

CITY OF NORRIS
&
Norris Water Commission
Personnel Policy

DEVELOPED WITH THE ASSISTANCE OF

**UNIVERSITY OF TENNESSEE
MUNICIPAL TECHNICAL ADVISORY SERVICE**

The City of Norris complies with local state, and federal laws. In the event that there is a conflict between the contents of this manual and a local, state or federal statute, the statute shall control.

CITY OF NORRIS

A Brief History

The City of Norris came into existence for the sole purpose of housing more than 2,100 construction workers and their families during the construction of the now historic Norris Dam. Beginning in 1933 and completed in 1934, the City of Norris was planned and developed by the Tennessee Valley Authority and was considered a government city. Norris Dam was completed in March of 1936.

In 1948 the Tennessee Valley Authority declared Norris a surplus land and sold it at public auction for \$2,107,500. In 1949, the Tennessee General Assembly, by special act, created the City of Norris as an incorporated municipality. In 1975, in recognition of the historic significance of Norris in the areas of urban planning, education, industry, and science, The City of Norris was entered on the National Register of Historical Places.

Since the City of Norris is now an incorporated municipality, the government of the city was created in a traditional manner. The city government is composed of a five-member council, elected for two-year terms. The council elects the mayor and vice-mayor from within the council members, and employs a city manager. It is the duty of the city manager to administer the personnel policy for the applicable city employees. The city manager is also responsible for the daily operations of the city office.

The city council also appoints a five-member Water Commission who sets policy for the administration of the Water Commission. The commission also employs the water commission superintendent. It is the duty of the superintendent to administer the personnel policy for the applicable Water Commission Employees. The water commission superintendent is also responsible for the daily operations of the water department.

CITY OF NORRIS

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SECTION I - PERSONNEL POLICIES

A. PURPOSE AND OBJECTIVES

The primary purpose of these policies is to establish an understanding, cooperation and efficiency in local government operations by establishing a system of human resources administration which provides consistent, impartial and effective policies and procedures for the employees of the City of Norris, Tennessee without regard to race, color, religion, gender or gender identity, 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 objectives of these policies are to promote and increase efficiency, provide fair and equal opportunities, develop a process of recruitment and selection of employees, and promote high morale among employees.

It is the City's policy not to discriminate against any employee or applicant for employment or during the course of employment due to race, color, religion, gender or gender identity, 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. If an employee believes that he or she has been involved in any incident that was discriminatory, he or she should report the incident immediately to the Manager. The City further complies with all federal and state laws protecting employees from discrimination and/or retaliation.

The City complies with Title VI of the Civil Rights Act of 1964. Title VI requires that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. It is the policy of the City of Norris to apply and foster a sound program of human resources 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.

B. COVERAGE

These rules and regulations shall cover all employees (including Volunteer Fire Department Members) in the City service unless specifically exempt by this document in whole or by section, the City Charter, and/or the ordinances of the City without regard to race, religion, national origin, political affiliation, sex, age, or disability in accordance with The City of Norris Title VI Policy. With the exception of the Ethics/Fraud Policy included therein, Employees/Positions not covered under this policy are as follows: 1) Elected Officials, 2) Members of appointed Boards or Commissions, 3) City Attorney, 4) Consultants, Advisors and Independent Contractors, 4) Volunteer Personnel, and 5) City Judges.

All City government offices and positions are divided into the non-exempt and the exempt service. The non-exempt service shall include all regular full-time, regular part-time, temporary full-time, and temporary-part time positions in the City's service unless specifically placed in the exempt service. Exempt service positions include City Manager Water Commission Superintendent, Department Heads and any other positions as determined by the City Manager.

C. ADMINISTRATION

These rules are administered by the City Manager and Water Commission Superintendent hereafter referred to as "Manager". The City of Norris is an at will employer and nothing in the personnel rules and regulations document are deemed to give employees any more property rights in their jobs than may already be given by the City charter. The City reserves the right to alter or change any or all of these rules without prior notice to employees.

1. AMENDMENTS

Amendments or revisions of these rules may be recommended for adoption by the Manager. Such amendments or revisions of these rules shall become effective after public hearing and approval by Resolution of the governing body.

2. SEVERABILITY

Each section, subsection, paragraph, sentence, and clause of this policy document is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause shall not affect the validity of any other portion of these rules, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted.

3. SPECIAL NOTE

These personnel policies are believed to be written within the framework of the charter of the City of Norris, and state law. However, in a case of conflict, refer to the state law specific to the situation in question.

SECTION II – CLASSIFICATION AND COMPENSATION

A. CLASSIFICATION PLAN

A classification plan has been established for all city staff positions. All city staff positions have written class specifications, which are used for evaluation to determine equitable pay with comparable public and private sector jobs. Salaries for each position will be reviewed prior to each fiscal year for possible adjustment as determined by market conditions. The manager will make periodic salary surveys to ensure the overall compensation plan is maintained in accordance with comparable plans in the surrounding area and competitive recruiting base. These range adjustments will not be automatic. As adjustments are made to ranges, corresponding adjustments will be made to the salary of each incumbent at whatever step then applicable to the individual.

The salary plan is based on qualifications and experience for any given position. The starting salary rate will be determined by the manager. Salary is increased to the next step in the range beginning on the first pay period after the employee's six-month anniversary date. Thereafter pay is increased at the beginning of the fiscal year (July 1) provided the pay increases is recommended on performance reports. When an employee reaches the final classification grade of his or her position, anniversary adjustments will cease and increases will only be made when range changes are made at the beginning of the fiscal year.

If an individual is promoted to a city job with a higher salary range, pay will be adjusted upward to step one of the ranges of the new position. If pay already exceeds step one, the individual will enter the new range at whatever step is next above his or her pay to achieve a minimum increase of 5%. If any employee receives a promotion during the course of the fiscal year, the date of such promotion will start a new trial performance period. Beginning July 1st, 2021, all salary changes other than those associated with promotions, will occur on the full pay period immediately following July 1st of each year. Employees are not eligible for an annual increase unless 180 calendar days have passed from the last midyear promotion. A cost of living, salary adjustment, if approved, would apply July 1st regardless off promotion date.

B. COMPENSATION METHODS

Eight hours of time on duty will constitute a workday for most general employees. Twelve hours of time will constitute a normal shift of work for other positions as specified by the Manager.

The Manager will establish hours of work per day and hours of work for each position. Department heads will keep daily attendance records of their department's employees.

C. HOURLY RATES

Employees paid on an hourly rate basis are paid for all time actually worked. The City Council will set, by budget ordinance, all salaries paid by the City through the salary plan. Due consideration will be given to duties performed, responsibilities, technical knowledge and skills required to perform the work satisfactorily, the labor market, and availability of people having the desired qualifications.

D. MINIMUM WAGES

In accordance with the FLSA, no employee, whether full time, part time, or trial performance period employee, will be paid less than the federal minimum wage unless they are expressly exempt from the minimum wage requirement by FLSA regulations.

E. PAYCHECKS

All employees of the City of Norris will be paid through direct deposit or by a paper check on a biweekly basis. New employees may be paid by check until the direct deposit process is completed. If an employee has questions about work time, salary, or direct deposit, he or she should call it to the attention of the department head within the pay period in question or immediately thereafter.

Final Pay Check(s) - A final paycheck will be issued to a dismissed/retired/resigned employee at their next regularly scheduled payroll. This may be in the form of direct deposit or a paper check mailed to the employee's home address.

Lost Payments - Employees are responsible for their payments after they have been issued. Checks lost or otherwise missing should be reported immediately to the city office so that a stop-payment order may be initiated. The Recorder will determine if and when a new check should be issued to replace a lost or missing check.

F. STANDARD WORKDAY/WORKWEEK

Pursuant to the FLSA, a workweek is a regular recurring period of 168 hours consisting of seven consecutive 24-hour periods. Generally, five days per week constitute a workweek for regular employment. Police and Fire Department employee schedules may entail more or less days in the workweek. As necessary, schedules will vary in departments for the smooth operation of the local government. A standard workweek is scheduled between 8 a.m. Monday through 4:30 p.m. the following Friday. Some departments may work 7:00 a.m. – 3:30 p.m., or 7:30 a.m. - 4:00 p.m. as determined by the Manager. Temporary work schedules may be approved by the Manager to support training, projects or employee personal needs as long as total work hours equal the standard scheduled work hours for the pay period and productive work effort is maintained. Temporary work schedules may not artificially create overtime hours without an approved Immediate Action Directive (IAD).

G. ATTENDANCE

Punctual and regular attendance is necessary for the City to operate efficiently. Employees unavoidably late or absent from work due to illness or other causes must notify their supervisor prior to the beginning of the workday, unless unusual circumstances prevent the employee from making proper notification. Employees must explain the reason for the absence and, if possible, the anticipated time and date they will return to work.

H. LUNCH PERIODS

The City of Norris will provide employees with a daily lunch break. The lunch period is to be determined in consultation with the employee's immediate supervisor and shall be arranged to ensure manpower coverage. Lunch periods that are interrupted may be compensable under the FLSA.

SECTION III – SPECIAL COMPENSATION PROCEDURES

A. OVERTIME PAY

When it becomes necessary for an employee to work overtime hours or return to duty from off-duty hours due to an emergency, he/she will be paid according to the prevailing salary schedule.

