

# PERSONNEL RULES



# AND REGULATIONS

ORDINANCE NUMBER 1090

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Board of Mayor and Council

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**CITY OF LAWRENCEBURG**  
**PERSONNEL RULES AND REGULATIONS**  
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**CITY OF LAWRENCEBURG**  
**PERSONNEL RULES AND REGULATIONS**

**SECTION I – INTRODUCTION**

Pursuant to the City Charter, Article V, Section C (1) and Article VIII, Section D, these rules shall be administered by the City Administrator under the direction of the Board of Mayor and Council and in conformity with the ordinance establishing a personnel system.

**A. PURPOSE**

The purpose of this policy manual is to establish a high degree of understanding, cooperation, efficiency, and unity among municipal government employees which comes from a systematic application of good procedure in personnel administration, and to provide uniform policies for all employees, with all the benefits such a program ensures without regard to race, gender, age, national origin, creed, disability, color, religion or political affiliation.

As an important member of the City of Lawrenceburg team, employees should know and understand the policies, procedures, and practices of the City. This manual is to provide employees with that knowledge and understanding. It will answer many questions employees may have about benefits, practices, and procedures. From time to time, improvements and adjustments may be needed in areas covered in this manual. The manual will be reviewed and updated as necessary without notice.

**B. SCOPE**

These Personnel Policies and Procedures shall apply to all City employees, elected officials and independent contractors, unless otherwise excluded. In the event of conflict between these rules, the City Charter and any City Ordinance, or state or federal law, the terms and conditions of that, rule or law shall prevail. In all other cases, these policies and procedures shall apply.



### **C. EQUAL EMPLOYMENT OPPORTUNITY POLICY**

Applicants and employees of the City of Lawrenceburg shall not be subject to discrimination based on race, gender, age, national origin, creed, disability, color, religion or political affiliation with respect to terms and conditions of employment including recruitment, hiring, training, compensation, transfer, promotion etc. Similarly, these considerations will be applied in the employment of qualified individuals who are disabled individuals, disabled veterans, and Vietnam era veterans.

### **D. DISABILITY ACCOMMODATION**

The City of Lawrenceburg is committed to complying fully with the Americans with Disabilities Act (ADA). The city is also committed to ensuring equal opportunity in employment for qualified persons with disabilities. The city conducts all employment practices and activities on a non-discriminatory basis.

The city's hiring procedures have been reviewed and they provide meaningful employment opportunities for persons with disabilities. The city makes pre-employment inquires regarding only an applicant's ability to perform the essential functions of the job.

Reasonable accommodations are available to all applicants and employees with a disability who indicate a need for accommodation. Employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

The City of Lawrenceburg is committed to taking all other actions that are necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and any other applicable federal, state and local laws.

### **E. HARASSMENT**

Freedom from discrimination includes freedom from any form of discriminatory harassment due to a person's race, gender, age, national origin, creed, disability, color, religion or political affiliation. Prohibited harassment includes conduct which has the purpose or effect of unreasonably interfering with the employee's work performance or creating an environment which is intimidating, hostile, or offensive to the employee. Such harassment may take many forms and includes racial, religious, or sexual epithets, foul language, unwanted sexual flirtations, ethnic or religious jokes,

and sexually explicit or racially derogatory posters, cartoons, or drawings. It is the policy of the City of Lawrenceburg that harassment will not be tolerated.

In addition, offering or implying to offer employment benefits in exchange for sexual favors is prohibited. Retaliation or threatening retaliation for a refusal to respond to sexual advances also is prohibited. This is the most blatant form of harassment. Therefore, no manager shall threaten or insinuate, either explicitly or implicitly, that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision involving that employee.

#### **F. COMPLAINT PROCEDURES**

If you believe you have been the victim of harassment or discrimination, you are encouraged to report the conduct to management, utilizing the department's standard chain of command complaint procedures. You may, as you believe appropriate under the circumstances, report incidents directly to your Department Manager, Human Resource Director, or City Administrator. All complaints of such conduct will be investigated promptly (within 15 days) and dealt with appropriately. Threats or acts of retaliation or retribution against employees who make complaints will not be tolerated. Employees, who are found to have engaged in harassment or discrimination, or have misused their position of authority in this regard, are subject to disciplinary measures up to and including termination. Such violations could also lead to personal legal and financial liability.

This harassment policy applies to all full time, part time, seasonal, volunteer employees, independent contractors, citizens and City of Lawrenceburg elected officials. In cases where harassment is committed by a non-employee against a municipal government employee in the workplace, the City Administrator shall take whatever lawful action is necessary against the non-employee to bring the harassment to an end.

#### **G. CHAIN OF COMMAND POLICY**

The City of Lawrenceburg has a Chain of Command policy where all employees are welcome to speak to any level of supervision at any time regarding any issue, question or concern they may have, provided they have presented their issues through the standard chain of command. The employee's immediate Supervisor or Department Manager is the first point of contact. However, when the issue involves the immediate supervisor or department manager, the employee may present their issue to the next level of supervision.

## **H. CITIZEN RELATIONS**

Each employee represents The City of Lawrenceburg. The way we do our jobs presents an image of the entire organization. Citizens judge us by how they are treated each time they have contact with us. Nothing is more important than being courteous, friendly, helpful, and prompt in the attention we give to citizens or our “customers.”

If a citizen wishes to make a specific comment or complaint, you should direct that person to your Department Manager for appropriate action.

## **SECTION II - EMPLOYEE CATEGORIES**

It is important for employees to understand the definitions of the employee classifications at the City of Lawrenceburg and know their classification, because employment classification helps determine employment status and benefits. Employees should consult with their department manager if they have questions.

### **A. REGULAR FULL-TIME**

Full-time employees are individuals employed by the municipal government who work 37 ½ - 40 hours or more per week. Regular full-time employees receive all benefits herein described unless specifically excluded by the city charter, codes, ordinances, or resolutions.

### **B. REGULAR PART-TIME**

Regular part-time employees are individuals who may not work on a daily basis and who work less than 37 ½ hours per week unless approved by the Department Manager. Part-time employees are excluded from benefits afforded full-time employees unless authorized.

### **C. TEMPORARY EMPLOYEES**

Temporary employees are individuals who work for the City on a temporary basis (*six months or less during one calendar year*). Temporary employees receive no benefits.

### **D. VOLUNTEER EMPLOYEES**

A volunteer is an individual who provides a service for the city for little or no compensation.

### **E. VOLUNTEER FIREFIGHTERS**

Volunteer/paid on call firefighters are appointed by the Fire Chief with the approval of the City Administrator. Volunteer firefighters are compensated per fire-call and are covered for work related injuries.

Volunteer Firefighters may be required to work extended hours and may be compensated accordingly.

**F. RESERVE POLICE OFFICERS**

Reserve Police Officers are appointed by the Police Chief with the approval of the City Administrator. They receive no compensation (unless working in an approved part time status). Police Reserve Officers are expected to meet the same or similar requirements as regular police officers and are covered for work related injuries through the city's workers' compensation plan.

**G. CLASSIFIED SERVICE**

All offices and positions of the city are divided into the classified service and the exempt service. The classified service shall include all regular full-time and regular part-time positions in the city's service unless specifically placed in the exempt service. All offices and positions of the city placed in the exempt service are as follows:

1. All elected officials and persons appointed to fill vacancies in elected offices.
2. All members of appointed boards, commissions or committees.
3. City Attorney
4. City Judge
5. Consultants, Advisors and Counsel providing temporary professional service.
6. Independent contractors

Note: It is the intent of these rules to apply to employees in classified service unless otherwise specified herein.

### **SECTION III – HIRING AND RETENTION**

#### **POLICY STATEMENT**

The primary objective of this hiring policy is to ensure compliance with federal and state laws and to obtain qualified personnel to serve the citizens of the City. Appointments to positions are based on merit, technical knowledge, and work experience. No person shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of race, gender, age, national origin, creed, disability, color, religion or political affiliation

#### **A. EMPLOYMENT OF RELATIVES**

The employment of immediate family members may cause serious conflicts and problems involving favoritism and employee morale. In addition to claims of partiality in treatment of immediate family members at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

*Pursuant to the City of Lawrenceburg Charter, Article VIII Section B, “No member of the immediate family of the Board of Mayor and Council may be hired by and begin employment with the city during their term of office and no member of the immediate family of the City Administrator may be hired by and begin employment with the city during his or her employment with the City. The immediate family is defined as the employee’s spouse, children, father, mother, brother, sister, or the spouse or children of the above. In addition, no person shall be hired to work in a department **managed** or **supervised** by a member of their immediate family. This shall not apply to or affect the employment status of employees who become related after having been hired by the City of Lawrenceburg with the exception of those employees who create the relationship of spouse. In no event shall a spouse supervise or otherwise manage their spouse. This provision shall also not apply to those employees who are currently related, but where no supervisory relationship presently exists. In the event that a supervisory relationship develops between such employees attempts will be made to minimize the employment relationship (i.e. shift assignments, duty hours, etc). If such attempts are unsuccessful and the family/supervisory relationships result in workplace difficulties, the least senior employee may be transferred to another department, if such position exists, or terminated subject to the determination of the City Administrator. This employment policy shall not conflict with any state or federal law.*

## **B. APPLICATION PROCESS**

The Human Resource Director will publicize job openings that are not filled internally, through transfers and promotions, in newspapers and other media as necessary to ensure effective communication of the opening.

Applications for employment with the City of Lawrenceburg will be distributed and accepted at the City of Lawrenceburg Administration Building or other designated locations during regular office hours for the period of time advertised. Upon request, reasonable accommodations will be made in the application process to applicants with disabilities.

The City of Lawrenceburg will accept applications only when vacancies exist.

The application forms of applicants not hired will become inactive after six (6) months of their completion.

Applicants for regular employment with the City of Lawrenceburg must be 18 years old and have graduated and received an academic diploma from an accredited high school or GED equivalency diploma before they will be eligible to be employed. This diploma requirement does not apply to employees hired prior to October 17, 2003.

The City of Lawrenceburg exercises a policy of fairness to every person who applies. All employment applications will be given consideration by the appropriate Department Manager and the Human Resource Director.

All applicants are subject to an interview.

The appropriate Department Manager and Human Resource Director will interview from the qualified applicants and hire the applicant who is best fit for the position.

## **C. PRE-EMPLOYMENT MEDICAL AND/OR AGILITY EXAMINATION**

After a conditional job offer has been extended, the successful candidate will be required to undergo a medical and agility examination to determine that the applicant can perform the essential functions of the job. The City of Lawrenceburg will choose the health professional and pay for the examination. The job offer and starting the job are contingent upon the applicant satisfactorily completing the examinations.

The City of Lawrenceburg may require current employees to take medical and agility examinations to make sure they are able to continue to perform the essential functions

of the job. If the city asks an employee to take an examination, the city will schedule it and pay for it.

The City of Lawrenceburg Fire Department hiring procedure includes the ability to pass agility and written test before a job offer is extended. Applicants will be required to provide a medical statement that allows them to take the physical agility test.

The City of Lawrenceburg keeps medical information confidential and separate from other personnel information to protect employees' privacy.

#### **D. PROBATION**

The City of Lawrenceburg requires new employees to serve a (12) twelve month probation period. The Supervisor and Department Manager will evaluate the employee's performance during the probationary period. Additionally, the employee will be provided information concerning performance, identifying areas that may need improvement and reinforcing areas of good performance. A performance evaluation will be completed at least ten (10) days prior to the expiration of an employee's probationary period. Employees will be informed if their work has been satisfactory, if their probationary period is to be extended, or if their employment will continue by the Department Manager. Employees may be terminated prior to the completion of the probationary period if their performance is unsatisfactory. It will be the responsibility of each department manager to maintain a list of employee hire dates and evaluate their employees within the time frame given.

The City of Lawrenceburg Police and Fire Departments probationary period is 12 months.

#### **E. JOB ADVANCEMENT**

It is the aim of the City of Lawrenceburg to provide job advancement opportunities as they become available for current employees before advertising a vacant position to the general public. Open positions will be posted for five working days to allow all employees an opportunity to view the posting. Employees interested in applying for an open position may obtain the necessary documents from the City of Lawrenceburg Administration Building. Individuals will be selected based on factors including but not limited to work history, technical knowledge, and seniority. If the job is not filled internally, candidates will be recruited from the outside.



Employees awarded jobs through job advancement are required to serve a twelve month evaluation period in the new position. In the event an employee cannot successfully perform the responsibilities of a promotional or lateral assignment or they find the position unsuitable, at any point during the 12 month evaluation period, consideration will be given to allow the employee to return to his or her former position, if available.

It is the intent of this policy to allow current employees to apply prior to public announcement of the position. Current employees that meet the basic requirements for announced positions may submit applications, but are not guaranteed employment. It shall be the department manager's prerogative after reviewing internal applications, to seek outside applicants if he/she feels he position may be better filled by outside applicants.

#### **F. TRANSFERS**

Any employee who has successfully completed their probationary period may be transferred to the same or similar position in a different department with the approval of City Administrator and appropriate department managers. Employee will be subject to another twelve month evaluation period.

#### **G. PERFORMANCE EVALUATION**

The Job Performance Evaluation shall be conducted in a fair and unbiased manner, and each employee shall be graded on a uniform basis. Supervisors, Department Managers and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Employees' performance shall be evaluated and reviewed annually by the end of January evaluating the previous year by the Department Manager and Supervisor. Written appraisals will be discussed with the employee so he or she will know how he or she is progressing and what he or she may do to improve his or her performance. Employees may appeal the results of the evaluation in accordance with the appeal process contained in this document. The City Administrator will perform evaluations for Department Managers.

Performance evaluations shall be reviewed by the City Administrator and the Human Resource Director and placed in the employee's personnel file.

## **SECTION IV - COMPENSATION**

### **POLICY STATEMENT**

Pursuant to the City Charter, Article VIII, Section D, the Board of Mayor and Council shall adopt a pay plan in conjunction with the personnel rules. The pay plan is intended to provide fair compensation for all classes, in the classification plan in consideration of pay ranges for other classes, general pay rates for similar employment in private establishments and other public jurisdictions in the area, cost of living data, the financial condition of the municipality, and other factors.

The pay plan for the City of Lawrenceburg shall consist of minimum and maximum pay rates with intermediate steps for each existing position classification. The pay plan will also, establish and maintain job descriptions for all jobs within the City and to review these descriptions at least once each year with the employee and Department Manager.

The Human Resource Director will, from time to time, make comparative studies of all factors affecting the level of salary ranges and will recommend to the City Administrator such changes in the salary ranges as appear to be in order. The City Administrator will review the recommendation and then recommend appropriate changes to the Board of Mayor and Council.

The City Administrator upon recommendations from the Department Managers, and Human Resource Director, will recommend annual salaries for all employees to the Board of Mayor and Council, in accordance with the city's pay plan, for approval and payment in the annual budget for the City of Lawrenceburg.

### **A. HOURS OF WORK**

Work schedules, hours of work and assignment of employees to particular jobs will be made by their Department Manager and/or Supervisor to meet operating needs and render essential services to the public.

