. The Trustees shall review all requests from members of the Pool to withdraw sick leave and shall take one of the following actions within 10 working days of the request:

(A) Approve the withdrawal of sick leave from the Pool and credit the member's personal sick leave entitlement in the amount necessary for the

absence, not to exceed 320 hours for any one illness or incapacitation (or, 336 hours for those members who work an average 42-hour-per-week schedule, or, 448 hours for those members who work an average 56-hour-per-week schedule). Any amount credited to the member's personal sick leave entitlement and not actually used as sick leave shall be re-deposited to the Pool upon the member's return to work.

(B) Disapprove the request and return it to the member with reason noted. The decision of the Trustees shall be final. No rehearing shall be permitted unless allowed by majority vote of the Trustees.

(C) Return the request for additional justification as shall be noted.

(D) The Trustees shall have no authority to grant sick leave from the Pool unless there exist Pool hours to cover such grant.

(6) Part-time Classified Employees who accrue sick leave on a prorated basis shall also be eligible for membership in the Pool. Initial deposits and withdrawals from the Pool shall be prorated based on their budgeted hours of work. For example, a part-time classified employee who is budgeted for 25 hours per week must have 50 hours personal sick leave accrued, transfer 15 hours for membership in the Pool, and be eligible to withdraw a maximum 200 hours for any one illness or incapacitation.

(7) Donation/Transfer of Extra Time. Any Classified or Exempt employee, even if not a Pool Member, who has a minimum of 480 hours of accumulated sick leave may donate up to an additional 80 hours to the Pool. Once the transfer of sick leave is accomplished, the employee shall forfeit all future rights to the hours of transferred sick leave and those hours shall be permanently deleted from the employee's personal sick leave entitlement for all purposes. Any Classified or Exempt employee, even if not a Pool Member, upon termination of employment with the City will have 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.

(8) No other sick leave granted. City Council and Department Heads shall have no authority to advance sick leave to any employee.

Section 16-4 Maternity Leave

In accordance with the Pregnancy Discrimination act of 1978 (Public Law 95-555, 92 Stat. 2076,) disabilities caused or contributed to by pregnancy, childbirth, or related medical conditions, for all job-related purposes, shall be treated the same as disabilities caused or contributed to by other medical conditions, as set out in Rule 16, Sections 16-3 and 16-8. See Section 16-8(d) of this Rule for special provisions regarding maternity leave.

Section 16-5 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 governing such rights.

Section 16-6 Voting Leave

All employees entitled to vote in national, state, or municipal elections shall, when necessary, be allowed sufficient time off with pay to exercise their voting right, according to State law and as determined by their department head.

Section 16-7 Occupational Disability or Injury Leave

All employees compelled to be absent from duty because of an injury sustained in the course of their employment with the Municipal Government, when the injury is

determined to be compensable under the provisions of the Worker Compensation Act, shall be granted occupational disability or injury leave in accordance with the provisions as set out by the insurance carrier for the City of Gallatin. Such leave shall be granted in periods of three months or less, and shall not be extended unless expressly authorized by the Mayor.

(a) Classified employees on occupational disability leave shall receive full pay from the City, less any benefits received under worker compensation, for the first three calendar months following the date of injury, provided that the injury or disability is determined to be compensable under the provisions of the Worker Compensation Act, and provided that the employee follows the procedures for reporting such injury or disability as set out in this Rule.

    (1) The Classified employee or his/her authorized representative shall deposit with the Director of Finance any monies received in original check or draft form as a benefit under worker compensation during the term of the occupational disability leave.

    (2) The total amount of monies paid the employee each pay period shall not exceed the full pay which the employee would have received for such period at his/her regular straight-time pay rate in effect as of the date of injury, had he/she remained on the job.

(b) Time lost by the employee from employment with the Government due to an on-the-job injury will not be charged against sick leave or vacation leave, nor will sick leave be granted for an on-the-job injury which is compensable under worker compensation.

(c) Sick leave shall continue to accrue at the employee's regular rate, in accordance with these Rules, while he/she is on occupational disability or injury leave.

(d) For purposes of calculating any overtime worked by the employee during the pay period in which the injury occurred, the time during such period in which the employee was on occupational disability leave may be used in the computation at his/her regular straight-time pay rate as of the date of the injury.

(e) Probationary, temporary, casual, part-time, or emergency employees may receive occupational leave pay as provided in this Rule only upon the recommendation of the department head and approval by the Mayor.

(f) Employees shall report immediately any injury incurred in the course of their employment, however minor, to their supervisor or department head and take such first aid or medical treatment as may be necessary. An employee determined to have been able to make such a report, but fails to do so, shall not be eligible for occupational disability or injury leave.

(g) When an employee is injured on the job, the supervisor or department head shall immediately complete an accident report on forms provided by the Personnel

Official. The required number of copies shall immediately be forwarded to the Personnel Official and one copy retained in the departmental file. When an accident causes serious bodily injury or death to an employee, the supervisor shall immediately notify the department head and the Personnel Official.

(h) The Personnel Official shall report to the Mayor all occupational disability leaves that extend for a period of 30 days or more.

(i) Occupational disability leave pay, as set out in Section 16-7(a) of this Rule, may be extended beyond the three-month period provided it is expressly authorized by the Mayor. Extensions shall not be approved for a period in excess of three months at any one time, and shall not exceed a total of 12 months, to be calculated from the day following the date of injury.

(j) In all cases of occupational disability, the responsibility for determining character, degree, potential duration, and any corrective measures that may be necessary shall rest with the licensed, practicing, medical doctor(s) so designated by the Mayor. Such medical doctor(s) will make periodic examinations, progress reports, and recommendations to the Mayor as the Mayor may deem advisable.

(k) The employee shall be required to return to work upon the approval of the medical doctor(s) so designated by the Mayor. The medical doctor(s) shall act as the employee's attending physician or in consultation with the employee's attending physician at the discretion of the Mayor.

(l) Should an employee be unable to return to work within 12 months calculated from the day following the day of injury, service, seniority, and pay shall be terminated.

Section 16-8 Leave Without Pay

A classified employee may be granted a leave of absence without pay for good and sufficient reasons considered to be in the best interest of the city and employee. Such leave shall be requested in advance, in writing, stating the reasons for the request and submitted to the employee's Department Head. During each twelve (12) month period of employment, the employee may be allowed leave without pay, not in excess of forty (40) weeks. The approval of the Department Head shall be required for leaves without pay of fourteen (14) calendar days or less. Approval of the Department Head and Mayor shall be required for leaves without pay of more than fourteen (14) calendar days. The granting of leave is discretionary and the employee has no right to such leave. No appeal rights of denial of leave without pay shall exist.

(a) Except under unusual circumstances, voluntary separation from the City Service in order to accept employment not in the City Service shall be considered an insufficient reason for approval of a request for leave of absence without pay.

(b) If a general leave of absence without pay is granted, such leave of absence may subsequently be cancelled and withdrawn by the Mayor and the employee recalled to service without right of appeal and/or hearing.

(c) A general leave of absence without pay granted shall affect employee benefits as follows:

(1) An employee enrolled in the City's retirement plan shall remain in the Plan; however, no contributions shall be made into the Plan, either by the employee or the City, during the period of unpaid absence. The employee shall receive creditable service for vesting purposes during the leave.

(2) An employee shall not accrue sick leave and/or vacation leave. If the employee works a portion of the calendar month, or is on a paid absence, he/she shall be granted a prorated portion of sick leave and/or vacation leave for the period of time actually worked or paid.

(3) 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.

(4) 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 4, Section 4-8, except when federal and state law prohibit loss of seniority for certain absences.

(5) The period of leave of absence without pay shall not be deducted from creditable service for purpose of service recognition in accordance with Rule 17, Section 17-14.

(6) 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.

(d) 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:

(1) 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.

(2) To be eligible for leave without pay under this Section 16-8(d), the employee or official shall have been employed for at least the prior twelve (12) months and worked at least 1,250 hours over the previous twelve (12) months.

(3) The amount of leave without pay for 16-8(d)(1) (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 16-8(d)(1) (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.

(4) The request for leave without pay shall be submitted in writing by the employee at least ninety (90) days in advance, except in case of an emergency, specifying the reason for the leave without pay, the length of time requested, and such information shall be directed to the employee's department head. The request for leave without pay under this section 16-8(d) shall be approved by the Department Head if the leave is legitimately for any of the reasons set out in 16-8(d)(1). Upon approval, the department head shall promptly notify the Personnel Official. In the event of disapproval, the reasons for disapproval shall be stated in writing to the employee. The employee may within two (2) business days of receipt of disapproval have the request reviewed for final decision by the Mayor. Any leave without pay requests of officials shall be decided by the Mayor with full report at the next regular meeting of the council. The council may by majority vote reverse the decision of the Mayor regarding leave requests by officials.

(5) The employee or official shall be required by the department head or Mayor, as the case may be, to submit a medical certification to support the leave request, signed by the health care provider of the employee, official, child or the ill family member. A second medical opinion, at the city's expense, may also be required and the health care provider for such shall be designated by the city.

(6) At the time of request for leave without pay under 16-8(d), 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.

(7) During leave without pay under 16-8(d), the benefits of the employee or official 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 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 16, section 16-8(a) through 16-8(c).

(8) Upon expiration of the leave, the employee or official shall be restored to their original or equivalent position, except leave pursuant to 16-8(d)(1) (ii) shall require the employee or official to obtain and present certification from the health care provider that the employee or official is able to resume the full duties of his/her position. In the event of a general lay off or position abolishment, no right of return or restoration shall exist for any employee.

(9) Leave without pay under 16-8(d) shall not be used for reasons of seeking other employment. Leave without pay under 16-8(d) shall not prevent an employee from requesting additional discretionary leave without pay. Where both spouses are employees and/or officials and both request leave without pay for reason 16-8(d)(1) (iii) or (iv) the amount of leave shall be limited to a combined total of four (4) months leave without pay.

(e) Use of leave of absence for improper reasons and/or based upon misrepresentation of any kind shall be grounds for disciplinary action, including dismissal.

