CITY OF GALLATIN
SPECIAL-CALLED
CITY COUNCIL COMMITTEE MEETING

November 22, 2016 **6:00 pm** **Dr. J. Deotha Malone Council Chambers**

- Call to Order – Mayor Brown
- Roll Call: Vice Mayor Hayes – Alexander – Brackenbury – Camp – Love – Mayberry – Overton
- Public Recognition on Agenda-Related Items Only

AGENDA

1. TML The Pool Driver Safety Matching Grant **(Susan High-McAuley, City Attorney & Jamiann Hannah, Risk Manager)**
2. ADA Grievance Procedure **(Susan High-McAuley, City Attorney & Jamiann Hannah, Risk Manager)**
3. Status Update on Delinquent Taxes and Tax Sale **(Susan High-McAuley, City Attorney)**
4. Charter Amendments **(Susan High-McAuley, City Attorney)**
5. Ordinance #O1611-65 Authorizing Funds in the Amount of $2,159,865.00 from Natural Gas Reserves for "2016 Annual Gas Line Construction" and Award Bid to James N. Bush Construction Co. Inc. **(David Gregory, Superintendent of Public Utilities)**
6. Landscaping at Copeland Hardwood Floors at 156 E. Eastland **(Paige Brown, Mayor)**
7. Ordinance to Appropriate Insurance Payments Received to Date **(Rachel Nichols, Finance Director)**
8. Internship Program **(Debbie Johnson, Human Resources Director)**
9. Municipal Code, Chapter 13, Personnel System Revision **(Debbie Johnson, Human Resources Director)**

10. Ordinance #O1611-59 Rezoning a 4.74± Acre Portion of a Parcel (Tax Map 125 Portion of Parcel 034.00) from PBP - Planned Business Park to MU - Mixed Use and Approving with a Preliminary Master Development Plan for Chandler Park Gallatin Phases I and II **(John D. Alexander, Councilman & Bill McCord, City Planner)**

- Adjourn

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

November 22, 2016

DEPARTMENT: **City Attorney/Risk Management** **AGENDA #** 1

SUBJECT:
TML The Pool Driver Safety Matching Grant

SUMMARY:
The Pool is offering a Driver Safety grant for members who have automobile liability coverage with The Pool.
The objective of this grant is to assist pool members to offer more training opportunitites to employees who drive vehicles.
The City of Gallatin is eligible for this grant due to the expenses paid out by various departemtns within the city.

RECOMMENDATION:

ATTACHMENT:

- [x] **Resolution**
- [ ] **Ordinance**
- [ ] **Correspondence**
- [ ] **Contract**
- [ ] **Bid Tabulation**
- [ ] **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

RESOLUTION NO. R1611-58

RESOLUTION AUTHORIZING THE CITY OF GALLATIN TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL "DRIVER SAFETY" LOSS CONTROL MATCHING GRANT PROGRAM

WHEREAS, the safety and well being of the employees who operate vehicles for the City of Gallatin is of the greatest importance; and

WHEREAS, all efforts shall be made to provide driver training opportunities for employees of the City of Gallatin; and

WHEREAS, the TML Risk Management Pool seeks to encourage the establishment of a safe workplace by offering a "Driver Safety" Loss Control Matching Grant Program; and

WHEREAS, the City of Gallatin now seeks to participate in this important program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the City of Gallatin is hereby authorized to participate in the "Driver Safety" Loss Control Matching Grant through the TML Risk Management Pool, seeking the maximum grant of two thousand and 00/100 ($2,000.00) by having expenditures in excess of four thousand and 00/100 ($4,000.00) for safety training, equipment, and devices.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE: ____

NAY: ____

DATED: _____.

_____
MAYOR PAIGE BROWN

ATTEST:

_____
CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

_____
SUSAN HIGH-MCAULEY, CITY ATTORNEY

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

November 22, 2016

DEPARTMENT: **City Attorney/Risk Management** **AGENDA #** 2

SUBJECT:
ADA Grievance Procedure

SUMMARY:
The City of Gallatin is required to establish an ADA Grievance Policy to meet the requirements of the Americans with Disabilities Act. Attached is the procedure and policy.

RECOMMENDATION:

ATTACHMENT:

- [x] **Resolution**
- [ ] **Ordinance**
- [ ] **Correspondence**
- [ ] **Contract**
- [ ] **Bid Tabulation**
- [x] **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

RESOLUTION NO. R1612-62

RESOLUTION ADOPTING THE CITY OF GALLATIN'S ADA GRIEVANCE PROCEDURE

WHEREAS, the City of Gallatin is required to establish an ADA Grievance Procedure to meet the requirements of the Americans with Disabilities Act; and

WHEREAS, the purpose of the ADA Grievance Procedure is to establish the written procedure by which anyone who desires to file a complaint or grievance alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Gallatin may do so; and

WHEREAS, the City of Gallatin is committed to a workplace free of discrimination on the basis of disability, to provide services, activities, programs and benefits free from discrimination on the basis of disability, and to establish a procedure for those desiring to file a grievance related thereto; and

WHEREAS, the Mayor and City Council have determined that it should establish and adopt the City of Gallatin's ADA Grievance Procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE that the City of Gallatin adopts the ADA Grievance Procedure attached to this Resolution as Exhibit A.

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

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED:

_____

MAYOR PAIGE BROWN

ATTEST:

_____

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

_____

SUSAN HIGH-MCAULEY, CITY ATTORNEY

City of Gallatin, Tennessee Notice under the Americans with Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the City of Gallatin, Tennessee, will not discriminate against qualified individuals with disabilities in the area of services, facilities, programs or activities.

The City of Gallatin will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City of Gallatin facilities, programs, services and activities. Anyone with

The ADA does not require the City of Gallatin to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. Anyone who requires an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in a City of Gallatin program, service or activity should contact the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

City of Gallatin, Tennessee ADA Grievance Procedure

This Grievance Procedure is established to meet the requirements of Title II of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in provisions of service, activities, programs or benefits by the City of Gallatin, Tennessee.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complaint and location, date and description of the problem. Alternative means of filing complaint, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted to the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

JamiAnn Hannah
Risk Manager & ADA Coordinator
132 West Main Street
Gallatin TN 37066
615-230-0681
Jami.hannah@gallatin-tn.gov

Within 15 calendar days after receipt of the complaint, JamiAnn Hannah or her designee, will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, JamiAnn Hannah or her designee, will respond in writing and where appropriate, in a format accessible to the complainant such as audiotape, braille or large print. The response will explain the position of the City of Gallatin and offer options for substantive resolution of the complaint.

If the response by JamiAnn Hannah or her designee, does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the ADA Coordinator within 15 calendar days after receipt of the response to the Mayor and his/her designee.

Within 15 calendar days after receipt of the appeal, the Mayor or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the

Mayor or his/her designee will respond in writing and where appropriate in a format accessible to the complainant with a final resolution of the complaint.

All written complaints received by JamiAnn Hannah or her designee, appeals to the Mayor or his/her designee and responses from the two offices will be retained by the City of Gallatin for at least three years.

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

November 22, 2016

DEPARTMENT: **City Attorney** **AGENDA #3**

SUBJECT:
Status update on delinquent taxes and tax sale

SUMMARY:

RECOMMENDATION:

ATTACHMENT:

☐ **Resolution**	☐ **Correspondence**	☐ **Bid Tabulation**
☐ **Ordinance**	☐ **Contract**	☐ **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

November 22, 2016

DEPARTMENT: **City Attorney** **AGENDA #** 4

SUBJECT:
Charter Amendments

SUMMARY:
City Attorney is seeking guidance related to the Charter Amendments that were not passed by the legislature in the last session.

RECOMMENDATION:

ATTACHMENT:

☐ **Resolution**	☐ **Correspondence**	☐ **Bid Tabulation**
☐ **Ordinance**	☐ **Contract**	☒ **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

TERRI LYNN WEAVER
State Representative
40th Legislative District

105 War Memorial Building
Nashville, TN 37243
(615)741-2192
(615)253-0378 FAX

Toll Free: 1-800-449-8366 Ext 12192
rep.terri.lynn.weaver@capitol.tn.gov

House of Representatives
State of Tennessee

NASHVILLE

MEMBER OF COMMITTEES
Criminal Justice
Transportation

SUBCOMMITTEES
Chairman - Transportation

April 29, 2016

Connie W. Kittrell
Gallatin City Recorder
132 West Main St., Room 111
Gallatin TN 37066

RE: City of Gallatin Charter Changes

Greetings, Ms. Kittrell,

I am writing with regard to Ordinances submitted for City of Gallatin Charter Amendments. Ordinance 01510-62 has passed through the legislature. Ordinance 01511-67, although City Council approved, was not passed by a 2/3 vote; it is my policy to carry these private acts on a unanimous vote, but will carry them—however reluctantly—on a 2/3 vote.

Ordinance 01511-68, which did pass the Council with a 5-2 vote, in all due honesty, was overlooked. It has now been drafted in the House as well as Senate, and filed; however, the 109th General Assembly is about to adjourn, and there is no time to have three readings in the House in order to pass before we adjourn Sine Die. I ask that you allow the delegation to consider this ordinance when the 110th General Assembly convenes in January 2017.

Respectfully,

Terri L. Weaver

Rep. Terri Lynn Weaver

40TH LEGISLATIVE DISTRICT
DEKALB, SMITH, SUMNER, AND TROUSDALE COUNTIES

ORDINANCE NO. O1511-67

ORDINANCE AMENDING ARTICLE III, SECTION 1 OF THE CITY OF GALLATIN, TENNESSEE CHARTER AS ESTABLISHED IN CHAPTER 67 OF THE PRIVATE ACTS OF 1953 AND AS AMENDED THEREAFTER REGARDING ELIGIBILITY OF OFFICE AND HOLDING OTHER PUBLIC OFFICE

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, as follows:

1. Chapter 67 of the Private Acts of 1953, as subsequently amended, **Article III, Section 1** is amended as follows:

   a. The sixth sentence in the first paragraph of Section 1 which reads: "No person shall be eligible to the office of the Mayor and Alderman who is employed by the City of Gallatin, or who holds any other public office, except that of Notary Public, and should the Mayor or any Alderman accept employment with the City of Gallatin or accept any other public office, his or her seat on the City Council shall thereafter become vacant" shall be deleted in its entirety.

   b. The sixth sentence in the first paragraph of Section 1 shall be replaced with the following language: "Neither the Mayor nor members of the City Council shall hold any other elective or appointed public office, except that of Notary Public, or be otherwise employed by the City of Gallatin. If the Mayor or any member of the City Council shall accept employment with the City of Gallatin or any other elective or appointed public office, his or her seat on the City Council shall become vacant and must be filled as set forth in this Charter."

2. This Ordinance shall have no effect unless it shall receive final approval within the time required by law by a two-thirds (2/3) vote of the Gallatin City Council after passage by the Tennessee General Assembly.

3. This Ordinance shall become effective after final passage thereof, the public welfare requiring such.

PASSED FIRST READING: November 17, 2015.

PASSED SECOND READING:

_____
MAYOR PAIGE BROWN

ATTEST:

_____
CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

_____
SUSAN HIGH-MCAULEY
CITY ATTORNEY

ORDINANCE NO. O1511-68

ORDINANCE AMENDING ARTICLE III, SECTION 1 OF THE CITY OF GALLATIN, TENNESSEE CHARTER AS ESTABLISHED IN CHAPTER 67 OF THE PRIVATE ACTS OF 1953 AND AS AMENDED THEREAFTER TO ESTABLISH TERM LIMITS FOR THE OFFICES OF MAYOR, DISTRICT ALDERMAN, AND ALDERMAN-AT-LARGE

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, as follows:

1. Chapter 67 of the Private Acts of 1953, as subsequently amended, **Article III, Section 1** is amended by adding the following language following the sentence "When two (2) or more persons shall have an equal number of votes for any elective office, the election shall be determined by a majority of the votes of the Council-elect:"

   "No person elected and qualified to the office of Mayor, District Alderman, or Alderman-at-Large shall be eligible for the succeeding term in the same office if such person has served more than one-half of a four (4) year term and a consecutive complete four (4) year term in that particular office. For purposes of this section, the office of District Alderman and Alderman-at-Large shall be considered separate elected offices."

2. This Ordinance shall have no effect unless it shall receive final approval within the time required by law by a majority vote in a referendum held for the purpose of approval of this Ordinance. The approval or nonapproval of this Ordinance by referendum shall be certified by the Mayor of the City of Gallatin to the Tennessee Secretary of State after passage by the Tennessee General Assembly.