### **B. WORK WEEK / WORK PERIODS**

Pursuant to the Fair Labor Standards Act, a work period for regular non-exempt employees is a regular recurring period of 168 hours consisting of seven consecutive 24-hour periods. Non-exempt full-time employees will work the equivalent of 37 ½ to 40 hours during the work period, except as provided in special contracts of employment, uniformed non-exempt employees of the fire department working 216 hours in a 28 day work period, and employees exempt from Fair Labor Standards Act

requirements. The work period begins at 12:01 a.m. Wednesday and ends at 12:00 midnight the Tuesday following. Work schedules may vary in departments as necessary for the efficient operation of the City.

The City of Lawrenceburg Police Department may have the option of a 28 day work schedule under the provisions of the 7 (K) exemption of the FLSA.

The Lawrenceburg Fire Department shall be on a 28 day work schedule under the provisions of the 7 (K) exemption of the FLSA. Each employee shall have an hourly pay rate established as follows:

Base weekly pay rate x 4 divided by 216 = hourly rate.

(All fire-fighters are scheduled to work 216 hrs. per 28 day work cycle).

All hours worked over 212 within a 28 day work cycle will be paid as overtime at a rate of time and a half.

During each 28 day cycle one shift will be scheduled to work 240 hours, (10 shifts) which will result in each member of that shift working a total of 28 hours overtime for that period, if no time off had been taken. In order to keep the cost of overtime at a minimum each individual on that shift will be given a Kelly day (one shift) off which will be scheduled by the Department Manager. This will maintain the 216 hour schedule.

All non-exempt FLSA Fire Department employees shall be paid 8 hours Holiday pay using the following method:

Hourly Rate x 8 hours x 13 holidays divided by 26 pay periods.

Off duty call outs shall be paid as follows:

Guarantee 2 hours pay for each call out at individual hourly rate as determined above.

All fires over 2 hrs will be paid at the hourly rate unless the employee has worked over 212 hours for the 28 day work cycle, which will be paid at time and a half.

### **C. PAY DAY / PAY PERIOD**

All employees of the City of Lawrenceburg are paid on a two week cycle, every other Thursday. The pay received covers the full amount due for all work reported during the preceding pay period. If pay day falls on a scheduled holiday employees will be paid on the previous working day.

All employees receive their pay through direct deposit. New employees will be required to furnish a completed direct deposit authorization form with a voided check (personal account) to the Payroll Department.

Employees should examine their pay record carefully when they receive them. Any questions or concerns should be brought to the immediate attention of their supervisor.

### **D. PAYROLL DEDUCTIONS**

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

Social Security: Social Security payments and deductions will be made in accordance with the Social Security Act. The Payroll Department shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.

Others: Deductions approved by the City Administrator may be withheld from the employee's pay with a signed consent from the employee.

### **E. OVERTIME / COMPENSATORY TIME**

All non-exempt employees except uniformed fire fighters required to work overtime shall be compensated at a rate of one-and-one-half the employee's regular rate of pay. Department Managers are excluded from the overtime provision of the city. All non-exempt uniformed fire fighters required to work overtime shall be compensated at a rate of one-and-one-half the employee's regular rate of pay for all work performed in excess of 212 hours worked in one 28 consecutive day work period. Paid time off for holidays will be counted as hours worked for the purpose of determining overtime if 40 hours worked. All overtime must be approved by the employee's Supervisor.

## **F. SPECIAL ASSIGNMENT COMPENSATION**

Non-exempt employees who have been assigned duties that occur on a repetitive basis after normal working hours will be compensated for time worked.

All work performed over 40 hours will be compensated at time and one half or compensatory time.

## **G. COMPENSATORY TIME OFF**

Compensatory time off may be granted in lieu of overtime pay when the employee and Supervisor agree in advance that the time worked is to be compensatory time.

Compensatory time is earned at the rate of 1.5 times the number of hours worked.

Administration of the policy and accumulation of time will be in accordance with the Fair Labor Standards Act regulations. Department Managers are responsible for accurate reporting to the payroll department of accumulated compensatory time earned and time used for each employee. Maximum accumulation of compensatory time shall not exceed 480 hours for FLSA non exempt Public Safety; Emergency Response; and seasonal employees and 240 hours for all other non FLSA exempt employees.

Upon separation from employment any unused accumulated compensatory time will be paid at the employee's current rate of pay.

Those employees exempt from the provisions of the FLSA shall include but not necessarily be limited to Department Managers, and City Administrator.

## **H. SHIFT PREMIUM**

Employees assigned to second or third shift are paid a shift premium. The shift premium applies only to those employees who are assigned to second or third shift, not to employees whose work exceeds their normal work shift and runs over into a second or third shift.

## **I. CALL BACK PAY/COMPENSATION**

When it is necessary to call non exempt employees in to work at a time outside their scheduled shift, they will be paid for the actual time worked at their prevailing salary schedule, but in no event shall the compensation be less than two (2) hours time. If asked to come in less than two (2) hours before the start of the employee's scheduled shift or asked to remain over into the next shift employees will be compensated for actual time worked.

**J. PAID ON-CALL**

On-Call service is necessary for the proper maintenance and functioning of the City of Lawrenceburg. Any employees not exempt from the overtime pay provisions of the Fair Labor Standards Act when designated as on-call shall be paid according to the City of Lawrenceburg On Call Policy.

**K. WORKING OUT OF CLASSIFICATION**

Compensation for non-supervisory personnel working in a higher pay grade is provided to an employee for the assumption and performance of duties normally performed by an employee in a higher pay grade (Emergency service departments are excluded.).

The assumption and performance of the duties of the higher pay grade must include all responsibilities of the job.

The performance of such duties must be for a period of 4 consecutive hours or frequently occurring time periods.

Pay for working in a higher grade has to be approved by the Department Manager or City Administrator prior to the start of duties.

The employee's pay will increase to the starting rate of the pay grade in which the employee is substituting or the next step greater than the employee's current pay.

When the temporary assignment is completed, the employee's pay will be adjusted to its previous level or the level that it would have attained if wage increase had occurred.

Job changes in the same pay grade are not covered.

**L. EXEMPT EMPLOYEES ELIGIBLE TO EARN OVERTIME DURING CERTAIN DISASTERS**

Under special circumstances, an FLSA exempt employee may be compensated in overtime pay. The pay will be based on their overtime rate. Such circumstances must be approved by the City Administrator. Circumstances may include but are not limited to disasters and disaster relief, special compensated events and unforeseen long term events. These proceedings must take place outside of regular business hours for exempt personnel to qualify.



**SECTION V - BENEFITS**

**A. ELIGIBILITY**

All regular full-time employees are eligible for all benefits provided by the City.

The City of Lawrenceburg provides many important employee benefit programs to employees. The City considers “total compensation” to include both your regular pay and these important benefits which have an actual financial value to employees.

**B. HOLIDAYS**

Regular full-time employees are allowed a day off with pay on the following thirteen days to be observed as holidays, or *depending on work schedules* may be granted an optional day off in lieu of the day observed as the holiday, (eight (8) hours constitutes a holiday for all full-time employees):

**HOLIDAYS**

- |                            |                           |
|----------------------------|---------------------------|
| 1. New Year's Day          | January 1st               |
| 2. Martin Luther King Day  | 3rd Monday in January     |
| 3. President's Day         | 3rd Monday in February    |
| 4. Good Friday             | Friday before Easter      |
| 5. Memorial Day            | Last week-end in May      |
| 6. Independence Day        | July 4th                  |
| 7. Labor Day               | First Monday in Sept.     |
| 8. Columbus Day            | 2nd Monday in October     |
| 9. Veterans Day            | November 11th             |
| 10. Thanksgiving Day       | 4th Thursday in November  |
| 11. Day after Thanksgiving | 4th Friday in November    |
| 12. Christmas Eve Day      | December 24th             |
| 13. Christmas Day          | December 25 <sup>th</sup> |

If a holiday falls on Sunday, it will be observed on the following Monday. If the holiday falls on Saturday, it will be observed on the preceding Friday.

To receive compensation for the holiday employees must be in a pay status on the workday before and on the workday after the holiday.

If a holiday is observed during an eligible employee’s approved leave (including but not limited to sick leave, vacation, and compensatory time) holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.



Holiday pay will not be granted additionally if the employee has been fully compensated through leave.

Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

Any regular full-time employee, excluding firefighters, may carry over a maximum of 104 hours of holiday pay year to year. (Jan 1 – Dec 31) All unused holiday time in excess of 104 hours will be converted into sick leave hours.

Any regular full-time employee that has accumulated more than the maximum of 104 hours when this policy is approved will be given three (3) years from the adoption of this manual to reduce his/her holiday hours to the maximum.

It is the Department Manager's responsibility, and at their discretion, to ensure each employee within their department remains under the maximum hours allowed to be carried over each year.

All FLSA non-exempt employees holiday pay will count as time worked and will not be paid as overtime unless over 40 hours are worked (including holiday(s)) that pay period, or may be granted an optional day off in lieu of the day observed as the holiday. Neither annual vacation, sick, nor compensatory time will be counted as hours worked for the purpose of determining overtime.

All regular full time employees are eligible for holiday pay, there is no waiting period, unless the employee's first day is a holiday.

### **C. ANNUAL / VACATION LEAVE**

Regular full-time employees accrue vacation from date of hire in accordance with the following schedule:

<u>SERVICE</u>	<u>VACATION CREDIT PER YEAR</u>
0 – 2 years	1.54 hours for each bi weekly pay period (1.54 X 26 = 40 hours vacation)
2 – 5 years	3.08 hours for each bi weekly pay period (3.08 X 26 = 80 hours vacation)
5 – 10 years	4.62 hours for each bi weekly pay period (4.625 X 26 = 120 hours vacation)

10 + years      6.15 hours for each bi weekly pay period (6.15 X 26 = 160 hours vacation)

SERVICE                      VACATION CREDIT PER YEAR (FIRE FIGHTERS)

0 – 2 year      4.62 hours for each bi weekly pay period (4.62 X 26 = 120 hours vacation)

2 – 5 years      9.23 hours for each bi weekly pay period (9.23 X 26 = 240 hours vacation)

5 – 10 years    13.85 hours for each bi weekly pay period (13.85 X 26 = 360 hours vacation)

10 + years      18.46 hours for each bi weekly pay period (18.46 X 26 = 480 hours vacation)

The above schedule and credits are for uninterrupted service computed from the most recent date of continuous employment. Accrued annual/vacation leave, when mutually convenient, will be granted at the time desired by employees, but annual/vacation leave in each department must be scheduled in such a manner as to assure orderly operation and adequate and continuous service to the public. Department Managers have final authority on scheduling annual/vacation leave, subject to the grievance procedure.

Annual/vacation leave shall be charged against the employee's accrued annual leave account on an hourly basis consistent with the number of hours of work taken off. Holidays, as defined in this manual, shall not be counted as annual/vacation leave days. Annual/vacation leave may be used for sick leave if the employee has depleted all of their accumulated sick leave. The employee must notify their Department Manager of their option to use accrued annual/vacation leave for sick leave.

Annual/vacation leave may be taken by employees in a minimum of 4 hour increments unless a smaller increment is authorized by their Department Manager. Fire Department employees will be required to take annual/vacation leave days on a half per shift (12 hours) increment.

Vacation time will not accrue while an employee is on leave of absence without pay.

Service in the Tennessee National Guard or military reserves above state allowances may be charged as annual vacation at the option of the employee. Employees electing to coincide vacation time will continue to receive full pay for the amount of specified vacation leave for which they have accrued time.

Employees may sell and be paid for up to one (1) week of the employee's current years annual/vacation, when funds are approved in the annual budget. All requests for pay in lieu of annual/vacation leave must be in writing, to the City Administrator, and must be given at least two (2) weeks in advance before payment shall be made.

An employee may, apply to be paid for one (1) week of his/her yearly annual/vacation credit upon evidence of hardship. The City Administrator shall have the authority to determine adequate hardship.

Any regular full-time employee may carry over a maximum of 160 hours of annual/vacation leave year to year (Fire fighters 480 hours). All unused annual/vacation time in excess of 160 (or 480 for firefighters) hours will be converted into sick leave hours.

If an employee transfers from one department within the city to another, his/her accrued vacation time also transfers.

All regular full-time employees, who give reasonable notice of intention to resign or retire, are entitled to receive pay for their unused accumulated annual/vacation leave time as of the date of resignation. Terminated employees and employees that resign without reasonable notice may or may not receive pay for unused accumulated annual/vacation leave time at the discretion of the City Administrator and Department Manager.

#### **D. SICK LEAVE**

Sick leave shall not be considered as a right which an employee may use at his/her discretion, but rather as a privilege. When an employee is absent he/she must notify his/her immediate Supervisor or Department Manager within one hour of the beginning of the scheduled work shift and give the reason for absence. Sick leave is not to be abused. Falsely claiming sick leave for any reason except those specified in this policy (i.e., reporting personal injury or physical incapacity when the employee is physically fit to perform his/her job) will be grounds for disciplinary action up to and including discharge.

Under normal circumstances a regular full-time employee who becomes ill and makes proper report of their illness to the immediate Supervisor within one hour of the beginning of the scheduled work shift will be able to take accrued sick leave with pay for a period of time consistent with the number of hours of sick leave earned by such employee.

Each regular full-time employee will accrue sick leave at the rate of eight (8) hours for each month of service. Fire Department regular full-time non-exempt employees performing 24 hour or more tours of duty will accrue sick leave at the rate of 24 hours for each completed month of service.

Sick leave will be accrued from the employee's date of employment.

If an employee transfers from one department within the city to another, his/her accrued sick time also transfers.

**Employees will receive one (1) bonus sick leave day for each twelve consecutive months, in a calendar year, worked without taking sick leave time.**

Paid sick leave can be used in minimum increments of one (1) hour.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include shift differentials.

Unpaid sick leave may be granted in accordance with the Family and Medical Leave Act (FMLA).

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

1. Personal illness or physical incapacity;
2. Illness of member(s) of the employee's immediate family (immediate family is defined as the employee's spouse, child, mother, father, mother and father-in-law, brother, sister, legal guardian(s), step child, step mother or step father) that requires the employee's personal care and attention;
3. Enforced quarantine of the employee in accordance with community health regulations.
4. Medical appointment.

If an employee is absent for (3) three consecutive work days (firefighters, more than one 24 hour shift) due to illness or injury, a physician's statement must be provided verifying the injury or illness, its beginning and expected ending dates. Before returning to work from a sick leave absence of (5) five work days (firefighters, more than three 24 hour shifts) an employee must provide a physician's verification that he or she may safely return to work. Employees returning to work after any leave of absence may be required to take a medical and/or agility examination. The

physician's and or examiner's report(s) shall state their opinion whether or not the returning employee is able to perform the essential functions of their job.

If abuse of the sick leave policy is suspected, a physicians' verification of illness may be required for sick leave to be granted.

Sick leave may be taken as necessary with the approval of the Department Manager but may not be extended beyond the sick leave accrual at the time of absence. Accrued annual leave and/or accumulated compensator time may be used for sick leave after the employee has exhausted sick leave benefits if proper notification is given to the Department Manager.