Section 16-9 Leave With Pay

Classified employees may be granted leave with pay in accordance with the following provisions:

(a) Leave with pay may be granted, plus actual expense incurred, to attend professional conferences, conventions, seminars, and training schools of short duration, or to visit other cities in the interest of the Municipal Government, upon prior recommendation of the department head. Before reimbursement shall be made, employees granted such leave will properly complete and execute the expense allowance form as prescribed by the Director of Finance.

(b) Leave with full pay from the City, less any monies received for such services by the employee, may be granted by the department head, upon approval by the Personnel Official, in order that employees may serve required jury duty, provided that official notification is submitted to the department head in advance of the required leave, and provided that the employee deposit any monies received in original check or draft form with the Finance Department. The total amount of monies paid the employee each pay period shall not exceed the full pay which the employee would have received for such period, at his/her regular straight-time pay rate in effect as of the date the jury service began, had he/she remained on the job. Reimbursement by the court for travel expenses shall not be included in this computation.

(c) Leave with pay up to and not exceeding 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 2. This bereavement leave is only for the employee to attend funeral or memorial services, accomplish any travel to and from such services, and/or take actions appropriate to settle the estate or otherwise provide immediate care to surviving family members. 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 leave, not to exceed 24 hours of leave with pay which shall be counted against the employee's accrued and unused sick leave credits.

Section 16-10 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 12. An employee who fails to report for work must notify his/her immediate supervisor or department head, giving reasons for such absence. This notification must be made no later than the beginning of the first scheduled work day or within lesser limits if required by the department head in those departments considered to be of critical response to the City Service. Failure of an employee to comply with this notification requirement for three consecutive working days (or, two consecutive work shifts for firefighters) shall be considered as an abandonment of position and cause for an automatic suspension until the case is reviewed by the department head. Notification shall not nullify the possibility of disciplinary action as provided herein, but shall apply to requirements for continued employment with the Municipal Government. All supervisors confirming such an absence as for good and sufficient reason or as sick leave, knowing the cause not to be by reason of sickness or not to be justified; or, failing to report the absence as stated herein, shall be liable to the same disciplinary action as the employee.

Section 16-11 Absence Without Pay

An absence without pay is an absence which may or may not have been known, and may have resulted from suspension, abandonment of position, or leave without pay as provided for in these Rules. Department heads shall be responsible for accurate reports of employees who are absent from duty for any reason, and shall show in the appropriate space provided in the periodic reports, as required in these policies and procedures, those absentees who are not entitled to pay under the prevailing working policy.

Section 16-12 Attendance and Tardiness

Ideally, if every person hired by the City reported to work promptly each scheduled workday, no attendance policy would be necessary; however, because some employees do not maintain a regular attendance pattern, some guidelines are

necessary to tell employees what kind of attendance is expected and required. Also, the existence of a policy helps to assure that supervisors in various departments handle unusual situations with consistency and equity when helping an employee meet out attendance standards. The City reserves the right to (1) authorize, or refuse to authorize, the advance request of an employee for permission to be absent; (2) investigate absences; and, (3) deny pay for absences in violation of this policy.

(a) Measurement of Attendance

The City of Gallatin's attendance policy measures occasions rather than days or hours of absence. One occasion of absence is defined as one or more consecutive days or hours of absence for the same reason. This method recognizes that it is more desirable for an employee to be absent from work on one occasion during the year, totaling five or 6 days, rather than adjusting crews and/or schedules on five or 6 occasions throughout the year when an employee is absent for one day each time. Consequently, in measuring attendance records in terms of occasions of absence, an employee with a good attendance record who encounters a situation resulting in one occasion requiring several days of absence is not penalized; however, if attendance were measured simply in terms of days of absence, that same employee's attendance record would be equal to an employee who missed work individually one day every few weeks.

(b) Approved Absences

City of Gallatin employees are granted leaves and periods of approved absences in accordance with the City's Personnel Rules and Regulations, the Municipal Code, and Federal laws and regulations. Supervisors are responsible for assuring that leaves or approved absences granted are consistent with the public interest and the administrative needs and work requirements of their department. Examples of approved absences are: when an employee is absent from work due to a death in the family; a preapproved vacation or other leave of absence; military leave; jury duty; absence because of a disabling on-the-job work injury; or, other types of leave that are preapproved in the City's Rules. Approved absences are not included in measuring an employee's attendance record.

Other than those reasons for absence which are automatically excused by City policy, other occasions of absence may be excused only when they do not create extra cost to the City in terms of additional overtime expense or an additional burden on a department due to operation with short staffing; or, if it will not interfere with providing the usual quality of services to the public. If an employee asked to be absent from work on a day of heavy activity and no extra employees were available to a supervisor, that absence would be considered unapproved and would be included in the measurement of an employee's attendance record. Unapproved absences may sometimes be avoided if employees communicate with supervisors in advance. Supervisors are always willing to try to accommodate the employee who gives advance notice, especially an employee with a favorable record of attendance.

(c) Satisfactory Attendance Standards

The standards for satisfactory attendance at the City is partially based on an employee's length of service with the City. Classified employees with longer service (more than six months) have somewhat greater latitude in their attendance pattern than those employees with less service. This system recognizes that the longer service employee has demonstrated his/her level of responsibility in establishing a favorable attendance record during the first six months of employment.

Attendance will be considered satisfactory for an employee who meets the following guidelines:

(1) Probationary and temporary employees, no more than one occasion of unexcused absence in any three-month period.

(2) Classified employees, no more than two occasions of unexcused absence in any four-month period.

Employees shall be notified by memo from the supervisor whenever an absence is not approved, stating the reason, with a copy sent to the Personnel Official.

(d) Punctuality and Tardiness

Dependable punctuality is also a necessary characteristic of a City employee. Whenever an employee reports late for work or is tardy in returning from lunch, etc., the same problems may result as those caused by absenteeism, because the supervisor does not know whether the employee will show up or not and has to adjust crews or schedules in the same way that he/she would if the employee were absent. Consequently, dependable punctuality may be as important as dependable attendance. Tardiness is defined as being more than one minute late at the beginning of a shift, end of lunch, etc. Like the attendance policy, whenever a supervisor can receive some advance notice that an employee will be tardy and can make arrangements to adjust staffing without incurring overtime costs or causing services to suffer, an occasion of tardiness can be excused. An employee's record of punctuality will be considered satisfactory when the following guidelines are met:

Temporary, probationary, and classified employees, no more than four occasions of unexcused tardiness in any six-month period and no more than one occasion of unexcused tardiness in any period of seven calendar days.

(e) Emergency Situations or Situations Beyond an Employee's Control

There may be times when an employee, due to circumstances completely beyond his/her control, may be unable to be at the scheduled time and place, nor be able to communicate with the supervisor. In such situations, the supervisor may recommend to the department head that the absence or tardiness be excused,

retroactively; however, if an employee fails to report an absence or tardiness when it becomes possible to do so, an unreported absence will be recorded. Repeated occasions of unreported absences can lead to dismissal.

(f) Early or Temporary Departures from Work

Occasionally, an employee may find it necessary to leave work temporarily or early in a scheduled work day due to personal business or illness. Any time an employee feels it is necessary to leave the job, it is his/her responsibility to first notify his/her supervisor to obtain approval. Depending upon the circumstances, the supervisor may grant leave without pay or may authorize vacation or sick leave, according to the City's policies; however, like the attendance policy, if the supervisor has not received some advance notice or is unable to make arrangements to adjust crews without incurring overtime or hurting the services, he/she might not excuse the absence. These situations are included in the measurement of the employee's attendance record.

(g) Action To Be Taken When an Employee's Attendance or Tardiness Record Becomes Unsatisfactory

The City's attendance policy is designed to clearly inform the employee of the policy through discussions with the supervisor, when that employee's attendance patterns becomes unsatisfactory. If the supervisor's efforts to alert an employee to the importance of maintaining a satisfactory attendance record do not succeed and attendance does not improve, there may be no alternative available to a supervisor other than dismissal. Dismissal of an employee benefits neither the City nor the employee. The employee faces a loss of income and an unfavorable mark on his/her employment record and the City must go through the time and expense of hiring and training a new employee as a replacement. Consequently, City management is never anxious to dismiss an employee for poor attendance. Our attendance policy is designed to provide employees with ample warning of unsatisfactory attendance and to allow employees the opportunity to demonstrate their dependability and to correct attendance problems.

(h) Extended or Frequent Absences Because of Illness

Except when recorded as unapproved absences, long or frequent absences because of illness may be the basis of one or more of the following actions:

(1) Informing the employee, by memo, that the employee's pattern and/or use of leave for a period of time is questionable, and instructing the employee in specific attendance and reporting requirements.

(2) Placing the employee in a job where such absences will not impair efficient operation, either within the same or any other department.

(3) Terminating the employee for unavailability to meet requirements of the job for which employed.

(i) Use of Annual and Sick Leave

The supervisor is the person who authorizes an employee to take annual or sick leave. An employee cannot authorize annual or sick leave for themselves. In order for the supervisor to plan his/her work and provide services in the most efficient manner, it is necessary that the supervisor know in advance, as specified in these Rules, when an employee will be on leave.

(j) Reporting and Monitoring

Supervisors will report all occasions of absence and tardiness as directed by the Personnel Official, showing whether the absence or tardiness is excused or unexcused. The Personnel Official will assist the supervisor in monitoring the frequency of such occasions, advising the supervisor, and recommending corrective action, if necessary.

(k) Value of Good Attendance and Punctuality

Employees who demonstrate dependability and punctuality by developing favorable attendance and tardiness records help to enhance the City's reputation with the public by contributing to improved, lower-cost public services. Dependability of attendance and punctuality are important factors included in the evaluation of employees because those characteristics identify the employees who are interested in both the City's future and their own future.

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 17 – GENERAL POLICIES AND PROCEDURES

Section 17-1. Employee Conduct and Working Relationships

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

It shall be the duty of each employee to maintain high standards of cooperation, efficiency, and economy in their work for the Municipal Government. Department heads and supervisors shall organize and direct the work of their units to achieve these objectives. When work habits, attitude, production, or personal conduct of an employee fall below a desirable standard, supervisors should point out the deficiency at the time it is observed. Warnings in sufficient time for improvement should precede disciplinary action, but nothing in this Section shall prevent immediate formal action whenever the interest of the Municipal Government requires it. The Mayor shall review and approve departmental policies and procedures before they become official. After approval, these rules must be made available to each employee.