PASSED FIRST READING: November 17, 2015.

PASSED SECOND READING: December 1, 2015.

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

[November 22, 2016]

DEPARTMENT: **Utilities** **AGENDA #** 5

SUBJECT:
Ordinance #O1611-65 authorizing funds in the amount of $2,159,865.00 from Natural Gas Reserves for "2016 Annual Gas Line Construction" and award bid to James N. Bush Construction Co. Inc.

SUMMARY:
Ordinance awarding bid and authorizing funds in the total amount of $2,159,865.00 from Natural Gas Reserves for "2016 Annual Gas Line Construction" in various areas of the City.

RECOMMENDATION:

ATTACHMENT:

☐ **Resolution**	☐ **Correspondence**	☒ **Bid Tabulation**
☒ **Ordinance**	☐ **Contract**	☐ **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. O1611-65

ORDINANCE AWARDING BID AND AUTHORIZING FUNDS IN THE AMOUNT OF $2,159,865.00 FROM NATURAL GAS RESERVES FOR "2016 ANNUAL GAS LINE CONSTRUCTION" IN VARIOUS AREAS OF THE CITY

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the bid for gas line installations pursuant to the plans and specifications under Contract "2016 Annual Natural Gas Line Construction" submitted by James N. Bush Construction Co., Inc. in the amount of $2,159,865.00 is hereby accepted and awarded.

BE IT FURTHER ORDAINED, BY THE CITY OF GALLATIN, TENNESSEE, that the funds in the amount of $2,159,865.00 for said Natural Gas Improvements are authorized and appropriated from Natural Gas Reserves.

BE IT FURTHER ORDAINED, BY THE CITY OF GALLATIN, TENNESSEE, that the Mayor and Superintendent of Public Utilities are hereby authorized to execute all necessary contracts and agreements for said Annual Natural Gas Line Construction.

BE IT FURTHER ORDAINED, BY THE CITY OF GALLATIN, TENNESSEE, that this ordinance shall take effect from and after its passage, the public welfare requiring it.

PASSED FIRST READING: _____, 2016

PASSED SECOND READING: _____, 2016

_____
MAYOR PAIGE BROWN

ATTEST:

_____
CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

_____
SUSAN HIGH-MCAULEY
CITY ATTORNEY

CITY OF GALLATIN - DEPT. OF PUBLIC UTILITIES BID OPENING - 2016 Annual Gas Line Construction September 8, 2016 * AWARDED BID	
COMPANY	**BID**
James N. Bush Construction P.O. Box 808 Cookeville, TN 38503	$2,159,865.00

DOCUMENT 00330

BID FORM

Gallatin Public Utilities
239 Hancock Street
Gallatin, Tennessee 37066

Date: Nov. 8, 2016

Place: Gallatin Public Utilities
239 Hancock Street
Gallatin, Tennessee, 37066

Proposal of James A. Bush Construction, Inc.
(hereinafter called "Bidder"), a Putnam, Tennessee (*county and state*) corporation/ ~~partnership/ individual~~ doing business as Corporation (STRIKE OUT INAPPLICABLE TERMS)

To: Gallatin Public Utilities (hereinafter called "Owner")
239 Hancock Street
Gallatin, Tennessee 37066

Gentlemen:

The Bidder, in compliance with your Invitation to Bid for the construction of the **2016 Annual Gas Line Construction**, having examined the Drawings and Specifications with related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project (including the availability of materials and labor), hereby proposes to furnish all labor, materials, and supplies to construct the project in accordance with the contract documents within the time set forth therein and at the prices stated below. These prices are to cover all expenses incurred in performing the work required under the bidding instruments, of which this proposal is a part.

The undersigned Bidder does hereby declare and stipulate that this proposal is made in good faith, without collusion or connection with any other person or persons bidding for the same work, and that it is made in pursuance of and subject to all the terms and conditions of the construction contract, the detailed Specifications, and the Drawings pertaining to the work to be done, all of which have been examined by the undersigned.

The Bidder hereby agrees to commence work under this contract on or before a date to be specified in a written "Notice to Proceed" and to complete the project fully until the full contract amount has been used. The Bidder further agrees to pay, as liquidated damages, the sum of ($200) two hundred dollars, for each consecutive calendar day that expires after the time specified for completion until the Project is fully complete.

The Bidder hereby agrees that preference will be given to domestic construction material and further agrees to require subcontractors, materialmen, and suppliers also to give preference to domestic construction material.

The Bidder acknowledges receipt of the following addenda:

No. NA Dated_____ No._____ Dated_____

No._____ Dated_____ No._____ Dated_____

No._____ Dated_____ No._____ Dated_____

The Bidder agrees to furnish all plant, labor, materials, equipment, and incidentals necessary for the construction, testing, and placing into operation of the **2016 Annual Gas Line Construction**, all in accordance with the Drawings and Specifications, for the following unit prices:

Contractor to complete the following pages for the Base Bid:

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

November 22, 2016

DEPARTMENT: **Mayor's Office** **AGENDA #6**

SUBJECT:
Landscaping at Copeland Hardwood Floors at 156 E. Eastland

SUMMARY:
Council first discussed this issue at its Committee Meeting on June 14, 2016. At that time, neither Mr. Benji Copeland nor the City was happy with the quality of landscaping work done at his business by Sessions Paving, the contractor on the Town Creek Greenway project. Because of the federal grant process, the City had little recourse to achieve improvements through Sessions Paving. A request was brought to Council to hire Extreme Lawn Service & Landscaping to remedy the situation to Mr. Copeland's satisfaction. At that time, the Council chose to give Sessions Paving until the end of the warranty period to fulfill its obligations. Sessions Paving completed its warranty work early this month. Neither Mr. Copeland, nor the City, believes Sessions Paving repaired the landscaping as required, but - again - the City has no recourse to compel Sessions Paving to do more. The type of grant funding on the project did not allow the City to hold a retainer for situations like this. City Council is again being asked to consider hiring Extreme Lawn Service & Landscaping to repair and restore the landscaping. Additionally, the City would have Copeland sign an agreement removing the City of any responsibility or liability once the landscaping is installed. Attached is the cost quote from Extreme Lawn Service for the landscape restoration/repair.

RECOMMENDATION:

ATTACHMENT:

- ☐ **Resolution**
- ☐ **Ordinance**
- ☐ **Correspondence**
- ☐ **Contract**
- ☐ **Bid Tabulation**
- ☒ **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

EXTREME LAWN SERVICE & LANDSCAPING
JUSTIN STRONG 828-3801 KRIS SCHUTTER 506-0689

P.O. Box 8803
Gallatin, TN 37066

Estimate

Date	Estimate #
11/16/2016	1144

Name / Address	Job Name
City of Gallatin Attn: J.R. Smith 132 West Main Street Gallatin, TN 37066	

Project

Description	Qty	Cost	Total
Landscape Repair at Copeland Hardwood Floors			
Emerald Green Arborvitae - 10-12 ft.	6	280.00	1,680.00
Knock-out Rose- 3 gal.	5	25.00	125.00
Crape Myrtle - 15 gal.	2	105.00	210.00
Metal Edging	7	40.00	280.00
Pine Straw & Pre-emergent		225.00	225.00
Soaker Hose		100.00	100.00
Labor		960.00	960.00
		Total	$3,580.00

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

11/22/2016

DEPARTMENT: **Finance** **AGENDA # 7**

SUBJECT:
Ordinance to appropriate insurance payments received to date

SUMMARY:
Ordinance to appropriate insurance payments received thus far for damages to city property and equipment.

RECOMMENDATION:
approval

ATTACHMENT:

☐ **Resolution**	☐ **Correspondence**	☐ **Bid Tabulation**
☒ **Ordinance**	☐ **Contract**	☐ **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. O1611-66

ORDINANCE APPROPRIATING $32,118.51 FROM
REVENUE RECEIVED FOR INSURANCE RECOVERIES

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of $32,118.51 is hereby appropriated from revenue received for Insurance Recoveries, account #110-36350, to the following accounts:

Engineering Maintenance & Repairs Vehicles, account #11041670-261, $1,520.65, for vehicle repairs,

Fire Department Vehicles, account #11042220-941, $5,297.86, for vehicle replacement,

Street Department Maintenance and Repairs Roads, account #11043120-268, $25,300.00, for damaged S. Westland bridge, and;

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

November 22, 2016

DEPARTMENT: **Human Resources & Codes** **AGENDA #** 8

SUBJECT:
Internship Program

SUMMARY:

The Council will be presented with a proposal for an internship program. Human Resources drafted the program based upon the needs assessment provided by Codes. Our current Personnel Rule 9-6 addresses Student Appointments, and would be modified to include a broader type of internship arrangement for the City to serve as a training ground for those interested in pursuing specific types of certification. Other City departments may also want to participate in these types of agreements. Entry-level inspectors are needed to backfill the labor and talent pool.

This mutually beneficial program will assist with filling entry-level inspector positions for the Codes Department, while meeting the demands of a certified workforce for the City. An intern would learn the fundamentals and earn certifications required for the Department. We make sure the intern includes appropriate academic development goals, such as completing several certification courses. An "internship" is defined as a special working relationship whereby a student from a high school, local college or university, veteran, or other interested person who has had significant coursework in a field related to building inspection or who has had significant experience working in building construction, contracting, plumbing, mechanical installation or electrical installation works for us part-time, Ideally for a period of at least one fiscal year, while still attending school or pursing their certifications in the field; OR, an individual without a formal education may be offered an internship while pursuing the required certifications.

Internship Length. Initially, we make a fixed commitment to the intern. For example, the plan may call for a cycle lasting one fiscal year; or if the internship is a mid-fiscal-year event, the first internship cycle may be just 3 to 6 months long. The timeframe should provide sufficient time for the internship goals to be met with minimal failure risk; concurrently, appropriate goals should be set in accordance with the available time frame. They must remain in the employ of the City for three years beyond the internship or repayment of the funds for certifications must be made by the intern.

Finally, overall performance is assessed at the end of the internship cycle, and the intern experiences an "end-of-year" review with the Building Official. This emulates the kind of review a full-time member of the staff would receive and provides written feedback.

RECOMMENDATION:

Approve

ATTACHMENT:

- [x] Resolution
- [ ] Ordinance
- [ ] Correspondence
- [ ] Contract
- [ ] Bid Tabulation
- [x] Other

Approved ☐
Rejected ☐
Deferred ☐

Notes:

RESOLUTION NO. R1611-60

RESOLUTION AMENDING GALLATIN PERSONNEL RULES AND REGULATIONS RELATING TO INTERNSHIPS

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the Gallatin Personnel Rules and Regulations, **Rule 9, Section 6** is hereby amended as follows:

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.

An "internship" is defined as a special working relationship whereby a graduate from a high school, local college or university student, veteran, or other interested person who has had significant coursework in a related field or who has had significant experience working in desired field works for us part-time, ideally for a period of at least one fiscal year, while still attending school or pursing their certifications in the field; OR, an individual without a formal education may be offered an internship while pursuing the required certifications. They must remain in the employ of the City for three years beyond the internship or repayment of the funds for certifications must be made by the intern. Internship Package. All team members receive a copy of an internship package that is drawn up for the intern, which becomes a focal point for documenting the team's activities supporting the intern and the intern'sprogress.

Interns will sign Participation Agreements to acknowledge they understand their active roles in the success of the internship.

New interns may be hired into a position upon the approval of the Department Head and Human Resources Director, below the specified range for that particular employment position when the employee does not meet the minimum specified requirements for the position at the hire date, but could meet those requirements with specific training and or certificates.

Interns will be treated as temporary/seasonal employees and subject to all Personnel Rules and Regulation that apply to the temporary/seasonal employees.

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

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED:

_____
MAYOR PAIGE BROWN

ATTEST:

_____
CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

_____
SUSAN HIGH-MCAULEY, CITY ATTORNEY

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

November 22, 2016

DEPARTMENT: **Human Resources** **AGENDA #** 9

SUBJECT:
Municipal Code, Chapter 13, Personnel System Revision

SUMMARY:
Director of Human Resources reviewed the Municipal Code section for Human Resources. The proposed changes have been reviewed by the City Attorney and are submited for Council's approval.