### **SICK LEAVE MAXIMUM ACCRUAL**

Effective March 1, 2005 City of Lawrenceburg Employees will be eligible for the following sick leave options upon retirement, layoff or death:

#### **EMPLOYEES WITH 25 YEARS OF MORE OF EMPLOYMENT AS OF MARCH 1, 2005**

##### **RETIREMENT**

Employees retiring with 25 years or more of employment effective March 1, 2005 may choose to be paid for accrued sick leave hours up to a maximum of 960 hours (firefighters 2808 hours) any remaining hours will be credited to their retirement account, or they may choose to apply all accrued sick leave hours to their retirement account.

Sick leave benefits will be calculated based on the employee's base pay rate and will not include shift differentials.

#### **E. LEAVE TRANSFER**

Leave benefits may be transferred between employees with the donor's permission and approval of the Department Managers if the receiving employee has exhausted all vacation, sick, compensatory time and holiday time. Donation of time will not count against the donor as used time in the calculation of accruing end of year bonus day.

**F. DEATH OF AN EMPLOYEE**

Should an active, fulltime employee die, their estate or designated beneficiary will be paid the employees unused, accrued sick leave according to the following schedule, up to a maximum of 960 hours (2808 hours firefighters.)

<u>Years of Service</u>	<u>Percent of Unused, Accrued Sick Leave</u>
1-4	10%
5-9	20%
10-14	40%
15-19	60%
20-24	80%
25+	100%

Schedule is based on anniversary date of employment. No partial year may be added.

**EMPLOYEES WITH LESS THAN 25 YEARS OF EMPLOYMENT AS OF MARCH 1, 2005**

**RETIREMENT**

After March 1, 2005 employees retiring will have all accrued sick leave hours credited to their retirement account.

**LAYOFF**

Accumulated sick leave hours may remain frozen for a period of up to 12 months or until recall from layoff which ever is less before their disposition. Employees who are vested for retirement will have hours credited in their account.

Employees on layoff status do not accrue sick leave time.

**ADDITIONAL INFORMATION**

No employee will have the option of selling unused sick leave time at the end of each year.

## **G. BEREAVEMENT LEAVE**

Upon request, *a regular full-time employee who has a member of their family taken by death*, will be excused from work for any of the first three (3) consecutive scheduled work days immediately following the date of death in case of the death of an employee's spouse, child, mother, father, grandchild, step grandchild, mother-in-law father-in-law, brother or sister, legal guardian(s), step child, step mother or step father. Eight (8) work hours of bereavement leave may be allowed to be used in case of the death of employee's or their spouse's grandfather, grandmother, uncle or aunt. Four (4) work hours of bereavement leave may be allowed to be used in case of any relative not mentioned above. Increments of bereavement leave less than four (4) work hours may be granted by appropriate Department Manager for employees to attend the funeral of employee's friends. All bereavement leave is granted provided the employee attends the funeral. Annual leave, sick leave, compensatory time or leave without pay may be granted by the appropriate Department Manager for employees attending funerals of relatives and friends in distant locations.

Police and Fire Department bereavement leave shall be administered by the Department Manager to comply with the Bereavement Leave Policy and work schedules.

Bereavement pay is computed at the employee's regular shift hours multiplied by their regular straight time hourly rate of pay. Employees will not receive pay for any day for which they were not scheduled to work. Payment for bereavement leave will not be counted as time worked for the purposes of calculating overtime. If additional time off is required, vacation, sick leave, compensatory time or unpaid leave may be granted on a case-by-case basis by the Department Manager and/or the Human Resource Director.

## **H. CIVIL LEAVE**

Civil leave with pay may be granted to employees for the following reasons:

1. Serve on jury duty.
2. Answer a city issued subpoena to testify concerning business with the City of Lawrenceburg.
3. To receive benefits under this section, proof of service must be provided by the employee, and the court check must be signed over to the city.

## **I. FAMILY AND MEDICAL LEAVE**

It is the intent to provide family and medical leave in compliance with Public Law 103-3, titled Family and Medical Leave Act of 1993

(This 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. Such employees are eligible for leave under the act. Special rules apply for husbands and wives employed by the same employer, for highly compensated employees, and for local educational agencies. People who are not covered include elected officials, political appointees, volunteers, independent contractors, and legal advisors. Uniform Services Employment and Reemployment Rights Act (USERRA) Law requires that returning military personnel's time, spent in the military, be counted in determining FMLA eligibility).

### 1) Definitions:

- a. Eligible Employee – Eligible employees are those who have been employed for at least 12 months, who have provided at least 1,250 hours of service during the 12 months before Family and Medical Leave is requested.
- b. Health Care Providers – A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state or; any other person determined to be capable of providing health care services (This may include podiatrist, dentist, nurse practitioners, clinical social workers, Christian Science practitioners and more).
- c. Parent – Mother or father of an employee, or an adult who had day-to-day responsibility for caring and financially supporting the employee during his/her childhood in place of the natural parents.
- d. Son or Daughter/Child – Biological, adopted, or foster child, a step child, legal ward, or child of a person standing in loco parentis, who are under the age of 18 years. Children who are 18 years or older qualify, if he/she is incapable of self care because of a mental or physical disability.
- e. Serious Health Condition – An illness, injury, impairment, or physical or mental condition involving in-patient care in a hospital, hospice, or



residential medical care facility; or continuing treatment by a health care provider involving continuing treatment for a period of incapacity (inability to work or perform other daily regular activities) of more than three (3) consecutive calendar days or treatment by a health care provider on one occasion which results in a regiment of continuing treatment;

- (1) periods of incapacity due to pregnancy, or for prenatal care;
- (2) due to a chronic serious health condition requiring
  - a. periodic visits to a health care provider for treatment;
  - b. continues over an extended period and;
  - c. may cause episodic rather than continuing periods of incapacity;
- (3) a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective.
- (4) Any period of absence to receive multiple treatments.

Examples of serious health conditions include, but are not limited to: heart attacks and conditions requiring bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, severe arthritis, physical therapy, chemotherapy, asthma, diabetes, kidney disease, epilepsy, terminal stages of any disease, etc.

**Guidelines:** An eligible employee may take up to 12 weeks of unpaid or paid leave in a 12-month period for the birth and care of a child or the placement and care of a child for adoption or foster care (**Note – Under the Tennessee Maternity Leave Act (TMLA), an employee may take an additional four weeks of unpaid leave if the three-month advance notice has been complied with**). Leave may also be taken to care for the employee, a child, spouse, or a parent who has a serious health condition. The right to take leave applies equally to male and female employees who are eligible.

Unpaid or paid leave to care for a newborn child or a newly placed adopted or foster care child must be taken before the end of the first 12 months following the date of birth or placement.

An expectant mother may take unpaid or paid medical leave upon the birth of the child, or prior to the birth of the child, for necessary medical care and if her condition renders her unable to work. Similarly, for adoption or foster care, leave may be taken upon the placement of the child or leave may begin prior to the placement if absence from work is required for the placement to proceed.

An employee may take unpaid or paid leave to care for a parent or spouse of any age who, because of a serious mental or physical condition, is in the hospital or other health care facility. An employee may also take leave to care for a spouse or parent of any age who is unable to care for his/her own basic hygiene, nutritional needs, or safety. Examples include a parent or spouse whose daily living activities are impaired by such conditions as Alzheimer's disease, stroke, recovering from major surgery, or the final stages of terminal illness.

Eligible employees who are unable to perform the essential functions of their position because of their own serious health condition may request up to 12 weeks unpaid or paid leave. The term "serious health condition" covers conditions or illnesses that affect an employee's health to the extent that he/she must be absent from work on a recurring basis or for more than a few days for treatment or recovery.

During periods of unpaid leave, an employee will not accrue any additional seniority or similar employment benefits during the leave period. However, the employee's seniority at the time of leave remains intact.

If spouses are employed by the same employer and wish to take leave for the care of a new child or sick parent, their aggregate leave is limited to 12 weeks. For example, if the father takes eight weeks of leave to care for a child, the mother would be entitled to four weeks leave, for a total of 12 weeks. However, if one spouse has a serious health condition they may be eligible for the entire 12 weeks.

**Right to Return to Work:** On return from FMLA leave, 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. An employee is entitled to such reinstatement even if the employee has been replaced or his/her position has been restructured to accommodate the employee's absence.

If the employee is unable to perform the essential functions of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the

FMLA. However, the city's obligation may be governed by the American with Disabilities Act.

**Notification and Scheduling:** An eligible employee must provide the employer at least 30 days of advance notice of the need for leave for birth, adoption, or planned medical treatment, when the need for leave is foreseeable. This 30-day advance notice is not required in cases of medical emergency or other unforeseen events, such as premature birth or sudden changes in a patient's condition that require a change in scheduled medical treatment.

People 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.

It is the city's responsibility to designate leave in writing as FMLA leave and to notify the employee. Neither employees nor the city may retroactively claim that paid or unpaid leave was for FMLA.

**Certification:** The city reserves the right to verify an employee's request for family/medical leave. If an employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the city may require that the request be supported by certification issued by the health care provider of the eligible employee or the family member as appropriate. If the city has reason to question the original certification, the city may, at the city's expense, require a second opinion from a different health care provider chosen by the city. That health care provider may not be employed by the city on a regular basis. If a resolution of the conflict cannot be obtained, the last opinion will be final and binding.

This certification must contain the date on which the serious health condition began, its probable duration, and appropriate medical facts within the knowledge of the health care provider regarding the condition. The certification must also state the employee's need to care for the son, daughter, spouse, or parent and must include an estimate of the amount of time that the employee is needed to care for the family member.

Medical certifications provided to the city will be treated as confidential and privileged information. An employee will be required to report periodically to the city the status and the intention of the employee to return to work.

Upon return to duty employees who have taken unpaid or paid leave under this policy must furnish the city with a medical certification from the employee's health care provider at the employee's expense, stating that the employee is able to resume work before return is granted.

**Maintenance of Health and COBRA Benefits During Unpaid or Paid Leave:** The city will maintain health insurance benefits, paid by the city for the employee, during periods of unpaid or paid leave without interruption. Any payment for family coverage/premiums or other payroll deductible insurance policies must be paid by the employee or the benefits may not be continued.

The city has the right to recover from the employee all health insurance premiums paid during the unpaid leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job because of their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision.

Leave taken under this policy does not constitute a qualifying event that entitles an employee to Consolidated Omnibus Budget Reconstruction Act (COBRA) INSURANCE COVERAGE. However, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not return to work, and therefore ceases to be entitled to leave under this policy.

**Reduced and Intermittent Leave:** Leave under this policy can be taken intermittently or on a reduced leave schedule when medically necessary as certified by the health care provider. Intermittent or reduced leave schedules for routine care of a new child can be taken only with approval of the City Administrator. The schedule must be mutually agreed upon by the employee and the city.

Employees on intermittent or reduced leave schedules may be temporarily transferred by the city to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule.

Intermittent or reduced leave may be spread over a period of time longer than 12 weeks, but will not exceed the equivalent of 12 workweeks total leave in a 12-month period.

**Restoration:** Employees who are granted leave under this 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 employees, may be denied restoration. **(Note – Restoration may be denied key employees if (A) the employer shows that such denial is necessary to prevent substantial and grievous economic injury to the employer’s operations, (B) the employer notifies the employee that it intends to deny**

**restoration on such basis at the time the employer determines that such injury would occur, and (C) in any case in which the leave has commenced, the employee elects not to return to work within a reasonable period of time after receiving such notice).**

Employees voluntarily accepting a light duty assignment in lieu of continuing FMLA leave maintain their right to restoration to the original or an equivalent job until the twelve (12) weeks of FMLA leave has passed.

**The 12-month FMLA Period:** The 12-month period during which an employee is entitled to 12 workweeks of FMLA leave is measured forward from the date the employee's first FMLA leave begins. An employee is entitled to 12 weeks of leave during the 12-month period after the leave begins. The next 12-month period will begin the first time the employee requests FMLA after the completion of the previous 12-month period.

**Denial of FMLA Leave:** If an employee fails to give timely advance notice when the need for FMLA 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.

If an employee fails to provide in a timely manner a requested medical certification to substantiate the need for FMLA leave due to a serious health condition, an employer may delay continuation of FMLA leave until an employee submits the certificate. If the employee never produces the certification, the leave is not FMLA leave.

If an employee fails to provide a requested fitness-for-duty certification to return to work, the city may delay restoration until the employee submits the certificates.

## **J. MILITARY LEAVE**

The City of Lawrenceburg will grant a military leave of absence if an employee is absent from work because of serving in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees must give their Supervisor or Department Manager advance notice of upcoming military service, unless military necessity prevents advance notice or it is otherwise impossible or unreasonable.

Employees on military leave will receive full pay for a maximum of 20 days per calendar year. However, employees may use any available accrued paid time off, such as vacation or compensatory time, to help pay for the leave.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable insurance plans.

These employees will be required to make the same level of contributions as other employees for health insurance coverage.

Employees involuntarily called for military duty will remain on partial pay status, with a monthly amount sufficient to keep in full force and affect all health insurance benefits the employee had on the date of call to active military duty for a period not to exceed two years. Employee will be required to continue to pay for dependent coverage.

Benefit accruals, such as vacation, sick leave, and holiday benefits, will continue during a training assignment for up to twenty days. However benefit accruals for any military leave over twenty days will not continue.

If on military leave for up to 30 days, employees must return to work on the first regularly scheduled work period after service ends (allowing for reasonable travel time). If an employee is on military leave for more than 30 days, employees must apply for reinstatement in accordance with USERRA and applicable state laws.

When an employee returns from military leave (depending on the length of military service in accordance with USERRA), employees will be placed either in the position they would have attained if they had stayed continuously employed or in a comparable position. For the purpose of determining benefits that are based on length of service, employees will be treated as if they had been continuously employed.

Employees entering extended active duty will be given 20 days pay when placed on military leave.

## **K. MATERNITY LEAVE**

Pursuant to the Tennessee Maternity Leave Act, a regular or probationary employee who has been employed full time by the City of at least one year shall be granted

maternity leave for a period not to exceed four (4) months for the purpose of pregnancy, childbirth, or nursing the infant.

Such employee who gives the City at least three (3) months advance notice (unless prevented from doing so because of emergency medical necessity) of her anticipated date of departure for maternity leave, shall be restored to their previous or a similar position with the same pay status, pay, length of service credit and seniority, as applicable, as of the date of their leave.

The employee shall be required to exhaust any and all accumulated leave with pay prior to taking any leave without pay during maternity leave. Any maternity leave (whether with or without pay) shall simultaneously be considered and treated as Family and Medical Leave to the extent such leave is and remains available to that employee.

#### **L. LEAVE OF ABSENCE WITHOUT PAY**

City of Lawrenceburg employees may be granted a leave of absence without pay. Employees who do not return to work on the date specified in the leave request without receiving an extension in advance are considered to have abandoned their position.

Leave of absence without pay may be granted by a Department Manager with the approval of the City Administrator. In no case will the leave of absence be granted for more than six months. No accumulation of sick leave, vacation leave and holiday pay shall accrue during a leave without pay. Also, the employee shall be required to pay all health insurance benefit costs during the leave without pay, if he/she wishes to maintain coverage.

The position the employee currently holds, when asking for leave without pay, may not be available upon their return except in FMLA and Military Leaves.