Generally, an overtime wage rate of 1.5 X the regular wage rate will be paid to employees who work hours in excess of the normal work week. All overtime hours must be pre authorized by the employee's department head or the Manager.

Police Officers are paid using three (3) methods. (1) Regular hourly wages as described above; (2) FLSA wages as set forth by DOL as follows: Police Employees are expected to work 48 hours per work unit. Required hours beyond 43 receive an additional half (1/2) pay (effectively time and a half for hours 44-48). Annual, sick, and holiday leave, etc. will receive their regular wages only during leave (no FLSA); and (3) Overtime as described above (time and a half) will paid for hours worked in excess of 48.

Firefighters (full time) are paid using three (3) methods. (1) Regular hourly wages as described above; (2) FLSA wages as set forth by DOL as follows: Qualifying firefighters are expected to work up to 53 hours per week or up to 212 hours in a 28-day work period before overtime is required when working a 24-hour shift with a seep period.

In pursuance with FLSA, compensatory time may be given in lieu of overtime for Exempt employees. All overtime will be paid in accordance with the FLSA. Exempt employees may be eligible for overtime wages during extreme extended hours such as defined in an IAD, after 5 additional hours are worked per work week.

B. COMPENSATORY TIME

Compensatory time is time off with pay earned by an employee when compensable overtime hours are worked and not compensated in cash.

Exempt Employees

1. Accrual – Compensatory time is accrued on a weekly basis at a rate of one and one-half times each hour for all hours worked in excess of the maximum allowable hours.
2. Use of Compensatory Time – The use of earned compensatory time is subject to the approval of the employee's department head or supervisor.
3. Maximum Compensatory Time Accrual – The maximum accrual of Compensatory time is 80 hours.

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C. CALL OUT PAY

If an employee is asked to work on an unscheduled workday, he or she shall be guaranteed a minimum of two hours of pay at his or her overtime wage rate.

D. SALARY CHANGE – CERTIFICATION

Newly acquired certifications that result in salary (non-bonus) increases are those certifications that have a direct impact on the employee's ability to perform required duties. The City Manager-Water Superintendent (Manager) shall pre-approve eligibility for the certification salary increase. Certifications that require continuing education credits to maintain certified status may be approved for continuing education expenses including on-the-clock salary coverage. The "salary change" certifications recognized by the City of Norris are as follows:

- Certified Municipal Finance Officer (CMFO)
- Certified Public Accountant (CPA)
- Certified Police Officer
- Codes Official (Fire, Building, Mechanical, Plumbing, Electrical, Commercial, Structural)
- College Degree in related field

Once the certification is presented to the manager the salary will be adjusted to the next level within 60 calendar days. If date of increase is less than 180 calendar days from an annual increase this will become the annual increase.

SECTION IV - EMPLOYMENT

A. APPLICATIONS

The City of Norris makes every effort to attract qualified applicants for various types of positions. In so doing, the Manager may prepare and publish in an officially designated newspaper a public notice of vacancies when they occur and place notices at officially designated sites. The Manager may provide this notice of vacancies in alternate media, including websites, online applications, online newspapers, standard media ads, taped messages, radio announcements, or other methods to ensure effective communication.

All employment applications/resumes are received at City Office or through the appropriate department and given thorough consideration by the appropriate department head. The City of Norris exercises a policy of fairness to every person who applies for work. The Manager and Department Heads are responsible for properly selecting and placing people in various City departments. The City of Norris will make reasonable accommodations in the application process to applicants with disabilities making a request for such accommodations.

B. RECRUITMENT BY EXAMINATION

The Manager will make such investigations and conduct such examinations as deemed appropriate to assess the aptitude, education and experience, knowledge and skills, physical fitness, and other qualifications required for the best fit in the service of the City.

The City of Norris may utilize various testing formats and resources as applicable for the open position.

Applicants should notify the City of Norris if they have a disability that may require an accommodation during the selection process. The City of Norris will provide reasonable accommodation at reasonable cost as long as essential job functions can be performed.

C. MEDICAL EXAMINATIONS AND GENERAL PHYSICALS

Pre-employment Physical Exam and Background Check

Following a conditional offer of employment, prospective employee, when required, may be examined by a licensed medical physician designated by the local government. This exam will determine whether prospective employees can perform the essential functions of the position offered. The cost of this medical examination shall be borne by the city. Prospective employees who are unable to successfully perform the essential functions tested for in the medical examination shall have their offer of employment by the local government withdrawn if they cannot perform the essential functions due to a disability that cannot be reasonably be accommodated.

D. BACKGROUND CHECK

Background checks will be performed as required for the position being filled. The Manager will maintain a list of positions requiring background checks and the scope of investigation required.

E. MINIMUM AGE

The FLSA requires that employees of state and local governments be at least 16 years old for most non-farm jobs and at least 18 years old for non-farm jobs declared hazardous by the secretary of labor. Minors 14 and 15 years old may work outside school hours under certain conditions

F. TYPES OF EMPLOYEES

Trial Performance Period Employee - An employee who has been in a new position for less than 6 months.

Regular Full-time Employee - An employee who regularly works a minimum of 40 hours per week.

Regular Part-time Employee – An employee who works part-time hours on a regular basis and whose hours do not routinely exceed 30 hours per week. Part-time employees are not eligible for benefits.

Temporary Employee – An employee who is hired for a stated or specific term of employment of less than one year. Temporary employees are not eligible for benefits.

Volunteer Employee - A volunteer is an individual who works for no compensation or benefits.

Volunteer Firefighter – A volunteer firefighter who could be reimbursed for specified required training or response actions. Also, these personnel will be covered by workers comp and liability insurance. The Fire Chief will maintain a roster of active firefighters, EMT/EMR's and auxiliary members eligible for reimbursement.

G. TRIAL PERFORMANCE PERIOD

The trial performance, or working test period, is an integral part of the examination process and shall be used for:

1. closely observing the employee's work;
2. securing the most effective adjustment of a new or promoted employee to his/her position; and
3. rejecting any employee whose performance does not meet work standards.

The trial performance period for all regular hires or employees in new positions will be for a period of 6 months. Department heads may request an extension of any employee's trial performance period with the prior approval of the Manager. In no event may a trial performance period be extended beyond 12 months.

During the trial performance period, the Manager will require the department head to report the observations of the employee's work and his/her judgment of the employee's willingness and ability to perform the duties assigned. During the trial performance period, the supervisor will inform the employee when his/her performance is unsatisfactory and not meeting the trial performance test requirements.

H. CITIZENSHIP AND IMMIGRATION STATUS VERIFICATION

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 in accordance with the Norris City Title VI policy. However, the local government will not knowingly employ any person who is or becomes an unauthorized immigrant. In compliance with the Immigration Reform and Control Act, all employees hired after Nov. 6, 1986, regardless of national origin, ancestry, or citizenship, must provide suitable documentation to verify identity and employability. The documentation must be provided within three days of employment or the individual will be subject to termination.

SECTION V – LEAVE & BENEFIT POLICIES

A. PAID HOLIDAYS

The following days are considered Paid Holidays for all full-time employees. These days will be taken without loss of vacation credit, except for those employees required to maintain operations who receive holiday pay for working on such days.

The Paid Holiday Schedule is as follows:

New Year's Day	Jan. 1
Martin Luther King	Third Monday in January
Presidents Day	Third Monday in February
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Fourth Friday in November
Christmas Eve	Dec. 24
Christmas	Dec. 25
Columbus Day	(2nd Monday in October)

When a paid holiday falls on Saturday, the holiday will be observed on the preceding Friday. When a holiday falls on Sunday, it will be observed the following Monday. Where possible, every City employee will observe approved holidays. Part-time employees will not be paid for holidays.

In all cases, Department Heads shall attempt to arrange working schedules to permit time off for holidays in preference to extra pay.

For general employees, holidays shall be used as they occur.

Holiday Pay

On December 1 Police Officers will receive "holiday pay" according to the following formula:
(hourly rate) x (12 hours) x (12 days)

B. ANNUAL LEAVE

Annual Leave is a personal leave benefit granted to employees as part of the City's benefits package. The accrual balance will be zero on the first day of employment. Annual Leave begins to accrue on the first day of employment. Annual leave is earned and accrued on a per pay period basis. Annual leave may not be taken until it is earned.

Employees may carry-over a maximum of 160 hours of leave, per fiscal year. This maximum applies to all employees. Hours of leave in excess of 160 can be cashed out as approved by the Manager and as a result of conditions controlled by the City that prevented the employee from taking leave at any time during the fiscal year.

An annual leave request form must be submitted and approved by the employee's next level Supervisor before the employee may be granted annual leave. Annual leave requests are granted as per the operational requirements of the department.

Compensatory Time

If the employee has accrued compensatory time; all compensatory leave shall be used before

Vacation Leave begins.

Annual Leave will be calculated according to the following schedule:

40 Hour employees

Years of Service	Hours Earned Per Year	Hours Earned Per Month	Hours Earned Per Pay Period
0-5	80 hours	6.66 hours	3.07 hours
6	88 hours	7.33 hours	3.38 hours
7	96 hours	8 hours	3.69 hours
8	104	8.66	4 hours
Formula	Starting at 6 years of service employees earn 8 hours for each additional year of service with a maximum accrual rate of 160 hours.		