Section 17-2. Corrective Action

Any 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 17-3. Political Activity

All classified employees and all appointed City officials, including, but not limited to, Director of Finance, Mayor's Administrative Assistant, Superintendent of Public Works, Superintendent of Public Utilities, Chief of Police, Fire Chief, Personnel Official, and City Attorney or Firm, shall not:

(a) Accept election to any public office in the said municipality, nor hold any other full-time elected or appointed position.

(b) While on duty or acting in an official capacity, take an active part in a municipal political campaign, or actively participate in, raise funds for, or otherwise aid any person who presently holds any position elective or appointive; or serve as a member of any committee of such political party, club, organization, or individual.

(c) While on duty or acting in an official capacity, directly or indirectly solicit or take part in soliciting any such assessment, subscription, or contribution for any political organization or purposes, or distribute badges, pamphlets, or handbills of any kind favoring or opposing any candidate for election, or for nomination to a public office or engage in any other political activity.

(d) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position, or demotion, or dismissal from a position in the Classified Service.

(e) Nothing in these rules shall in any way preclude the employee's or appointed City official's right to privately express his/her opinions and cast his/her vote, to prevent any such employee from becoming and/or continuing to be a member of a political organization, or from attending any political meeting.

(f) Any willful violation or violation through negligence, of any of the above prohibitions shall be sufficient grounds for the discharge of any employee or appointed City Officials guilty of such violation.

Section 17-4. Hours of Work

The City Council shall establish hours of work per work period for each position in the Classified Service and the hours during which offices shall be open for business. This shall be determined in accordance with the needs of service and shall take into account the reasonable needs of the public who may be required to do business with the various City departments. Normally, except for the uniformed personnel of the fire and police departments, employees shall work 40 hours per week, with special provisions made in departments that require additional hours to meet existing conditions or emergency contingencies as heretofore set out in these rules.

Section 17-5. Attendance

An employee shall be in attendance at regular work hours and at his place of work in accordance with these rules and with general departmental regulations. All departments shall keep daily attendance records of their employees, which shall be reported to the Personnel Official on the dates and times specified.

Section 17-6. Outside Employment

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. Whether or not such approval may be granted shall be based on whether or not outside employment will cause or can cause a conflict of interest; whether or not outside employment is incompatible with the employee's position with the City; whether or not it will interfere with the satisfactory performance of the employee's duties; and, whether or not outside employment is likely to reflect discredit upon or create embarrassment for the Municipal Government. Any employee engaging in approved outside employment must notify his/her department head, in writing, of his/her place of employment; working hours, duties of such employment; and, telephone number or place of permanent contact.

Section 17-7. Obstruction of Rights

No official or employee of the Municipal Government shall consciously and by overt act deprive any person of any rights to which such person is entitled under any law, ordinance, rule or regulation of the Municipal Government.

Section 17-8. Impartiality

Each official and employee of the Municipal Government shall discharge his duties fairly and impartially and his/her determinations and decisions shall be made without discrimination on account of race, religion, age, sex, political or organization affiliation, national origin, or friendship.

Section 17-9. Pecuniary Interests and Gratuities

(a) 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, have any financial interest in, or to profit directly or indirectly, from any business dealings with the Municipal Government; to have any financial interests in the profits of any contract, service, or other work performed by the City; to personally profit directly or indirectly from any contract, purchase, sale, or service between the City and any person or company; or, to personally or as an agent provide any surety, bail, or bond required by law.

(b) No officer or employee shall accept, directly or indirectly, any money, gift, gratuity or favor, or preferred services, benefits, concessions, or considerations of any kind from any person or company other than the Municipal Government which might reasonably be interpreted as an attempt to influence actions with respect to City business.

(c) 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 17-10. 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, facilities, equipment, or supplies for private gain or advantage to himself/herself or to any other private person or entity. Such resources may be utilized only as provided by express authorization by legitimate contract or lease that is determined by the City Council to be in the best interests of the city.

(a) 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. The use of the City's business systems or equipment, including, but not limited to, facsimiles, telephones, computers, copy machines, and Internet access for personal purposes is prohibited other than de minimus personal use, such as brief local phone calls or faxes, short personal email communications, maintaining a list of personal as well as business commitments in a calendar or organizer file, minimal copying, or brief Internet viewing. Employees 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 uses of the City's business systems and equipment are consistent with the City's legitimate business interests, authorized representatives of the City may monitor the use of such equipment from time to time. E-mail and voice mail messages are subject to the Tennessee Open Records Act. The City reserves the right to access all computer logs and messages sent or received over its E-mail systems or voice mail systems for any purpose. Please note that computer logs and back-up copies of E-mail messages may be retained and accessed by the City even though such messages have been deleted.

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. All access codes and passwords are city property and must be revealed to your supervisor if requested to do so.

There is to be no display, printing, downloading, or transmission of sexually explicit images, messages, jokes, or cartoons, or any transmission or use of the Internet, E-mail, or voice mail communications that contain offensive or inflammatory messages, ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, gender, sexual orientation, age, disability, or religious beliefs or practices. Employees who receive such material from another person should immediately advise the sender that he/she is not permitted to receive such information and not to send it again.

E-mail 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 may be subject to the Tennessee Open Records Act and may be subject to inspection by the news media or public upon request. I further understand that City communication systems are intended to be used for City purposes and, except for minimal convenience, are not to be used for personal business. If I have questions about whether an activity is appropriate, I will contact my supervisor/department head. I understand that violation of this policy will result in discipline, up to and including termination."

Section 17-11. Use of Position

In accordance with 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 otherwise, in the name of the municipality, nor shall he/she otherwise use or attempt to use his/her position to secure unwarranted privileges or exemptions for himself/herself or others. No person shall use or promise to use directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or to attempt to secure for any person an appointment to a position in the Classified Service; any increase in wages or other advantage in employment in such position; for the purpose of influencing the vote or political action of any other person; or, for any other consideration.

Section 17-12. Garnishments, Child Support, and Bankruptcy

Financial responsibility is a requirement for continued service with the Municipal Government. It is the policy of the Municipal Government to discipline employees who demonstrate irresponsibility in meeting their just debts as evidenced by one or more garnishments against their wages. All court orders for attachment of wages shall be delivered to the Personnel Official who is required to take the following action:

(a) On the same day a notice of garnishment is received, the Payroll Clerk will be instructed to attach any wages due the employee, to the extent allowable under the law. The date of receipt of this notice by the Personnel Official shall constitute the date of execution. Any required payroll deduction shall be made from the next paycheck regularly issued to the employee and subsequent pay checks due for the duration of the garnishee's employment until the garnishment order expires or a written release from the court is delivered to the Personnel Official.

(b) Concurrently with attachment of the employee's wages, the Personnel Official shall notify the employee by first class mail to his/her home address, including a copy of the garnishment order as required by law.

(c) Upon execution of the garnishment, the following action will be taken:

(1) First Garnishment Executed Within a 12-Month Period. If the garnishment is the first executed within a 12-month period, the Personnel Official shall, within five days of the date of execution, counsel the employee as to the City's policy against financial irresponsibility. He/she shall encourage the employee to seek appropriate legal assistance or petition the court for relief as appropriate under law. The Personnel Official will caution the employee regarding the consequences of future garnishments. This counseling session will be documented and a memorandum as evidence of the session will be placed in the employee's file.

(2) Second Garnishment Executed Within a 12-Month Period. If the garnishment is the second executed within a 12-month period, the department head will determine appropriate disciplinary action in accordance with Rule 12. Unless the employee provides substantial and convincing evidence that mitigates the garnishment in accordance with Section 17-12(d) below, the department head shall issue a written letter of reprimand clearly cautioning the employee of the consequences of further garnishment against his/her wages. A copy of the letter of reprimand will be forwarded to the Personnel Official to place in the employee's file.

(3) Third Garnishment Executed Within a 12-Month Period. If the garnishment is the third executed within a 12-month period, the department head will determine appropriate disciplinary action in accordance with Rule 12. Unless the employee provides substantial and convincing evidence that mitigates the garnishment in accordance with Section 17-12(d) below, the department head will direct dismissal of the employee.

(d) Mitigating Circumstances.

No disciplinary action shall be taken:

(1) when the attachment of wages is based on an attempt to liquidate debts that have been previously absolved by bankruptcy;

(2) when the attachment of wages is based on a court-ordered arrangement for child support;

(3) when a one-year period of time has elapsed between the execution date of separate garnishments of an employee's earnings; the older garnishment shall no longer be material consideration in the discharge of an employee from the classified service;

(4) when the attachment of wages is based on a second or subsequent garnishment for the same indebtedness, as identified by the court-assigned case number; or,

(5) for any garnishment for a debt for which the employee is not legally responsible; however, this shall not exclude debts for which the employee has cosigned or otherwise assumed financial responsibility (as, for example, a medical bill for someone other than the employee.) In such instances, the garnishment of wages is against the legal and proper obligation and the fact that the employee did not personally receive goods or services will not excuse him/her from the responsibility assumed and any resulting disciplinary action as a result of the garnishment or garnishments for nonpayment of the debt.

(e) Since garnishments are considered as a lien against wages to be executed immediately upon receipt by the employer, a court-issued release after execution will not excuse the employee from any resulting disciplinary action as a result of the garnishment.

(f) 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 12, Section 12-9 and 12-10.

(g) 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. The administrative charge shall be in an amount as determined by court order.

(h) 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. 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 17-13. Records and Reports.

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

(a) Employee's personnel file to include:

(1) Application for employment;
(2) Approval for hiring;
(3) Record of transfers, promotions, and changes in pay scale;
(4) Record of position performance evaluation by supervisor, at least annually;
(5) Record of attendance;

(6) Record of reprimands, suspensions, demotions, and dismissals;
(7) Current home address and phone number; and,
(8) Record of garnishments.

(b) Departmental records:

(1) The number of employees in each department by position classification;
(2) A list of employees recommended for promotion, based on outstanding performance and ability;
(3) A list of employees considered as surplus, temporary, casual, and provisional by position classification; and,
(4) Counseling records

(c) All department heads are required to furnish the Personnel Official, as required and as provided for in these rules, an accurate absentee report of all employees who are absent from duty.

(d) Other records and reports as needed and as provided for in these rules and by law, but not duplication of records and reports maintained elsewhere.