RECOMMENDATION:
Approve

ATTACHMENT:

☒ **Resolution** ☐ **Correspondence** ☐ **Bid Tabulation**
☐ **Ordinance** ☐ **Contract** ☒ **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. O1611-62

ORDINANCE AMENDING GALLATIN MUNICIPAL CODE CHAPTER 13, PERSONNEL SYSTEM IN ITS ENTIRETY

WHEREAS, it is deemed in the public interest to amend the Gallatin Municipal Code from time to time; and

WHEREAS, The Mayor and City Council have recommended that the City of Gallatin Municipal Code, Chapter 13 be renamed Human Resources and that Chapter 13, Article V be deleted in its entirety and replaced as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the Gallatin Municipal Code, Chapter 13, Article V, Personnel System, be renamed Human Resources System and replaced with the following:

CHAPTER 13

HUMAN RESOURCES

ARTICLE V. - HUMAN RESOURCES SYSTEM

Sec. 13-100. - General provisions.
Sec. 13-101. - Definitions.
Sec. 13-102. - Coverage.
Sec. 13-103. - Administration.
Sec. 13-104. - Personnel rules.
Sec. 13-105. - Classification.
Sec. 13-106. - Compensation.
Sec. 13-107. - Appointments.
Sec. 13-108. - Eligible list.
Sec. 13-109. – Certification and Appointments.
Sec. 13-110. - Veteran's preference.
Sec. 13-111. - Probationary period.
Sec. 13-112. - Status of present employees.
Sec. 13-113. – Promotions and Reclassifications.
Sec. 13-114. - Demotions, suspensions, and dismissals.
Sec. 13-115. - Reductions in workforce.
Sec. 13-116. - Reserved.
Sec. 13-117. - Political activity.
Sec. 13-118. - Records.
Sec. 13-119. - Right to contract for special services.
Sec. 13-120. - Discrimination.
Sec. 13-121. - Provision for review.
Secs. 13-122—13-126. - Reserved.
Sec. 13-127. - Strikes and unions.
Sec. 13-128. - Salaries generally.
Sec. 13-129. - Reserved.
Sec. 13-130. - Vacancies in office.
Sec. 13-131. - Leave for certain elected and appointed officials.

Sec. 13-100. - General provisions.

(a) This article shall be known as the "Human Resources System Article."

(b) It is the policy of the City of Gallatin to apply and foster a sound program of personnel administration to ensure the legal employment and placement of applicants, the establishment of a classification and compensation program, the establishment of an employee relations system and the provision of employee development and training and record retention. A human resources system for the city is hereby established for the purpose of providing normal, orderly, and uniform policies and procedures for employees without regard to race, religion, age, sex, political affiliation, or national origin.

(c) It is hereby the declared human resources policy of the city that:

(1) 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;

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

(3) 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;

(4) 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;

(5) 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;

(6) 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 and other peers to assure that competitive wage and salary scales are maintained.

(7) 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;

(8) 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;

(9) 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;

(10) Employees shall be encouraged to participate in developmental activities such as on-the-job training and educational job-related courses during off-duty hours;
(11) Employee benefits shall be provided in keeping with general community and best practices;

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

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

(14) The operation and effect of the City's human resources system shall be evaluated prior to the end of the fiscal year by the Director of Human Resources. 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.

(d) No provision of this article 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.

(Code 1979, § 1-801)

Sec. 13-101. - Definitions.

As used in this article, the following quoted words and terms shall have the meanings enumerated hereinafter:

Chief executive shall mean the mayor of the City of Gallatin.

Governing body shall mean the board of mayor and council vested with power to enact ordinances and resolutions for the City of Gallatin.

Municipality or city shall mean the City of Gallatin.

All those definitions as listed in rule 2 of the personnel rules and regulations.

(Code 1979, § 1-802)

Sec. 13-102. - Coverage.

(a) All offices and positions of the city are divided into the classified service and the non-

classified service. The classified service hereinafter referred to as the "classified service," shall include all classified full-time and classified part-time positions in the city service which are not specifically placed in the non-classified service by this article. All offices and positions of the city specifically placed in the non-classified service shall be as follows:

(1) All officials elected by popular vote, and persons appointed to fill vacancies in any such elective offices including those officials elected by the city council.

(2) The mayor, city attorney, economic development agency director, and direct assistants thereto.

(3) Members of appointive boards, commissions or committees.

(4) Employees of a utility under an appointive board or commission, unless the utility board of commission requests that they be covered.

(5) Persons employed to render the city expert, professional, technical, or other services of occasional character.

(6) Volunteer personnel, such as reserve police officers; and all other personnel appointed to serve without compensation.

(7) Housing authority personnel.

(8) Persons employed by the city for not more than eight (8) months during a calendar year for special purposes and seasonal work.

(9) Part-time employees paid by the hour or day.

(10) Employees who are hired to meet the immediate requirements of an emergency condition, such as fire, flood, earthquake, riots, etc., which threatens life or property.

(11) Persons serving the city as independent contractors.

(12) Persons retained as consultants on a fee basis.

(13) Persons jointly employed by the municipality and some other governmental agency.

(14) City judge and city recorder.

(15) Assistant Fire Chief, City Engineer, Code Administration Director, City Planner, Finance Director, Fire Chief, Leisure Services Director, Director of Human Resources, Police Chief, Superintendent of Public Utilities, Superintendent of Public Works, and any other person who holds their position as a result of appointment by the City Council.

(16) Paralegal/administrative assistant to the city attorney.

(17) All employees working in the office of an official elected by popular vote by the voters of Gallatin, Tennessee. However, any employee working for an elected official as of February 3, 2015, in the classified service shall be grandfathered into the classified service and remain in the classified service until such employment ceases.

(b) The following sections of this article shall apply to the classified and non-classified staff unless otherwise specifically provided. Temporary, seasonal and part-time employees are subject to all regulations but do not have access to insurance benefits, leave accrual, holiday pay, or retirement benefits.

(Code 1979, § 1-803; Ord. No. O9910-055, § 1, 10-19-99; Ord. No. O0408-042, § 1, 8-17-04; Ord. No. O1306-36(a), 6-18-13; Ord. No. O1501-7, 2-3-15)

Sec. 13-103. - Administration.

(a) The mayor shall have the basic responsibility for the human resources program as set forth in this article subject to the powers vested in the governing body by the Charter. He specifically shall:

(1) Be responsible for effective human resources administration.

(2) Appoint a Director of Human Resources to be confirmed by the governing body who shall be responsible for the administration and technical direction of the city's personnel program.

(3) Appoint and remove subject to oversight by the governing body, suspend and discipline all officers and employees of the city subject to the policies as set forth in this article, provisions of the Charter and applicable state and federal law; to provide for the orderly day-to-day operation of the city, each department head shall have the authority to employ, suspend, dismiss and otherwise discipline employees under his or her control subject to the review of the appointing authority Director of Human Resources and governing body, and in accordance with the provisions of this article.

(4) Fix and establish the number of employees in the various city departments, and offices and determine the duties, authority, responsibility, and compensation in accordance with policies as set forth in this article and the City Charter subject to the approval of the governing body and budget limitations; and

(5) Perform such other duties and exercise such other power in human resources administration as may be prescribed by this article and other applicable law.

(b) The mayor shall appoint a Director of Human Resources subject to confirmation by the governing body; which shall:

(1) Administer under the direction of the mayor, the human resources program as set forth

in this article and the human resources rules and regulations.

(2) Perform all lawful and necessary duties essential to the effective administration of the human resources system.

(3) Recommend to the mayor rules and revisions and amendments thereto for the consideration of the governing body.

(4) Recommend to the mayor a position classification plan for approval by the governing body, and install and maintain such a plan.

(5) Prepare and recommend to the mayor a pay plan for all city employees for the governing body's approval.

(6) Establish and maintain a roster of all persons in the municipal service setting forth each officer and employee, class title of his/her position, salary, and changes in class title, status, and such other data as may be deemed desirable or useful.

(7) Develop and administer such recruiting and examining programs as may be deemed necessary by the mayor to obtain an adequate supply of competent applicants to meet the needs of the city, emphasizing community outreach and commitment to diversity.

(8) Be responsible for certification of all payrolls in matters concerning human resources administration.

(9) Develop and coordinate training, evaluation, and educational programs for city employees.

(10) Investigate periodically the operation and effect of the human resources provisions of this article and the rules, and annually report, prior to the end of each fiscal year, his/her findings and recommendations to the mayor; a copy of which shall be filed with the recorder's office and copies distributed to the city council.

(11) Maintain adequate personnel records to include for each employee the class, title, pay, and other relevant data.

(12) In collaboration with the chief information officer (CIO), provide a technology assessment for planning and systems software for Human Resources, including compatibility and adaptability to existing systems.

(13) In collaboration with the director of finance, advise the mayor on manpower utilization.

(14) Foster and develop programs for the improvement of personnel effectiveness, including training, safety, health, counseling and welfare.

(15) Develop a policy for the utilization of background checks to protect the security of city

facilities and the safety of the public using those facilities, especially minors.

(16) Encourage and exercise leadership in the development and strategic planning of an effective human resources system for the city.

(17) Perform such other duties as may be assigned by the mayor not inconsistent with this article.

(c) Department Heads and supervisors are responsible for the administration and enforcement of the Personnel Regulations for employees in their respective program areas. The Human Resources Department shall also provide technical assistance to Department Heads and supervisors on the interpretation and application of the Personnel Regulations for consistency.

(d) Amendments to the rules and regulations shall be made in accordance with the procedure herein. Nothing in the personnel rules and regulations document shall be deemed to give employees any more property rights in their jobs than may already be given by the local government charter. The local government reserves the right to alter or change any or all of these rules without prior notice to employees.

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

(Code 1979, § 1-804; Ord. No. O0801-6, §§ 1—3, 2-19-08; Ord. No. O1102-13, §§ 1, 2, 3-15-11)

Sec. 13-104. - Personnel rules.

(a) The mayor, in consultation with the Director of Human Resources, shall be responsible for preparation of such personnel rules and amendments thereto as may be necessary to carry out the provisions of this article to be submitted to the governing body for adoption.

(b) The personnel rules shall establish regulations, specific procedures, and policies governing the human resources system including but shall not be limited to the following:

(1) Administration of a position classification plan covering all positions in the classified service, including employment standards and minimum qualifications for each class.

(2) Administration of a plan of compensation directly correlated with the position classification plan, providing a rate or range of pay for each class.

(3) Administration of the human resources budget for salary and benefits.

(4) Administration of a recruit and selection process including the announcement of

vacancies and the acceptance of applications for employment, including community outreach and diversity in employment.

(5) Preparation, announcement, and conduct of examinations, should they be deemed necessary by the mayor.

(6) Establishment and use of employment lists containing names of persons eligible for appointment.

(7) Certification and appointment of persons from employment lists to fill vacancies, and the making of provisional, temporary, casual, and emergency appointments.

(8) Administration of an employee performance management system including the evaluation of the work of employees including those serving a probationary period.

(9) Transfer, promotion, and reinstatement of employees in the competitive service.

(10) Disciplinary action, demotion, suspension, and separation from the service of employees by resignation, layoff, separation, dismissal, and for incapacity to perform required duties.

(11) Standardization of hours of work, attendance and leave regulations, and working conditions.

(12) Development of employee relations programs to enhance the development of employee morale, welfare, and training programs.

(13) A uniform system ~~of~~ and procedure for the handling of all grievances and appeals.

(14) Review and administration of the benefits program for the City including vacations, holidays, paid and unpaid leaves, and other fringe benefits.

(15) Promotional policies and procedures.

(16) Establishment, maintenance, and use of adequate and necessary personnel records and forms for ensuring compliance with state/federal and municipal laws and regulations.

(17) Such other matters as may be necessary and proper to carry out the intent and purpose of this article.

(Code 1979, § 1-805)

Sec. 13-105. - Classification.

(a) The Director of Human Resources shall make an analysis of the duties, authority, and responsibility of all positions in the classified service and shall recommend to the mayor for

adoption by the governing body a position classification plan. Each position in the classified service shall be assigned to a job classification on the basis of its kind and level of its duties and responsibilities, to the end that all positions in the same class shall be sufficiently alike to permit use of a single descriptive class title, the same qualifications, requirements, the same tests of competence, and the same pay scale. A job class may contain one position or more than one position.

(b) The governing body shall by resolution, after public hearing, approve a classification plan in accordance with the provisions as set out in section 13-104, paragraph (a), of this article. The Director of Human Resources shall thereafter allocate each position to its appropriate class.

(c) The class to which each position is initially allocated following adoption of this article shall be the class in which the employee shall have status conferred on him by section 13-112

(d) The initial class plan shall be revised from time to time as changing conditions require, upon recommendation of the Director of Human Resources to the mayor, Such revisions may consist of the adoption of new classes or the abolishment, consolidation, division, or amendment of existing classes. Nothing herein shall be construed as affecting the power of the governing body to abolish positions in the classified service.