Police Officers

Years of Service	Hours Earned Per Year	Hours Earned Per Month	Hours Earned Per Pay Period
0-5	102 hours	8.5 hours	3.92 hours
6	110.5 hours	9.2 hours	4.25 hours
7	119 hours	9.92 hours	4.58 hours
8	127.50 hours	10.6 hours	4.90 hours

Formula	Starting at 6 years of service Police employees earn 8.5 hours for each additional year of service with a maximum accrual rate of 160 hours.
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C. SICK LEAVE

Sick leave is a benefit to be used for legitimate sick leave purposes. Sick Leave is not an employee entitlement but a benefit that is employer owned.

Sick Leave begins to accrue on the first day of employment. Sick leave is accrued monthly. Sick leave may be posted on the final working day of the month in which it is earned. No payment will be made for accrued sick leave upon separation from the City.

Sick leave is a period of absence with pay granted when the employee is unable to work due to sickness or injury.

Sick leave with pay may be granted for the following reasons:

1. Employees are incapacitated by sickness or a non-job-related injury, or they are seeking medical, dental, or optical diagnosis and treatment.
2. Necessary care and attendance of a member of the employee's immediate family and approved by a Department Head and Manager.

When an employee is absent due to reasons as provided in this section in order to be granted sick leave with pay, he/she must notify his/her immediate supervisor prior to the beginning of the scheduled workday of the reason for absence. The City's department heads may require a doctor's certificate or other satisfactory evidence that absences are properly chargeable as sick leave.

Health Care Provider's Statement

A health care provider's statement will be required for all sick leave absences of more than three days or two consecutive work shifts.

Sick Leave Accrual

General Employees

12 days per year or 96 hours

Shift Employees

10 days per year or 120 hours

There is no maximum sick leave accrual. The accrual amount has no cash out value when employment ends.

Each day deducted from an employee's sick leave accumulation will be for a regular workday and will not include holidays and scheduled days off. Employees claiming sick leave while on annual leave must support their claim by a doctor's statement. When an employee is on "leave without pay" for 15 days during any calendar month, no sick leave accumulates.

Upon retirement under the Tennessee Consolidated Retirement System, an employee's accumulated sick leave will add retirement credit. Each 20 days of accumulated sick leave will

add one additional month of retirement credit to the employee's total retirement service credit. This is subject to change. Check with TCRS for updates to this policy.

D. FAMILY AND MEDICAL LEAVE

Purpose

The purpose of this policy is to provide a family and medical leave policy in compliance with Public Law 103-3, titled Family and Medical Leave Act (FMLA) of 1993. The policy also provides the changes to FMLA that come as part of the National Defense Authorization Act of 2008.

This policy states the minimum leave required by the Family Medical Leave Act. The City of Norris conforms to the minimum requirements of FMLA.

Eligibility

The Family and Medical Leave policy is applicable to both male and female employees who have worked at least 12 months for the City and who have worked at least 1,250 hours during the preceding 12-month period. Employees who are *not* covered include: elected officials, political appointees, volunteers, independent contractors, and legal advisors. Special rules apply to spouses that work for the same employer.

An eligible employee may take up to 12 weeks of FML in a 12-month period for the birth of a child or the placement of an adopted or foster care child. Leave may also be taken to care for one's self, a child, spouse, or parent who has a serious health condition. The right to take leave applies equally to male and female employees who are eligible. Eligible employees may take up to 12 weeks of unpaid leave to deal with family issues resulting from a spouse, son, daughter or parent being called to active duty (including being notified of an impending call to active duty).

Eligible family members of military personnel defined as the spouse, son, daughter, parent or next of kin of a covered service member may take a maximum of 26 weeks leave under FML to care for a wounded member of the armed forces. This includes family members of the National Guard or Reserves who are undergoing medical treatment, recuperation, therapy or other medical treatment for a "serious injury or illness".

FMLA Circumstances

Employees may be eligible for Family and Medical Leave for one or more of the following reasons:

- For the birth and care of the newborn child of the employee;
- For placement with the employee of a son or daughter for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition; **or**
- To take medical leave when the employee is unable to work because of a serious health condition.
- To care for an immediate family member (spouse, son, daughter or parent) is injured while on active duty if that injury renders the service member unfit for military duty.
- To handle a "qualifying exigency" relating from an employee's spouse, or child being called to active duty.

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Inpatient care in a hospital, hospice or residential medical care facility, including any period of

incapacity or subsequent treatment.

- A period of incapacity of more than three consecutive calendar days that also involves treatment two or more times by a health care provider or treatment which results in a regimen of continuing treatment under the supervision of the health care provider.
- Any period of incapacity due to pregnancy or for prenatal care.
- A chronic condition that requires periodic treatments, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity.
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, requiring continuing supervision of a health care provider.
- Multiple treatments either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatments, such as cancer, severe arthritis or kidney disease.

Serious Injury or Illness for an Injured Service member is defined as a covered service member's injury or illness incurred in line of duty on active duty in the Armed Forces that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating. This could include medical treatment, recuperation, therapy, outpatient care and other treatments for a serious injury or illness.

During periods of unpaid leave, an employee may not accrue any additional seniority or similar employment benefits during the leave period.

Paid / Unpaid Leave

Family Medical Leave (FML) may be paid or unpaid. FML runs concurrently with paid time off (i.e., sick, annual time). If the employee has the time available, he/she may be paid. If the employee does have time available or he/she exhausts paid time while out on FML the remainder of the approved leave will be unpaid.

Right to Return to Work

On return from FML, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

Notification and Scheduling

An eligible employee must provide the employer at least 30 days advance notice of the need for leave for birth, adoption, or planned medical treatment when it is foreseeable.

Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this 30-day notice.

Certification

The employer reserves the right to verify an employee's request for family/medical leave. If the employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the employer may require that the request be supported by certification from the health care provider of either the eligible employee or the family member, as appropriate. Failure to submit proper certification may result in a delay of FML approval.

Reduced and Intermittent Leave

FMLA Leave may be taken intermittently or on a reduced schedule when medically necessary as certified by the health care provider.

Restoration

Employees who are granted leave under the FMLA policy will be reinstated to an equivalent or the same position held prior to the commencement of their leave. Certain highly compensated key employees, who are salaried and among the 10 percent highest paid workers, may be denied restoration.

The 12-month FMLA Period

The 12-month period during which an employee is entitled to 12- 26 workweeks of Family and Medical Leave Act (FMLA) leave is measured using a 12-month period measured forward from the date any employee's first FMLA leave begins.

Denial of FMLA leave

If an employee fails to give timely, advance notice when the need for FML leave is foreseeable, the employer may delay the taking of FMLA leave until 30 days after the date the employee provides notice to the employer of the need for FMLA leave. Failure to provide medical certification may also result in a denial of FML.

Employee Benefits While on FMLA

During periods of FMLA, the City will continue to provide health insurance benefits at the employee rate. If premiums are current, the employer will maintain health insurance benefits during periods of unpaid leave without interruption.

Workers Compensation while on FMLA

A workers' compensation injury/illness meets the criteria for a serious health condition, and the workers' compensation absence and the FMLA leave entitlement shall also run concurrently.

E. TN MATERNITY LEAVE ACT

Maternity/paternity leave is granted to employees for a maximum of sixteen (16) weeks, with the first twelve (12) weeks of leave falling under the Family and Medical Leave Act (FMLA) and the remaining four (4) weeks as TN Maternity/Paternity Leave. Employees must be employed full-time for at least twelve (12) months (or 1250 hours) to receive maternity/paternity leave.

Employees must provide at least four to six (4-6) weeks advance notice of his/her anticipated date of departure, except in those cases where medical emergency prevents this notice, and he/she must state the length of the requested leave and their intention to return to fulltime employment after the leave.

Employees may be required to use their accrued leave (comp, annual, sick) during maternity/paternity leave. Accrued leave and maternity/paternity leave are used at the same time.

The purpose of this leave is to provide time off for pregnancy, childbirth, nursing, and/or bonding with the infant. If the City finds that an employee pursued other employment opportunities or worked part-time or full-time for another employer during the period of maternity/paternity leave, then the City does not have to reinstate the employee at the end of the leave period.

Leave Provision	Maximum Time Allowed
FMLA	12 Weeks
TN Maternity Act	4 Weeks
TOTAL	16 Weeks

F. LEAVE OF ABSENCE (WITH OR WITHOUT PAY)

If the employee exhausts all his/her annual and sick leave and still needs time off for personal or health reasons, he/she may apply for a leave of absence for a period of up to three (3) months if he/she is a full-time employee. The request for leave must be given to the employee’s immediate supervisor and the department director at least thirty (30) days prior to the start of the requested leave unless the leave is an emergency.

Regardless of the reason for the leave, it is essential that the following departments be notified to ensure that benefits are properly administered:

The employee’s supervisor (or manager) may or may not approve the request for a leave of absence. The decision is at his/her discretion, unless the leave qualifies under the Family Medical Leave Act, the Tennessee Maternity Leave Act, or Military Leave. Some of the matters considered in approving the request are the employee’s length of service, employment record, and the reason for the absence.

While an employee might originally request a leave of absence for a period of three (3) months, it is possible that extensions may be granted. However, the total leave and extensions for any one cause cannot exceed one (1) year.