(e) Personnel records are subject to the extent permitted by the Tennessee Public Record Act T.C.A. Section 10-7-501 et. seq.

Section 17-14. Service Recognition

Each year, employees who have completed five, 10, 15, 20, 25, and five-year additional periods of service with the Municipal Government shall be awarded a service emblem indicating the number of year's service. The service emblems will be presented by the Mayor, accompanied by the department head. Employees eligible for the award will be notified of the time and place of the presentation.

(a) 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. 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.

(b) A service award shall be presented at the time of employees' retirement in recognition of faithful service rendered to the citizens of the City of Gallatin, Tennessee.

(c) On the date of termination of service or retirement, employees who have rendered outstanding service shall be presented with an appropriate award as recommended by the department head and approved by the Council.

Section 17-15. Improvement of Working Conditions and Welfare

The Personnel Official, Mayor, and Aldermen shall cooperate with management, employees, and others to promote measures directed toward sanitary, safe, and healthful working conditions that are conducive to higher morale, greater efficiency, and low rate of turnover in the City Service; and, toward any other means of bettering the conditions and improving the morale of the Municipal Government employees. Such employee working conditions, health, and welfare programs may include group insurance; group medical care for all employees; adoption of nonfinancial incentives such as service awards; a suggestion system; an employee newsletter; and, the establishment of necessary retirement/pension systems.

Section 17-16. Nepotism

Being aware that values do accrue from traditions identifying certain families with branches of the municipal government yet also recognizing the inadvisability of creating an imbalance on municipal payrolls and jeopardizing the capacity to provide service in certain areas of emergency by the employment of a disproportionate number of persons from the same family, caution must be exercised in the consideration of applicants who have relatives already in the employment of the Government. Therefore, the following relationships are considered to be close relatives for purposes of Section 17-16: spouse, parents, children, and siblings.

(a) Employees' close relatives will not be employed by the City under any of the following circumstances:

(1) Where one of the parties would have authority to supervise, appoint, remove, or discipline the other;
(2) Where one party would be responsible for auditing the work of the other;
(3) Where both parties would report to the same immediate supervisor;
(4) Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City as determined by the department head; or
(5) Where one of the parties is a department head of the City, unless the other employee works in a different department and the Mayor determines in writing that employment will not be detrimental to the City.

(b) Applicants for Temporary or Volunteer positions may be approved for employment in any department, including those in which close relatives are already employed.

(c) Where two or more Classified employees already in the employ of the municipal government in the same department become close relatives by marriage and become subject to the provisions of Section 17-16(a), they may decide between themselves who shall leave the department and who shall stay. Should they be unable to reach an agreement within 15 calendar days, the rule of seniority shall apply and a termination shall be affected immediately.

(d) Withholding of information pursuant to this entire Section shall render the employees subject to disciplinary action.

Section 17-17. Strikes

In accordance with Section 13-127 of the Municipal Code, no Municipal officer or employee shall be a party to, participate in, or instigate any strike against the Municipal Government.

Section 17-18. Prohibitions

Prohibitions shall be as follows:

(a) No person shall be appointed to, promoted to, demoted from, or dismissed from any position in the Classified Service; or, in any way favored or discriminated against with respect to employment in the Classified Service because of race, religion, national origin, political affiliation, sex, or age.

(b) No person shall make any false statement, certification, mark, rating, or report with regard to any test, certification, or appointment made under any provision of the Charter, Ordinance, and these Rules; or, in any manner, commit any fraud preventing the impartial execution of the provisions of the Charter, Ordinance, and these Rules.

(c) No employee, examiner, or any other person shall defeat, deceive, or obstruct any person in his/her right to examination, eligibility, certification, or appointment under the Ordinance, the Charter, and these Rules; or, furnish to any person any special, secret, or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the Classified Service.

(d) Any officer or employee who violates any of the provisions of this Section shall forfeit his/her office or position.

Section 17-19. Travel Regulations

The Mayor of the city or his or her designee shall be responsible for the enforcement of these travel regulations.

(a) In the interpretation and application of this resolution, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this resolution. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this resolution.

(b) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions and seminars; and other actual and necessary expenses related to official business as determined by the Mayor. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(c) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences and similar expenses.

(d) Travel advance requests are not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the Mayor to initiate action to recover any undocumented travel advances.

(e) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(f) A travel expense reimbursement form will be used to document all expense claims.

(g) To qualify for reimbursement, travel expenses must be:

(1) Directly related to the conduct of the city business for which travel was authorized; and

(2) Actual, reasonable and necessary under the circumstances. The Mayor may make exceptions for unusual circumstances.

(h) Expenses considered excessive will not be allowed.

(i) Claims of $5.00 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee and other reimbursable costs.

(j) Any person attempting to defraud the city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(k) Mileage and motel expenses incurred within the city are not ordinarily considered eligible expenses for reimbursement.

(l) Authorized travelers shall be reimbursed according to the federal travel regulation rates established by the United States General Services Administration. The city's travel reimbursement rates will automatically change when these federal rates are adjusted. The municipality may pay directly to the provider for expenses such as meals, lodging and registration fees for conferences, conventions, seminars and other education programs.

(m) The city adopts and incorporates by reference, as if fully set out herein, the administrative procedures submitted by the Municipal Technical Advisory Service to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee. A copy of the administrative procedures shall be maintained on file in the office of the city recorder.

Section 17-20. Employee Use of City Owned Vehicles

Under some circumstances it is in the best interest of the City of Gallatin to allow employees to take home City-owned vehicles on a long-term basis. Long-term basis is defined as a period of more than thirty (30) days. An employee's ability to respond to emergencies and/or respond while on call shall be considered the primary criteria for establishing what is in the best interest of the City of Gallatin.

The purpose of this policy is to provide direction concerning the circumstances under which it may be appropriate to assign City-owned vehicles to be taken home by City employees.

(a) Nothing in this policy implies that any employee by virtue of their job duties or position is entitled to the assignment of a take home vehicle.

(b) Department Heads shall submit to the Mayor justifications for the assignment of take home vehicles in their departments. Approval of the assignment of a take home vehicle shall be the responsibility of the Mayor.

(c) City vehicles shall not be taken home by employees living outside of the city's planning region, unless the Mayor determines that it is in the best interest of the City.

(d) Employees who use their personal vehicles to conduct city business are eligible for reimbursement pursuant to Rule 17, Section 17-19 of these rules.

(e) All employees assigned a take home vehicle shall keep a log of the usage of that vehicle outside of normal duty hours. This log shall include at least the name of the employee, date of call out, service address, nature of call out, and time of service initiation and service completion. In addition, those individuals in possession of take home vehicles will keep a log of any additional personnel called out for assistance by the person in possession of a take home vehicle. The log shall include the person called, the reason for the need of additional assistance and the date, time and location of the additional callout. Department Heads may require that additional information be logged. These logs shall be submitted at least monthly to the Department Head, who shall verify the accuracy of and approve the logs, and, shall then submit the same to the Mayor for his/her approval.

(f) Department Heads shall review, on a quarterly basis, the assignment of take home vehicles in their departments. Department Heads shall report to the Mayor in writing whether the assignments are justified by this policy.

(g) No assignment of a take home vehicle shall be considered unless it is justified by one or more of the following criteria:

Primary Criteria:

(1) The employee is subject to frequent service calls requiring the use of a vehicle to conduct City business during the employee's non-duty hours. Frequent shall be defined as an average, over the time period of the assignment, of at least one call every week during non-duty hours.

(2) The employee is required to respond to emergencies during non-duty hours, and the use of a City-owned vehicle is necessary for proper emergency response. Emergencies shall be defined as unforeseen circumstances requiring immediate action.

(3) The employee is required to respond to non-duty hour calls within a limited time frame established by the department, and traveling to secure a City vehicle would prevent the employee from meeting response time standards.

(4) The employee must use specialized equipment carried in a City-owned vehicle, during non-duty hours, to effectively carry out their job duties.

Secondary Criteria:

(5) There may be exceptional circumstances where operational efficiency necessitates a vehicle be taken home by an employee. The efficiency impact must be documented to the Mayor in writing and should reference the benefits versus the costs of the assignment or the department's service standards.

(6) The Mayor deems that it is in the best interest of the City to assign a take home vehicle to an employee by virtue of the responsibilities of their position.

(h) Any attempt by an employee, whether classified, appointed or otherwise exempt, to directly or indirectly circumvent the spirit, purpose or letter of these rules, by act of commission or omission, shall subject that employee to automatic termination.

(i) In instances where an employee is permitted the use of a take-home vehicle, the vehicle will not be used for personal purposes other than *de minimis* personal use such as stopping at the grocery, laundry, or other establishment while actually commuting to and from the workplace and residence.

Section 17-21. Driving Records

(a) Any "employee" as defined in Rule 2 and as used in this entire Section, who is required as a condition of employment to possess and maintain a valid driver's license is responsible for notifying his/her supervisor in the event such license is restricted, suspended, expired, or revoked. This notification must be made as soon as possible but no later than the beginning of the next worked shift after the employee becomes aware of the restriction, suspension, expiration, or revocation of the license.

(b) A periodic review of employees' driving records will be conducted by the City to assure adherence to this policy. This review will be conducted as deemed necessary by the Personnel Official but in no less frequency than once annually.

(c) 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.

(d) In all cases involving classified employees who temporarily or permanently lose their drivers licenses when such license is required in their job, the department head shall, within one week after learning of such loss, either verify that the license has been restored or determine appropriate disciplinary action in accordance with Rule 12.

Section 17-22. Activities Involving Illegal Drugs--City of Gallatin Drug and Alcohol Testing Policy

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DRUG AND ALCOHOL TESTING POLICY

(a) PURPOSE

The City of Gallatin recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the City of Gallatin to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of the City of Gallatin are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the City of Gallatin has adopted this drug and alcohol testing policy effective January 1, 1996. This policy complies with the "Drug-Free Workplace Act of 1988", which ensures employees the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL), Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. In the case of this policy, the Omnibus Transportation Employee Testing Act of

1991 is most significant with its additional requirement of using the "split specimen" approach to drug testing, which provides an extra safeguard for employees. The types of tests required are: pre-employment, transfer, reasonable suspicion, post-accident/post-incident, random, return-to-duty, and follow-up.