(Code 1979, § 1-806)

Sec. 13-106. - Compensation.

(a) The Director of Human Resources, under the direction of the mayor and in consultation with the finance director, shall develop a uniform and equitable pay plan including a minimum and maximum rates of pay for each class of positions. Salary ranges for each class shall be coordinated with the position classification plan and shall be based on the ranges of pay for other classes, requisite qualification, general rates of pay for comparable work for peers in other public and private employment in the area, cost of living data, maintenance or other benefits received by employees, the financial policy of the city, and other economic considerations. The pay plan shall then be submitted to the governing body for adoption.

(b) The governing body shall: (1) adopt the plan of compensation, or (2) adopt the same without modifying the plan except by uniform modification of all classes, or (3) reject the same. When a plan of compensation is rejected by the governing body, it shall be returned to the mayor accompanied by recommendations. The Director of Human Resources shall thereupon formulate another plan of compensation in accordance with paragraph (a), above. Upon approval of the plan by the governing body, it shall be the plan of compensation under which all members of the classified and non-classified service must be paid.

(c) After the pay plan has been adopted by the governing body, the Director of Human Resources shall assign each job class to one of the pay ranges provided in the pay plan.

(d) The pay plan may be amended from time to time as circumstances require in accordance with the provisions as set out in paragraphs (a) and (b), above.

(e) On the effective date of a new or revised pay plan, the pay of employees receiving less than the minimum rate of their class shall be increased to the minimum rate of the salary range. The remaining employees will have their pay adjusted in accordance with the revised pay plan provisions.

(Code 1979, § 1-807)

Sec. 13-107. - Appointments.

Appointments to positions in the classified service shall be made in accordance with the Charter, this article, and the personnel rules. Appointments and promotions shall be based on merit, efficiency, and fitness to be ascertained so far as practicable by competitive evaluation. Examinations when used and conducted to aid in the selection techniques shall test fairly the qualifications of candidates in relation to class specifications. Such tests may include written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, or any combination of these or other tests as approved by the Director of Human Resources. Physical and medical tests may be given as a part of any examination. The Director of Human Resources may include, in addition to competitive test, a qualifying test or tests, and set minimum standards therefore. The personnel rules and regulations shall include, but not be limited to, the following appointment procedures:

(1) An orderly and systematic method of recruitment to insure that all those employed will be hired on the basis of merit, efficiency, and fitness without in any way being favored or discriminated against because of race, color, creed, sex, ethnic or national origin, religious belief, age, or any personal or political opinions or affiliations, disability status, or status as a covered veteran and to provide for the establishment of qualified lists for employment purposes.

(2) A position will be opened due to employee termination, resignation or a new position added to the budget. The need to fill a vacancy will be determined by reviewing whether the position can be absorbed or consolidated. The Department Head will make this determination before submitting a personnel requisition. The Department Head will review and update the job description as part of this process.

(3) In the absence of an appropriate certified employment list of qualified candidates, a provisional appointment may be made by the appointing authority, provided that employment lists shall be established for any such position within six (6) months. A provisional employee may serve only until the Director of Human Resources shall certify to the appointing authority a qualified candidate or candidates, and may be removed at any time without charges, right of appeal and hearing.

(4) In the event of emergency, the appointing authority may appoint such persons as are required to meet the situation but such an appointment shall not exceed thirty (30) days in any twelve-month fiscal year, unless approved by the Director of Human Resources and Mayor.

(Code 1979, § 1-808)

Sec. 13-108. - Eligible list.

(a) The personnel official shall establish and maintain such employment lists of the various classes of positions in the city service as are necessary to meet the needs of the service.

(b) Eligible lists, in the order of their priority, shall be re-employment lists, promotional eligible lists, and original appointment eligible lists.

(1) Re-employment lists shall be created as follows: Names of persons being placed upon re-employment lists shall be in order of total cumulative time served in probationary and regular status, and shall remain on such lists for a period of one (1) year unless a person no longer seeks employment with the city, or the Director of Human Resources determines that the person has ceased to have the qualifications for the class of positions.

The names of probationary and classified employees laid off in good standing for lack of funds or work shall, at the written request of the employee within 3 months of the employee's separation, be placed upon re-employment lists for classes which in the opinion of the Director of Human Resources, require basically the same qualifications, duties, and responsibilities as those of the class of positions from which layoff was made.

The names of probationary and classified employees who have resigned in good standing may, upon the approval of the Director of Human Resources and mayor, be placed upon re-employment lists, in accordance with the provisions of this section, for classes which, in the opinion of the Director of Human Resources, require basically the same qualifications, duties, and responsibilities as those of the class of positions from which resignation was made.

(2) Promotional eligible lists, and original appointment eligible lists shall be created in accordance with the provisions of sections 13-107 and 13-108, and as follows: Names of applicants shall be placed upon the appropriate eligible lists in the order of their seniority or, if applicable, according to their ranking as determined by promotional examination (with the exception of re-employment lists as provided in paragraph (b)(1) above).

(3) Policy and procedures for administering eligible lists shall be provided in the personnel rules; covering the duration, cancellation, replacement, and consolidation of such lists and the removal or suspension of the names of eligible candidates.

(Code 1979, § 1-809)

Sec. 13-109. – Certification and Appointments.

Certification is defined as meeting the required minimum standards for a vacant position. The Human Resources Director will review resumes generated, sort resumes, and screen for those qualified candidates who meet the minimum requirements. The Director must certify a list when a department head wants to fill a vacancy. The list is the document or record containing the names of eligible applicants meeting the minimum qualifications for a class of positions for the department head to utilize when filling a vacancy.

In-House Posting - In establishing an internal list, the Department may post a public announcement for a minimum of one week allowing city employees to apply within. In the event that there is no promotional list, the HR Director shall certify to the Department Head those external candidates meeting the minimum qualifications for the position.

Public Advertisement - The external posting length options are Continuous – announced for an indefinite period with no closing date on the position – open until filled; regular – announced for a minimum of four weeks externally. Internal and external job announcements may occur concurrently. Applicants may be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that qualified applicants are obtained. The Human Resources Director and Department Head will determine what forms of media to extend the advertisement. The determination for this type of advertisement will be based on, but not limited to, position, skill requirements, and the level of response from other means of recruitment.

Exceptions to the recruitment process may be made in instances where needs and demands of the department where an immediate need is identified due to existing staffing, and it is in the best interest of the city to fill the position expediently.

The Department will propose an interview pool to the Human Resources Director for review. The Department will interview qualified candidates and meet with the Human Resources Director to review the top qualified candidates. Human Resources will conduct a consensus decision making discussion with the Department Head, reviewing all candidates' evaluations, test results, and references. The Department Head selects the top qualified candidate. Human Resources will extend the offer of employment in writing to the top qualified candidate contingent upon the background check, physical and drug screen, and departmental verification of professional references.

As documentation for educational achievement, certified official transcripts, diplomas, or degrees will be required for all positions. For positions requiring a professional license issued by the State of Tennessee, an authenticated copy of the license may be accepted as verification of educational credentials, but only if the education level required for the license is the same or greater than the education level required for the job, and it has been confirmed that the licensing authority requires verification of educational backgrounds before issuing the license.

If an applicant has been approved to the position, he/she has the responsibility to provide verification to the Department Head. This verification must be made prior to employment or promotion or before the expiration of ninety days following the effective date of the appointment or promotion.

(Code 1979, § 1-810)

Sec. 13-110. - Veteran's preference.

The personnel rules and regulations shall provide for the allowance of veteran's preference points in accordance with the City Charter, state, and federal law requirements.

(Code 1979, § 1-811)

Sec. 13-111. - Probationary period.

The personnel rules and regulations shall provide that all classified appointments, including promotional appointments, shall be for a probationary period of six (6) months, except for certified police and certified fire positions whose probationary period shall be 12 months. All promotional appointments shall be for the probationary period required in that department. During the probationary period an 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 employee has been determined to merit continuation in the position. Demoted or transferred employees are not subject to probationary periods.

(Code 1979, § 1-812)

Sec. 13-112. – Reserved.

Sec. 13-113. – Promotions and Reclassifications.

(a) Vacancies in positions above the entrance shall be filled by promotion whenever in the judgment of the department head and Director of Human Resources it is in the best interest of the city to do so. Promotions shall be on a competitive basis and shall give appropriate consideration to the applicants' qualifications and seniority.

(b) Reclassification occurs when the duties of an existing position substantially change. The Department Head is to submit, in writing, to the Human Resources Department, a comprehensive job description that describes in detail the duties of the position. The Human Resources Department will review the actual and recommended duties provided by the Department Head and provide an assessment to the Department Head on whether the duties are sufficiently changed to warrant a change in pay classification. The job description for the new position or the revised description of an old position will be approved by the HR Director prior to inclusion in the Job Classification Plan for the City.

The City shall have the authority to reclassify any position as long as such positions as long as budgetary funds are available.

(Code 1979, § 1-814)

Sec. 13-114. - Demotions, suspensions, and dismissals.

(a) The appointing authority may demote, dismiss, reduce in pay, or suspend without pay for not more than thirty (30) calendar days in any calendar year (except that extensions may be made as provided in this article and the rules pending any investigation and hearing), an employee in the classified service for any one or more of, but shall not be limited to, the following reasons:

(1) Dishonesty, intemperance, immoral conduct, insubordination, unsatisfactory performance of duties, 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 properly, or any willful violation of the provisions of this article or the personnel rules adopted thereunder.

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

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

(4) 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.

(5) 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.

(b) Notice of such action must be in writing and served personally on such employee. Such notice shall specify the penalty and contain a statement of the charges or reasons for the action taken. The provisions of this paragraph shall not apply to reductions in pay which are a part of a general plan to reduce salaries and wages or to eliminate positions.
(Code 1979, § 1-815)

Sec. 13-115. - Reductions in workforce.

Nothing herein shall be construed as affecting the power of the governing body to abolish positions in the classified service. Individuals subject to lay off shall be determined by the department head and Director of Human Resources taking into account all relevant factors including, but not limited to, needs of the department and the particular skills of the employee/s involved.

(Code 1979, § 1-816)

Sec. 13-116. - Reserved.

Editor's note— Ord. No. O0801-6, adopted February 19, 2008, amended the Code by repealing former § 13-116 in its entirety. Former § 13-116 pertained to appeals, and derived from the Code of 1979, § 1-817.

Sec. 13-117. - Political activity.

(a) All classified employees and all appointed city officials, including, but not limited to, director of finance, mayor's staff, superintendent of public works, superintendent of public utilities, chief of police, fire chief, director of human resources, director of leisure services, chief information officer, city engineer, city planner, building and electrical codes official, economic development director and city attorney or firm, shall not:

(1) Accept election to any public office in the said municipality, nor hold any other fulltime elected or appointed position;

(2) While on duty or acting in an official capacity, take an active part in a 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;

(3) 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;

(4) 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;

(5) Nothing in this chapter shall in any way preclude the employee's or appointed city official's right to privately express his opinions and cast his 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.

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

(Code 1979, § 1-818; Ord. No. O91-71-, § 1-818, 10-15-91)

Sec. 13-118. - Records.

The Director of Human Resources shall serve as the official record-keeper for employees' personnel records in compliance with municipal, state and federal laws.

(Code 1979, § 1-819; Ord. No. O0801-6, 2-19-08)

Sec. 13-119. - Right to contract for special services.

The government body may contract with any competent agency for the performance by such agency of such technical services in connection with the establishment of the personnel system or with its operations as may be deemed necessary. Such contract may include the delegation to such an agency of the duties herein imposed upon the Director of Human Resources but shall not include the delegation of the powers and duties herein vested in the governing body. Examples of such responsibilities and duties that may be contracted by the governing body are as follows:

(1) The preparation of personnel rules and regulations, and subsequent revisions and amendments thereof.

(2) The preparation of a position classification plan, and subsequent revisions and amendments thereof

(3) The preparation of a compensation plan, and subsequent revisions and amendments thereof.

(4) The preparation, conduct, and grading of competitive examinations.

(5) Special and technical services of advisory or informational character on matters relating to human resources administration.

(Code 1979, § 1-820)

Sec. 13-120. - Discrimination.

No person in the classified service or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of race, color, creed, ethnic or national origin, sex, , age, religious belief, disability status, or status as a covered veteran.