Employees will not be eligible for accrual of sick and annual leave/ paid holidays while he/she is on an approved unpaid leave of absence.

Employees must notify their supervisor of the anticipated date of return to work prior to that date. The employee is responsible for immediately notifying his/her supervisor.

When an employee returns from an approved leave of absence, he/she may be placed in their previous position or a similar position, if available. If the same or similar position is not available, the employee may receive preference for employment in any available position for which he/she is qualified.

If the employee fails to return to work at the conclusion of the leave of absence, the employee will be subject to disciplinary action. If the employee is unable to return to work, he/she is responsible for requesting an extension (in advance) from the supervisor or department director.

There may be changes in your employee benefits during a leave of absence. Employees should contact Human Resources to determine what changes he/she may be subject to.

Maintenance of Benefits During Leave of Absence

The City is not required to maintain employee benefit coverage while on an unprotected, unpaid leave of absence. In cases where the Leave of Absence would trigger a qualifying event (such as a termination of coverage) due to a reduction in work hours, COBRA will be offered.

G. MILITARY LEAVE

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

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

The returning employee will be re-employed in the position they would have attained had they not been absent for military service, with the same seniority, status and pay.

Military Reservists Leave

Any employee who is member or may become a member of any reserve component of the armed forces of the United States or of the Tennessee Army and Air National Guard will be entitled to a leave of absence from their respective duties for periods of military service during which they are engaged in the performance of duty or training in the service of this state, or of the United States, under competent orders. While on such leave, the employee will be granted paid leave up to twenty (20) days (160 hours) in any one (1) calendar year.

Qualified employees who seek paid leave under this policy must provide the official order calling for their service or training to their supervisor. Employees serving in the National Guard or Military Reserve will receive full compensation for a period of twenty (20) days of military leave each calendar year, excluding holidays and scheduled off days. Such leave will not be charged to any form of accrued paid leave. An employee requesting military leave shall provide the City the dates for training and travel time in advance. After the twenty (20) working days of full compensation, the City will not provide partial compensation to its employees while under competent orders. After the twenty (20) working days of full compensation, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, may use up to five (5) days of sick leave in lieu of annual leave for the purposes of not having to take leave without pay.

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

In addition to the leave of absence provided above, employees who are members of the Tennessee army and air national guard on active state duty or the Tennessee state guard and

civil air patrol shall be entitled to an unpaid leave of absence from their respective duties, without loss of time, pay not specifically related to leave of absence time, regular leave or vacation, or impairment of efficiency rating for all periods of service during which under competent orders he/she is engaged in the performance of duty or training in the service of this state, including the performance of duties in an emergency.

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

It is the responsibility of the employee to make arrangements with their department head for leave to attend monthly meetings on regular off-time, with the expectation that the paid leave granted herein will be applied to the annual training periods required for reservists.

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

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

H. JURY SERVICE LEAVE

When an employee receives a summons to report for jury duty, the employee is required to provide a copy of the summons to his/her immediate supervisor within 1 business day of receiving the summons. Upon presentation of the summons, the employee will be excused from employment for the day or days required of the employee while serving as a juror in any court of the United States or the state of Tennessee; provided, that such employee's responsibility for jury duty exceeds three (3) hours during the day for which excuse is sought.

Upon release from jury duty during the employee's normal working hours, he/she is expected to return to duty. Employees will receive full pay during jury service.

I. COURT DUTY

An employee who is summoned or subpoenaed to appear because of the employee's duties for the City will be granted leave with pay upon presentation of such summons or subpoena. When a City employee is requested by the office of the City Attorney to appear in court on behalf of the City of Norris, the employee must appear and the employee will have the same benefits as though the employee was summoned or subpoenaed. When an employee has been granted leave for court attendance and is excused by proper court authority, the employee must report back to the employee's place of duty.

J. BEREAVEMENT LEAVE

It is the policy of the City to provide all regular, full-time and part-time employees time off without loss of pay due to the death of an immediate family member as defined below.

An employee who is absent during his/her regularly scheduled work week due to the death of an immediate family member will receive payment for reasonable and customary days absent, not to exceed three (3) regularly scheduled work days. Immediate family includes: 1) spouse; 2) child, step-child; 3) parent, step-parent, foster parent, parent-in-law; 4) sibling(s); and 5) grandparents and grandchildren. In addition to the three (3) regularly scheduled work days, sick leave not to exceed two (2) days may be granted at the discretion of the appropriate approving authority in the instance of death of one of the immediate family members listed above.

Public Safety (fire/police) Employees may be eligible for up to 29 hours as of the first day of each fiscal year.

Employees will be granted this leave without deduction from their vacation or sick leave balances.

The Manager will be responsible for administering final approval on Bereavement Leave Requests. Employees are required to submit, in writing a request to the Manager and provide a copy of that request to their immediate supervisor and Department Head.

K. INCLEMENT WEATHER LEAVE

It is the City's intent to remain open through all-weather situations unless determined that the essential functions of the City cannot be safely administered. This decision will be made by the Manager and communicated via all supervisors.

However, when weather conditions appear to be so severe that an employee fears for his/her safety in traveling to or from the work site, he/she may be absent with leave if the following conditions are met:

1. The employee informs his/her immediate supervisor of his/her absence and the reason for it as soon as possible.
2. The employee reports to work immediately if a change in weather conditions allows safe transportation to the work site.
3. The employer deducts the missed workday (or portion thereof) from accumulated vacation leave. Reporting this leave will follow the same requirements as other leave.

The policy is meant for those who are in immediate danger due to weather conditions only. Should any employee abuse this policy, he/she may be subject to disciplinary action. In situations where advanced notice of closure is known, the Manager will communicate such closure via (radio/newspaper/departmental memo, etc...)

L. VOTING LEAVE

It is the policy of the City to provide employees time off to vote in state, national, and local elections and to establish a procedure for reporting the time missed from work.

Employees who are registered voters may receive reasonable time off to vote if they request such time off before 12 noon the day before the election. The supervisor may specify the hours during which the employee may be absent to vote, and the time off may not exceed three hours. No time off will be granted if the polls in the county where the employee is a resident are open three (3) or more hours before the employee is scheduled to begin work or if the polls close three (3) or more hours after the employees work schedule ends, or if early voting options are available outside the normal work schedule.

Time off to vote shall be recorded as non-duty pay hours. Time off to vote is recorded for non-exempt employees as non-worked time when calculating overtime.

In accordance with Public Chapter 741, which amended TCA Section 2-9-103 effective April 15, 1998, any full-time employee appointed by a county election commission to work part-time as a voting machine technician, shall be granted unpaid leave for the day(s) required for the technician's duties. Supporting documentation may be required by the appropriate approving authority for the period of duty.

An employer may not require the employee to use accrued annual leave and/or compensatory time for this period. However, either may be used at the employee's option.

M. EMERGENCY CONDITIONS – OPERATIONAL CHANGES

Emergency Condition Examples (including but not limited to):

- Natural Hazard Event (Snow, Ice, Flooding, Tornado, Earthquake, Severe Drought)
- Hostile Community event such as riots or terrorist acts
- Health Crisis such as Pandemic, Hazardous Materials Release
- Significant loss of Essential Staff Capability

Emergency Conditions established at a City, County, State, or Federal Level will be mitigated by an Immediate Action Directive (IAD) issued by the Mayor, City Manager or Water Superintendent. Actions taken will directly support safety and health functions of the City of Norris and be applied to the protection of employees, the public, and critical infrastructure therein defined as essential functions. This directive may include alternative system/equipment alignments, alternative staffing schedules, augmented staffing levels, alternative work locations, emergency procurements, and premium pay for exempt employees.

The Immediate Action Directive will have a defined operational period and can be extended as needed.

The Immediate Action Directive and a report summarizing actions taken and budget needs will be presented to the City Council as a public meeting at the next available opportunity following cessation of emergency conditions.

N. BENEFITS

A list of current benefits is available from the City of Norris.

Health Benefits

The City recognizes that employee benefits are a critical component in career decisions. The City intends to provide a comprehensive benefits package that remains affordable and value based.

Eligibility

Regular Full Time Employees are eligible for benefits. These benefits may include: medical coverage, dental coverage, vision coverage, and flexible benefit options.

If employees' hours drop below 40 hours per week on a regular basis Employees will lose eligibility for health insurance and Employees and all covered dependents will be offered COBRA.

Employees are responsible to list only dependents that are eligible for coverage as defined by the plan rules. If a covered dependent becomes ineligible based on the plan rules, it is Employee's responsibility to notify the city office immediately. Employees must notify the city office of any changes in status within 30 days of the status change. This includes: dependent status change, address changes, divorce, marriage, birth, adoption, reduction in work hours, or any other change that could affect benefit plan eligibility.

Benefit Effective Dates

The City of Norris will determine the effective date of coverage.

Health Coverage

Employees must enroll for coverage within 30 days of employment or an eligible qualifying event. Temporary employees, seasonal employees, and interns are not eligible for medical coverage.

Health plans, benefit designs, eligibility rules, and premiums are subject to change each plan year based on claims experience and financial situation of the City.

Dental & Vision Coverage

Additional coverage's such as dental, vision, wellness and flexible benefits coverage may be available.