It is the policy of the City of Gallatin that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to termination of employment. Prohibited and/or illegal conduct includes but is not limited to:

1. being on duty or performing work in or on city property while under the influence of drugs and/or alcohol;
2. engaging in the manufacture, sale, distribution, use, or unauthorized possession of (illegal) drugs at any time and of alcohol while on duty or while in or on city property;
3. refusing or failing a drug and/or alcohol test administered under this policy;
4. providing an adulterated, altered, or substituted specimen for testing;
5. use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty, and
6. use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties. It is the employee's responsibility to inform the proper supervisory personnel of his/her use of such legally prescribed medication before the employee goes on duty or performs any work.

In order to educate the employees about the dangers of drug and/or alcohol abuse, the city shall sponsor an information and education program for supervisors. Information will be provided on the signs and symptoms of drug and/or alcohol abuse; the effects of drug and/or alcohol abuse on an individual's health, work, and personal life; the city's policy regarding drugs and/or alcohol; and the availability of counseling. The personnel official has been designated as the municipal official responsible for answering questions regarding this policy and its implementation.

All City of Gallatin property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers.

(b) SCOPE

Certain aspects of this policy may apply to full-time, part-time, temporary, and volunteer employees of the City of Gallatin. The policy also applies to applicants for positions requiring a CDL and other safety sensitive positions, such as police officers and dispatchers, firefighters and dispatchers, and heavy equipment operators who have been given a conditional offer of employment from the City of Gallatin.

(c) CONSENT FORM

Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, medical review officer (MRO), the Personnel Official, or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the city's drug and alcohol testing policy.

The consent form shall set forth the following information:

(1) the procedure for confirming and verifying an initial positive test result;
(2) the consequences of a verified positive test result; and
(3) the consequences of refusing to undergo a drug and/or alcohol test.

The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system.

(d) COMPLIANCE WITH SUBSTANCE ABUSE POLICY

Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee for a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination.

(e) GENERAL RULES

These are the general rules governing the City of Gallatin's drug and alcohol testing program:

1. City employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician. Employees who are required to take prescription and/or over-the-counter medications shall notify the proper supervisory personnel before the employees go on duty.

2. City employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on city property.
3. All City of Gallatin property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. City property includes, but is not limited to, vehicles, desks, containers, files, and lockers.
4. Any employee convicted of violating a criminal drug statute shall inform his or her department head of such conviction (including pleas of guilty and nolo contendere) **within five days** of the conviction occurring. Failure to so inform the city, subjects the employee to disciplinary action up to and including termination for the first offense.

(f) DRUG TESTING

An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under six separate conditions:

(1) TYPES OF TESTS

(A) Pre-employment

All applicants for a position with the City of Gallatin, who have received a conditional offer of employment with the City of Gallatin, must take a drug test before receiving a final offer of employment.

(B) Transfer

Employees transferring to a safety sensitive position or a position within the city that requires a commercial driver's license (CDL) shall undergo drug testing.

(C) Post-Accident/Post-Incident Testing

Following any workplace accident (incident) determined by supervisory personnel of the City of Gallatin to have resulted in property or environmental damage or in personal injury requiring treatment by a physician, including but not limited to a fatality or human injury requiring medical treatment, each employee whose performance may have contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) as determined during a routine post-accident/post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) drug test.

Post-accident (post-incident) testing shall be carried out immediately and not to exceed 12 hours following the accident (incident). Urine collection for post-accident (post-incident) testing shall be monitored or observed by qualified collection personnel at the established collection site.

In instances where post-accident (post-incident) testing is to be performed, the City of Gallatin reserves the right to direct the medical review officer (MRO) to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances. Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed at the urinary cutoff level that is normally used for those specific substances by the laboratory.

(I) (Post-Accident (Post-Incident) Testing for Ambulatory Employees

Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City of Gallatin to the designated urine specimen collection site immediately and not to exceed 12 hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the testing site (Sumner Regional Medical Center) within 12 hours. No employee shall consume drugs prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of the City of Gallatin and shall result in administrative action up to and including termination of employment.

(II) (Post-Accident (Post-Incident) Testing for Injured Employees

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following an accident (incident) shall consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent shall also be given for the attending medical personnel and/or medical facility (including Sumner Regional Medical Center) to release to the medical review officer (MRO) of the City of Gallatin, appropriate and necessary information or records that would indicate only whether or not specified prohibited drugs (and what amounts) were found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance

abuse policy of the City of Gallatin or upon hiring following the implementation date.

Post-accident (post-incident) urinary testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if drugs were present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within 12 hours must be fully documented by the attending medical personnel.

(D) Testing Based on Reasonable Suspicion

A drug test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs and/or alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief shall be based on recent, physical, behavioral, or performance indicators of possible drug use. One supervisor who has received drug detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior. It is recommended that two such supervisors make the observation when possible.

Supervisory personnel of the City of Gallatin making a determination to subject any employee to drug testing based on reasonable suspicion shall document their specific reasons and observations in writing to the personnel official within 24 hours of the decision to test and before the results of the urine drug tests are received by the department. Urine collection for reasonable suspicion testing shall be monitored or observed by qualified collection personnel.

(E) Random Testing

Only employees of the City of Gallatin possessing or wishing to obtain a commercial driver's license (CDL) or are determined to be in a safety-sensitive position are subject to random urine drug testing. It is the policy of the City of Gallatin to annually random test for drugs at least 50% of the total number of employees possessing or obtaining a commercial driver's license (CDL) and employees in safety-sensitive positions.

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random urine drug testing and the actual presentation for specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while others may not be tested at all, depending on the random selection. This shall be administered by Sumner Health Management Systems.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to produce a specimen on the date random testing occurs, the City of Gallatin may omit that employee from that random testing or await the employee's return to work.

(F) Return-to-Duty and Follow-Up

Any employee of the City of Gallatin who has violated the prohibited drug conduct standards and is allowed to return to work, must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty. The EAP professional will call for when these must be performed but no less than 6 times during the first 12 months after return-to-duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee possessing a CDL or in a safety-sensitive position returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

(2) PROHIBITED DRUGS

All drug results will be reported to the medical review officer (MRO). If verified by the MRO, they will be reported to the personnel official. The following is a list of drugs for which tests will be routinely conducted (See Appendix A for cutoff levels):

1. amphetamines,
2. marijuana,
3. cocaine,
4. opiates,
5. phencyclidine (PCP),
6. alcohol, and
7. depressants.

The City of Gallatin may test for any additional substances listed under the Tennessee Drug Control Act of 1989.

(3) DRUG TESTING COLLECTION PROCEDURES

Drug testing will be accomplished as non-intrusively as possible. Affected employees, except in cases of random testing, will be taken by a supervisor or designated personnel of the City of Gallatin to a drug test collection facility selected by the City of Gallatin (Sumner Regional Medical Center), where a urine sample will be taken from the employee in privacy. The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution. The sample will be placed in a secure mailing container. The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by Sumner Regional Health Systems to perform the analysis on collected urine samples.

(4) DRUG TESTING LABORATORY STANDARDS AND PROCEDURES

All collected urine samples will be sent to a laboratory that is certified and monitored by the federal Department of Health and Human Services (DHHS).

As specified earlier, in the event of an accident (incident) occurring after regular work hours, the supervisor or designated personnel shall take the employee(s) to the Sumner Regional Medical Center immediately but no later than 12 hours after the accident (incident) where proper collection procedures will be administered.

The Omnibus Act requires that drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two bottles labeled as "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of drugs, the employee has 72 hours to request sending the split specimen to another federal Department of Health and Human Services (DHHS) certified laboratory for analysis. The employee will be required to pay for his or her split specimen test(s).

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify the personnel official. Corporate Health Management Services (CHMS) a subsidiary of Sumner Regional Health Systems is responsible for the administration of the medical review services.

(5) REPORTING AND REVIEWING

The City of Gallatin shall designate Corporate Health Management Services to assist in the verification of positive results as allowed by applicable State and Federal regulations or industry practices. CHMS shall also receive, report,

and file testing information transmitted by the laboratory. CHMS shall use a licensed physician with knowledge of substance abuse disorders.

(A) The laboratory shall report test results only to the designated MRO, who will review them in accordance with accepted guidelines and the procedures adopted by the City of Gallatin.
(B) Reports from the laboratory to the MRO shall be in writing or by fax. The MRO may talk with the employee by telephone only upon exchange of acceptable identification.
(C) The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the respective department head, the personnel official, and the employee.
(D) Neither the City of Gallatin, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident (incident) investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the City Attorney.

(g) ALCOHOL TESTING

An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to alcohol testing under six separate conditions.

(1) Types of Tests

(A) <u>Post-Accident/Post-Incident Testing</u>

Following any workplace accident (incident) determined by supervisory personnel of the City of Gallatin to have resulted in property or environmental damage or in personal injury requiring treatment by a physician, including but not limited to a fatality or human injury requiring medical treatment, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) alcohol test.

Post-accident (post-incident) testing shall be carried out within two hours following the accident (incident).

(I) <u>Post-Accident (Post-Incident) Testing for Ambulatory Employees</u>

Following all workplace accidents (incidents) where alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City of Gallatin to the designated breath alcohol test site for a breath alcohol test within two hours following the accident (incident). In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to Sumner Regional Medical Center within two hours. No employee shall consume alcohol prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site for post-accident (post-incident) testing. Any unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the substance abuse program of the City of Gallatin and shall result in administrative action up to and including termination of employment.

(II) Post-Accident (Post-Incident) Testing for Injured Employees

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following an accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility to release to the medical review officer (MRO) of the City of Gallatin appropriate and necessary information or records that would indicate only whether or not specified prohibited alcohol and what amount was found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City of Gallatin or upon hiring following the implementation date.

Post-accident (post-incident) breath alcohol testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if alcohol was present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within two hours must be fully documented by the attending medical personnel.

(B) Testing Based on Reasonable Suspicion

An alcohol test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol. This belief shall be based on recent, physical, behavioral, or performance indicators of possible alcohol use. One supervisor who has received alcohol detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior. It is recommended that two such supervisors make the observation when possible.

Supervisory personnel of the City of Gallatin making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the personnel official within eight hours of the decision to test and before the results of the tests are received by the department.