Equal Employment Opportunity - It is the obligation and policy of the City of Gallatin to provide equal opportunity employment to all employees and applicants for employment. No person will be discriminated against in employment because of race, color, religion, sex, age, national origin, disability, military status, communication with an elected public officials, free speech, refusing to participate in or remain silent about illegal activities exercising a statutory constitutional right or any right under clear public policy, political affiliation, genetic information or any other basis protected by law. The City of Gallatin will provide reasonable accommodation to qualified disabled individuals unless the accommodation would pose an "undue hardship" on the City.

Title VI Policy Statement – It is the policy of the City of Gallatin to ensure compliance with the Title VI of the Civil Rights Act of 1964; 49 CFR, Part 21; related statues and regulations to the

end that no person shall be excluded from participation in or be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance from the United States Federal Government on the grounds of race color, gender or national origin.

This policy applies to all terms, conditions, and privileges of employment and all policies of the City, including hiring, placement, training, employee development, promotion, transfer, compensation, benefits, grievances, educational assistance, layoffs, termination and retirement.

The local government will not discriminate on the basis of a person's national origin or citizenship status with regard to recruitment, hiring, or discharge. However, the local government will not knowingly employ any person who is or becomes an unauthorized immigrant.

(Code 1979, § 1-821)

Sec. 13-121. - Provision for review.

It shall be the duty of the mayor to review and/or modify any action taken by the Director of Human Resources while carrying out the intent of this article and/or while acting in the capacity of authorized representative.

(Code 1979, § 1-822)

Secs. 13-122—13-126. - Reserved.

> **Editor's note—** Ord. No. O0702-17, § 2, adopted April 17, 2007, amended the Code by repealing former §§ 13-122—13-126 in their entirety. Former §§ 13-122—13-126 pertained to business dealings; acceptance of gratuities; outside employment; use of municipal time, facilities, etc.; and use of position, respectively, and derived from the Code of 1979, §§ 1-823—1-827, and Ord. No. O0508-055, adopted August 16, 2005. Provisions regarding the code of ethics of the city can now be found at §§ 2-1—2-11.

Sec. 13-127. - Strikes and unions.

No city officer or employee shall participate in any strike against the city, nor shall he solicit any other officer or employee to join any labor union which authorizes the use of strikes by government employees.

(Code 1979, § 1-828)

Sec. 13-128. - Salaries generally.

The council shall fix the salary of all officers and employees elected or appointed by the council in agreement with the compensation plan.

(Code 1979, § 1-829)

Sec. 13-129. – Reserved

Sec. 13-130. - Vacancies in office.

When any vacancy occurs in any city office referred to in article III, section 2, of the Charter, the same shall be filled by appointment of the council.

(Code 1979, § 1-831)

Sec. 13-131. - Leave for certain elected and appointed officials.

Rule 16, Sections 16-1 through 16-11 of the Gallatin Personnel Rules and Regulations shall be imposed upon and applied to appointed Officials/Employees and the Mayor and City Recorder/Judge:

However, vacation leave for the Appointed Employees reporting to the Mayor, EDA Director, or City Attorney shall be subject to the terms of Rule 16, Section 16-2. Vacation leave for Appointed Officials, the Mayor, and City Recorder/Judge shall be fifteen (15) business days each year for the first five (5) years of service, and thereafter twenty (20) business days. The aforementioned leave rules and regulations shall be adhered to by the aforementioned city officials/employees for all leave time, with failure or abuse of such to be grounds for termination of the official/employee in the discretion of the city council except in the case of mayor and city recorder, in which event their respective compensation shall be reduced pro-ratably for all leave taken in excess of that allowed. All leave requests by the foregoing Appointed Officials, except the mayor, shall be submitted to the mayor for prior approval. Leave taken by the mayor shall be recorded and submitted to the city council upon request.

(Ord. No. O93-912, 10-19-93; Ord. No. O0110-056, 10-16-01)

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

_____
MAYOR PAIGE BROWN

ATTEST:

_____
CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

_____

SUSAN HIGH-MCAULEY
CITY ATTORNEY

ARTICLE V. - ~~PERSONNEL~~ *HUMAN RESOURCES* SYSTEM

Sec. 13-100. - General provisions.
Sec. 13-101. - Definitions.
Sec. 13-102. - Coverage.
Sec. 13-103. - Administration.
Sec. 13-104. - Personnel rules.
Sec. 13-105. - Classification.
Sec. 13-106. - Compensation.
Sec. 13-107. - Appointments.
Sec. 13-108. - Eligible list.
Sec. 13-109. - Certification.
Sec. 13-110. - Veteran's preference.
Sec. 13-111. - Probationary period.
Sec. 13-112. - Status of present employees.
Sec. 13-113. - Promotions.
Sec. 13-114. - Demotions, suspensions, and dismissals.
Sec. 13-115. - Reductions in workforce.
Sec. 13-116. - Reserved.
Sec. 13-117. - Political activity.
Sec. 13-118. - Records.
Sec. 13-119. - Right to contract for special services.
Sec. 13-120. - Discrimination.
Sec. 13-121. - Provision for review.
Secs. 13-122—13-126. - Reserved.
Sec. 13-127. - Strikes and unions.
Sec. 13-128. - Salaries generally.
Sec. 13-129. - Associate counsel for city attorney.
Sec. 13-130. - Vacancies in office.
Sec. 13-131. - Leave for certain elected and appointed officials.

Sec. 13-100. - General provisions.

(a) This article shall be known as the "~~Personnel~~ *Human Resources* System Article."

(b) ~~A personnel system for the city is hereby established for the purpose of providing a personnel policy under which entry into and continuance in the service of the city shall be on the basis of merit, efficiency, and fitness, free of personal and political considerations~~. *It is the policy of the City of Gallatin to apply and foster a sound program of personnel administration to ensure the legal employment and placement of applicants, the establishment of a classification and compensation program, the establishment of an employee relations system and the provision of employee development and training and record retention. A human resources system for the city is hereby established for the purpose of providing normal, orderly, and uniform policies and procedures for employees without regard to race, religion, age, sex, political affiliation, or national origin.*

(c) It is hereby the declared ~~personnel~~ *human resources* policy of the city that:

~~(1) Employment in the city government shall be based on merit, efficiency, and fitness, free of personal and political considerations.~~

~~(2) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the municipal government.~~

~~(3) Positions having similar duties and responsibilities shall be classified and compensated for on a uniform basis.~~

~~(4) Appointments, promotions, and other personnel actions requiring the application of the merit principal shall be based on systematic tests and evaluation.~~

~~(5) Every effort shall be made to stimulate high morale by fair administration of this article and by every consideration of the rights and interests of employees, consistent with the best interests of the public and the city.~~

~~(6) Tenure and compensation of employees covered by this article shall be subject to good behavior, satisfactory performance of work, necessity for the performance of work, and authorization of available funds.~~

(1) 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;

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

(3) 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;

(4) 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;

(5) 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;

(6) 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 and other peers to assure that competitive wage and salary scales are maintained.

(7) 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;

(8) 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;

(9) 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;

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

(11) Employee benefits shall be provided in keeping with general community and best practices;

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

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

(14) The operation and effect of the City's human resources system shall be evaluated prior to the end of the fiscal year by the Director of Human Resources. 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.

(d) No provision of this article 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.

(Code 1979, § 1-801)

Sec. 13-101. - Definitions.

As used in this article, the following quoted words and terms shall have the meanings enumerated hereinafter:

Chief executive shall mean the mayor of the City of Gallatin.

Governing body shall mean the board of mayor and ~~aldermen~~ *council* vested with power to enact ordinances and resolutions for the City of Gallatin.

Municipality or *city* shall mean the City of Gallatin.

All those definitions as listed in rule ~~II~~ *2* of the personnel rules and regulations.

(Code 1979, § 1-802)

Sec. 13-102. - Coverage.

(a) All offices and positions of the city are divided into the classified service and the ~~exempt~~ *non-classified* service. The classified service hereinafter referred to as the "classified service," shall include all classified full-time and classified part-time positions in the city service which are not specifically placed in the ~~exempt~~ *non-classified* service by this article. All offices and positions of the city specifically placed in the ~~exempt~~ *non-classified* service shall be as follows:

(1) All officials elected by popular vote, and persons appointed to fill vacancies in any such elective offices including those officials elected by the city council.

~~(2) The mayor, and direct assistants thereto.~~ *The mayor, city attorney, economic development agency director, and direct assistants thereto.*

(3) Members of appointive boards, commissions or committees.

(4) Employees of a utility under an appointive board or commission, unless the utility board of commission requests that they be covered.

(5) Persons employed to render the city expert, professional, technical, or other services of occasional character.

(6) Volunteer personnel, such as ~~volunteer firemen~~ *reserve police officers*; and all other personnel appointed to serve without compensation.

~~(7) City attorney and assistant city attorneys.~~

(~~8~~ *7*) Housing authority personnel.

(~~9~~ *8*) Persons employed by the city for not more than eight (8) months during a calendar year for special purposes and seasonal work.

(~~10~~ *9*) Part-time employees paid by the hour or day.

(~~11~~ *10*) Employees who are hired to meet the immediate requirements of an emergency condition, such as fire, flood, earthquake, riots, etc., which threatens life or property.

(~~12~~ *11*) Persons serving the city as independent contractors.

(~~13~~ *12*) Persons retained as consultants on a fee basis.

(~~14~~ *13*) Persons jointly employed by the municipality and some other governmental agency.

(~~15~~ *14*) City judge and city recorder.

~~(16~~ *15*~~) Personnel official.~~ *Assistant Fire Chief, City Engineer, Code Administration Director, City Planner, Finance Director, Fire Chief, Leisure Services Director, Director of Human Resources, Police Chief, Superintendent of Public Utilities, Superintendent of Public Works, and any other person who holds their position as a result of appointment by the City Council.*

~~(17) Administrative assistant to the economic development agency recruiter.~~

(~~18~~ *16*) Paralegal/administrative assistant to the city attorney.

17) All employees working in the office of an official elected by popular vote by the voters of Gallatin, Tennessee. However, any employee working for an elected official as of February 3, 2015, in the classified service shall be grandfathered into the classified service and remain in the classified service until such employment ceases.

(b) The following sections of this article shall apply ~~only~~ to the classified *and non-classified staff* ~~service~~ unless otherwise specifically provided. *Temporary, seasonal and part-time employees are subject to all regulations but do not have access to insurance benefits, leave accrual, holiday pay, or retirement benefits.*

(Code 1979, § 1-803; Ord. No. O9910-055, § 1, 10-19-99; Ord. No. O0408-042, § 1, 8-17-04*; Ord. No. O1306-36(a), 6-18-13; Ord. No. O1501-7, 2-3-15)*

Sec. 13-103. - Administration.

(a) The mayor shall have the basic responsibility for the ~~personnel~~ *human resources* program as set forth in this article subject to the powers vested in the governing body by the Charter. He specifically shall:

(1) Be responsible for effective ~~personnel~~ *human resources* administration.

(2) Appoint a ~~personnel official~~ *Director of Human Resources* to be confirmed by the governing body who shall be responsible for the administration and technical direction of the city's personnel program.

(3) Appoint and remove subject to oversight by the governing body, suspend and discipline all officers and employees of the city subject to the policies as set forth in this article, provisions of the Charter and applicable state and federal law; to provide for the orderly day-to-day operation of the city, each department head shall have the authority to employ, suspend, dismiss and otherwise discipline employees under his or her control subject to the review of the appointing authority *Director of Human Resources* and governing body, and in accordance with the provisions of this article.

(4) Fix and establish the number of employees in the various city departments, and offices and determine the duties, authority, responsibility, and compensation in accordance with policies as set forth in this article and the City Charter subject to the approval of the governing body and budget limitations; and

(5) Perform such other duties and exercise such other power in ~~personnel~~ *human resources* administration as may be prescribed by this article and other applicable law.

(b) The mayor shall appoint a ~~personnel official~~ *Director of Human Resources* subject to confirmation by the governing body~~, or combine the duties of the personnel office with that of another position,~~ which ~~official~~ shall:

(1) Administer under the direction of the mayor, the ~~personnel~~ *human resources* program as set forth in this article and the ~~personnel~~ *human resources* rules and regulations.

(2) Perform all lawful and necessary duties essential to the effective administration of the ~~personnel~~ *human resources* system.

(3) Recommend to the mayor rules and revisions and amendments thereto for the consideration of the governing body.

(4) Recommend to the mayor a position classification plan for approval by the governing body, and install and maintain such a plan.

(5) Prepare and recommend to the mayor a pay plan for all city employees for the governing body's approval.

(6) Establish and maintain a roster of all persons in the municipal service setting forth each officer and employee, class title of his*/her* position, salary, and changes in class title, status, and such other data as may be deemed desirable or useful.