Contribution

The City may elect to contribute toward the cost of employee health benefits. The City's contributions are subject to change each year based on budgetary needs.

Life Insurance

Regular full-time employees are covered under the City's term life insurance program. The City and the insurance carrier set coverage rules and benefit levels.

Retirement

The city shall participate in the Tennessee Consolidated Retirement System (TCRS).

All full-time employees participate in the TCRS after six months of employment.

Benefits accrue in the employee's TCRS account throughout the employee's employment with the city or with any other TCRS employer.

Benefit changes: TCRS occasionally changes or increases. Adjustments will generally be looked upon favorably by the city, but the City Manager is expected to bring these changes to the City Council for appropriate review. The rules and regulations governing TCRS are complex and change from time to time. Employees with questions about the TCRS should call the TCRS question and answer office.

TCRS exercises approval rights over questions pertaining to TCRS rules and regulations.

O. COBRA- CONTINUATION OF COVERAGE

Under the federally mandated Consolidated Omnibus Budget Reconciliation Act, the local government offers employees and their families the opportunity to temporarily extend their health insurance coverage in certain instances in which coverage under the group health plan would normally end. Former employees may not be required to pay more than the group rate for this coverage, plus a 2 percent administration fee. (That is, 102 percent of what it costs the local government for the same coverage.)

Some examples of triggering events could be: reduction in employees hours resulting in loss of eligibility, termination of employment (voluntarily or involuntary), dependent eligibility changes (age/student status), divorce, and legal separation.

Employees covered under the local government plan have a right to continue coverage if they lose it through reduction in regular work hours or employment termination for reasons other than gross misconduct.

A spouse of a covered employee also has a right to continue coverage if coverage would be lost because the employee dies, employment is terminated, the employee and spouse become divorced or legally separated, or the employee becomes eligible for Medicare benefits.

Dependent children may also continue coverage if the employee dies, employment is terminated, the parents become divorced or legally separated, the employee becomes eligible for Medicare, or the child ceases to be a "dependent child" under the terms of the plan.

If termination or reduction in hours is the qualifying event that triggers lost coverage, continuation coverage can be in effect for 18 months. All other qualifying events will trigger continuation coverage that lasts up to 36 months. Coverage will end before 18 or 36 months, however, if certain other events take place (i.e., if the employee becomes eligible for coverage under another group health plan).

Employees and family members have the responsibility to inform the plan administrator about any change in status. Failure to do so may terminate rights to elect continued coverage. Those eligible for continuation coverage have 60 days from the date they would normally lose coverage to elect to continue under the plan.

Premium Payments

Failure to make timely premium payments may result in a termination of coverage.

P. WORKERS' COMPENSATION

Employees on occupational disability are compensated in accordance with the provisions of the Tennessee Workers' Compensation Law (T.C.A. 50-6-101 through 50-6-623). No compensation is allowed for the first seven days of disability resulting from the injury, excluding the day of injury, except for medical attendance and hospitalization. However, if disability extends beyond that period, compensation will commence with the eighth day after the injury. In the event, however, the disability from the injury exists for a period as long as 14 days, then compensation will be allowed beginning with the first day after the injury (T.C.A. 50-6-205).

Employees injured in an on-the-job accident will be compensated according to the following schedule of compensation:

1. Temporary Total Disability - For an injury producing temporary total disability, $66\frac{2}{3}$ percent of the average weekly wages are allowed.
2. Temporary Partial Disability - In all cases of temporary partial disability, the compensation is $66\frac{2}{3}$ percent of the difference between the wage of the worker at the time of the injury and the wage such worker is able to earn in the worker's partially disabled condition. This compensation is paid during the period of such disability, but not beyond 400 weeks.
3. Permanent Partial Disability - In all cases of disabilities that are partial in character but adjudged to be permanent, the injured employee is paid, in addition to any medical benefits, $66\frac{2}{3}$ percent of the employee's average weekly wages for the period of time during which he/she suffers temporary total disability. Other benefits may apply for loss of limbs.
4. Permanent Total Disability - For permanent total disability, the injured employee receives $66\frac{2}{3}$ percent of the injured employee's wages at the time of injury. This compensation is paid during the period of permanent total disability until the employee reaches the age of 65. This is providing that, with respect to disabilities resulting from injuries occurring after age 60, regardless of the employee's age, permanent total disability benefits are payable for a period of 260 weeks. Such compensation shall be reduced by the amount of any old-age insurance benefits received under the Social Security Act.
5. Deduction in Case of Death - In the event an employee sustains an injury due to an accident in the course of the employee's job and if he/she dies during the period of disability, all payments previously mentioned are payable to the people who are wholly dependents (as defined by workers' compensation laws).

Employees must report immediately any injury incurred in the course of their employment, however minor, to their supervisor or department head and take first aid or medical treatment as may be necessary.

Q. UNEMPLOYMENT COMPENSTATION

The state of Tennessee offers Unemployment benefits through The Employment Security Division.

Unemployment insurance benefits provide income to individuals who have lost work through no fault of their own. The benefits are intended to partially offset the loss of wages while an unemployed worker searches for suitable work, or until his employer can recall him to work.

This coverage is authorized in the Tennessee Employment Security Law, which requires most types of employers with one or more employees to pay the cost of the insurance. Nothing is deducted from the employee's wages to pay for this coverage.

To find out more about Unemployment Compensation eligibility contact the Tennessee Department of Labor and Workforce Development.

SECTION VI – DRUG & ALCOHOL POLICY

A. DRUG FREE WORK PLACE

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the City of Norris has adopted this drug and alcohol testing policy. This policy complies with the: Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol- and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. The types of tests required are: pre-employment, for safety sensitive positions only. These are defined as a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position requires the employee to carry a firearm, perform life threatening procedures, work with confidential information or document pertaining to criminal investigations or work with controlled substances or a position in which a momentary lapse in attention could result in injury or death for another person.” This will also apply to employees who transfer to a safety sensitive position. All employees are subject to reasonable transfer, reasonable suspicion, post-accident (post-incident), return-to-duty, and follow-up.

B. PROHIBITED CONDUCT

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

1. Being on duty or performing work in or on city/town property while under the influence of drugs and/or alcohol;
2. Engaging in the manufacture, sale, distribution, use, or unauthorized possession of drugs at any time and of alcohol while on duty or while in or on local government property;
3. Refusing or failing a drug and/or alcohol test administered under this policy;
4. Providing an adulterated, altered, or substituted specimen for testing;

5. Use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and
6. Use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

C. COMPLIANCE REQUIRED

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

SECTION VII – Workplace Harassment – Violence Policy

A. General Workplace Harassment and Violence

1. It is the policy of the City of Norris to promote a productive, safe and healthy work environment for all employees, customers, vendors, contractors and members of the general public and to provide for the efficient and effective operation of the local government's activities. The city of Norris will not tolerate verbal or physical conduct by an employee which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.

2. No employee or non -employee shall be allowed to harass any other employee or non-employee by exhibiting behavior including, but not limited to the following:

- (i) Verbal harassment. Verbal threats toward persons or property: the use of vulgar or profane language directed towards others: disparaging or derogatory comments or slurs: offensive flirtations or propositions: verbal intimidation, exaggerated criticism or name calling: spreading untrue or malicious gossip about others.
- (ii) Physical harassment. Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.
- (iii) Visual harassment. Displaying derogatory or offensive posters, cartoons, publications or drawings.

3. Under no circumstances are the following items permitted on local government property, including local government owned parking areas, except when issued or sanctioned by the local government for use in the performance of the employee's job:

- (i) All types of firearms, switchblade knives and knives with a blade longer than four inches (4")
- (ii) Dangerous Chemicals
- (iii) Explosives or blasting caps
- (iv) Chains
- (v) Other objects carried for the purposes of injury or intimidation

Charges of violence and harassment may be reported to any supervisory employee of the local government, including the city recorder or the mayor. The city manager or designee is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the city manager may request that another professional provide assistance to the City of Norris and/or assume responsibility for the investigation. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence as required. Failure to cooperate may result in disciplinary action.

4. Copies of the investigative report with recommendations for appropriate action will be turned over to the city manager as appropriate for further action. Disciplinary action may be taken against any employee who commits acts of workplace violence and harassment.

SECTION VIII - SEXUAL HARASSMENT

A. GENERAL STATEMENT OF POLICY

The City of Norris is committed to safeguarding the right of all City employees to work in an environment that is free from all forms of sexual harassment and hostile working conditions. It is the policy of the City of Norris to maintain a working environment that is free from sexual harassment and hostile working conditions. The City of Norris prohibits any form of workplace harassment. It is a violation of this policy for any employee of the City to harass an employee through conduct or communication of a sexual nature as defined by this policy. The City Manager or his designee will act to investigate all complaints, formal or informal, verbal or written, of harassment and to discipline any employee who harasses any employee of the City.

B. DEFINITIONS

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or creating an intimidating, hostile or offensive employment environment. Any sexual harassment as defined when perpetrated on any employee by any employee is treated as sexual harassment under this policy.

2. Harassment may include but is not limited to:

1. verbal harassment or abuse
2. subtle pressure for sexual activity
3. inappropriate patting or pinching
4. intentional brushing against an employee's body
5. demanding sexual favors accompanied by implied or overt threats concerning an individual's employment status
6. demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment status

7. any sexually-motivated unwelcome touching
8. any unwelcome sexual communication, regardless of medium

C. REPORTING PROCEDURES

Any person who believes he or she has been the victim of sexual harassment by an employee of the City or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to an appropriate City official as designated by this policy.