(C) Random Testing

Only employees of the City of Gallatin possessing a commercial driver's license (CDL) or in a safety-sensitive position are subject to random alcohol testing. It is the policy of the City of Gallatin to annually random test for alcohol at least 25 percent of the total number of drivers possessing, obtaining a commercial driver's license (CDL) or working in a safety-sensitive position.

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random alcohol testing and the actual presentation for testing.

Random test dates will be unannounced with unpredictable frequency. Some employees may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to be tested on the date random testing occurs, the City of Gallatin may omit that employee from that random testing or await the employee's return to work.

(D) Return-to-Duty and Follow-up

Any employee of the City of Gallatin who has violated the prohibited alcohol conduct standards must submit to a return-to-work test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty.

The employee will be required to pay for his/her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee with a CDL or in a safety-sensitive position returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

(2) ALCOHOL TESTING PROCEDURES

All breath alcohol testing conducted for the City of Gallatin shall be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA).

Alcohol testing is to be performed by a qualified technician as follows:

(A) Step One:

An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent breath level (BAL), the test shall be considered negative. If the result is greater or equal to 0.04 percent BAL, the result shall be recorded and witnessed, and the test shall proceed to Step Two.

(B) Step Two

Fifteen minutes shall be allowed to pass following the completion of Step One above. Before the confirmation test or Step Two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician shall conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument. Then Step One shall be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

The breath alcohol level detected in Step Two shall be recorded and witnessed.

If the lower of the breath alcohol measurements in Step One and Step Two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test. Failure of the breath alcohol test shall result in administrative action by proper officials of the City of Gallatin up to and including termination of employment.

Any breath level found upon analysis to be between 0.02 percent BAL and 0.04 percent BAL shall result in the employee's removal from duty without pay for a minimum of 24 hours. In this situation, the

employee must be retested by breath analysis and found to have a BAL of no more than 0.02 percent before returning to duty with the City of Gallatin.

All breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and by a supervisory employee of the City of Gallatin, when possible.

The completed breath alcohol test form shall be submitted to the personnel official.

(h) EDUCATION AND TRAINING

(1) Supervisory Personnel Who Will Determine Reasonable Suspicion Testing
Training supervisory personnel who will determine whether an employee must be tested based on reasonable suspicion will include at the minimum two 60-minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One 60-minute period will be for drugs and one will be for alcohol.

(2) Distribution of Information

The minimal distribution of information for all employees will include the display and distribution of:

(A) Informational material on the effects of drug and alcohol abuse;
(B) An existing community services hotline number, available drug counseling, rehabilitation, and employee assistance programs for employee assistance.
(C) The City of Gallatin policy regarding the use of prohibited drugs and/or alcohol; and
(D) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

(i) CONSEQUENCES OF A CONFIRMED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT AND/OR VERIFIED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT.

Job applicants will be denied employment with the City of Gallatin if their initial positive pre-employment drug test results have been confirmed/verified.

If a current employee's positive drug and alcohol test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and may be subject to disciplinary action up to and including termination. The city may consider the following factors in determining the appropriate disciplinary response: the employee's work history, length of employment, current work assignment, current job performance, and existence of past disciplinary actions. However, the

city reserves the right to allow employees to participate in an education and/or treatment program approved by the city as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through a program sanctioned by the city and thereafter refrain from violating the city's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of the city's personnel rules and regulations, nor will it relieve the employee of any requirements for return to duty testing.

Refusing to submit to an alcohol or controlled substances test means that a CDL holder or person in a safety-sensitive position: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part, or (3) engages in conduct that clearly obstructs the testing process. In either case the physician or breath alcohol technician shall provide a written statement to the city indicating a refusal to test.

(j) VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL USE

In the event that an employee of the City of Gallatin is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the respective department head in private.

Such voluntary desire for help with a substance abuse problem will be honored by the City of Gallatin. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

Affected employees of the City of Gallatin may be allowed up to 30 consecutive calendar days for initial substance abuse treatment as follows:

1. The employee must use all sick, vacation, and compensatory time available.
2. In the event accumulated sick, vacation, and compensatory time is insufficient to provide the medically prescribed and needed treatment up to a maximum of 30 consecutive calendar days, the employee will be provided unpaid leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum of 30-day treatment period.

Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional (SAP) of the City of Gallatin. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head and personnel official of the City of Gallatin will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow-up after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the City of Gallatin. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to administrative action up to and including termination of employment as specified elsewhere in this policy.

(k) EXCEPTIONS

This policy does not apply to possession of alcohol and/or drugs by employees in the performance of authorized work assignments such as undercover police enforcement. In all cases, it is the individual employee's responsibility to ensure that job performance is not adversely affected by the possession or use of alcohol while undercover.

(l) MODIFICATION OF POLICY

This policy may be revised by Resolution of the City of Gallatin at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment of changes in the drug and alcohol testing policy of the City of Gallatin. This employee drug and alcohol testing policy has been approved and adopted by the City of Gallatin effective January 1, 1996.

(m) OTHER APPLICABLE PERSONNEL

These rules apply primarily to those employees required to hold a commercial driver's license (CDL) and those in a safety-sensitive position such as police officers and dispatchers, firefighters and dispatchers, and heavy equipment operators. This does not preclude the city from modifying this policy to include others who are later deemed to be in a safety-sensitive position. These rules also will apply to those employees in the Utility Division that are covered by the DOT Rules and

Regulations or others administered by the United States or Tennessee State Government.

(n) 1994 DRUG AND ALCOHOL TEST STANDARDS

Drug	Cutoff Level Screen (ng/ml)	Cutoff Level Confirmation (ng/ml)
Amphetamine (speed)	1000.00	
Amphetamine		500.00
Methamphetamine		500.00
Cannabinoid (marijuana)	50.00	15.00
Cocaine (benzoylecgonine)	300.00	150.00
Opiate	300.00	
Codeine		300.00
Morphine		300.00
Phencyclidine (PCP)	25.00	25.00
Alcohol	.04 percent BAL	.04 percent BAL

(Note – Additional substances listed under the Tennessee Drug Control Act of 1989 may be tested at the cutoff level customarily used by the selected laboratory. Cutoff levels are subject to change as DOT rules change.)

(o) DEFINITIONS

For purposes of the drug and alcohol testing policy, the following definitions are adopted:

Alcohol – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol.

Alcohol Concentration – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.

Alcohol Use – The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Applicant – Any person who has on file an application for employment or any person who is otherwise being considered for employment or transfer to the police department, fire department, a position requiring a commercial driver's license (CDL), or a heavy equipment operator, being processed for employment. For the purposes of this policy, an applicant may also be a uniformed employee who has applied for and is offered a promotion or who has been selected for a special assignment, a non-uniformed employee who is offered a position as a uniformed employee, or an employee transferring to or applying to a position requiring a CDL or the operation of heavy equipment.

Breath Alcohol Technician (BAT) – An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

Chain of Custody – The method of tracking each urine specimen to maintain control from initial collection to final disposition for such samples and accountability at each stage of handling, testing, storing, and reporting.

Collection Site – A place where applicants or employees present themselves to provide, under controlled conditions, a urine specimen that will be analyzed for the presence of alcohol and/or drugs. Collection site may also include a place for the administration of a breath analysis test.

Collection Site Personnel – A person who instructs donors at the collection site.

Commercial Driver's License (CDL) – A motor vehicle driver's license required to operate a commercial motor vehicle (CMV).

Commercial Motor Vehicle (CMV) – Any vehicle or combination of vehicles meeting the following criteria: weighing more than 26,000 pounds; designed to transport more than 15 passengers; transporting hazardous materials required by law to be placarded, regardless of weight; and/or classified as a school bus.

Confirmation Test – In drug testing, a second analytical procedure that is independent of the initial test to identify the presence of a specific drug or metabolite that uses a different chemical principle from that of the initial test to ensure reliability and accuracy. In breath alcohol testing, a second test following an initial test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.

Confirmed Positive Result – The presence of an illicit substance in the pure form or its metabolites at or above the cutoff level specified by the National Institute of Drug Abuse identified in two consecutive tests that utilize different test methods and that was not determined by the appropriate medical, scientific, professional testing, or forensic authority to have been caused by an alternate medical explanation or technically insufficient data. An EBT result equal to or greater than 0.02 is considered a positive result.

Department Head/Director – The director or chief of a city department or his/her designee. The designee may be an individual who acts on behalf of the director to implement and administer these procedures.

DHHS – The federal Department of Health and Human Services or any designee of the secretary, Department of Health and Human Services.

DOT Agency – An agency of the United States Department of Transportation administering regulations related to alcohol and/or drug testing. For the City of Gallatin, the Federal Highway Administration (FHWA is the DOT agency.

Driver – Any person who operates a commercial motor vehicle.

Employee – An individual currently employed by the City of Gallatin.

Evidential Breath Testing Device (EBT) – An instrument approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices."

FHWA – Federal Highway Administration

Initial Test – In drug testing, an immunoassay test to eliminate negative urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

Medical Review Officer (MRO) – A licensed physician (medical doctor or osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.

Negative Result – The absence of an illicit substance in the pure form or its metabolites in sufficient quantities to be identified by either an initial test or confirmation test.

NHTSA – National Highway and Traffic Safety Administration

Refuse to Submit – Refusing to submit to an alcohol or controlled substances test means that a person in a safety-sensitive position: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or (3) engages in conduct that clearly obstructs the testing process.

Safety-Sensitive – Employees holding a commercial driver's license (CDL), a police officer or dispatcher, a firefighter or dispatcher, or a heavy equipment operator.

Split Specimen – Urine drug test sample will be divided into two parts. One part will be tested initially, the other will remain sealed in case a retest is required or requested.

Substance Abuse Professional – A licensed physician (medical doctor or doctor osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

EMPLOYEE ACKNOWLEDGMENT FORM

City of Gallatin

EMPLOYEE ACKNOWLEDGMENT

As an employee, I have received and carefully read the City of Gallatin drug and alcohol testing policy, understand its requirements, and agree without reservation to follow this policy. As an employee, I am aware that I may be required to undergo drug and/or alcohol tests, that I will be informed prior to the drug and/or alcohol test, and that I may be subject to immediate dismissal if I refuse to take the test.