(7) Develop and administer such recruiting and examining programs as may be deemed necessary by the mayor to obtain an adequate supply of competent applicants to meet the needs of the city, *emphasizing community outreach and commitment to diversity.*

(8) Be responsible for certification of all payrolls in matters concerning ~~personnel~~ *human resources* administration.

(9) Develop and coordinate training, evaluation, and educational programs for city employees.

(10) Investigate periodically the operation and effect of the ~~personnel~~ *human resources* provisions of this article and the rules, and annually report, prior to the end of each fiscal year, his*/her* findings and recommendations to the mayor; a copy of which shall be filed with the recorder's office and copies distributed to the city council.

(11) Maintain adequate personnel records to include for each employee the class, title, pay, and other relevant data.

(12) In collaboration with the chief information officer (CIO), provide a technology assessment for planning and systems software for Human Resources, including compatibility and adaptability to existing systems.

(~~12~~*13*) In collaboration with the director of finance, advise the mayor on manpower utilization.

(~~13~~*14*) Foster and develop programs for the improvement of personnel effectiveness, including training, safety, health, counseling and welfare.

(~~14~~*15*) Develop a policy for the utilization of background checks to protect the security of city facilities and the safety of the public using those facilities, especially minors.

(~~15~~*16*) Encourage and exercise leadership in the development *and strategic planning* of an effective ~~personnel~~ *human resources* system for the city.

(~~16~~*17*) Perform such other duties as may be assigned by the mayor not inconsistent with this article.

(c) Department Heads and supervisors are responsible for the administration and enforcement of the Personnel Regulations for employees in their respective program areas. The Human Resources Department shall also provide technical assistance to Department Heads and supervisors on the interpretation and application of the Personnel Regulations for consistency.

(d) Amendments to the rules and regulations shall be made in accordance with the procedure herein. Nothing in the personnel rules and regulations document shall be deemed to give employees any more property rights in their jobs than may already be given by the local government charter. The local government reserves the right to alter or change any or all of these rules without prior notice to employees.

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

(Code 1979, § 1-804; Ord. No. O0801-6, §§ 1—3, 2-19-08; Ord. No. O1102-13, §§ 1, 2, 3-15-11)

Sec. 13-104. - Personnel rules.

(a) The mayor, in consultation with the ~~personnel official~~ *Director of Human Resources*, shall be responsible for preparation of such personnel rules and amendments thereto as may be necessary to carry out the provisions of this article to be submitted to the governing body for adoption. ~~Within sixty (60) days thereafter, the mayor shall forthwith make such amendments to the rules as the governing body may deem desirable, and the governing body shall adopt such rules by resolution within one hundred twenty (120) days after their being originally submitted. Except as provided in section 13-106, of this article, if not adopted by resolution of the governing body within one hundred twenty (120) days of original submission, such personnel rules shall become effective as if they had been so adopted, and shall have the full force and effect of law. Amendments to the personnel rules shall be made in accordance with the above procedure.~~

(b) The personnel rules shall establish regulations, specific procedures, and policies governing the ~~personnel~~ *human resources* system including but shall not be limited to the following:

(1) Administration of a position classification plan covering all positions in the classified service, including employment standards and minimum qualifications for each class.

(2) Administration of a plan of compensation directly correlated with the position classification plan, providing a rate or range of pay for each class.

(3) Administration of the human resources budget for salary and benefits.

(~~3~~*4*) *Administration of a recruit and selection process including* ~~T~~the announcement of vacancies and the acceptance of applications for employment, *including community outreach and diversity in employment.*

(~~4~~*5*) Preparation, announcement, and conduct of examinations, should they be deemed necessary by the mayor.

(~~5~~*6*) Establishment and use of employment lists containing names of persons eligible for

appointment.

(~~6~~*7*) Certification and appointment of persons from employment lists to fill vacancies, and the making of provisional, temporary, casual, and emergency appointments.

(~~7~~*8*) *Administration of an employee performance management system including the* ~~E~~evaluation of the work of employees including those serving a probationary period.

(~~8~~*9*) Transfer, promotion, and reinstatement of employees in the competitive service.

(~~9~~*10*) Disciplinary action, demotion, suspension, and separation from the service of employees by resignation, layoff, separation, dismissal, and for incapacity to perform required duties.

(~~10~~*11*) Standardization of hours of work, attendance and leave regulations, and working conditions.

(~~11~~*12*) Development of employee *relations programs to enhance the development of employee* morale, welfare, and training programs.

(~~12~~*13*) A uniform system ~~of~~ *and* procedure for the handling of all grievances and appeals.

(~~13~~*14*) *Review and administration of the benefits program for the City including* ~~V~~vacations, holidays, paid and unpaid leaves, and other fringe benefits.

(~~14~~*15*) Promotional policies and procedures.

(~~15~~*16*) Establishment, maintenance, and use of adequate and necessary personnel records and forms *for ensuring compliance with state/federal and municipal laws and regulations.*

(~~16~~*17*) Such other matters as may be necessary and proper to carry out the intent and purpose of this article.

(Code 1979, § 1-805)

Sec. 13-105. - Classification.

(a) The ~~personnel official~~ *Director of Human Resources* shall make an analysis of the duties, authority, and responsibility of all positions in the classified service and shall recommend to the mayor for adoption by the governing body a position classification plan. Each position in the classified service shall be assigned to a job classification on the basis of its kind and level of its duties and responsibilities, to the end that all positions in the same class shall be sufficiently alike to permit use of a single descriptive class title, the same qualifications, requirements, the same tests of competence, and the same pay scale. A job class may contain one position or more than one position.

(b) The governing body shall by resolution, after public hearing, approve a classification plan in accordance with the provisions as set out in section 13-104, paragraph (a), of this article. The ~~personnel official~~ *Director of Human Resources* shall thereafter allocate each position to its appropriate class.

(c) The class to which each position is initially allocated following adoption of this article shall be the class in which the employee shall have status conferred on him by section 13-112

(d) The initial class plan shall be revised from time to time as changing conditions require, upon recommendation of the ~~personnel official~~ *Director of Human Resources* to the mayor, ~~and with the approval of the governing body by resolution in accordance with the provision as set out in section 13-104, paragraph (a), of this article~~. Such revisions may consist of the adoption of new classes or the abolishment, consolidation, division, or amendment of existing classes. Nothing herein shall be construed as affecting the power of the governing body to abolish positions in the classified service.

(Code 1979, § 1-806)

Sec. 13-106. - Compensation.

(a) The ~~personnel official~~ *Director of Human Resources*, under the direction of the mayor and in consultation with the finance director, shall develop a uniform and equitable pay plan ~~consisting of~~ *including a* minimum~~, intermediate,~~ and maximum rate~~s~~ of pay for each class of positions. Salary ranges for each class shall be coordinated with the position classification plan and shall be based on the ranges of pay for other classes, requisite qualification, general rates of pay for comparable work *for peers* in other public and private employment in the area, cost of living data, maintenance or other benefits received by employees, the financial policy of the city, and other economic considerations. The pay plan shall then be ~~reviewed by the finance committee for approval, and then be~~ submitted to the governing body for adoption.

(b) The governing body shall: (1) adopt the plan of compensation, or (2) adopt the same without modifying the plan except by uniform modification of all classes, or (3) reject the same. When a plan of compensation is rejected by the governing body, it shall be returned to the mayor accompanied by recommendations. The ~~personnel official~~ *Director of Human Resources* shall thereupon formulate another plan of compensation in accordance with paragraph (a), above. Upon approval of the plan by the governing body, it shall be the plan of compensation under which all members of the classified *and non-classified* service must be paid.

(c) After the pay plan has been adopted by the governing body, the ~~personnel official~~ *Director of Human Resources* shall assign each job class to one of the pay ranges provided in the pay plan.

(d) The pay plan may be amended from time to time as circumstances require in accordance with the provisions as set out in paragraphs (a) and (b), above.

(e) On the effective date of a new or revised pay plan, the pay of employees receiving less than the minimum rate of their class shall be increased to the minimum rate of the salary range. *The remaining employees will have their pay adjusted in accordance with the revised pay plan provisions.* ~~Employees receiving more than the maximum rate of their class shall continue to receive that higher rate. Employees whose salary rates fall in the range for the position shall continue at that rate.~~

(Code 1979, § 1-807)

Sec. 13-107. - Appointments.

Appointments to positions in the classified service shall be made in accordance with the Charter, this article, and the personnel rules. Appointments and promotions shall be based on merit, efficiency, and fitness to be ascertained so far as practicable by competitive evaluation. Examinations when used and conducted to aid in the selection techniques shall test fairly the qualifications of candidates in relation to class specifications. Such tests may include written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, or any combination of these

or other tests as approved by the ~~mayor~~ *Director of Human Resources*. Physical and medical tests may be given as a part of any examination. The ~~mayor~~ *Director of Human Resources* may include, in addition to competitive test, a qualifying test or tests, and set minimum standards therefore. The personnel rules and regulations shall include, but not be limited to, the following appointment procedures:

(1) An orderly and systematic method of recruitment to insure that all those employed will be hired on the basis of merit, efficiency, and fitness without in any way being favored or discriminated against because of race, color, ~~ancestry~~ *creed*, sex, *ethnic or* national origin, religious belief, *age,* or any personal or political opinions or affiliations, *disability status, or status as a covered veteran* and to provide for the establishment of qualified lists for employment purposes.

(2) A position will be opened due to employee termination, resignation or a new position added to the budget. The need to fill a vacancy will be determined by reviewing whether the position can be absorbed or consolidated. The Department Head will make this determination before submitting a personnel requisition. The Department Head will review and update the job description as part of this process.

(~~2~~ *3*) In the absence of an appropriate certified employment list of qualified candidates, a provisional appointment may be made by the appointing authority, provided that employment lists shall be established for any such position within six (6) months. A provisional employee may serve only until the ~~personnel official~~ *Director of Human Resources* shall certify to the appointing authority a qualified candidate or candidates, and may be removed at any time without charges, right of appeal and hearing. ~~No person shall be employed by the city under provisional appointment for a total of more than six (6) months, except during the period of suspension of an employee or pending final action on proceedings to review suspension, demotion, or dismissal of an employee (such vacancy created may be filled by the appointing authority only by provisional appointment subject to the provisions of this article and the personnel rules).~~

(~~3~~ *4*) In the event of emergency, the appointing authority may appoint such persons as are required to meet the situation but such an appointment shall not exceed thirty (30) days in any twelve-month fiscal year*, unless approved by the Director of Human Resources and Mayor.*

(Code 1979, § 1-808)

Sec. 13-108. - Eligible list.

(a) The personnel official shall establish and maintain such employment lists of the various classes of positions in the city service as are necessary to meet the needs of the service.

(b) Eligible lists, in the order of their priority, shall be re-employment lists, promotional eligible lists, and original appointment eligible lists.

(1) Re-employment lists shall be created as follows: Names of persons being placed upon re-employment lists shall be in order of total cumulative time served in probationary and regular status, and shall remain on such lists for a period of one (1) year unless a person no longer seeks employment with the city, or the ~~personnel official~~ *Director of Human Resources* determines that the person has ceased to have the qualifications for the class of positions.

The names of probationary and classified employees laid off in good standing for lack of funds or work shall, at the *written* request of the employee *within 3 months of the employee's separation*, be placed upon re-employment lists for classes which in the opinion of the ~~personnel official~~ *Director of Human Resources*, require basically the same qualifications, duties, and responsibilities as those of the class of positions from which layoff was made.

The names of probationary and classified employees who have resigned in good standing may, upon the approval of the *Director of Human Resources and* mayor, be placed upon re-employment lists, in accordance with the provisions of this section, for classes which, in the opinion of the ~~personnel official~~ *Director of Human Resources*, require basically the same qualifications, duties, and responsibilities as those of the class of positions from which resignation was made.

(2) Promotional eligible lists, and original appointment eligible lists shall be created in accordance with the provisions of sections 13-107 and 13-108, and as follows: Names of applicants shall be placed upon the appropriate eligible lists in the ~~relative~~ order of their *seniority or, if applicable, according to their* ~~final rating~~ *ranking as determined by promotional examination* (with the exception of re-employment lists as provided in paragraph (b)(1) above). ~~Eligible applicants obtaining the same score shall be considered to have the same rank on the eligible lists, all other things being equal.~~

(3) Policy and procedures for administering eligible lists shall be provided in the personnel rules; covering the duration, cancellation, replacement, and consolidation of such lists and the removal or suspension of the names of ~~eligibles therefrom.~~ eligible candidates.