#### **M. EMPLOYEE HEALTH / LIFE INSURANCE COVERAGE**

Each regular full time employee, city judge, city attorney, and all elected officials who have completed one full month of employment with the City of Lawrenceburg will be eligible for group life insurance and health insurance coverage as defined herein. It shall be the responsibility of each Department Manager to inform the Benefits Administrator that an employee under his/her supervision has completed one full

month of employment and of an employee returning to employment after a lay-off has occurred.

#### **N. FLEXIBLE SPENDING ACCOUNT**

The City of Lawrenceburg provides a Flexible Spending Account program that allows employees to have pre-tax dollars deducted from their salaries to pay for eligible out-of-pocket expenses. The pre-tax contributions can be used to pay for predictable non-reimbursed health care expenses and dependent care expenses during the plan year. Through the Flexible Spending Account you can reduce your taxable income without reducing your real income, so that you can keep more of the money you earn. All regular full-time employees, city judge, city attorney, and elected officials are eligible to participate in the Flexible Spending Account program. You must enroll for each plan year. You determine how much to contribute to the account, up to specified maximum, based on anticipated expenses during the plan year. Details of the Flexible Spending Account program are available from the Personnel Department.

#### **O. COBRA BENEFITS CONTINUATION**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under The City of Lawrenceburg's plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation, and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at The City of Lawrenceburg group rates plus an administration fee. Eligible employees are provided written notice describing rights granted under COBRA when the employee becomes eligible for coverage. This notice contains important information about the employee's rights and obligations. Employees are responsible for keeping the city current on all beneficiaries.

#### **P. HEALTH INSURANCE**

The term health insurance may include hospitalization insurance, dental insurance, health insurance, vision insurance, cancer insurance, disability insurance or other insurance products as included in the insurance plan approved by the Board of Mayor and Council. It is the intent herein that any of the above types of insurance coverage



approved by the Board of Mayor and Council included in the insurance plan is to be deemed health insurance.

The City of Lawrenceburg will pay health and life insurance, as approved during the budget process, for all eligible employees defined in this section.

Upon hire, birth, adoption, marriage, change of status, or open enrollment each individual employee must notify the Benefits Administrator of his/her desire to have dependent health insurance coverage. Each employee choosing dependent coverage may include each dependent that is dependent upon them for their livelihood and are not married. The age of eligibility of a dependent will be prescribed by the policy with which the City of Lawrenceburg has coverage. If an employee requests dependent coverage, they will be required to pay a portion of the coverage each month through a payroll deduction. The portion that the city employee pays for dependent coverage may and will be changed from time to time at the discretion of the governing body.

Copies of insurance policies may be obtained from the Benefits Administrator at the City Administration Office. These policies explain the specifics of the insurance coverage.

Personnel hired after July 31, 2008, upon retirement, will not receive Medicare Supplement Insurance through the City of Lawrenceburg.

#### **Q. E A P – EMPLOYEE ASSISTANCE PROGRAM**

The City of Lawrenceburg, provides an Employee Assistance Program (EAP) for all employees and their dependents. This service can be used to help resolve stress, grief, emotional, marital, family, drug/alcohol, and all other problems that may affect you or your family's well being. Any contact you make with the EAP will be maintained at the highest level of confidentiality, respect for your privacy, and not reported to the City.

Under certain circumstances, you may be asked by the City to contact the EAP or to participate in an EAP related activity such as a drug rehabilitation group. This is referred to as a Management Referral and will require more city involvement than the normal process.

For information concerning the EAP program contact the Personnel Department.

## **R. WORKERS' COMPENSATION INSURANCE**

The Tennessee Workers' Compensation Law shall govern all injuries arising out of and in the course of one's employment. Employees on occupational disability leave shall receive Workers' Compensation Benefit pay in accordance with state law.

The City of Lawrenceburg provides Workers' Compensation insurance for its employees. This program covers any injury or illness sustained in the course of employment. It provides for payment against medical expenses and loss of wages arising out of any job related injury or illness.

Any work related accident, injury/illness or near miss no matter how minor, must be reported to supervisor or Department Manager immediately. There are three important reasons why the City insists on this procedure:

1. To ensure employees get the best possible first aid or medical treatment.
2. To assist the City in our safety effort. If an employee is injured performing a task under unsafe conditions, there is a good chance that unless the situation is corrected, another employee could be injured.
3. In order to be sure an employee is covered under Workers' Compensation, the incident must be reported immediately.

### **Failure to report a work related accident; injury/illness could result in disciplinary action.**

Employees on occupational disability will be compensated in accordance with the provisions of the Tennessee Workers' Compensation Law. No compensation will be 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 shall commence with the eight day after the injury. In the event, however, the disability from the injury exists for a period as long as 14 days, then compensation shall be allowed beginning with the first day after the injury.

Employees on occupational disability leave due to an on-the-job injury will receive 66 2/3 percent of their average weekly wage in accordance with the provisions of the Tennessee Workers' Compensation Law. City of Lawrenceburg employees may make up the difference to full pay by using banked sick leave, vacation, compensatory time, or holiday pay when a holiday falls within the pay period. The total amount of monies paid the employee each pay period will not exceed the full pay the employee would

have received for the period at his/her regular straight-time pay rate in effect at the date of injury.

Employees on occupational disability leave due to an on-the-job injury will not be charged sick leave (unless the sick leave pay-option above is elected) or vacation during convalescence. The employee shall continue to accrue sick leave and vacation leave at the employee's regular rate while on occupational disability or injury leave.

In all cases of occupational disability the responsibility of determining the character, degree and potential duration of an injury shall rest with a licensed, practicing medical doctor chosen by the employee from a three-doctor panel designated by the city and its workers' compensation insurance carrier. The medical doctor(s) may make periodic examinations, progress reports and recommendations as to the employee's ability to perform the essential functions of the job.

Before an employee is returned to full duty, the employee must demonstrate their fitness for duty and ability to perform the essential functions of the job.

#### **S. TRAINING FUNDING**

The City of Lawrenceburg is interested in the continuing development of its employees. In order to assist employees who wish to receive additional training the following has been developed.

Employees are encouraged to take advantage of this program to improve their job skills and qualify for promotions. These benefits are limited to training relevant to the employee's job, reasonable transfer and/or promotion opportunities within the city.

These benefits will be available to all employees on a first-come, first-serve basis, subject to the availability of budgeted funds.

Employees must submit a written request to their Department Manager describing the proposed training. If a written request is approved, the employee shall be allowed to receive requested training.

Employees enrolled in degree programs whom have properly entered into the former education policy as of May 1, 2014 shall be grandfathered. Those employees grandfathered will be held to the former education policy reimbursement requirements.

#### **T. TRAINING**

Attendance at training programs must be approved by the Department Manager in advance.

Training is generally available to only those employees who have successfully completed their probation period.

Consideration of employee request for tuition reimbursement is dependent upon budgetary constraints and the staffing level of the department.

Approval for state training academy courses for uniformed police officers and firefighters is at the discretion of the appropriate Department Manager.

Records of all training will be maintained in the personnel office.

#### **U. RETIREMENT PLAN**

Immediately upon hire, all regular fulltime employees, City Judge and City Attorney of the City of Lawrenceburg are enrolled in the Tennessee Consolidated Retirement System. Elected officials are not eligible to participate. Both the employee and the City contribute to the retirement plan.

Eligible employees as defined by the Tennessee Consolidated Retirement System may retire from the City of Lawrenceburg with or without insurance benefits pursuant to the qualification rules promulgated by the Tennessee Consolidated Retirement System. The current rules for TCRS retirement provide for retirement after 30 years of service at any age, at 55 years of age, and at 5 years of vested service or under age 55 with 25 years of service (with two reduction factors).

#### **HEALTH INSURANCE COVERAGE AT RETIREMENT**

- **An employee at retirement, if eligible, can continue health insurance.**
- **An employee hired prior to January 1, 2014, at retirement, if eligible, can continue health insurance on the City's insurance plan, and if hired on or before July 31, 2008, may receive Medicare Supplemental Insurance**

**through the City of Lawrenceburg upon qualifying for Medicare insurance coverage. Once the retiree becomes eligible for Medicare insurance coverage, they can no longer participate in the City's regular health insurance plan, but can receive Medicare Supplemental insurance if they were hired on or before July 31, 2008.**

- **Employees hired prior to January 1, 2014, and retiring with ten years plus (10+) years of service may keep their health insurance (or Medicare Supplemental Insurance if hired before July 31, 2008), provided they pay 50% of the total premium for themselves and if applicable, 100% of the total premium for dependent coverage.**
- **Employees hired prior to January 1, 2014, and retiring at fifteen years plus (15+) years of service may keep their health insurance (or Medicare Supplemental Insurance if hired before July 31, 2008), provided they pay 25% of the total premium for themselves and if applicable 50% of the total premium for dependent coverage.**
- **Employees hired prior to January 1, 2014, and retiring with twenty plus (20+) years of service may keep their health insurance (or Medicare Supplemental insurance) at no cost for the retired employee and if applicable the same portion of the dependent coverage premium that active employees pay.**
- **When retirees with twenty plus (20+) years of service, who were hired on or before July 31, 2008, become eligible for Medicare Supplemental Insurance, they will receive the Medicare Supplemental insurance at no cost for the employee, and if applicable, \$100 (or a percentage as determined by the governing body) of the premium for dependent coverage. Those widow dependents receiving free Medicare Supplemental insurance, as of January 1, 2014, will be grandfathered into coverage and continue to receive coverage for life at no cost to the dependent.**
- **Dependents acquired by the retiree after retirement will not be eligible for any insurance coverage from the City of Lawrenceburg.**
- **Retiring employees will be eligible to continue certain coverage through COBRA.**
- **Retired employees with health insurance premium payment(s) due must pay the City through withdrawal by ACH (bank draft) from their bank account by the 10<sup>th</sup> of each month.**
- **Retired employees can be (billed direct) for their voluntary deductions if they have other insurance policies they want to keep such as cancer and intensive care, whole life policy, or convert their term life insurance plan.**
- **Retirees who decline health insurance benefits at any time will not be allowed to re-enroll at any future time.**

- **Employees hired after January 1, 2014, will not be entitled to health insurance benefits provided by the City of Lawrenceburg at retirement.**
- **Employees (of mandatory Medicare age) continuing to work full time with the City of Lawrenceburg shall be eligible to remain on the City of Lawrenceburg health insurance until retirement, at which time the retiree will no longer be eligible for the City of Lawrenceburg's health insurance and, if eligible, may enroll in Medicare Supplemental Insurance.**

**Note: Any employee considering retirement should contact the Benefit Administrator at least 90 days prior to their desired retirement date.**

## **SECTION VI - SEPARATIONS, DISCIPLINE, APPEALS AND GRIEVANCES**

### **I. TYPES OF SEPARATIONS**

All separations of employees from positions with the municipal government shall be designated as one of the following types and shall be accomplished in the manner indicated: retirement resignations, lay-offs, inability to perform the essential functions of the job due to physical or mental limitations that can not be reasonably accommodated, death, or dismissal. At the time of separation and prior to final payment, all records, assets, and other items of City property in the employee's custody must be transferred to the appropriate department. Any amount due because of shortages shall be deducted from the employee's final compensation.

#### **A. RETIREMENT**

Eligible employees as defined by the Tennessee Consolidated Retirement System may retire from the City of Lawrenceburg with or without health insurance benefits pursuant to the qualification rules promulgated by the Tennessee Consolidated Retirement System. The current rules for TCRS retirement provide for retirement after 30 years of service at any age, at 55 years of age, and at 5 years of vested service or under age 55 with 25 years of service (with two reduction factors).

#### **B. RESIGNATION**

In the event an employee decides to leave the municipal government's employ, a two (2) week notice, in writing, shall be given to his/her Department Manager so that arrangements for a replacement can be made. Employees are expected to return any/or all municipal government equipment assigned. If a former employee returns to municipal government employment his/her status of seniority, pay, leave, etc. will be the same as any new employee beginning work for the first time.

#### **C. LAY-OFF**

The Department Manager upon approval from the City Administrator may lay-off an employee(s) in the municipal government service when he/she deems it necessary by reason of shortage of funds, or work, or for related reasons that are outside the employer's control and that do not reflect discredit upon the service of the employee.

In the interest of efficient operation of the City of Lawrenceburg, the City Administrator shall have authority to promote, demote, transfer, suspend and remove employees and to direct and control their work, as outlined in the city charter.

The duties performed by an employee laid-off may be assigned to other employees already working who hold positions in the appropriate class. Temporary employees shall be laid-off prior to the lay-off of probationary or regular employees.

If a lay-off occurs within a skill classification of a department of the City of Lawrenceburg, an employee in that skill classification of the department whose position is affected by this lay-off shall be given the option of accepting the lay-off, or transferring to another position within that department which is held by an employee with less seniority, if he/she has the skills, qualifications, and abilities to perform the essential functions of this position and all other considerations are equal. The employee shall be transferred only to the same skill level or lesser skill level and shall be paid according to the skill level of the position to which the employee is transferred (at the employee's current step level). If the laid-off employee's previous position is reinstated, within 12 months or length of service whichever is less the employee shall have the option of returning to that position and paid at the previous skill level.

#### **D. DISABILITY**

An employee may be separated for disability when he/she cannot perform the essential functions of the job because of physical or mental impairment which cannot be reasonably accommodated by the municipality without undue hardship. Action may be initiated by the employee or the municipality, but in all cases it must be supported by medical evidence acceptable to the Department Manager, Human Resource Director and the City Administrator. The disability must prevent the employee from performing the essential functions of their job. The City may require medical and/or agility examinations at its expense and performed by physicians or other competent examiners of its choice prior to the decision to terminate.

#### **E. DEATH**

Separation shall be effective as of the date of death of an employee. All compensation due in accordance with these rules shall be paid to the estate of the employee, except for such sums as by law must be paid to the legal survivor.

Upon the death of an active employee not eligible for retirement benefits the surviving spouse and/or eligible dependents of deceased employee are eligible for 6 months of continued health insurance coverage and access to the Employee Assistance Program.



## **F. PROBATIONARY TERMINATION**

Employees will be informed if their work has been satisfactory, if their probationary period is to be extended, or if their employment will continue by the Department Manager. Employees may be terminated prior to the completion of the probationary period if their performance is unsatisfactory. It will be the responsibility of each Department Manager to maintain a list of employee hire dates and evaluate their employees within the time frame given.

## **G. DEMOTION / DISMISSAL**

Pursuant to the city charter, article V, sections C, (1) and (2)

- (1) The City Administrator shall recommend to the Board of Mayor and Council, for their approval, the appointment of all Department Managers and shall have authority to promote, demote, transfer, suspend and remove Department Managers and to direct and control their work, pursuant to the personnel policies of the City;
- (2) The City Administrator shall have authority to appoint, promote, demote, transfer, suspend and remove employees and to direct and control their work, pursuant to the personnel policies of the City;

## **H. DISCIPLINARY ACTIONS**

It is the responsibility of each employee of the City of Lawrenceburg to conduct himself/herself in a manner that will reflect credit upon the City. Any misconduct that brings adverse publicity or discredit upon the municipality may be regarded as grounds for disciplinary action.

In most cases a reasonable period of time for improvement will be allowed before initiating disciplinary action. In some instances, a specific incident in and of itself may justify severe initial disciplinary action including dismissal; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment.