1. **By Department:** All department heads are responsible for receiving oral or written reports of sexual harassment at the department level. Upon receipt of a report, the department head must notify the City Manager immediately. A written report will be forwarded to the City Manager. If the report was given verbally, the department head must reduce it to written form within 24 hours and forward it to the City Manager. If the complaint involves the department head, the complaint must be filed directly with the City Manager.
2. **City Wide:** The City Manager will receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the department heads as outlined above. If the complaint involves the City Manager, the complaint will be filed directly with the Mayor. The name of the City Manager, including a mailing address and telephone number must be conspicuously posted.
3. Submission of a complaint or report of sexual harassment will not affect the individual's future employment or work assignments.
4. Use of formal reporting forms is not mandatory.

The City will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible; consistent with the City's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred.

D. INVESTIGATION AND RECOMMENDATION

The City Manager, upon receipt of a report or complaint alleging harassment, must immediately authorize an investigation. This investigation may be conducted by City personnel or by a third party designated by the City Manager. The investigating party must provide a written report of the status of the investigation within 10 working days to the City Manager or to the Mayor if the City Manager is involved in the allegation of sexual harassment.

In determining whether alleged conduct constitutes harassment, the City Manager will consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved, and the context in which the alleged incidents occurred.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

E. ACTION

1. Upon receipt of a recommendation that the complaint is valid, the City Manager will take such action as appropriate based on the results of the investigation.
2. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the City Manager. The report will document any disciplinary action taken as a result of the complaint.

F. REPRISAL

The Manager will not tolerate any individual who retaliates against any person who reports alleged harassment of any form or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

G. NON-HARASSMENT/FALSE ACCUSATIONS

The City of Norris recognizes that every advance or comment of a sexual nature does not constitute harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. False accusations of harassment can have a serious detrimental effect on innocent parties.

SECTION VIII - MISCELLANEOUS POLICIES

A. POLITICAL ACTIVITY

No employee may participate in any campaign for an elective office, or campaign concerning any issue which may appear on an election ballot, during working hours or when on duty. No employee may participate in campaign activities while wearing a City uniform or driving a City-owned vehicle. City employees are prohibited from using their employment status or official authority to influence voters while participating in political campaigns.

Employees enjoy the same rights as other citizens to participate in political campaigns and to be a candidate for state or local political office. Any time off from work used to participate in political activities must be limited to earned days off.

There is no authorization for City employees to run for elective office with the City of Norris. Any employee who desires to run for a City office must terminate their employment with the City Norris.

B. TRAVEL REIMBURSEMENT

All trips that involve reimbursement and/or City government expense will not be undertaken without prior approval of the appropriate department head. Mileage, food, lodging, and other expenses are reimbursed at the same rate as the State of Tennessee. The city's travel policy and administrative procedures can be found in the City Recorder's office.

C. USE OF CITY VEHICLES AND EQUIPMENT

Generally, only local government employees engaged in transporting local government personnel and/or material and supplies used to carry out the functions and operations of local government departments and for whom the immediate use of a vehicle is actually necessary or convenient shall drive or ride in local government-owned vehicles. However, the following are exceptions to that general policy:

1. In emergencies where the local government employee has a reasonable belief, based on a totality of circumstances, that the life, safety, health, or physical welfare of a citizen would be immediately threatened without the security and/or transportation provided by the local government-owned vehicle. Examples of such emergencies include, but are not limited to, personal injury accidents, acute illness, and actual and potential victims of crime and violence.
2. In motorist/passenger assistance where there is no immediate emergency but, under a totality of circumstances, the local government employee has a reasonable belief that failing to transport the motorist and/or passengers in a local government-owned vehicle could result in such people being left in real or potentially real danger, or would result in extreme inconvenience to them. The use of a local government-owned vehicle in such cases shall be limited to transporting motorists and their passengers only to those places where they are reasonably safe and have a reasonable opportunity to obtain continued help without using the local government-owned vehicle.
3. When it is necessary for reasons of inclement weather, late hour, lack of transportation, or other reasonable cause to transport non-local government personnel to and from local government-owned property; also, to repair or supply shops and similar facilities so that such personnel can install, repair, or maintain local government equipment essential to the continuation or restoration of public services essential to the safety, health, and welfare of the citizens of the local government.
4. In the transportation of federal, state, and local officers and employees; news media; private consultants; business people; and other private people visiting the local government for the purpose of directly analyzing, reviewing, supporting, assisting, or promoting the local government's functions and operations.
5. When the vehicle is driven to or picked up from private maintenance or repair facilities and while it is being "road tested" while in the possession of such facilities.
6. Local government employees who are assigned local government vehicles and are required to drive them home are permitted to carry as passengers' members of their households and those non-members of their households listed in subsection (b) below, to the following destinations when the local government employee has no other reasonably convenient means of transporting those people:

(a) Members of a local government employee's household may be transported:

1. To and from school and work, using the most direct route to those destinations, when the local government employee himself or herself is driving to and from work or carrying out other legitimate and necessary local government business; and
2. To and from baby sitters; child-care centers; residences and businesses of family members, friends and neighbors; or any other reasonable destination where the safety, security, comfort, and well-being of a local government employee's household members will be secured or promoted when the local government employee is required to respond to a call to perform legitimate and necessary local government business.

(b) Non-members of a local government employee's household that may be transported include:

baby sitters, family members, friends, and neighbors who may be taken to the local government employee's household or any other reasonable location when the purpose of transporting such people is to permit them to watch over the safety, security, comfort, and well-being of the local government employee's household members when the local government employee is required to respond to a call to perform legitimate and necessary local government business.

NOTE: When determining whether to transport a private person in non-emergency, local government-owned vehicles under the emergency and motorist/passenger assistance exceptions, local government employees shall consider whether a more appropriate vehicle operated by trained police or other emergency personnel is reasonably available. Transporting people with severe injuries and illnesses should not generally be undertaken by local government employees who are not trained in the medical field.

7. Local government-owned vehicles, under both the general policy and its exceptions, shall not ordinarily be taken outside the local government. However, the local government manager, department heads, and their designees shall have the authority to grant exceptions to this policy if such exceptions are for legitimate, necessary local government business. In addition, it is authorized for local government employees to travel a reasonable distance outside the local government limits under the exceptions to the policy prohibiting them from transporting non-local government employees in local government-owned vehicles. Reports of such travel shall be made to the employee's department head the first working day following such travel. The report shall include the purpose, duration, and distance of the travel outside the local government and any other information the department head requires to determine whether the travel conforms to this policy. The department head shall keep a permanent file of such reports.

NOTE: Non-emergency local government vehicles shall obey all traffic laws under this general policy and its exceptions.

NOTE: Employees operating emergency vehicles under their general duties will be required to undergo additional training as required by Tennessee law.

D. DRIVING RECORDS

Any employee who is required as an employment condition to possess and maintain a valid Tennessee driver's or commercial driver's license must immediately, before reporting for duty the next workday, inform his/her supervisor should his/her license become denied, expired, restricted, suspended, or revoked any time during employment with the City. Periodic review of employees' driving records will be conducted by the Manager to assure adherence to this policy.

E. OUTSIDE EMPLOYMENT

Employees are required to obtain approval from the Manager before accepting or performing any outside employment.

If at any point the secondary job duties change, the employee is required to obtain approval from the City before engaging in the secondary employment activities.

The City must be considered the employee's primary employer. While the Outside Employment policy is not intended to restrict an employee's personal rights, the employee's employment with the City takes precedence in all matters involving work issues. Outside employment is not considered a valid reason for absenteeism, tardiness, or poor job performance.

Employees missing work because of sickness or injury that can be attributed to a second job will not receive pay or other normal benefits for time lost from their local government job. Approval of a second job may be withdrawn for any of the above reasons. Employees may not use any property belonging to the local government in the course of his/her second job.

F. SOLICITATION

Unauthorized solicitation of employees on the premises is strictly prohibited. This prohibition applies both to employees and outsiders. Solicitation of gifts (for such occasions as resignations, retirements, weddings, holidays, and births) are considered authorized.

Contributions may be solicited on City property only with the permission of the Manager. Miscellaneous solicitation of contributions within a single department may be made with the permission of the department head.

No pressure shall be placed on any employee to make any contributions.

G. PERSONAL COMMUNICATION

Use of cellular phones / text messaging during regular work hours, except in emergency cases, is discouraged. Personal calls / text messages that must be made or received during business hours are permitted if they are held to a minimum and do not interfere with the employee's work. Personal communications should be made during breaks or lunch time when possible.

When using office phones, long-distance emergency calls must be billed to the caller's home phone number or reimbursed by the employee making the call. Excessive phone conversations on non-emergency matters may result in disciplinary action.

H. FIGHTING, HORSEPLAY, DAMAGING CITY GOVERNMENT PROPERTY

Fighting, horseplay, and intentionally defacing or damaging City property may subject violators to disciplinary action.

I. ACCEPTING GRATUITIES

The City of Norris complies with the MTAS Model Ethics policy passed August 1, 2007.