_____	_____
Name of Employee	Social Security Number
_____	_____
Department	Supervisor
_____	_____
(Signature of Employee)	Date
_____	_____
(Signature of Witness)	Date

CONSENT AND ACKNOWLEDGMENT FORM

City of Gallatin

DRUG/ALCOHOL TESTING PROCEDURES

APPLICANT CONSENT AND ACKNOWLEDGMENT FORM

As an applicant with the city of Gallatin, I hereby consent to and acknowledge that I am scheduled to undergo drug and/or alcohol testing. The test for alcohol will be a breath analysis test. The drug test will involve an analysis of a urine sample, which I will provide at a designated site. The purpose of the test will be to test for the presence of the following substances: amphetamines, marijuana, cocaine, opiates, PCP, alcohol, and/or any additional drugs listed in the Tennessee Drug Control Act. I authorize qualified personnel to collect and have analyzed appropriate specimens to determine if drugs and/or alcohol are present in my system. I acknowledge that the drug/alcohol screen test results will be made available to the testing laboratory, medical review officer (MRO), the Personnel Official, or his/her designee. As an applicant, I am aware that a confirmed and verified positive test result will lead to denial of employment. I will present a copy of this form to the collection site when I report for my scheduled drug/alcohol test. I also understand that failure to provide adequate breath for testing without a valid medical explanation, failure to provide adequate urine for controlled substances testing without a valid medical explanation, and engaging in conduct that clearly obstructs the testing process are the same as refusing to test.

Name of Applicant: _____

Department Name: _____

Social Security Number:_____

_____ _____

(Signature of Applicant) Date

_____ _____

(Signature of Witness) Date

Section 17-23 Infectious Disease Control

(a) The purpose of this policy is to establish rules and regulations governing the prevention of occupational exposure to hepatitis B virus (HBV,) the human immunodeficiency virus (HIV), and tuberculosis (TB); and, to implement an infectious disease control plan. This plan is based upon universal precautions which assume that every direct contact with body fluid is infectious and requires at risk City employees exposed to direct contact with body fluids to be protected as if those such body fluids were HBV or HIV infected. This policy is adopted in accordance with Section 1910.1030 as issued under 29 CFR 1910.

(b) The infectious control policy shall be administered by the Personnel Official who shall have the following duties and responsibilities:

(1) Make an exposure control plan and a determination of all employees who are at risk of exposure to body fluids;

(2) Maintain records of all employees and incidents regarding possible infection;

(3) Coordinate and document all relevant training activities in support of this infectious control policy;

(4) Prepare and recommend to the Mayor and City Council any amendments or changes to this infectious control policy.

(c) The guidelines which shall be used by all City employees include:

(1) All City employees shall, when there is potential exposure to body fluids, exercise universal precautions;

(2) The City shall provide appropriate gloves, masks, eyewear, and other equipment as necessary to protect each employee deemed to have likelihood of occupational exposure to body fluids; and,

(3) All employees deemed to be at risk for occupational exposure shall take appropriate precautions and wear protective equipment during the performance of their duties.

(d) The City of Gallatin shall offer appropriate hepatitis B vaccinations at no cost to employees deemed at risk of occupational exposure. City employees deemed to be at risk of occupational exposure who wish to take the HBV vaccination shall notify their department head who shall make the appropriate arrangements through the Personnel Official for such vaccination series. Any employee who declines said vaccinations shall sign the appropriate consent form declining said offer. Any employee declining the vaccination series may later withdraw his declination and voluntarily elect to take the series.

(e) All employees shall observe the following procedures for reporting a job exposure to body fluids:

(1) Immediately notify the department head or immediate supervisor of the contact incident and details thereof, and the department head or immediate supervisor shall immediately notify the Personnel Official;

(2) Complete appropriate reports as required by the Personnel Official; and,

(3) Arrangements shall be made immediately for the person to be seen by a physician, as with any job-related injury.

(f) On an annual basis, all employees shall receive, from the Personnel Official and appropriate department head, training and education on precautionary measures and modes of transmission and prevention of HIV/HBV infection.

(g) City employees found to be deemed a high risk for occupational exposure shall also receive training regarding the location and proper use of personal protective equipment, trained concerning proper work practices, and trained to understand the concept of universal precautions as it applies to their particular work duties. This training shall be provided at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter.

(h) Occupational injury and illness, training, immunization, and other records as necessary to comply with this program shall be maintained by the Personnel Official. All medical records as required under this program shall be kept confidential and not disclosed or reported without the employee's consent except as required by law.

Section 17-24. Emergency Conditions

General Provisions and Procedures:
This section outlines the provisions and procedures to be followed in the event of emergency situations, which may be defined as, but not limited to, such events as: inclement weather, civil disturbances, power outages, or any other emergency condition as determined by the Mayor. The decision to close facilities due to emergency conditions shall only be made by the Mayor. Notice will be timely given to the local media and to the general public, forwarded to all authorities, and communicated by other electronic media as appropriate. Should the emergency condition be of a long-term nature (such as severe damage to a City facility), or if the circumstances dictate varying from the above guidelines, the Mayor shall present recommendations to City Council for their approval.

Occasionally, emergency conditions caused by extreme weather may warrant the closing of the City facilities. When such conditions are thought to exist, the Mayor may seek input from designated officials in the departments of emergency management, the Department of Public Works, the Department of Public Utilities, the Department of Human Resources, and the Department of Leisure Services, and any other department

which may have necessary information, to determine if facilities should be closed. Decisions regarding declaring single office locations as uninhabitable buildings will be made by the Mayor in consultation with appropriate department heads.

However, it shall be the policy of the City to make every effort to maintain normal working hours during these periods in order to continue to provide necessary services to the citizens of the City. Partial or full-day closings of City owned or leased buildings may be authorized. Prior to making any decision to close offices and release employees, careful consideration is always given in balancing the health, safety and welfare of our employees with the need to continue essential services and operations based on all available information at the time of the incident.

During Periods Where the Decision is to Remain Open:
Emergency conditions require each employee to make a personal decision regarding safety in traveling to and from the workplace. As with any unexpected absence, employees who do not feel it is safe to travel should contact their supervisor using approved methods. Employees who do not report to work during periods of emergency conditions where the Mayor has chosen to remain open and not declare a closing may use accumulated annual or compensatory time for their absences. If the employee has no annual or compensatory time, then the time absent is charged as leave without pay. Employees who make the effort and report to work within a reasonable period should not be required to use leave for that absence. To be eligible, the employee must leave for work at his normal departure time in anticipation of regular arrival time. Employees who were previously approved for leave for a portion of the emergency closing will be considered not scheduled for work for the portion of time that was approved as leave.

During Periods Where the Decision is to Close:
There are two types of employee designations addressed below: Essential / Emergency Employees and Employees not designated as Essential / Emergency Employees:

The directive defines essential/emergency employees as: Employees who are designated as required to work when an office closing is authorized, usually in operations that must provide services around the clock. The designation of essential can depend upon the employees' duties, as well as the circumstances for the closing. Essential/Emergency full-time employees who are required to work when their offices have been otherwise closed shall be granted one additional day of personal leave per calendar year. Employees required to work from home, such as IT staff, when office closing is authorized will be granted leave.

The directive defines non-essential/non-emergency employees as: Employees who are not required to work when an office closing is authorized. Occasionally, non-essential employees may be required to work if skeleton crews must be maintained or if specific work must be performed to meet deadlines.

Notification of Essential/Emergency Employees:
Department heads must decide which of their essential/emergency functions must continue and which employees must remain at work, even when closings are announced.

Annual notifications of essential/emergency designations will be provided in writing to those employees who can reasonably be expected to be designated as essential at some point during the year (see attached). Department heads should also remind employees who are designated as "non-essential/emergency" that their status may temporarily change depending on the timing, nature and scope of the disruption.

It is important to point out that the definitions include the words "usually" and "occasionally" (emphasis added in the previous paragraphs). Since every disruption is unique, managers should expect to evaluate each situation as it arises and determine which employees may be essential, given the circumstances. Employees may be deemed essential for a specific event. Managers should be trained and prepared to quickly communicate with the Human Resources Department and their employees in disruptive circumstances.

Examples of Essential/Emergency Employees:
The designation of essential/emergency depends on an employee's duties as well as the circumstances for the closing. It is important that effective communications occur between supervisors and employees in circumstances where an employee may not always be deemed an essential/emergency employee.

Example 1: A custodial worker assigned to City Hall building.
This employee may be essential to clear snow from sidewalks and steps around City hall buildings. The employee may be required to report on time and may be designated as essential for delayed openings. However, the employee may not be essential if the Mayor declares a state of emergency and offices are closed.

Example 2: A clerical employee with a deadline responsibility
This employee may have the responsibility to perform a certain task on a certain day. On the day this task must be performed, the employee may be essential. However, on any other day, the employee may not be essential.

Example 3: Employee responsible for payroll administration. This employee may be essential in all cases to ensure payroll is processed.

Example 4: Public Safety Positions and Public Works
These employees most likely have job responsibilities to be performed during periods of inclement weather or closure. These positions are typically referred to as emergency types or essential types of positons for the City.

Example 5: Department Heads
These employees are required to be at work during inclement weather or emergency situations. If that is not possible, they must be able to communicate with all employees within their departments to provide updates.

Example 6: Employee responsible for a specific event. In the case of an event where departments must utilize employees and designate essential/emergency for the event.

IT Badges for Essential/Emergency Employees:
As a reminder, employees who are expected to be designated as “essential/emergency” at some point during the year must be provided with special access to the buildings if the offices are closed. In the case of City Hall, the Chief Information Officer must be made aware of the employee’s need to access the building, if not designated usually as an essential / emergency employee.

All Other Employees not designated as Essential/Emergency Employees:
When the Mayor has decided to declare an emergency closing, employees other than those who work as essential/emergency employees (see below) and are on the active payroll shall be excused from work and granted time off from work with pay for any scheduled work hours.

Employees on previously approved leave during the affected period must continue to charge the appropriate leave and will not be eligible for discretionary leave for this time. Temporary/seasonal part-time employees are paid for hours worked and are not eligible for time off from work with pay.

Regular part time employees will be affected on a pro rata basis in each of the provisions above.