- Theft or inappropriate removal or possession of City of Lawrenceburg property.
- Falsification of timekeeping records.
- Working under the influence of alcohol or illegal drugs.
- Possession, distribution, sale, transfer, manufacture of, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating city-owned vehicles or equipment.
- Fighting or threatening violence in the workplace.
- Boisterous or disruptive activity in the workplace.
- Negligence or improper conduct leading to damage of city-owned property.
- Insubordination or other disrespectful conduct.
- Violation of safety or health rules.
- Sexual or other unlawful or unwelcome harassment.
- Conviction of a felony.
- Failure to perform assigned work in an efficient and effective manner.
- Excessive absenteeism or any absence without notice.
- Unauthorized absence from work assignment during the workday.
- Unauthorized use of telephones, mail system, or other city-owned equipment.
- Unauthorized disclosure of confidential information.
- Violation of personnel rules and policies.
- Unsatisfactory performance or conduct, defacing or damaging City of Lawrenceburg property.
- Abuse of sick leave privileges by reporting sick when not sick and /or obtaining sick leave pay falsely.
- The use of profanity or abusive language towards fellow employees or citizens.

The City of Lawrenceburg generally follows the concept of progressive discipline. This means that the city will take appropriate action based on the seriousness of the situation and the circumstances.

The progressive disciplinary steps for the City of Lawrenceburg are as follows:

## **I. EMPLOYEE CONFERENCE**

This type of discipline should be applied to minor infractions.

The Department Manager or supervisor should use this conference to direct the employee away from any improper practice in the performance of their job duties.

Employee conferences will be documented using the City of Lawrenceburg Corrective Action Report.

**J. ORAL REPRIMAND**

Whenever an employee's performance, attitude, work habits, or personal conduct fall below a desirable level, the Supervisor and Department Manager shall 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. Oral reprimand will be documented on the City of Lawrenceburg Corrective Action Report stating condition and time period for improvement, and placed in the employee's personnel file located in the Human Resource Department stating the date of the oral reprimand, what was said to the employee and the employee's response.

**K. WRITTEN REPRIMAND**

In situations where an oral reprimand has not resulted in the expected improvement, or when more severe initial action is warranted, a written reprimand documented on the City of Lawrenceburg Corrective Action Report stating condition and time period for improvement will be given to the employee by the Supervisor, or Department Manager and a copy shall be placed in the employee's personnel file in the Human Resource Department stating the date of the written reprimand, and employee response.

**L. SUSPENSION**

The City Administrator with or without recommendation of the Human Resource Director and/or the Department Manager may suspend an employee for just cause. The City Administrator may suspend a Department Manager for just cause. Any employee may be suspended with or without pay, or at a reduced pay rate for just cause.

**M. DISMISSAL**

The City Administrator with or without recommendation of the Human Resource Director and/or the Department Manager may dismiss an employee for just cause. The City Administrator may dismiss a Department Manager for just cause.

All documentation of disciplinary action will be maintained permanently in the employee's personnel file in the Human Resource Department.

In most cases a reasonable period of time for improvement will be allowed before initiating disciplinary action. In some instances, a specific incident in and of itself may justify severe initial disciplinary action including dismissal; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct.

Regular full time and regular part time employees shall be furnished an advance oral or written notice containing the nature of the charges; and in the case of demotion, suspension and/or dismissal the opportunity for a due process hearing conducted by the Human Resource Director; due process includes the right to an attorney or representation, right to introduce proof, right to a written decision and the right to appeal the charges in writing to the City Administrator. This notice shall be furnished at least one calendar week prior to the proposed effective date of the action when possible. During this period, the employee may be retained on duty status, placed on leave, or suspended with or without pay at the discretion of the City Administrator. If the employee fails to respond to the advance notice by the date specified in the notice, the proposed action shall be effective on the date specified with no need for further action.

#### **N. APPEALS**

Disciplinary actions may be appealed to the City Administrator for consideration. It is the responsibility of the City Administrator to act on appeals promptly and assist employees in expediting them through the process. If the employee requests a hearing on a proposed action, the City Administrator shall promptly set a date and time for the hearing and the Board of Mayor and Council shall carefully consider all evidence presented before making a decision. Note: The Board of Mayor and Council are acting in a judicial capacity as opposed to a legislative capacity. The decision of the Board of Mayor and Council shall be final; subject to an appeal to the Lawrence County Chancery Court pursuant to the appropriate statutes of the State of Tennessee.

#### **O. GRIEVANCE/COMPLAINT PROCEDURES**

The purpose of this policy is to set forth the principles of the City of Lawrenceburg and to prescribe uniform disposition procedures of grievances presented by individual employees. It is expected that grievances will arise. If and when they do, they are not to be considered as reflecting unfavorably on the employee or the municipal government.

**A grievance/complaint is something real, alleged, or a misunderstanding** concerning rules and regulations or administrative orders involving the employee's health, safety, physical facilities, equipment or material used, employee evaluation, and any other related items. When a request for accommodation is denied, a disabled employee may also file a grievance in accordance with this policy. Employees will be treated fairly in all respects.

Those who feel they have been subjected to unfair treatment have the right to present their grievance/complaint to the proper person for prompt consideration and a fair decision. The employee may present the case for himself/herself or have a representative of his/her choosing and expense to present it.

Employees must remember that there is no grievance/complaint until the Department Manager or other appropriate person has been made aware of the dissatisfaction. Once this is done, the following steps are to be taken:

- Step 1.** Discuss the problem with the immediate Supervisor. If satisfaction is not obtained the grievance/complaint is advanced to step 2.
- Step 2.** Discuss the problem with the appropriate Department Manager. If the grievance/complaint is not resolved it is advanced to the 3rd step along with all documentation.
- Step 3.** Present in writing and discuss the problem with the Human Resource Director. The Human Resource Director shall act as a fact finder to obtain factual information, to be presented to the City Administrator, relative to bringing about a satisfactory solution to the complaint or grievance.
- Step 4.** The City Administrator shall act upon any written grievance/complaint presented within 30 calendar days after receiving it. The action of the City Administrator shall be final and binding on all parties involved unless appealed to the Board of Mayor and Council by the employee.

**Step 5.** The employee may appeal the action of the City Administrator by filing a written request with the Human Resource Director for review by the Board of Mayor and Council. It is the responsibility of the Board of Mayor and Council to review all appeals in a timely and proper fashion and make fair and reasonable decisions within (30) thirty calendar days of the appeal hearing.

Note: The Board of Mayor and Council are acting in a judicial capacity as opposed to a legislative capacity.

**P. GRIEVANCE/COMPLAINT PROCEEDINGS RECORDS**

Records shall be made of all proceedings pertaining to the grievance/complaint actions and disciplinary actions. These records shall be maintained in the employee's personnel file records in the office of the Human Resource Department.

## **SECTION VII – SAFETY POLICIES AND RULES**

### **A. SAFETY**

The City of Lawrenceburg considers safety to be the most important part of the employees' job. The City will strive to make employees' job duties and work areas as safe as possible. Keep in mind that no job is so important or urgent that you cannot take time to perform it safely. Safety must be an every day part of the job so that it becomes habit.

The City has established a job safety and health protection program for its employees, and will provide the necessary training. Under this plan, the City is responsible for providing safe and healthy working conditions in all work areas. Employees are required to observe the following rules to help prevent injury to themselves, other employees, and citizens. This list is not intended to be all inclusive, please consult your Safety Policy Manual or management for further details.

1. All accidents and injuries must be reported to the employee's supervisor immediately; regardless of whether first aid or medical treatment is needed.
2. Do not operate any equipment or machinery unless you have prior instruction and authorization to use that equipment.
3. When operating any machinery or equipment, loose clothing, jewelry such as rings, wristwatches, or earrings, that may become entangled in the machinery or equipment are prohibited.
4. Employees are not to "override," restrict, or otherwise render inoperable any safety equipment, guards, or safety devices on any machinery, equipment, or buildings.
5. If any guards or safety devices are inoperable or missing; report it immediately.
6. Never leave any operating machinery unattended.
7. Horseplay, practical jokes, throwing objects at anyone is prohibited.
8. Do not remove any safety warning tags or signs.
9. Do not walk, stand or pass under any elevated equipment (i.e., boom truck arm, backhoe buckets, etc.)
10. Keep work areas clean and orderly at all times.
11. Use only tools in good repair or condition; promptly report defective tools and equipment to your supervisor.
12. Do not lift or push objects, which may be too heavy for you, ask for assistance. Use proper lifting techniques to avoid injuries.

13. Personal protective equipment and devices such as goggles, face shields, etc. are required and provided to perform certain jobs and must be used.
14. Access to all electrical control panels and breaker boxes is to be kept clear of obstructions.
15. Access to all fire extinguishers, “emergency eye wash stations,” and other first aid equipment is to be kept clear of obstructions.
16. Smoking is not permitted except in designated smoking areas to be determined by each Department Manager. (See Smoking Policy – Section XII)
17. All exits are to be kept free of obstructions.
18. Comply with all safety rules and policies example infectious disease control plan. (See Infectious Disease Policy – Section XI)



## **SECTION VIII - PERSONNEL POLICIES**

### **A. PERIODIC MEDICAL EXAMINATIONS AND/OR AGILITY EXAMINATIONS**

When there is question as to an employee's continued ability to perform the essential functions of his or her job the employee may be required to undergo periodic medical/agility examinations to determine his or her continued physical and mental fitness to perform the essential functions of the work for which he or she was employed. Determination of physical or mental fitness will be by physicians or other competent examiners designated by the city. Medical/agility examinations shall be paid by the city.

### **B. PERSONNEL DATA CHANGES**

It is important that The City of Lawrenceburg have current and accurate personnel information about employees on file. Please inform the Personnel Department as soon as there is a change in mailing address, telephone number, marital status, dependents' information, educational accomplishments, and other related information. The City also needs information about who to contact in case of an emergency.

### **C. ABSENTEEISM AND TARDINESS**

Pursuant to the city's charter, Article VIII Section D, attendance requirements are to be provided for in the personnel rules. Regular, punctual attendance is mandatory for continued employment with the City. It is an important factor in employee's job performance evaluations and contributes to the efficient operation of the City. Each employee is to make every effort to be at work on time every day they are scheduled to work. Employees who are unable to report to work due to illness or injury must contact their Supervisor or Department Manager within one hour of the beginning of their scheduled workday, or as soon as they are aware of a situation that would cause their absence. Employees must contact their direct Supervisor or Department Manager on each additional day of absence and to inform them of the expected return date. Absence of three consecutive work days without proper notification to the City will result in termination of employment. If this call-in procedure is not followed, any absence is considered unauthorized. Details of the attendance procedures for the City of Lawrenceburg are available from department managers.

Repeated absences reflect on an employee's dependability as a member of the department. If an employee's record indicates excessive absenteeism and/or tardiness,

the Supervisor or Department Manager will discuss the problem with the employee. If absences and/or tardiness persist, disciplinary action steps will be taken.

#### **D. OUTSIDE EMPLOYMENT**

**Employees may not, directly or indirectly, engage in any outside employment or financial interest which may conflict with the city's best interest or interfere with the employee's ability to perform their assigned city job.**

Employees are to inform their Department Manager of any outside employment. An employee engaged in outside employment which conflicts with requirements of this policy may be required to resign from the outside employment or be terminated from city employment.

#### **E. GARNISHMENT**

An employee who is garnished for more than three indebtednesses within a twelve (12) month period may be subject to disciplinary action.

#### **F. CITIZENSHIP STATUS VERIFICATION**

The City will not discriminate on the basis of a person's national origin or citizenship status with regard to recruitment, hiring, or dismissal (except that all sworn personnel of the Police Department must be citizens of the United States). However, the City will not knowingly employ any person who is or becomes an illegal immigrant. In compliance with the Immigration Reform and Control Act all employees hired must provide suitable documentation (I-9) to verify identity and employability. The required documentation must be provided within three (3) days or the offer of employment will be withdrawn.

#### **G. INCLEMENT WEATHER**

When weather conditions appear to be so severe that an employee (other than shift employees of the fire, police and employees who are scheduled or otherwise required by their department manager to assist the City respond to hazardous conditions or provide other service) fears for his or her safety in traveling to or from the work site, he or she may be absent or late if the following conditions are met:

1. The employee informs his or her immediate supervision of his or her absence and the reason for it as soon as possible

2. The employee reports to work as soon as possible if a change in travel conditions allow safe transportation to work.
3. Employees may choose to deduct the missed work time from accumulated vacation or compensatory time. If none exists, or if the employee chooses not to use accumulated vacation or compensatory time the inclement weather time missed will be considered without pay.

The policy is meant only for those who are in immediate danger due to weather conditions. Should an employee abuse this policy, he or she will be subject to disciplinary action.

#### **H. BULLETIN BOARDS**

The City maintains bulletin boards at numerous locations on which important information connected with an employee's work is posted. Cooperation is needed in protecting the posted material. All material to be placed on the bulletin boards must be approved by the appropriate Department Manager before it is posted. Department Managers are responsible for posting and maintaining the following posters on bulletin boards in their respective work places: (1) Federal and State Wage and Hours Law Poster; (2) Americans With Disabilities Act Poster; (3) Family Leave Act Poster; (4) Tennessee OSHA Poster; (5) Other posters required by law.

#### **I. LOST AND FOUND ARTICLES**

Each Department will make every effort to return lost and found items to their rightful owner. If owner can not be located within a reasonable amount of time, article may be disposed of.

#### **J. GAMBLING**

The City of Lawrenceburg takes the position that gambling among its employees can lead to poor morale, hard feelings, and financial hardships. Therefore, gambling is prohibited on City property and/or during City-paid work time and will be cause for discipline. This includes all competitions where money is wagered, such as cards, dice, lotteries, betting pools, dog/horse races, etc. Gambling is permitted on personal time; but the employee must make sure they are not wearing a representation of the City of Lawrenceburg through a uniform, shirt, etc. with the City of Lawrenceburg logo on it. Any employee who violates this policy will be subject to discipline up to and including dismissal.

## **K. LIGHT DUTY OR RESTRICTED WORK POLICY/RETURN TO WORK PROGRAM**

The City of Lawrenceburg provides light or restricted work activity for any employee who has sustained a work-related injury or illness. The treating physician will determine the employee's restrictions.

It is the intent of the City of Lawrenceburg's return-to-work program to provide temporary modified-duty for employees who are unable to perform their regular job functions due to work-related injuries or work-related illness. Employees who are recovering from work-related injuries or work-related illness, but who cannot resume regular duty may be placed temporarily on appropriate modified-duty work. It is not the intent of this policy to "create work" for an employee with a work-related injury or work-related illness. However, the City will reasonably accommodate employee's who have work-related physical restrictions.

Modified-duty jobs consist of work that does not conflict with physical restrictions assigned by an authorized treating physician. If the City cannot reasonably accommodate the employee, the employee may not be allowed to return to work until released by an authorized treating physician to regular duty.

Any regular or probationary full-time employee who is unable to perform the full range of regularly assigned duties as described in the employee's job description as a result of a work-related injury or work-related illness may be placed on modified-duty status.