An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or (2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.

J. NON- SMOKER PROTECTION ACT

The City complies with the Non-Smoker Protection Act of 2007 which prohibits smoking in all public places such as buildings, equipment, and City owned vehicles. All employees who operate City owned vehicles are prohibited from smoking in the vehicle or piece of equipment. This includes other occupants that may be being transported in the vehicles.

K. BUSINESS INTEREST

The City of Norris complies with the MTAS Model Ethics policy passed August 1, 2007.

No department head or supervisor may have any financial interest in the profits of any contract, service, or other work performed by the City. No department head or supervisor may personally profit directly or indirectly from any contract, purchase, sale, or service between the City and any person or company.

No City employee may enter into a contract with the City or perform any work or function under any contract with the City if he/she has a direct or indirect financial interest in the contract, unless:

1. the contract is awarded through a process that complies with the City's purchasing requirements; or
2. the City Manager waives this section's requirements after making a formal finding that it is in the best financial interest of the City to do so after full disclosure on the part of the City employee of his/her direct or indirect financial interest in the contract. The City Manager's finding and waiver and the employee's full financial disclosure are recorded on the minutes of the Council's in open session if the contract is over the amount of \$2,000.

L. PERSONNEL/ HUMAN RESOURCES RECORDS

Personnel records for each employee are kept on file and maintained by the City Recorder. Any change of address, telephone number, marital status, draft status, beneficiaries, number of dependents, or completed education/training must be turned in to the supervisor for transmittal to the City Recorder.

The City Recorder also maintains the life insurance, vacation, pension and retirement, health insurance, and sick leave records for each employee. The City Recorder will advise employees through their supervisor of their eligibility so that they may take full advantage of all the benefits available. All medical records must be kept in a separate confidential file for each employee.

It is the responsibility of each employee to update personnel information in his/her personnel file by notifying the City Recorder of any information changes. The City will not be held liable when incorrect withholding, wrong beneficiaries, or loss of employee benefits result from the failure of any employee to keep personnel records current.

ACCESS TO PERSONNEL RECORDS

As required by State Law, any Tennessee resident may have access to personnel information for the purpose of inspection, examination, and copying, during the regular business hours, subject only to such rules and regulations for the safekeeping of public records. Access to such information is governed by the following provisions:

- (A) All disclosures of records will be documented using the standard request form. This standardized request form will be placed in the employee's file.
- (B) Employees shall be notified in writing of the disclosure of their personnel records within 3 days.
- (C) An individual examining a personnel record may copy the information. Any available photocopying facilities may be provided, and the cost will be assessed to the individual.

CONFIDENTIAL INFORMATION

All information contained in an employee's personnel file will be maintained as confidential in accordance with the requirements of State and Federal Law and is open to public inspection only in accordance with these laws.

RECORDS OF FORMER EMPLOYEES

The provisions for access to records apply to former employees as they apply to present employees.

REMEDIES OF EMPLOYEES OBJECTING TO MATERIAL IN FILE

An employee who objects to material in his file may place in the file a statement relating to the material considered being inaccurate or misleading. The employee may seek the removal of such material in accordance with established grievance procedures.

DESTRUCTION OF RECORDS REGULATED

No public official may destroy, sell, loan or otherwise dispose of any public record except in accordance with State and Federal Law.

M. ETHICS POLICY

As of July 1, 2007 all Tennessee municipalities are required to adopt a Code of Ethics. The City of Norris elected to adopt the MTAS Model Ethics Policy.

SECTION 1- Applicability

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

SECTION 2 - Definition of "Personal Interest"

(1) For purposes of Sections 3 and 4, "personal interest" means: (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren). (2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised. (3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.

SECTION 3 - Disclosure of personal interest by official with vote

An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may reclude himself² from voting on the measure.

SECTION 4 - Disclosure of personal interest in nonvoting matters

An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion, when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, reclude himself from the exercise of discretion in the matter.

SECTION 5 - Acceptance of gratuities, etc.

An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality: (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or (2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.

SECTION 6 - Use of information

(1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

SECTION 7 - Use of municipal time, facilities, etc.

(1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself. (2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality.

SECTION 8 - Use of position or authority

(1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.

(2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality.

SECTION 9 - Outside employment

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

SECTION 10 - Ethics complaints

(1) The City attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the City attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law. (2)(a) Except as otherwise provided in this subsection, the City attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics. (b) The City attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter. (c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the City attorney or another individual or entity chosen by the governing body. (3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics. (4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or

regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.

SECTION 11 - Violations

An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

N. NEPOTISM

No member of an immediate family may be employed under direct supervision of another family member. This does not preclude employment of immediate family members under other departments/supervisors. City Council Members do not have any supervisory role within the city, but are responsible for budget and legislative actions by a majority vote. A City Council Member would not participate in discussion or decisions regarding operations, employee performance, budget or policy that directly affects or includes an immediate family member in any staff, board, or commission position within the city.

O. COMPUTER USE AND MONITORING POLICY

It is every employee's duty to use the City's computer resources and communication devices responsibly, professionally, ethically and lawfully. These policies are not intended to, and do not, grant users any contractual rights. The term "Computer Resources" refers to the City's computers, electronic equipment, phones, internet, and its entire computer network.

Computer Use Policy Overview

The Computer Resources are the property of the City and should be used primarily for legitimate business purposes. While personal use of City computer resources including internet and electronic mail is not forbidden, it is discouraged. Personal use must be minimal and must not interfere with the performance of job duties and responsibilities or present a security risk to the city's data or systems. Users are permitted access to the Computer Resources to assist them in performing their jobs. Use of the Computer Resources is a privilege that may be restricted or revoked at any time. All information contained in the Computer Resources and all documents generated there from are for the exclusive use of the City in connection with the conduct of its business and are the sole property of the City.

Computer Use Policy Violations and Resulting Discipline

Violation of any portion of the computer use policy will be reviewed for disciplinary actions. Actions could range from removal of access authorization to termination of employment based on the actual or potential consequence to the City. Failure to report observed violations is in itself a violation.

Waiver of Privacy Rights

Users expressly waive any right of privacy in anything they create, store, send or receive using the Computer Resources. Users consent to allowing the City to access and review all materials users create, store, send or receive using the Computer Resources.

Inappropriate or Unlawful Material

Material that is, or could reasonably be regarded as, derogatory or discriminatory on the basis of race, sex, religion, national origin, age, or disability, or is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful, may not be sent, by e-mail or other forms of electronic communication (such as bulletin board systems, news groups and chat groups) or displayed on or stored in the Computer Resources. Any such material received by electronic transmission from a source outside of the City should be deleted immediately. Applications, software or any other potentially malicious material is strictly prohibited.

Misuse of Software

Without prior authorization and proper licensing, users may not do any of the following: (a) copy software for use on their home computers; (b) provide copies of software to any third person; (c) install software or hardware on any Computer Resources; (d) download any software from the Internet or other online service to any Computer Resources; (e) modify, revise, transform, recast or adapt any software on any Computer Resources.

Compliance with Laws and Licenses

In their use of Computer Resources, users must comply with all software licenses and copyrights and all state, federal and international laws governing intellectual property and online activities.

Communication of Trade Secrets

Unless expressly authorized by the City, sending, transmitting or otherwise disseminating proprietary data, trade secrets or other confidential information of the City is strictly prohibited.

Use of Encryption Software

Users may not install or use encryption software on any computers without first obtaining written permission from the City.

Monitoring Usage

The City has the right, but not the duty, to monitor any and all aspects of the Computer Resources, including monitoring sites visited by employees on the Internet, monitoring chat groups and news-groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by others.

Public Records

All employee correspondence in the form of electronic mail may be considered a public record and may be subject to public inspection under the Tennessee Public Records Law.

P. MISUSE OF CITY PROPERTY

Misuse of City property violates the values of integrity, respect, and continuous improvement of the City. Misuse of property may include, but is not limited to, misusing or taking broad property or the property of others without permission, or misusing or misappropriating funds, misuse of copyrighted material, vandalism, embezzlement, using City resources/ positions, business cards/ identification/ security badges for unauthorized business or personal reasons or personal gain.

Note: Emergency Response Equipment may not be taken for personal use.

SECTION X - SEPARATIONS AND DISCIPLINARY ACTIONS

A. TYPES OF SEPARATIONS

All separations of employees from positions with the City will be designated as one of the following types and will be accomplished in the manner indicated: resignation, layoff, disability, death, retirement, and dismissal. At the time of separation and prior to final payment, all records, assets, and other City property in the employee's custody must be transferred to the department. Any amount due because of shortages will be withheld from the employee's final compensation.

B. RESIGNATIONS

In the event an employee decides to leave the City's employ, a two-week notice will be given to his/her supervisor so that arrangements for a replacement can be made. In such a case, employees will be expected to return any/or all City government equipment assigned. An unauthorized absence from work for a period of three consecutive working days may be considered by the department head as a resignation.

If a former employee returns to City employment, his/her status of seniority, pay, leave, etc., will be the same as any new employee beginning work for the first time.

C. LAYOFF

The department head, upon approval from the Manager, may lay off an employee in City service when he/she deems it necessary by reason of a shortage of funds, abolishing a position, other material changes in the duties or organization of the employee's position, or related reasons that are outside the employer's control and that do not reflect discredit upon the employee's service.