Attachment:

Sample Written Notification for Essential Employees
To: (Employee Name)

From: (Employee Supervisor)

Subject: Essential Function Notification

The City may have to suspend operations due to events like severe weather, natural disaster, fire, or related hazard. When the City suspends operations only employees in positions that have been designated as performing an essential service report to and/or continue working. All other staff stays at or returns home until the operational suspension is lifted.

The position you hold as a (job title) is considered essential (choose one: under all circumstances/under certain conditions) and you are expected to continue to work (choose one: at any time the City suspends operations or under the following circumstances: [explain]). The essential business you perform is (essential service)

(Adding specific information about what the employee should do if there is unusual difficulty getting to work or if the employee's ability to work is affected by emergency childcare responsibilities or ill or injured family members).

Please let me know if you have questions about your responsibilities during suspended operations.

_____

I have reviewed the notification with the employee, explained that their position is considered essential and procedures to follow during an operational suspension.
Supervisor signature: _____Date: _____

I understand that my position is designated as essential (and under what conditions), and that I am to continue working during operational suspensions.
Employee Signature: _____ Date: _____

Section 17-25. Harassment

Harassment of employees due to their age, ancestry, color, creed, marital status, medical condition, national origin, physical handicap, race, religion, gender, or sex/sexual preference by fellow employees and non-employees is demeaning to both the victims and the City; it can result in high turnover, absenteeism, low morale and productivity, and an uncomfortable atmosphere to work in. Therefore, the City will not tolerate any such harassment of its employees and will take affirmative steps to stop it. It is specifically prohibited by Rule 12, Section 12-7(b) of the Personnel Rules and Regulations.

Definition: Sexual harassment is behavior that is unwelcome and personally offensive. It can consist of sexually oriented "kidding" or jokes, physical contact such as patting, pinching or purposely rubbing up against another's body, demands for sexual favors tied to promises of better treatment or threats against employees for refusal, discriminating against an employee for refusing to "give in", or granting favors to one who submits. Other harassment can be jokes, comments, or other personally offensive and unwelcome behavior based on a person's age, ancestry, color, creed, marital status, medical condition, national origin, physical handicap, race, religion, gender, or sex/sexual preference that results in the loss of tangible job benefits or creates a hostile, obnoxious, or intimidating work atmosphere.

If you think another employee is harassing you because of your age, ancestry, color, creed, marital status, medical condition, national origin, physical handicap, race, religion, gender, or sex/sexual preference tell him or her that you find such behavior offensive and that such behavior is against City policy. Ask him or her to immediately stop that behavior. It is important to let your fellow employees know when you consider such behavior offensive, as the City hires people from a wide variety of cultural and ethnic backgrounds, and that person may not realize the behavior he or she thinks is proper could be seen by others as offensive. If that employee continues to "pester" you, immediately utilize the grievance procedure by contacting your supervisor, in writing, about the problem. If you feel that you cannot seek help from your supervisor, contact his or her supervisor or the Personnel Official, in writing, for assistance.

If you see another employee being harassed because of his or her age, ancestry, color, creed, marital status, medical condition, national origin, physical handicap, race, religion, gender, or sex/sexual preference tell him or her that the City has a policy prohibiting such behavior, that he or she can demand the other person to stop such behavior, and that he or she can contact his or her supervisor, in writing, for help.

If another employee tells you he or she finds your behavior offensive, do not get angry or feel insulted. People have different ethnic values and standards, and may be offended by behavior that you think is proper. Tell the employee that you did not realize he or she would be offended by your behavior, then stop the complained of conduct.

If you are harassed by a non-employee, contact your supervisor, in writing, for help. The City cannot control the offensive behavior of all non-employees, but it will try to remedy the situation if possible.

Upon being told of such possible harassment, supervisory employees are expected to take prompt effective action to determine whether or not harassment has or is taking place, and to stop such behavior where it does exist. Supervisors must submit a written report to the Personnel Official, including statements from the employees involved and any other documentation, reporting the incident and detailing what actions they took. Any supervisor who condones, participates in, or initiates harassment will be severely disciplined, including possible demotion or termination. Any employee knowing of a supervisor abusing his or her official position by condoning, participating in, or initiating such harassment should inform a higher-level supervisor or the Personnel Official, in writing, so the City can take action against the supervisor if appropriate.

No employee will be disciplined or otherwise retaliated against for complaining about such harassment. It is important that you inform the City about such harassment, as the City cannot do anything to remedy a situation if it does not know it exists.

The City has incorporated awareness training in managerial, supervisory, and employee orientation courses. A copy of this policy will be made available to all new employees.

Section 17-26. Workplace Violence

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

Employees are expected to maintain a productive work environment free from harassing or disruptive activity including threats of physical violence. As set forth in these Personnel Rules on the section dealing with harassment, no form of harassment will be tolerated, including sexual harassment and harassment based on race, national origin, religion, disability, pregnancy, age, military status, sex or other protected category, as provided by law. This policy applies to all City employees, elected officials, appointed officials, part-time/temporary employees, and contractors.

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

(a) No employee or non-employee shall be allowed to harass any other employee or non-employee by exhibiting behavior including, but not limited to, the following:

(1) Verbal harassment – Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slur; offensive flirtations or propositions; verbal intimidation; exaggerated criticism or name-calling; spreading untrue or malicious gossip about others.
(2) Physical Harassment – Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.
(3) Visual Harassment – Displaying derogatory or offensive posters, cartoons, publications or drawings.

(b) All employees, except those authorized to carry weapons for official job related purposes, are prohibited from carrying weapons while performing work for the municipality and at meetings conducted by or on property owned, operated and managed by the municipality. Employees who are legal handgun carry permit holders are allowed to possess or carry a handgun in public parks and other similar public areas owned or operated by the municipality, except when in the immediate vicinity of a school related-activity on an athletic field.

Handgun carry permit holders are allowed to transport and store firearms and firearms ammunition in their vehicles pursuant to the parameters in Tenn. Code Ann. Section 39-17-1313(a), as long as the firearm(s) or ammunition 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 such motor vehicle if the permit holder is not in the motor vehicle.

Under no circumstances are the following items permitted on local government property, including local government-owned parking areas, except when issued or sanctioned by the local government for use in the performance of the employee's job:
(1) dangerous chemicals;
(2) explosives or blasting caps;
(3) chains; or
(4) other objects carried for the purposes of injury or intimidation.

(c) Charges of workplace violence and harassment are to be reported to the employee's supervisor, and such supervisor must immediately report the alleged violence or harassment to the Director of Human Resources. If the supervisor is involved in the violent or harassing behavior, the employee shall then report the charge of workplace violence or harassment to the Department Head, Director of Human Resources, City Attorney, or the Mayor. The City will promptly investigate reports of workplace violence including suspicious individuals or activities. The Director of Human Resources is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the City Attorney may request that the Police Chief provide assistance to the Human Resources Director or assume

responsibility for the investigation. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action.

(d) Copies of the investigative report with recommendations for appropriate action will be turned over to the Mayor as appropriate for further action.

(e) 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.

(f) Employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Department 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.

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 18 – MISCELLANEOUS PROVISIONS

Section 18-1. Availability of Rules and Regulations

These Rules and Regulations shall be made available to employees by displaying a copy in each department.

Section 18-2. Amending or Changing Rules and Regulations

These Rules may be amended in accordance with the City of Gallatin Personnel Ordinance, Section 13-104.

Section 18-3. Effective Date of These Rules and Regulations

These Rules and Regulations shall take effect from and after their adoption and as provided for in Section 13-104 of the City Code.

Section 18-4. All Prior Rules Superseded

These Rules and Regulations shall be the Personnel Rules and Regulations of the Municipal Government of the City of Gallatin, Tennessee, except for employees of the Department of Electricity and others excluded by Section 13-100 of the City Code, and shall supersede all prior Personnel Rules. Any part or parts of rules in conflict with these Personnel Rules or the Ordinance are, to the extent of such conflict, superseded.

Section 18-5. Departmental Rules

(a) Department heads may implement additional policies and procedures to govern their departments; that is, specific policies and procedures which would apply to their departments only, but such policies and procedures must not be inconsistent with these Personnel Rules and Regulations.

(b) The departmental policies and procedures must be submitted to the Mayor, through the Personnel Official, for his approval before said policies and procedures go into effect as provided herein, and a copy shall be made available to all employees at all times. 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 12, Section 12-10 and Rule 13, Section 13-3 of these Rules and Regulations.

Section 18-6. Implementing These Rules and Regulations

It shall be the responsibility of the department heads to carry out these Rules and Regulations. They shall be held accountable to the Mayor for failure to carry out these Rules and Regulations as written. The Mayor, through the Personnel Official, will advise and assist the department heads in enforcing and interpreting these Rules and Regulations.

Section 18-7. Further Implementation

The Personnel Rules and Regulations contained herein is an outline covering personnel policies and procedures and may be further implemented by specific policies and procedures duly adopted by the City Council.

Section 18-8. Provision for Review

In accordance with the provisions of the Personnel Ordinance, it shall be the duty of the Mayor to review and/or modify any action taken by the Personnel Official while carrying out the intent of these Rules and Regulations and while acting in the capacity of his authorized representative.

Section 18-9. Benefit Plans for Appointed Officials/Employees and the Mayor and City Recorder/Judge.

(a) 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 Longevity Pay benefits.

(1) Longevity pay (Rule 4, Section 4-8);
(2) Retirement (Rule 12, Section 12-6);
(3) Holidays (Rule 16, Section 16-1);
(4) Vacation Leave (Rule 16, Section 16-2);
(5) Sick Leave (Rule 16, Sections 16-3, 16-4, 16-5, 16-6, 16-7, 16-8, 16-9, 16-10, 16-11);
(6) Health insurance, long term disability, life insurance, and workers' compensation all as established by the City Council for classified personnel;
(7) Dental program, Christmas Club, Credit Union, holiday gift certificate program, and savings bonds program as established by the City Council for classified personnel;

(b) In the event the sections of the Personnel Rules and Regulations cited herein in this Section 18-9 require any department head approval and/or notice to, said reference shall be deemed to require the Mayor's approval and/or notice to.

CITY OF GALLATIN

PERSONNEL RULES AND REGULATIONS

RULE 19 – SAVINGS CLAUSE

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