### **PROGRAM PROCEDURES:**

- Employees are required to report work-related injuries or work-related illnesses to the City immediately.
- Employees must provide verification from an authorized treating physician that they are physically able to return to their regular duty or that they have identified physical restrictions which require modified-duty.
- Upon receipt of the identified physical restrictions, the City will compare the restrictions to the employee's job description and/or other job requirements as determined by employee's supervisor to determine if the City can reasonably accommodate the restrictions under the modified-duty program.

- Modified-duty jobs must not exceed or conflict with restrictions assigned by their attending physician.
- Under the modified-duty program, an employee can be assigned to appropriate duty within any department in the City where such work is available; however, the City will give preference to the department in which the employee is currently employed.
- While assigned to modified-duty, the employee will be paid his/her regular base rate of pay. The employee will either be paid by the City of Lawrenceburg or by the insurance company, not by both. Employees will not work overtime while on modified-duty, the purpose is to recover.
- An employee who sustains a work-related injury or illness, regardless of his/her eligibility under this policy, will not engage in activity that is incompatible with their restrictions.
- It is the employee's responsibility to promptly provide all medical information concerning their work-related injury to their department manager, and to report any difficulty with the assigned modified-duty.
- Modified-duty assignments:
  - May be changed without prior notice at the discretion of the city; may not be related to the employees regular job and, the modified-duty job does not have to be an established job within the City; it may be a job that needs to be performed once.
- An employee's failure or refusal to perform modified-duty pursuant to this policy when the work does not exceed the physical restrictions prescribed by the authorized treating physician may be subject to the City of Lawrenceburg Personnel Rules and Regulations SECTION VI. - SEPARATIONS AND DISCIPLINARY ACTIONS -- B. Disciplinary Actions.
- Modified-duty jobs are limited assignments, the assignments and the employee's physical restrictions will be reevaluated appropriately.
- The employee's undertaking or performance of any work that may result or has resulted in the employee violating the physical restrictions for which he/she was placed is absolutely and expressly prohibited. If an employee knowingly and/or intentionally violates physical restrictions while on modified-duty, the

action is considered to be misconduct and/or failure to follow a safety rule under the Tennessee Workers' Compensation Act and the City of Lawrenceburg Personnel Rules And Regulations SECTION VI. - SEPARATIONS AND DISCIPLINARY ACTIONS.

- The City may require an employee to undergo a fitness for duty examination prior to returning to their job, pursuant to The City of Lawrenceburg Personnel Rules and Regulations, SECTION V. BENEFITS – M PERIODIC MEDICAL EXAMINATIONS AND /OR AGILITY EXAMINATIONS.
- A change of status form must be completed by the employee's Department Manager indicating the date when modified-duty began, the reasons for modified-duty and the date on which it will end.
- While on modified-duty the City will pay employees for any time spent at doctor appointments and/or physical therapy appointments that are due to the work-related injury or work-related illness.
- Time spent at City required medical evaluation appointments will be paid by the City.

#### **L. DRIVING RECORDS**

Any City of Lawrenceburg Employee who is required as an employment condition to possess and maintain a valid Tennessee driver's or commercial driver's license in order to perform the essential functions of their City job must immediately, or at the latest upon reporting for duty the next workday, inform his or her department manager or supervisor should his or her license become denied, expired, restricted, or revoked any time during employment with the City. Occasional review of employees' driving records will be conducted by the Personnel Department to assure adherence to this policy. Any employee who is required as an employment condition to possess and maintain a valid Tennessee driver's or commercial driver's license in order to perform functions of their City job, whose license is not currently valid, and who has not so informed his or her supervisor of such invalidity, shall be subject to disciplinary measures.

#### **M. USE OF CITY VEHICLES AND EQUIPMENT**

All City vehicles and equipment are for official use only. Drivers and/or operators must have a valid Tennessee Drivers License. Any use of City vehicles and equipment must be approved by the Department Manager or City Administrator.

Employees and officials of the City of Lawrenceburg, Tennessee are prohibited from using city-owned vehicles for personal use, except for commuting when authorized to do so by the City Administrator or a designated official for bonafide non-compensatory reasons in the conduct of city business and for de minimis personal use, such as stops for meals taken in the course of employment or on the way to and from home that does not materially increase the number of miles a vehicle is driven.

City vehicles shall be used for official city business and shall be made available for use in connection with city business.

City-owned vehicles not being used for commuting purposes or after normal business shall be secured on departmental property unless temporarily located elsewhere, such as for maintenance.

At any time a City Employee, who drives a City Vehicle, is involved in an accident or traffic violation that could cause suspension or revocation of their driver's license, or if their driver's license is suspended or revoked, said employee must inform his or her Department Head immediately. Failure to do so could result in disciplinary action including suspension or termination.

#### **N. SPECIAL LICENSE AND MEMBERSHIP FEES**

The City of Lawrenceburg will pay an annual payment equal to the current annual dues or fees for each employee required by the city, state or federal law to be a member of a professional organization or who must maintain a particular certification or license. Payment will be made with department manager approval.

#### **O. ASSIGNMENT OF EQUIPMENT**

The appropriate Department Manager shall keep a current inventory sheet of equipment issued to respective employees in their departments. The inventory sheet shall be signed by the employee and the Department Manager indicating the date and time the equipment was issued and/or returned. The inventory sheet must be completed and appropriately signed showing which equipment has or has not been returned and presented to the Department Manager prior to employee's final pay check being issued.

**P. CITY PROPERTY ASSIGNED TO INDIVIDUAL EMPLOYEES**

All City property is subject to inspection by authorized personnel and officials at any time without notice. There should be no expectation of privacy in or on such property. Property includes, but is not limited to, vehicles, desks containers, files, and lockers. Even if such property is locked by the employee, it is still subject to such inspection. Employees may be requested to open property for periodic inspections, or other occasions when it is appropriate and/or necessary, as there is no expectation of privacy.

**Q. TELEPHONE, MAIL SYSTEMS AND FAX USE**

Using the office telephone during regular work hours for local and/or long-distance personal calls, except in emergency cases, is discouraged.

1. Telephone calls received during business hours must be held to both a minimum number and time limit and must not interfere with the employee's work.
2. Fax machines, are to be used for municipal business, and may be used for local personal business on a very limited basis only.
3. The use of city paid postage for personal correspondence is not permitted.

**R. CELLULAR TELEPHONE**

Cellular telephone technology provides an opportunity for the Employees of the City of Lawrenceburg to improve operating efficiency and provide a better level of service to their customers, the Citizens of Lawrenceburg. They provide an alternative to other communications devices, and are valuable in emergency situations.

Cellular telephone usage will be subject to the current cellular telephone contract. The use of City of Lawrenceburg-issued cellular telephones for personal purposes should be limited and is subject to review.

Cellular transmissions are not secure; therefore, employees should use discretion in relaying confidential information. Reasonable precautions should be made to prevent equipment theft and vandalism.

Normally, cellular telephones will be assigned to one specific individual, "assigned user." Only the assigned user will use cellular telephones owned by the City. (Only



city officials, employees and/or qualified volunteers will be authorized to use City owned cellular telephones.) It is the responsibility of the assigned user to control the use of his/her cellular telephone.

The City of Lawrenceburg reserves the right to audit all City-owned cellular telephones and their use, which will include but not be limited to, a review of the monthly billing by the employee's supervisor. If usage is determined to be excessive reimbursement will be required.

The City Administrator will approve the purchase and/or installation of cellular telephones. It will be the responsibility of the Department Manager to ensure that sufficient funds are budgeted for the purchase and monthly operational costs associated with such equipment prior to its use.

The acquisition of cellular telephones will be limited to those instances in which there is a demonstrated need for such equipment to perform essential City business or to improve safety, increase productivity, increase service to the public, or in situations in which necessary communications cannot be provided by any other means.

Employees should notify their supervisor of lost or damaged cellular telephones as soon as possible. A list of assigned cellular telephones will be maintained by the City of Lawrenceburg.

## **S. COMPUTER USE POLICY**

Computer systems are powerful tools that can greatly enhance the productivity for City of Lawrenceburg employees when used appropriately. The City of Lawrenceburg expects all employees with access to the City's computers to use them in a responsible, ethical, and legal manner. Users are required to follow the guidelines and procedures described in this policy. Unlawful or inappropriate use of these tools can result in disciplinary action. All computer systems will be monitored for proper use.

The principles described in this policy apply to computers, computer systems, networks, routers, switches, or other devices owned by the City of Lawrenceburg that are provided for legitimate employee use. This policy defines their appropriate use.

Each department is responsible for security and proper use of their computer and computer systems. Employees are required to safeguard their data, passwords, and authorization codes.

Information on City of Lawrenceburg computers may be a public record and may be open to public inspection under the Tennessee Open Records Act.

Computer viruses present a threat to City of Lawrenceburg computers and computer systems, users have the responsibility to take precautions to prevent the initial occurrence and subsequent spreading of a computer virus. To reduce the threat of computer viruses all City of Lawrenceburg computers are required to have an approved anti-virus software package installed and running.

The City of Lawrenceburg reserves the right to preserve, inspect and retain any information transmitted through or stored in its computers including email communications and individual login sessions, without notice, if improper use is suspected.

All employees using City of Lawrenceburg computers are required to follow these rules:

- ❖ Not knowingly or willingly interference with the security mechanisms on City of Lawrenceburg computers.
- ❖ Not knowingly create, install or distribute a destructive program on City of Lawrenceburg computers.
- ❖ No employee will interfere with the intended use of City of Lawrenceburg computers.
- ❖ City of Lawrenceburg computers are for use in conducting authorized City business. Although not an inclusive list, examples of non-authorized uses are:
  - A. Personal gain.
  - B. Obscene activities. (Viewing or distributing pornography)
  - C. Theft.
  - D. Fraud.
  - E. Gambling.
  - F. Copyright infringement.
  - G. Sound or video piracy.
  - H. Producing (printed or electronically) materials or engaging in political activity including local, state, or national elections.
  - I. Creation of or transmission of abusive, threatening, or harassing material or communications prohibited by State and Federal Laws.
  - J. Access another user's file or electronic mail without permission.
  - K. Modify or reconfigure software, data or hardware.
  - L. Steal copyrighted materials, including computer software.

- M. Recklessly damage computer or network resources or computer data.
- N. Post or otherwise disseminate personal or sensitive information about an individual(s).

Minimal personal use of these resources is permitted. However, when such use is excessive and/or interferes with the performance of the user's job or results in additional cost or burden to the City of Lawrenceburg, or is otherwise in violation of this policy it must be stopped.

Violations of this policy will be reviewed on a case by case basis and can result in termination of computer use, disciplinary action up to and including termination, legal action, and or other appropriate disciplinary action. In the event of inappropriate use the City of Lawrenceburg reserves the right to take appropriate steps to preserve the evidence of abuse.

All employees are expected to report any information concerning inappropriate use of computers and computer systems to their Department Heads.

#### **T. ELECTRONIC MAIL (E-MAIL)**

The City of Lawrenceburg finds that e-mail can provide many benefits to the City and its employees. E-mail often improves communication between different departments, eliminates unnecessary paperwork, allows communication with many other governmental offices almost instantaneously, and generally facilitates the smooth operation of City services.

All electronic mail is a City of Lawrenceburg record and may be considered a "public record" for the purposes of the Tennessee Public Records Act. Under the Public Records Act, certain e-mail communications may be open to public access and inspection. In addition, such communications may be subject to discovery under the Tennessee or Federal Rules of Civil procedure.

All electronic systems, computers, and other hardware, software, temporary or permanent files, and related systems or devices used or to be used in the transmission, receipt, or storage or e-mail are the property of the City of Lawrenceburg. E-mail messages are considered to be City property. Also, they may be retrieved from storage even after the sender and the recipient have deleted them.

It is City policy that any e-mail system of the City, like other City assets, is to be used primarily for the benefit of the City; other use may be subject to review. Use of e-mail that violates City policies or state and/or federal law is prohibited and may lead to disciplinary action up to and including termination. Any and all statements and opinions made by individuals using e-mail, whether implied or expressed, are those of the individuals and not necessarily the opinions of the City or its management.

Employees should be aware that others might read e-mail messages for a variety of valid reasons. Although this statement applies to many other types of City correspondence, the informal nature of e-mail may lead one to forget or ignore the fact that e-mail is not considered to be the private property of the sender or the recipient, even if passwords or encryption codes are used for security reasons.

The City reserves the right to monitor e-mail messages for all lawful purposes including, but not limited to, those circumstances as enumerated in this document. Supervisors have the authority to inspect the content of any equipment, files, calendars, or electronic mail of their subordinates in the normal course of their supervisory responsibilities and without the express permission from the user (s). The City will disclose any e-mail message to law enforcement officials if legally required to do so.

Should employees make incidental use of e-mail to transmit personal messages, those messages will be treated no differently than other messages and may be accessed, reviewed, copied, deleted, or disclosed. Employees should not expect that a message would never be disclosed or read by others beyond its original intended recipient (s).

The following uses require the approval of the employees' supervisor or department manager:

- a. Using hardware, related computer equipment, and software not owned or purchased by the City for e-mail related to City business.
- b. Reading electronic mail of another employee without prior approval. However, an employee's supervisor may inspect the content of e-mail pursuant to the sections entitled "Ownership" and "Monitoring" in this policy.
- c. Encrypting any e-mail message unless specifically authorized to do so and without depositing the encryption key with the computer administrator or immediate supervisor prior to encrypting any messages. If an employee is allowed to encrypt e-mail, this does not mean that e-mail is intended for personal communication or does it suggest that encrypted e-mail messages are the private property of the employee.

The following actions are prohibited:

- a. Intercepting, eavesdropping, recording, or altering another person's e-mail message (s).
- b. forwarding a confidential message sent to you without the sender's permission;
- c. adopting the identity of another person on any e-mail message, attempting to send electronic mail anonymously, or using another person's password;
- d. misrepresenting yourself or your affiliation with the City in any e-mail message;
- e. composing, sending, or receiving e-mail that contains racial, religious, discriminatory or sexual slurs or jokes, or harassing, intimidating, pornographic, slanderous, or offensive material to or about others;
- f. using e-mail for any personal enterprise or promotional purpose, including personal messages offering to buy or sell goods and/or services are discouraged; these activities are subject to review by Department Managers;
- g. sending or receiving any software in violation of copyright law.

Employees must exercise a greater degree of caution in transmitting confidential information via e-mail than with other forms of communications. Confidential information should never be transmitted or forwarded to other employees inside or outside the City who do not have a "need to know." To reduce the chance that confidential information being inadvertently sent to the wrong person, ensure that distribution lists are current.

If you are unsure whether certain information is confidential, consult your supervisor. Examples of information that either is or may be confidential include but are not limited to:

1. certain personal information from a person's personnel file, including medical records about employees and personal, identifying information of undercover detectives, such as home addresses, telephone numbers, identities of family members, and social security numbers;
2. information relating to an administrative hearing and litigation of a civil or criminal nature;
3. information that, if released, would give a competitive advantage to one prospective bidder over another for City contracts;
4. correspondence of elected officials;
5. trade secrets of commercial or financial information of outside businesses;
6. information related to the regulation of financial institutions or securities;

7. information regarding an ongoing criminal investigation;
8. Taxpayer information;

Because e-mail messages can contain confidential information, it is desirable to limit the number, distribution, and availability of such messages. Of course, if the message contains information that must be preserved as a permanent record, it must be saved and archived.