(Code 1979, § 1-809)

Sec. 13-109. – Certification & *Appointments*.

~~*Certification is defined as the endorsement as meeting minimum standards for a vacant position.* When an appointment is to be made to fill a vacant position in the classified service, the personnel official *Director of Human Resources,* upon *receipt of an approved* requisition, *shall take action to certify a list of eligible applicants in accordance with Section 13-107 and Section 13-108. Certification shall be made from existing lists in the following order of preference: Reemployment lists, Promotional lists, and Entrance lists (applicants outside the City classified workforce). The Director of Human Resources will* first certify to the appointing authority a list of the top three (3) qualified candidates on the appropriate re-employment list in the order that their names appear on such list (Rule of Three). When more than one (1) vacancy is to be filled, the number of names submitted shall equal the number of vacancies plus two (2). The appointing authority shall then fill the position or positions first, from those available persons on the re-employment list in the order that their names appear on such list. If no appropriate re-employment list exists, the personnel official shall then certify to the appointing authority a list of the top three (3) qualified candidates ranked highest on the appropriate promotion list. The appointing authority shall then fill the position or positions from those candidates available in the highest qualified rating. In the event there is no appropriate promotion list of qualified candidates available, the personnel official shall certify a list of the top three (3) qualified candidates ranked highest~~

~~on the appropriate employment list. The appointing authority shall then fill the position or positions from those candidates available in the highest qualified rating. *the Human Resources Director shall certify to the Department Head those candidates meeting the minimum qualifications for the position to be filled. The Department Head will review the certified list and propose candidates for interview to the Human Resources Director. After certification of the interview pool, the Department will interview qualified candidates and meet with the Human Resources Director to review the top qualified candidate. Human Resources will extend the offer of employment, contingent upon a background check, physical (where required), and drug screen.* In the absence of an appropriate certified employment list of qualified candidates, a provisional appointment may *then* be made by the appointing authority as provided elsewhere in this article, or the vacancy or vacancies may be filled in any other manner as provided in this article and the rules. No appointment, except a temporary or provisional appointment, shall be made without such certification or prior authorization.~~

Certification is defined as meeting the required minimum standards for a vacant position. The Human Resources Director will review resumes generated, sort resumes, and screen for those qualified candidates who meet the minimum requirements. The Director must certify a list when a department head wants to fill a vacancy. The list is the document or record containing the names of eligible applicants meeting the minimum qualifications for a class of positions for the department head to utilize when filling a vacancy.

In-House Posting - In establishing an internal list, the Department may post a public announcement for a minimum of one week allowing city employees to apply within. In the event that there is no promotional list, the HR Director shall certify to the Department Head those external candidates meeting the minimum qualifications for the position.

Public Advertisement - The external posting length options are Continuous – announced for an indefinite period with no closing date on the position – open until filled; regular – announced for a minimum of four weeks externally. Internal and external job announcements may occur concurrently. Applicants may be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that qualified applicants are obtained. The Human Resources Director and Department Head will determine what forms of media to extend the advertisement. The determination for this type of advertisement will be based on, but not limited to, position, skill requirements, and the level of response from other means of recruitment.

Exceptions to the recruitment process may be made in instances where needs and demands of the department where an immediate need is identified due to existing staffing, and it is in the best interest of the city to fill the position expediently.

The Department will propose an interview pool to the Human Resources Director for review. The Department will interview qualified candidates and meet with the Human Resources Director to review the top qualified candidates. Human Resources will conduct a consensus decision making discussion with the Department Head, reviewing all candidates' evaluations, test results, and references. The Department Head selects the top qualified candidate. Human Resources will extend the offer of employment in writing to the top qualified candidate contingent upon the background check, physical and drug screen, and departmental verification of professional references.

As documentation for educational achievement, certified official transcripts, diplomas, or degrees will be required for all positions. For positions requiring a professional license issued by the State of Tennessee, an authenticated copy of the license may be accepted as verification of educational credentials, but only if the education level required for the license is the same or greater than the

education level required for the job, and it has been confirmed that the licensing authority requires verification of educational backgrounds before issuing the license.

If an applicant has been approved to the position, he/she has the responsibility to provide verification to the Department Head. This verification must be made prior to employment or promotion or before the expiration of ninety days following the effective date of the appointment or promotion.

(Code 1979, § 1-810)

Sec. 13-110. - Veteran's preference.

The personnel rules and regulations shall provide for the allowance of veteran's preference points in accordance with the City Charter, state, and federal law requirements.

(Code 1979, § 1-811)

Sec. 13-111. - Probationary period.

The personnel rules and regulations shall provide that all classified appointments, including promotional appointments, shall be for a probationary period of six (6) months, ~~except in the police and fire department, which shall be for a period of twelve (12) months.~~ *except for certified police and certified fire positions whose probationary period shall be 12 months.* ~~Police officers shall serve a probationary period of twelve (12) months in the police trainee classification. Police officers appointed from the trainee position will serve no further probationary period.~~ *All promotional appointments shall be for the probationary period required in that department.* During the probationary period an employee may be rejected at any time without ~~charges, right or appeal and hearing. An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to a position in the class from which he was promoted unless he is discharged as provided in this article and the personnel rules.~~ *cause and without right of an appeal or hearing when, in the judgment of the department head, the employee has been determined to merit continuation in the position. Demoted or transferred employees are not subject to probationary periods.*

(Code 1979, § 1-812)

Sec. 13-112. - ~~Status of present employees~~. *Reserved.*

~~Any person holding a position included in the classified service who, on the date that this article becomes operational, shall have served continuously in such position, or in some other position in the classified service, for a period equal to the probationary period, shall become classified employees, in the position held on such effective date without qualifying tests, and shall thereafter be subject in all respects to the provisions of this article and the personnel rules and regulations. Other persons holding positions in the classified service shall be regarded as probationers who are serving out the remainder of their probationary periods before attaining classified status, and may be certified in the same manner when they satisfactorily complete the normal probationary period. The probationary period shall be computed from the date of appointment or employment to a classified position~~.

(Code 1979, § 1-813)

Sec. 13-113. – Promotions *and Reclassifications.*

(a) Vacancies in positions above the entrance shall be filled by promotion whenever in the judgment of the ~~mayor~~ *department head and Director of Human Resources* it is in the best interest of the city to do so. Promotions shall be on a competitive basis and shall give appropriate consideration to the applicants' qualifications and seniority.

(b) Reclassification occurs when the duties of an existing position substantially change. The Department Head is to submit, in writing, to the Human Resources Department, a comprehensive job description that describes in detail the duties of the position. The Human Resources Department will review the actual and recommended duties provided by the Department Head and provide an assessment to the Department Head on whether the duties are sufficiently changed to warrant a change in pay classification. The job description for the new position or the revised description of an old position will be approved by the HR Director prior to inclusion in the Job Classification Plan for the City.

The City shall have the authority to reclassify any position as long as such positions as long as budgetary funds are available.

(Code 1979, § 1-814)

Sec. 13-114. - Demotions, suspensions, and dismissals.

(a) The appointing authority may demote, dismiss, reduce in pay, or suspend without pay for not more than thirty (30) calendar days in any calendar year (except that extensions may be made as provided in this article and the rules pending any investigation and hearing), an employee in the classified service for any one or more of, but shall not be limited to, the following reasons:

(1) Dishonesty, intemperance, immoral conduct, insubordination, unsatisfactory performance of duties, 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 properly, or any willful violation of the provisions of this article or the personnel rules adopted thereunder.

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

~~(3) Any other act or failure to act as set out in this article and the rules and regulations, which, in the judgment of the appointing authority, is sufficient to show that the person is an unsuitable and unfit employee, including active political campaigning on a partisan basis.~~

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

(4) 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.

(5) 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.

(b) Notice of such action must be in writing and served personally on such employee. Such notice shall specify the penalty and contain a statement of the charges or reasons for the action taken. The provisions of this paragraph shall not apply to reductions in pay which are a part of a general plan to reduce salaries and wages or to eliminate positions.

(Code 1979, § 1-815)

Sec. 13-115. - Reductions in workforce.

Nothing herein shall be construed as affecting the power of the governing body to abolish positions in the classified service. *Individuals subject to lay off shall be determined by the department head and Director of Human Resources taking into account all relevant factors including, but not limited to, needs of the department and the particular skills of the employee/s involved.* ~~Employees transferred, demoted or laid off shall have the right of appeal and hearing in such cases. Seniority shall be observed in affecting such reduction in personnel and the order of layoff shall be in the reverse order of total cumulative time served in the classified service upon the effective date of the layoff. Layoff shall be made within classes of positions, and all provisional employees in the effected class or classes shall be laid off prior to the layoff of any probationary or classified employee. For the purpose of determining order of layoff, total cumulative time shall include time served on military leave of absence.~~

(Code 1979, § 1-816)

Sec. 13-116. - Reserved.

Editor's note— Ord. No. O0801-6, adopted February 19, 2008, amended the Code by repealing former § 13-116 in its entirety. Former § 13-116 pertained to appeals, and derived from the Code of 1979, § 1-817.

Sec. 13-117. - Political activity.

(a) All classified employees and all appointed city officials, including, but not limited to, director of finance, mayor's ~~administrative assistant~~ *staff*, superintendent of public works, superintendent of public utilities, chief of police, fire chief, ~~personnel official~~ *director of human resources, director of leisure services, chief information officer, city engineer, city planner, building and electrical codes official, economic development director* and city attorney or firm, shall not:

(1) Accept election to any public office in the said municipality, nor hold any other fulltime elected or appointed position;

(2) While on duty or acting in an official capacity, take an active part in a 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;

(3) 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;

(4) 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;

(5) Nothing in this chapter shall in any way preclude the employee's or appoint*ed* city official's right to privately express his opinions and cast his 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.

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

(Code 1979, § 1-818; Ord. No. O91-71-, § 1-818, 10-15-91)

Sec. 13-118. - Records.

~~The personnel official shall maintain, as a minimum, official ordinances and resolutions affecting personnel administration, of personnel rules and regulations, of the examination record of every applicant, and of the employment record of every employee~~. *The Director of Human Resources shall serve as the official record-keeper for employees' personnel records in compliance with municipal, state and federal laws.*

(Code 1979, § 1-819; Ord. No. O0801-6, 2-19-08)

Sec. 13-119. - Right to contract for special services.

The government body may contract with any competent agency for the performance by such agency of such technical services in connection with the establishment of the personnel system or with its operations as may be deemed necessary. Such contract may include the delegation to such an agency of the duties herein imposed upon the ~~personnel official~~ *Director of Human Resources* but shall not include the delegation of the powers and duties herein vested in the governing body. Examples of such responsibilities and duties that may be contracted by the governing body are as follows:

(1) The preparation of personnel rules and regulations, and subsequent revisions and amendments thereof.

(2) The preparation of a position classification plan, and subsequent revisions and amendments thereof

(3) The preparation of a compensation plan, and subsequent revisions and amendments thereof.

(4) The preparation, conduct, and grading of competitive examinations.

(5) Special and technical services of advisory or informational character on matters relating to ~~personnel~~ *human resources* administration.

(Code 1979, § 1-820)

Sec. 13-120. - Discrimination.

No person in the classified service or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of race, color, creed, *ethnic or* national origin, sex, ~~ancestry~~, age, ~~or~~ religious belief*, disability status, or status as a covered veteran.*

Equal Employment Opportunity - It is the obligation and policy of the City of Gallatin to provide equal opportunity employment to all employees and applicants for employment. No person will be discriminated against in employment because of race, color, religion, sex, age, national origin, disability, military status, communication with an elected public officials, free speech, refusing to participate in or remain silent about illegal activities exercising a statutory constitutional right or any right under clear public policy, political affiliation, genetic information or any other basis protected by law. The City of Gallatin will provide reasonable accommodation to qualified disabled individuals unless the accommodation would pose an "undue hardship" on the City.

Title VI Policy Statement – It is the policy of the City of Gallatin to ensure compliance with the Title VI of the Civil Rights Act of 1964; 49 CFR, Part 21; related statues and regulations to the end that no person shall be excluded from participation in or be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance from the United States Federal Government on the grounds of race color, gender or national origin.

This policy applies to all terms, conditions, and privileges of employment and all policies of the City, including hiring, placement, training, employee development, promotion, transfer, compensation, benefits, grievances, educational assistance, layoffs, termination and retirement.

The local government will not discriminate on the basis of a person's national origin or citizenship status with regard to recruitment, hiring, or discharge. However, the local government will not knowingly employ any person who is or becomes an unauthorized immigrant.