The duties performed by a laid-off employee may be assigned to other City employees who hold positions in the appropriate class. Temporary employees will be laid off before regular employees.

A laid-off employee who is reinstated as a City employee within 90 days from the date he/she was laid off will be reinstated with full benefits as if he/she had not been laid off.

D. DISABILITY

An employee may be separated for disability when he/she cannot perform the essential functions of the job because of a physical or mental impairment that cannot be accommodated without undue hardship or that poses a direct threat to the health and safety of others. Reasonable accommodations will include transfer to a comparable position for which the individual is qualified. Action may be initiated by the employee or the City, but in all cases, it must be supported by

medical evidence acceptable to the Manager, and the disability must prevent the employee from performing the essential functions of the job. The City government may require an examination at its expense to be performed by a licensed physician of its choice.

E. DISCIPLINARY ACTIONS

All City employees are employees at-will of the City. The City reserves the right to discharge at-will employees for cause or for no reason, except that no employee will be discharged for reasons that are prohibited by state and federal law.

However, whenever an employee's performance, attitude, work habits, or personal conduct fall below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and shall give them counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident in and of itself may justify severe initial disciplinary action; however, the action to be taken depends on the seriousness of the incident and patterns of past performance and conduct. The types of disciplinary action are:

1. Oral Reminder
2. Written Reminder
3. Suspension (3 days off with no pay, upon discretion of the Manager)
4. Termination of employment

F. ORAL REMINDER

Whenever an employee's performance, attitude, work habits, or personal conduct fall below a desirable level, the supervisor will inform the employee promptly and specifically of such lapses and shall give him/her counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary actions. The supervisor will place a memo in the employee's file stating the date of the oral reminder, what was said to the employee, and the employee's response.

G. WRITTEN REMINDER

In situations where an oral reminder has not resulted in the expected improvement or when more severe initial action is warranted, a written reminder may be sent to the employee, and a copy will be placed in the employee's personnel folder. The manager administering the reminder will advise the employee that the action is a written reminder and emphasize the seriousness of the problem; cite previous corrective actions and/or informal discussions relating to the offense; identify the problem and/or explain the offense; inform the employee of the consequences of continued undesirable behavior; detail corrective actions and identify dates by which the corrective actions will be taken.

At the conclusion of a conference with the employee, a copy of the written reminder will be placed in the employee's personnel folder. It is recommended that the affected employee sign the written reminder to indicate that he/she has seen the document and to acknowledge receipt of the employee's copy. Should the employee refuse to sign the written reminder, the supervisor will obtain a witness to sign and date the form and so indicate the employee's refusal to sign.

H. SUSPENSION

All City employees are employees at-will of the City. The City reserves the right to discharge at-will employees for cause or for no reason, except that no employee will be discharged for reasons that are prohibited by state and federal law.

Generally, a suspension is to penalize an employee for a violation while a release from active duty is to protect the department and/or the employee while an alleged offense is being investigated. The authority to suspend from active duty is delegated to any supervisor whenever there is a violation of the rules or procedures, or for the preservation of good order and discipline, pending formal charges. Report of suspension from duty shall be made as soon as possible by the supervisor to the department head and the Manager, naming the employee affected and details of the reason for the action. In all cases the final decision for further action rests with the City Manager.

I. TERMINATION

Generally, all City employees are employees at-will of the City. The City reserves the right to discharge at-will employees for cause or for no reason, except that no employee will be discharged for reasons that are prohibited by state and federal law.

However, the City of Norris provides the following guidelines that can be considered by the Manager. The Manager may dismiss an employee for just cause that is for the good of the City service. Reasons for dismissal may include, **BUT ARE NOT LIMITED TO:** misuse of city resources, misconduct, negligence, incompetence, insubordination, unauthorized absences, falsifying records, or violating any of the Charter provisions, ordinances, or these rules. Examples include but are not limited to:

1. incompetence or inefficiency in performing duties;
2. conviction of a criminal offense or of a malfeasance involving moral turpitude;
3. violating any lawful and reasonable regulation, order, or direction made or given by a superior, or insubordination that constitutes a serious breach of discipline;
4. being intoxicated, drinking any intoxicating beverages, or being under the influence of a drug or narcotic while on duty;
5. theft, destruction, carelessness, or negligence of City property;
6. disgraceful personal conduct or language toward the public, fellow officers, or employees;
7. unauthorized absences or abuse of leave privileges;
8. incapacity to perform the essential functions of a job because of a permanent or chronic physical or mental defect that cannot be reasonably accommodated;
9. accepting any valuable consideration that was given with the expectation of influencing the employee in performing his/her duties;
10. falsifying or destroying records or using official position for personal advantage;
11. loss of an employee's driver's license and driving privileges by due process of law when the employee's position makes operating a motor vehicle necessary in performing his/her duties;
12. violating of the provisions of the City Charter, personnel policy, or these rules; or
13. violating departmental policies or rules.

This list is not intended to be all inclusive or to cover all situations that may arise.

SECTION XI - AMENDMENTS TO THE PERSONNEL RULES

A. AMENDMENTS

Amendments or revisions of these rules may be recommended for adoption by the Manager. Amendments or revisions of these rules become effective upon approval by resolution of the City Council.

B. SEVERABILITY

Each section, subsection, paragraph, sentence, and clause of this policy document is separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause does not affect the validity of any other portion of these rules, and only any portion declared to be invalid by a court of competent jurisdiction will be deleted.

C. CONFLICTING POLICIES REPEALED

All City policies, ordinances or resolutions or department standard operating procedures or policies that conflict with the provisions of these policies are hereby repealed. If you notice an error in this document, please contact the City Manager for processing a correction/revision.

D. SPECIAL NOTE

These personnel policies are believed to be written within the framework of the Charter of the City of Norris but in case of conflict, the Charter takes precedence.

These personnel regulations are for information only. This is not an employment contract. This document is a statement of current policies, practices, and procedures. Nothing in this document is to be interpreted as giving employees property rights in their jobs. These personnel policies, rules, and regulations may be reviewed periodically. The employer reserves the right to change any or all policies, practices, and procedures in whole or in part at any time, with or without notice to employees.

SECTION XII - TRAVEL POLICY

A. TRAVEL POLICY

The travel policy including current per diem and mileage rates will be maintained by the City Recorder

B. DISCIPLINARY ACTION

Violation of the travel rules can result in disciplinary action for employees. Travel fraud can result in criminal prosecution of officials and/or employees.

SECTION XIII – FRAUD POLICY

A. BACKGROUND

The Fraud Policy is established to facilitate the development of controls that will aid in the detection and prevention of fraud against the City of Norris/Norris Water Commission. It is the intent of the City Norris/Norris Water Commission to promote consistent municipal behavior by providing guidelines and assigning responsibility of the development of controls and conduct of investigations.

B. SCOPE OF POLICY

This policy applies to any irregularity, or suspected irregularity, involving employees as well as board/commission members, consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with the city of Norris/Norris Water commission

Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the City of Norris/Norris Water Commission.

C. POLICY

Management is responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud is defined as the intentional, false representation or concealment of material fact for the purpose of inducing another to act upon it to his or her injury.

Any irregularity that is detected or suspected must be reported immediately to the City Manager, who coordinates all investigations with Legal Counsel and other affected areas, both internal and external. Any irregularity involving the City Manager must be reported immediately to the Mayor of the City of Norris. Any irregularity that is detected. Or suspected that is not reported by a City Employee may result in disciplinary action of that employee.

D. ACTIONS CONSTITUTING FRAUD

The terms defalcation, misappropriation, and other fiscal irregularities refer to, but are not limited to:

1. Any dishonest or fraudulent act
2. Misappropriation of funds, securities, supplies or other assets
3. Impropriety in the handling or reporting of money or financial transactions
4. Profiteering as a result of insider knowledge of municipal activities
5. Disclosing confidential information to outside parties
6. Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the City of Norris/Norris Water Commission
7. Destruction, removal, or inappropriate use of records, furniture, fixture, and equipment: and/or any similar or related irregularity.

E. OTHER IRREGULARITIES

Irregularities concerning an employee's moral, ethical, or behavioral conduct should be resolved by the Department Supervisor and the City Manager.

If there is any question as to whether an action constitutes fraud, contact the City Manager.

F. INVESTIGATION RESPONSIBILITIES

The City Manager has the primary responsibility for the investigation of all suspected fraudulent acts as defined in this policy. If the investigation substantiates that fraudulent activities have occurred, reports will be issued to appropriate designated personnel and Norris City Council and/or Norris Water Commission, and if appropriate, the State of Tennessee Comptroller of The Treasury by the City Manager. If the suspected fraudulent activities involve the City Manager, the Mayor would be in charge of the investigation and reports will be issued to the appropriate designated personnel and Norris City Council and/or Norris Water Commission, and if appropriate, the State of Tennessee Comptroller of the Treasury by the Mayor.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel and Norris city council, as will final decisions on disposition of the case.

G. CONFIDENTIALITY

The Department Managers and/or City Manager treats all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify the Department Manager and/or City Manager immediately, and should not attempt to personally conduct investigations/interrogations related to any suspected fraudulent act.

Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the City of Norris/Norris Water commission from potential civil liability.