Violations of this policy will be reviewed on a case-by-case basis and can result in disciplinary action up to and including termination.

#### **U. VIDEO SURVEILLANCE SYSTEM POLICY**

The City of Lawrenceburg will use surveillance cameras to enhance the safety and security of employees, citizens, and property, while protecting individuals' rights to privacy. All surveillance will be conducted in a professional, ethical, and legal manner. The objective of this policy is to regulate the use of surveillance cameras in order to protect the legal and privacy interests of employees and citizens.

This policy applies to all surveillance systems on City of Lawrenceburg property. This policy does not apply to surveillance systems employed by law enforcement during criminal investigations.

Surveillance cameras will only be installed with the advance approval of the City Administrator. Only authorized personnel, as determined by the City Administrator will be involved in, or have access to, surveillance monitoring.

Surveillance cameras will be installed and configured to prevent tampering with or unauthorized duplicating of recorded information.

Images obtained through surveillance monitoring may be retained in a secure location with access by authorized personnel only.

The City of Lawrenceburg Police Department will designate appropriate locations for required signage indicating surveillance cameras are in use. **Signage is the principal means to inform all parties of surveillance camera installation.**

Surveillance camera recordings and their contents must not be used or disclosed for purposes other than those specified in this policy.

All recordings and their contents are property of the City of Lawrenceburg and shall not be copied, distributed, or used by non-city employees except by provisions of the State of Tennessee Open Records Law.

The City Administrator will have access to all recordings and has the right to control, view, hold, store and dispose of recordings in accordance with this policy.

Areas where employees and citizens could have a reasonable expectation of privacy will not be the subject of surveillance camera monitoring except under specific instruction from an authorized law enforcement agency.

Any employee violating this policy may be disciplined, up to and including termination.

## **V. CITY OF LAWRENCEBURG WORKPLACE VIOLENCE PREVENTION**

Nothing is more important to the City of Lawrenceburg than the safety and security of its employees. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on City of Lawrenceburg property will not be tolerated. Violations of this policy will lead to disciplinary action, which may include dismissal.

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on City of Lawrenceburg property will be removed from the premises as quickly as safety permits, and shall remain off City of Lawrenceburg premises pending the outcome of an investigation. The City of Lawrenceburg will initiate a decisive and appropriate response. This response may include, but is not limited to, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

In carrying out these City of Lawrenceburg policies, it is essential that all personnel understand that no existing City of Lawrenceburg policy, practice, or procedure should be interpreted to prevent a threat from being carried out, a violent act from occurring, or a life threatening situation from developing.

All City of Lawrenceburg personnel are responsible for notifying the management representative designated below of any threats, which they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out at a city facility, or is connected to city employment. Employees are

responsible for making this report, regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior.

This policy also requires all individuals who apply for or obtain a protective or restraining order which lists company locations as being protected areas, to provide to the designated management representative a copy of the petition and declarations used to seek the order, a copy or any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

The City of Lawrenceburg understands the sensitivity of the information requested and has developed confidentiality procedures that recognize and respect the privacy of the reporting employee(s).

**The designated management representatives are:**

Supervisor, Department Manager and  
Human Resource Director  
City of Lawrenceburg Human Resources  
931-762-4459  
City Administration Building

**W. POLITICAL ACTIVITIES**

No City of Lawrenceburg employee may use city time or property in any manner to promote any political issue or candidate, or to solicit funds for any political purpose or to influence the outcome of any election.

**X. BLOOD BANK**

All regular full-time employees are encouraged to donate whole blood or plasma to the American Red Cross Blood Bank.

Time off with pay may be granted for volunteering provided time off has the prior approval of the Department Manager.

Employee will be paid for time off for volunteering up to six times per year.



**Y. DRESS CODE**

Although the City has no formal dress code for non-uniformed employees, such employees are to wear clothing suitable to the type of work done and to the environment in which the employee works. Clothing should be neat, clean, and in good repair, and should not constitute a safety hazard. Employees are to consult with their Supervisor or Department Manager for guidance on and interpretation of this policy. Items of casual clothing that, in the opinion of the Department Manager, are inappropriate for a work environment or disruptive to other employees will not be permitted. Employees arriving at work dressed inappropriately will be sent home to change, with no compensation for time spent, unless vacation leave is used. Repeated violations of dress code may result in disciplinary action.

**Z. EMPLOYEE TIME SHEETS**

Time sheets must be signed by employee and Department Manager, except in extenuating circumstances.

**AA. VISITORS IN THE WORKPLACE**

To provide for the safety and security of both visitors and employees and the facilities at the City, only authorized visitors are permitted inside the workplace. Restricting unauthorized visitors assists the City to maintain safety standards, protects against theft, assures security of equipment, preserves employee welfare, and avoids potential disruptions and intrusions. All visitors should enter City premises at the main lobby of each respective facility. Employees are responsible for the conduct and safety of their visitors. If an unauthorized individual is observed on City premises, employees should immediately notify their supervisor or, if necessary, direct the individual to the lobby. Do not ask or let any citizen or non-employee help you perform any task except in an emergency.

**BB. SOLICITATIONS**

Selling or soliciting for sales or donations of any kind on city premises (non city business) during working hours is not allowed. Exceptions may be granted by the Department Managers or the City Administrator. Working hours include the working time of both the employee doing the soliciting or distributing, and the employee to whom such activity is directed. Employees are free to discuss these matters before or after normal working hours, and during lunch, or rest periods in non-work areas.

**CC. CONFLICT OF INTEREST**

See Code of Ethics – Section IX

**DD. MEDICAL RECORDS**

All employee medical reports and records shall be kept in a separate medical file and kept confidential in the Benefit Administrator’s Office at City Hall.

**EE. VOTING**

When elections are held, City employees scheduled to work on dates of elections shall be granted leave for the purpose of voting in accordance with T.C.A. 2-1-106 herein reprinted:

**"EMPLOYERS MAY DESIGNATE PERIODS OF PERMISSIBLE ABSENTEEISM."**

Any person entitled to vote in an election held in this state may be absent from any service or employment on the day of the election for a reasonable period of time, not to exceed (3) three hours, necessary to vote during the time the polls are open in the county where the person is a resident. A voter who is absent from work to vote in compliance with this section may not be subjected to any penalty or reduction in pay for such absence. If the tour of duty of an employee begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls of the county where the employee is a resident; the employee may not take time off under this section. The employer may specify the hours during which the employee may be absent. Application for such absence shall be made to the employer before twelve o'clock (12:00) noon of the day before the election.

**FF. - NARCOTICS AND INTOXICATING LIQUORS**

The City of Lawrenceburg has adopted Resolution 95-21-12C, as a policy to maintain a work environment free from the use, possession and effect of the illegal use of controlled substances and the use, possession and effect of alcoholic beverages. See City of Lawrenceburg Drug and Alcohol Testing Policy. Section X.

**GG. PURCHASING CARD POLICY**

**INTENT**

The City of Lawrenceburg Purchasing Card was designed to make the purchase of

relatively small dollar items (under \$500) easier for the City and its departments. Use of the card is not, however, intended to replace the City bid policy.

**PERSONAL USE OF CARD PROHIBITED**

All purchases made on the card should be for official City business only. Misuse of the card may result in disciplinary action up to and including termination, with possible filing of criminal charges.

**CUSTODY OF CARD**

The purchasing card shall be kept in the custody of the respective Department Heads at all times that it is not in use.

**OBTAINING A PURCHASING CARD**

A purchasing card may be obtained by contacting the Finance Director. The Finance Director will assist in the purchasing of the card from the bank to the eligible employee.

**GUIDELINES FOR USE OF THE CARD**

- a) No purchases shall be made outside of the Purchasing Policy rules.
- b) Receipts for each purchase must be turned in to the Finance Director at the end of each billing period.

**TRANSACTIONS NOT PERMITTED**

The following transactions are not permitted, and shall be considered to have been made in violation of this policy:

- a) Splitting of total purchase cost, singly or between Cardholders to avoid transaction limits
- b) Personal purchases.
- c) Non-municipal use.
- d) Cash advances, money orders, bank drafts etc.
- e) Temporary help.
- f) Maintenance contracts, long term agreements, rental or leasing of equipment (with the exception of short term vehicle rentals required for travel purposes for conference, training or meetings).

**USER RESPONSIBILITIES**

Each user shall recognize and accept the following responsibilities upon receipt of a purchasing card:

- a) Use the City purchasing card in accordance with this policy and the Purchasing Policy.
- b) Ensure purchases are made in accordance with their signing

- authority, area of responsibility and department budget.
- c) Ensure proper coding of expenditures.
  - d) Report a lost or stolen purchasing card to the Finance Department, and document the incident.

### **FINANCE DIRECTOR RESPONSIBILITY**

The Finance Director shall:

- a) Act immediately upon receipt of advice that abuse or irregularities are known or suspected.
- b) Maintain all records.
- c) When required, notify the Financial Institution of transactions errors/disputed charges and follow up on outstanding items on a periodic basis.
- d) Ensure all card statements are reconciled on a regular basis.
- e) Perform audits to detect possible violations. The audit selection criteria would include, but not be limited to, meals over the total per diem allowance, air fare, splitting of purchases, miscellaneous/unusual/unique transactions, and random samples.
- f) Follow up to investigate unusual transactions.
- g) Follow up with the Financial Institution on lost/stolen cards to confirm the card is cancelled.

## **HH. SOCIAL MEDIA POLICY**

### **1. PURPOSE**

To establish the City of Lawrenceburg's position on the utility and management of social media and provide guidance on its management, administration, and oversight by Department personnel both on-duty, in the course of their official duties, and off-duty when identified as members of the organization, or otherwise pursuant to their official duties in the public arena.

### **2. POLICY**

It is the City of Lawrenceburg policy that all personnel use computers, computer applications, computer programs, internet resources, and network/internet communications in a responsible, professional ethical, and lawful manner.

Social media provides new and potentially valuable means of assisting the City and its personnel in meeting community outreach, problem solving, criminal investigation, crime prevention, fire and rescue, parks and recreation needs, public works, sanitation,

EMA/Codes and related objectives. As such, the City of Lawrenceburg endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools emerge.

The City of Lawrenceburg also recognizes the role that these tools play in the personal lives of some City personnel. The personal use of social media can have bearing on City personnel in their official capacity. Accordingly, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by City personnel.

All existing laws, rules, regulations, and directives that govern on and off-duty conduct are applicable to conduct associated with social media and networking. When engaging in social networking, employees will strictly adhere to any and all existing federal, state and local laws regarding public information, to include information on Police Department arrests, Police and Fire investigations and all city personnel data.

### III. DEFINITIONS

- A. Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.
- B. Blogosphere: Denotes the world of blogs and refers to all the blogs and blog interactions on the internet.
- C. Chat: An interaction on a website, with a number of people adding text items one after another in the same space at nearly the same time- differs from a forum because conversations happen in “real time.”
- D. Comments: Responses to a blog post, news article, social media entry, or other social networking post.
- E. Feed: A list of user’s recent online communications which can be posted on other sites and social networks such as Facebook or an agency’s website.

- F. Forums: Discussion areas on websites where people can post messages or comment on existing messages at any time.
- G. Page: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.
- H. Post (noun): Content an individual shares on a social media or similar site or the act of publishing content on such a site.
- I. Post (verb): The act of creating, uploading, editing, or adding to any social media outlet. This includes text, photographs, audio, video, or any other multimedia file.
- J. Profile: Information that a user provides about himself or herself on a social networking or similar site.
- K. Social Media: A category of internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites, blogs and microblogging sites, photo and video sharing sites, wikis, and news sites that permit user contributed content.
- L. Social Networks: One-line platforms where users can create profiles, share information, and socialize with others using a range of technologies, such as Facebook, Twitter, LinkedIn, Usenet Group message or on-line bulletin boards blogs, wikis, news sites, or other similarly developed formats.
- M. Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
- N. Tweet: A post or status update on Twitter of limited characters.
- O. Wall: The users own profile page and the updates it contains. People can write updates on your wall that are viewable by all your friends.
- P. Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.
- Q. Wiki: Web page(s) that can be edited collaboratively.

- R. **YouTube:** An online video community that allows users to upload video content, share that content, and view the videos uploaded by others. Viewers are able to rate videos and leave comments.

### **3. PROCEDURE**

Where the City of Lawrenceburg uses social media to advance the purposes and goals of the organization, the following procedures shall apply to these officially-sanctioned uses:

A. General Operating Procedures for City of Lawrenceburg-Sanctioned Use of Social Media

1. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
2. When appropriate, the page(s) should link to the City of Lawrenceburg's official website.
3. Social media page(s) should be designed for the target audience(s) such as youth or potential employment opportunities.
4. All City of Lawrenceburg social media sites or pages shall be approved by the City Administrator or designee and shall be administered by the City of Lawrenceburg Information Director or as otherwise determined.
5. Where possible, social media pages shall clearly indicate they are maintained by the City of Lawrenceburg and have City contact information prominently displayed.
6. Social media content shall adhere to applicable laws, regulations, and policies.
7. Content may be subject to public records laws.
8. Relevant records retention schedules can apply to social media content.
9. Content must be managed, stored, and retrieved to comply with public records laws.
10. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the City of Lawrenceburg.

11. Pages shall clearly indicate that posted comments will be monitored and that the City reserves the right to remove obscenities, off-topic comments, and personal attacks.
12. Pages shall clearly indicate that posted comments will be monitored and that the City of Lawrenceburg reserves the right to remove obscenities, off-topic comments, and personal attacks.

B. Conduct During Department-Sanctioned Use of Social Media

When representing the City of Lawrenceburg via social media outlets:

1. Employees shall conduct themselves at all times as representatives of the City and accordingly, shall adhere to all City standards of conduct and observe conventionally accepted protocols and proper decorum.
2. Employees shall identify themselves as a member of the City unless purposes dictate otherwise.
3. Employees shall not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to City training, activities, or work-related assignments without authorization from the City Administrator.
4. Employees shall not conduct political activities or private business.
5. The use of City computers by City personnel to access social media is prohibited without authorization from the appropriate Department Manager.
6. City personnel use of personally owned devices to manage the City's social media activities or in the course of official duties is prohibited without the authorization from the City Administrator.
7. Employees shall observe and abide by all copyright, patent, trademark, and service mark restrictions in posting materials to electronic media.

C. Recognized Uses for a City Sanctioned Social Media Presence



1. Social media is a valuable investigative tool when seeking evidence or information about:
  - a. Missing Persons;
  - b. Wanted persons;
  - c. Gang participation;
  - d. Crimes perpetrated online(i.e., cyberbullying, cyberstalking)
  - e. Photos or videos of crime posted by a participant or observer.
2. Social media can be used for community outreach and engagement by:
  - a. Providing crime prevention tips;
  - b. Offering online reporting opportunities
  - c. Sharing crime maps and data;
  - d. Soliciting tips about unsolved crimes;
  - e. Recreation and sports registration, schedules and cancellations;
  - f. Notifications related to regularly scheduled services;
  - g. Special announcements related to the City of Lawrenceburg;
  - h. Performance schedules at concert venues.
3. Social media can be used to make time-sensitive notifications related to:
  - a. Road closures;
  - b. Accidents;
  - c. Special events;
  - d. Weather emergencies;

- e. Missing or endangered persons.