(Code 1979, § 1-821)

Sec. 13-121. - Provision for review.

It shall be the duty of the mayor to review and/or modify any action taken by the ~~personnel official~~ *Director of Human Resources* while carrying out the intent of this article and/or while acting in the capacity of authorized representative.

(Code 1979, § 1-822)

Secs. 13-122—13-126. - Reserved.

Editor's note— Ord. No. O0702-17, § 2, adopted April 17, 2007, amended the Code by repealing former §§ 13-122—13-126 in their entirety. Former §§ 13-122—13-126 pertained to business dealings; acceptance of gratuities; outside employment; use of municipal time, facilities, etc.; and use of position, respectively, and derived from the Code of 1979, §§ 1-823—1-827, and Ord. No. O0508-055, adopted August 16, 2005. Provisions regarding the code of ethics of the city can now be found at §§ 2-1—2-11.

Sec. 13-127. - Strikes and unions.

No city officer or employee shall participate in any strike against the city, nor shall he solicit any other officer or employee to join any labor union which authorizes the use of strikes by government employees.

(Code 1979, § 1-828)

Sec. 13-128. - Salaries generally.

The council shall fix the salary of all officers and employees elected or appointed by the council *in agreement with the compensation plan*.

(Code 1979, § 1-829)

Sec. 13-129. - ~~Associate counsel for city attorney~~. *Reserved*

~~If any case of unusual importance shall arise and the mayor should be of the opinion that it is for the best interest of the city that the city attorney should have assistance in such case, the mayor shall employ not more than one (1) attorney, or firm of attorneys, to assist the city attorney. The mayor shall report such employment to the next regular meeting of the council and such employment shall continue in such case unless disapproved by a vote of the council.~~

~~(Code 1979, § 1-830)~~

Sec. 13-130. - Vacancies in office.

When any vacancy occurs in any city office referred to in article III, section 2, of the Charter, the same shall be filled by appointment of the council.

(Code 1979, § 1-831)

Sec. 13-131. - Leave for certain elected and appointed officials.

~~Rule XVI, Section 1 through 7 and Section 8.2~~ *Rule 16, Sections 16-1 through 16-11* of the Gallatin Personnel Rules and Regulations shall be imposed upon and applied to ~~the following city officials~~ *appointed Officials/Employees and the Mayor and City Recorder/Judge:*

~~(1) Mayor;~~

~~(2) City recorder;~~

~~(3) Superintendent of public utilities;~~

~~(4) Superintendent of public works;~~

~~(5) Director of finance;~~

~~(6) Chief of police;~~

~~(7) Fire chief;~~

~~(8) Personnel official;~~

~~(9) City planner;~~

~~(10) City engineer;~~

~~(11) Building official;~~

~~(12) Director of leisure services.~~

However, vacation leave for the ~~foregoing officials~~ *Appointed Employees reporting to the Mayor, EDA Director, or City Attorney shall be subject to the terms of Rule 16, Section 16-2. Vacation leave for Appointed Officials, the Mayor, and City Recorder/Judge* shall be fifteen (15) business days each year for the first ~~ten (10)~~ *five(5)* years of service, and thereafter ~~increasing one business day for each year of service up to a maximum of~~ twenty (20) business days. The aforementioned leave rules and regulations shall be adhered to by the aforementioned city officials*/employees* for all leave time, with failure or abuse of such to be grounds for termination of the official*/employee* in the discretion of the city council except in the case of mayor and city recorder, in which event their respective compensation shall be reduced pro-ratably for all leave taken in excess of that allowed. All leave requests by the foregoing *Appointed Officials*, except the mayor, shall be submitted to the mayor for prior approval. Leave taken by the mayor shall be recorded and submitted to the city council ~~monthly~~ *upon request*.

(Ord. No. O93-912, 10-19-93; Ord. No. O0110-056, 10-16-01)

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

NOVEMBER 22, 2016

DEPARTMENT: COUNCILMAN ALEXANDER /PLANNING DEPARTMENT **AGENDA # 10**

SUBJECT:
Ordinance No. O1611-59 of the City of Gallatin, Sumner County, Tennessee, rezoning a 4.74 (+/-) acre portion of a parcel (Tax Map 125 portion of Parcel 034.00) from PBP - Planned Business Park to MU - Mixed Use and approving with a Preliminary Master Development Plan for Chandler Park Gallatin Phases I & II.

SUMMARY:
An Ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning 4.74 (+/-) acre portion of a parcel (Tax Map 125 and portion of Parcel 034.00) from PBP - Planned Business Park to MU - Mixed Use and approving of a Preliminary Master Development Plan for Chandler Park Gallatin Phases I & II permitting a 492 unit multi-family dwelling complex and a retail parcel, located north and south of Harris Lane and east of GreenLea Boulevard; authorizing the revision to be indicated on the official Zoning Atlas; repealing conflicting ordinances; providing for severability; and providing an effective date.

On October 24, 2016 the Gallatin Municipal-Regional Planning Commission recommended approval of the rezoning and a preliminary master development plan with conditions as described in GMRPC Resolution 2016-122. (PC File# 3-2443-16)

The Planning Department recommends approval of the rezoning and a preliminary master development plan with an exception for building height with conditions.

RECOMMENDATION:

ATTACHMENT:

☐ **Resolution**	☐ **Correspondence**	☐ **Bid Tabulation**
☒ **Ordinance**	☐ **Contract**	☒ **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. O1611-59

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, REZONING A 4.74± ACRE PORTION OF A PARCEL (S.B.E. TAX MAP 125, PARCEL 034.00) FROM THE PBP - PLANNED BUSINESS PARK ZONING DISTRICT TO THE MU - MIXED USE ZONING DISTRICT AND APPROVING A PRELIMINARY MASTER DEVELOPMENT PLAN FOR CHANDLER PARK GALLATIN PHASES I & II; AUTHORIZING THE REVISION TO BE INDICATED ON THE OFFICIAL ZONING ATLAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner submitted a complete application to rezone a 4.74 ± acre portion of Tax Map 125 Parcel 34.00 and a Preliminary Master Development Plan for property located north and south of Harris Lane, east of GreenLea Boulevard and north of the CSX Railroad; and

WHEREAS, the property to be rezoned is currently zoned PBP – Planned Business Park; and the balance of the property proposed for development is zoned MU –Mixed Use; and

WHEREAS, the Gallatin Municipal-Regional Planning Commission reviewed and recommended approval of the proposed rezoning ordinance and a Preliminary Master Development Plan for Chandler Park Gallatin Phases I and II in GMRPC Resolution No. 2016-122 consistent with Tennessee Code Annotated, Section 13-7-203; and

WHEREAS, a public hearing was held following public notice as prescribed by the Gallatin Zoning Ordinance and Tennessee Code Annotated Section 13-7-203; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE as follows:

Section 1. The City Council of the City of Gallatin does hereby approve the rezoning of a 4.74 ± acre portion of a parcel from the PBP – Planned Business Park zoning district to the MU – Mixed Use zoning district as described in Exhibit 'A' and approves a Preliminary Master Development Plan for Chandler Park Gallatin Phases I and II as described in Exhibit 'B'.

Section 2. The City Council of the City of Gallatin does hereby approve, authorize and direct the revision of the City's official zoning atlas to show the classification for the area as hereby rezoned.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of this ordinance which can be given without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

_____
MAYOR PAIGE BROWN

ATTEST:

_____
CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

_____
SUSAN HIGH-MCAULEY
CITY ATTORNEY

Exhibit 'A'

Legal description – Tax Map 125 portion of Parcel 35.00, 4.74 ± acres

A tract of land in the 4th civil district, Sumner County, Tennessee. Tract being a portion of Chandler Residential, LLC tract, as recorded in Record Book 4348, page 429, Registers Office Sumner County, Tennessee (ROSC). Tract being bounded on the east by the Donald and Vickie Wilson tract as recorded in Record Book 888, page 116, ROSC and on the south, west and north by the remainder of the said Chandler Residential LLC tract. Tract being described as follows:

Point of commencement being at the southwestern corner of the said Donald and Vickie Wilson tract and being on the northern right of way row of Harris Lane; thence leaving said ROW with the common line of the Donald and Vickie Wilson tract north 06"27'11" east 300.00 feet to the point of beginning; thence with a new line north 83"36'38" west 452.02 feet to a point; thence north 06"21'11" east 456.39 feet to a point; thence south 83"38'49" east 452.02 feet to a point on the common line of the said Donald and Vickie Wilson tract; thence with said common line south 06"21'11" west 456.67 feet to the point of beginning.

Containing 206,362 square feet or 4.74 acres.

Exhibit 'B'

The rezoning shall be substantially consistent with the Preliminary Master Development Plan for Chandler Park Gallatin Phases I and II, consisting of a seven (7) sheet plan, prepared by Rogers Engineering Group of Gallatin, TN, with project #16-048, dated October 11, 2016, a one (1) sheet architecture plan, prepared by Niles Bolton Associates of Atlanta, GA, with job no. 116045.00, dated October 11, 2016, and a four (4) sheet architecture plan, prepared by Humphreys & Partners architects, L.P., of Dallas, TX, with job no. HPA 16401, dated August 19, 2016, with a final revision date of October 11, 2016, with the following conditions:

1. Reduce the total number of units on the 30.46 acre properties from 492 units to a maximum of 442 units (representing no greater density than one unit per 3000 square feet of gross acreage) or include the designated 2.5 acre retail portion of the PMDP as part of the multi-family development whereby the maximum number of units permitted could be 478 units.
2. Modify the plans to reduce all building heights to no greater than 35 feet.
3. Add a note to the plan stating a separate preliminary master development plan is required for the retail lot unless the retail lot is used for multi-family use.
4. Add a note to the plan stating all Gallatin zoning ordinance landscape requirements shall be met.
5. Dimension several parking spaces in each phase or provide a typical parking space dimension for each phase and parking space type.
6. Dimension and label drive aisle widths within each phase.
7. Show and label the location of the proposed signs, including the setback from the right-of-way.
8. Verify the parking numbers for both phases to ensure consistency with the site data table on the cover sheet (Sheet C1.0).
9. Dimension and label the roofline heights on all elevation sheets.
10. Provide architectural elevations and/or photographs of the proposed garages.
11. Widen and improve Harris Lane on the south side of the roadway from GreenLea Boulevard to the CSX Railroad and on the north side of the roadway from GreenLea Boulevard to the east boundary of the northerly parcel to minimum collector road standards.
12. Graphically and/or by plan note indicate a driveway to/from Harris Lane to the 2.5± acre retail portion of the site if the retail section is retained.
13. Modify the plan to show sidewalk connections for the apartment site to the public sidewalks along Harris Lane and add a sidewalk on Harris Lane adjacent to Phase 2. Sidewalks for the retail lot may be shown upon submittal of a FMDP for this site.
14. Submit one (1) full-sized and two (2) half-sized, corrected folded copies of the preliminary master development plan.

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

NOVEMBER 8, 2016

DEPARTMENT: PLANNING DEPARTMENT **AGENDA # 7**

SUBJECT:
Ordinance No. O1611-59 of the City of Gallatin, Sumner County, Tennessee, rezoning a 4.74 (+/-) acre portion of a parcel (Tax Map 125 portion of Parcel 034.00) from PBP - Planned Business Park to MU - Mixed Use and approving with a Preliminary Master Development Plan for Chandler Park Gallatin Phases I & II.

SUMMARY:
An Ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning 4.74 (+/-) acre portion of a parcel (Tax Map 125 and portion of Parcel 034.00) from PBP - Planned Business Park to MU - Mixed Use and approving of a Preliminary Master Development Plan for Chandler Park Gallatin Phases I & II permitting a 492 unit multi-family dwelling complex and a retail parcel, located north and south of Harris Lane and east of GreenLea Boulevard; authorizing the revision to be indicated on the official Zoning Atlas; repealing conflicting ordinances; providing for severability; and providing an effective date.

On October 24, 2016 the Gallatin Municipal-Regional Planning Commission recommended approval of the rezoning and a preliminary master development plan with conditions as described in GMRPC Resolution 2016-122. (PC File# 3-2443-16)

The Planning Department recommends approval of the rezoning and a preliminary master development plan with an exception for building height with conditions.

RECOMMENDATION:

ATTACHMENT:

☐ **Resolution**	☐ **Correspondence**	☐ **Bid Tabulation**
☒ **Ordinance**	☐ **Contract**	☒ **Other**

Approved ☒
Rejected ☐
Deferred ☐