D. Use During Employment Screening

1. Persons seeking employment and volunteer positions use the internet to search for opportunities, and social media can be a valuable recruitment mechanism. The City of Lawrenceburg has an obligation to include internet-based content when conducting background investigations of job candidates.
2. Searches should be conducted by a non-decision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.
3. Persons authorized to search internet-based contents should be deemed as holding a sensitive position.
4. Search methods shall not involve techniques that are a violation of existing law.
5. Vetting techniques shall be applied uniformly to all candidates.
6. Every effort must be made to validate internet-based information considered during the hiring process.

E. Personal Use of Social Media – Precautions and Prohibitions

Barring state law or binding employment contracts stating or saying otherwise City Personnel shall abide by the following when using social media:

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of the City for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the City.
2. As public employees, City personnel are cautioned that speech on or off-duty, made pursuant to their official duties – that is, that owes its existence to the employee’s professional duties and responsibilities – is not protected speech under the First Amendment and may for the basis for discipline if deemed detrimental to the City of Lawrenceburg. City personnel should assume that their speech and related activity on social media sites will reflect upon their office and this City.

3. City personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without authorization from the City Administrator.
4. For safety and security reasons, City personnel are cautioned not to disclose their employment with the City nor shall they post information pertaining to any other member of the City without their permission. As such, City personnel are also cautioned regarding:
  - a. Display of City logos, uniforms, or similar identifying items on personal web pages.
  - b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a City employee and shall not post any form of visual or personal identification.
5. When using social media, City personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the City's Code of Conduct is required in the personal use of social media. In particular City personnel are prohibited from the following:
  - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
  - b. Speech involving themselves or other City personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
6. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching testimony in criminal or civil proceedings. City personnel thus sanctioned are subject to discipline up to and including termination of office.
7. City personnel may not divulge information gained by reason of their Employment or make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of the City without authorization.

8. City personnel should be aware that they may be subject to civil litigation for:
  - a. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation).
  - b. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person.
  - c. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose.
  - d. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
9. City personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
10. City personnel should expect that any information created, transmitted downloaded, exchanged, or discussed in a public online forum may be accessed by the City of Lawrenceburg at any time without prior notice.
11. Reporting violations – any employee becoming aware of or having knowledge of a posting or of any website or web service in violation of the provisions of this policy shall notify his or her supervisor immediately for follow-up action.
12. Except in the performance of an authorized duty, employees may not use City computers to access social networking sites, blogs, bulletin boards, or similar media, without expressed permission of their Department Manager
13. Except in the performance of an authorized duty, employees may not utilize personal computers, cell phones, or other devices to access social networking sites, blogs, bulletin boards, or similar media while on duty without expressed permission of their Department Manager.
14. Except in the performance of an authorized duty, employees shall not post, transmit, reproduce, and/or disseminate information (texts, pictures, video,

audio, etc.) to the internet or any other forum (public or private) that would tend to discredit or reflect unfavorably upon the City or any of the City's employees.

15. Employees having personal web pages or other types of internet postings which can be accessed by the public, shall not place, or allow to be placed, photographs or depictions of themselves dressed in uniform, and/or displaying official identification, patches or badges, or in any way, either directly or indirectly, identify themselves as an employee for the City for any reason, without approval as indicated in this policy.
16. Employees having personal web pages shall not use their rank, title, or position in a manner that would suggest that they are representing the interests or official position of the City of Lawrenceburg.
17. Photographs of the inside of the police or fire building as well as any crime or accident scene shall not be posted without authorization of the Chief of Police or Fire Chief.
18. When engaging in the personal use of social media, employees shall not post any text, photograph, audio, video, illustration, or any other multimedia file related to or depicting any of the following:
  - a. Current, past, or pending City investigations:
  - b. Criminal or civil proceeding pertaining to, or arising from, any matter involving the City including allegations of misconduct:
19. Posting the following types of criminal justice information to social networking sites is explicitly prohibited:
  - a. Confidential, sensitive, or copyrighted information to which you have access due to your employment with the City;
  - b. Data from an ongoing criminal or administrative investigation including photographs, videos, or audio recordings;
  - c. Photographs of suspects, arrestees or evidence;
  - d. Personal statements about an on-duty use of force incident; and/or

- e. Comments related to pending prosecutions.

F. Approval Process

1. An employee seeking approval to use references to the City of Lawrenceburg on a personal website, web page, or other public forum shall submit a request for authorization to the City Administrator.
2. Employees who post photos, comments, or other material pertaining to other City employees must inform and seek approval from the employee(s) before posting the same.

**SECTION IX - CODE OF ETHICS**

**CODE OF ETHICS**

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” includes 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.

State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the *Tennessee Code Annotated* (T.C.A.) sections indicated:

Campaign finance—T.C.A. Title 2, Chapter 10.

Conflict of interests—T.C.A. §§ 6-54-107, 108; 12-4-101, 102.

Conflict of interests disclosure statements—T.C.A. § 8-50-501 and the following sections.

Consulting fee prohibition for elected municipal officials—T.C.A. §§ 2-10-122, 124.

Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office)—T.C.A. § 39-16-101 and the following sections.

Crimes of official misconduct, official oppression, misuse of official information—T.C.A. § 39-16-401 and the following sections.

Ouster law—T.C.A. § 8-47-101 and the following sections.

A brief synopsis of each of these laws appears in the appendix of the municipal code.

(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 recuse himself 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, recuse 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 are 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.

## Section-by-Section Summary and Explanation for Code of Ethics

**SECTION 1.** This section provides that the code of ethics adopted by the municipal governing body applies to all full-time and part-time elected and appointed officials, whether compensated or not. It also applies to members and employees of separate boards, authorities, and commissions created by the municipality. This includes school boards, planning commissions, boards of zoning appeals, beer boards, airport authorities, and housing authorities, among others. These applications of the code of ethics are mandated by the Ethics Act passed by the General Assembly.

**SECTION 2.** The Ethics Act passed by the General Assembly requires that "personal interests" that affect or appear to affect the actions of municipal officials and employees must be disclosed, but the state statute does not define "personal interests." This section defines those interests. This is a broad definition and is much more encompassing than the state's conflict of interest laws. It includes ANY financial, ownership, or employment interest of an official or employee in a business or entity the municipality does business with, regulates, or supervises. It also includes these interests of the listed family members of the official or employee. It includes situations in which the official, employee, or family member is negotiating employment with an affected entity. There is some overlap with indirect interest under state law, but most of the situations to which this provision in the code of ethics applies will not be covered by the conflicts of interest laws. An example would be a family member of a member of the governing body who is an employee of a business seeking to do business with the municipality. This would not be a direct or indirect conflict of interests under the state law, but it would be a personal interest that would have to be

disclosed under this definition. This section provides that when there is an overlap with the conflicts of interest laws, those laws take precedence.

SECTION 3. This section requires an official with the responsibility to vote to disclose any of his/her personal interests that might affect his/her discretion before the vote so they appear in the minutes. The state statute does not require that an official with a personal interest recuse himself/herself from voting. The implication of the statute is to the contrary and that after disclosure the official may vote. Nevertheless, this section allows, but does not require, the official to recuse himself/herself.

SECTION 4. This section applies to employees and officials who must exercise discretion in matters that do not require a vote. The official or employee should, when possible, disclose the personal interest before the exercise of the discretion. Again, recusal is not required, but this section allows this when it is permitted by law, charter, ordinance, or policy of the municipality.

SECTION 5. This section prohibits an official or employee from taking any money, gift, favor, or other gratuity from anyone other than the municipality for the performance of an official's or employee's regular duties or that gives the appearance of attempting to influence the actions of the official or employee in carrying out municipal business. This is a somewhat modified version of a provision that most municipalities already had on the books.

An alternative to this gift prohibition that is allowed by the state ethics statute would be to allow gifts and gratuities up to a certain amount but to require reporting of those items. MTAS decided on prohibition because it is simpler to implement and because most cities already had similar provisions.

SECTION 6. This section prohibits officials and employees from disclosing confidential information and from disclosing any other information with the intent to result in financial gain. Again, these are common provisions in ethics ordinances that some cities had already adopted.

SECTION 7. This section prohibits officials and employees from using or authorizing the use of municipal time and facilities for their own financial gain. It also prohibits this for other entities or individuals unless this is authorized by contract or lease determined by the governing body to be in the best interests of the municipality. This is a provision similar to ones that have been adopted by many municipalities.

SECTION 8. This section prohibits officials and employees from using their position to make private purchases in the name of the municipality and from using their position to gain privileges or exemptions that are not authorized by charter, general

law, ordinance, or policy. These provisions are similar to provisions adopted by many municipalities.

SECTION 9. This section prohibits outside employment by officials or employees if the outside work interferes with municipal duties or is in conflict with any provision of the charter, any ordinance, or any policy of the municipality. Many municipalities have adopted similar provisions.

SECTION 10. This section provides methods for bringing and investigating complaints of violations of the code of ethics. The city attorney is designated as the ethics officer and may issue opinions when requested in writing on whether certain conduct would comply with the code of ethics and other applicable law. The city attorney is designated to receive and investigate complaints about officials and employees who are not members of the governing body. The attorney may request that the governing body designate another person or entity to act as ethics officer when he/she has a conflict of interests. The governing body must determine the merit of complaints against its members. If the governing body determines that a complaint warrants further investigation, it must authorize the investigation by the city attorney or another person or entity chosen by the governing body.

An alternative to appointing the city attorney as ethics officer would be to appoint another individual, such as another attorney or a retired judge. If a municipality chose to do this, it would probably want to provide for the appointment of the ethics officer after each municipal election. The position could be compensated or uncompensated, although it is unlikely many individuals would be willing to serve if the position is not compensated. Another acceptable alternative would be to establish a board of ethics to perform these functions. For municipalities that choose this alternative, MTAS suggests a three-member board to be appointed by the governing body. Terms should probably be three years.

Because many municipalities already have personnel policies that deal with some of the same behaviors regulated by the code of ethics, this section also provides that when a violation of the code of ethics also constitutes a violation of a personnel or civil service policy, rule, or regulation, the violation would be handled as a violation of the personnel provisions rather than as a violation of the code of ethics.

This section also provides for a “reasonable person” interpretation and enforcement of the code of ethics.

MTAS chose the above provisions for designating the ethics officer and for handling ethics complaints for the model code of ethics because they seemed simpler, less costly, and most appropriate for most Tennessee municipalities.

SECTION 11. This section provides for punishment for violations. Elected officials and appointed members of boards and commissions are punishable as already

provided by law and, in addition, are subject to censure by the governing body. Appointed officials and employees are subject to disciplinary action.

## **DRUG AND ALCOHOL USE POLICY**

### **Purpose**

The purpose and goal of this program is to send a clear message that the use of alcohol and drugs in the workplace is prohibited. Also this program is to encourage our employees to voluntarily seek help with alcohol and drug problems.

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

To provide a safe, healthy, productive and drug-free working environment for its employees to properly conduct the public business, the City of Lawrenceburg has adopted this drug and alcohol testing policy that balances our respect for individuals with the need to maintain an alcohol and drug free environment. This policy complies with the Federal Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. In the case of this policy, the Omnibus Transportation Employee Testing Act of 1991 is most significant with its additional requirement of using the "split specimen" approach to alcohol testing, which provides an extra safeguard for employees. The types of tests required are: pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up.

The City of Lawrenceburg has no intention of interfering with the private lives of its employees unless involvement with alcohol or other drugs off the job affects job performance or public safety. This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties. It is the employee's responsibility to inform the proper supervisory personnel of his/her use of any legally prescribed medication before the employee goes on duty or performs any work.

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

1. being on duty or performing work in or on City of Lawrenceburg property while under the influence of drugs and/or alcohol;
2. engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on City of Lawrenceburg 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

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

All city property may be subject to inspection at any time without notice. There is no expectation of privacy in such property. Property includes, but is not limited to: vehicles, desks, containers, files, cell phones, computers, and lockers. Employee-assigned lockers that are locked by the employee are also subject to inspection by the employee's supervisor in the presence of the employee after reasonable advance notice to the employee, unless such notice is waived by the City Administrator.

### **Scope**

Certain aspects of this policy apply to all full-time, part-time, temporary, and volunteer employees of the City of Lawrenceburg.

### **Consent Form**

Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, medical review officer (MRO), and City Administrator, or his/her designee. The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system.

### **Compliance with Substance Abuse Policy**

Compliance with substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any

procedure under this policy in a timely manner will be grounds for refusal to hire or for disciplinary actions. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated will be grounds for refusal to hire or for disciplinary actions.

### **Duty to Report Convictions**

Any employee convicted of violating a criminal drug statute shall inform the department manager of his/her department of such conviction (including pleas of guilty and *nolo contendere*) in writing within five calendar days of the conviction occurring. The organization will take appropriate action within 30 days of notification. Failure to so inform The City of Lawrenceburg subjects the employee to disciplinary action for the first offense. The City of Lawrenceburg will notify the federal contracting officer pursuant to applicable provisions of the Drug-Free workplace Act and the Omnibus Transportation Employee Testing Act.

### **Drug Testing**

An applicant or employee must carry and present a valid government issued photo ID to the appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test.

#### **A. DRUG TESTING**

Under the Drug-free workplace policy there are various reasons for the implementation of drug tests and include but are not limited to the following:

1. Deter employees from abusing drugs and alcohol.
2. Prevent the hiring of individuals who use illegal drugs.
3. Provide early identification and referral of employees who have drug and/or alcohol problems.
4. Provide a safe workplace for other employees.
5. Ensure general public safety and instill citizen confidence that employees are working safely.

The City's drug testing program will follow the Substance Abuse and Mental Health Services Administrations' (SAMHSA) mandatory guidelines for workplace drug testing which include having a Medical Review officer review the test. Testing will be done only for those drugs identified in the SAMHSA guidelines (marijuana, cocaine, opiates, amphetamines and phencyclidine) for which drug laboratories are certified.

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## 1. TYPES OF TESTS

### **Pre-employment**

All employment applicants for safety sensitive positions who have received a conditional offer of employment with the City of Lawrenceburg must submit to a drug test before receiving a final offer of employment. "Safety sensitive positions" include police officers, firefighters, positions requiring a commercial driver's license, public works positions involving the operation of heavy equipment, water/wastewater plant operators, all positions involving the construction and maintenance of electrical lines and other positions having responsibility for the safety and care of children.

### **Transfer/Promotion**

Employees transferring/being promoted to a safety sensitive position as that term is defined in the preceding paragraph shall undergo drug testing. If the employee tests positive, the offer of the transfer or promotion is withdrawn and the employee is required to participate in rehabilitation as previously described in this policy.

### **Post-Accident/Post Incident Testing**

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

Post-accident (post-incident) testing shall be carried out within 32 hours following the accident (incident). Urine collection for post-accident (post-incident) testing shall be monitored or observed by the same-gender collection personnel at the established collection site(s).

In instances where post-accident (post-incident) testing is to be performed, the City of Lawrenceburg reserves the right to direct the medical review officer (MRO) to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances.

Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed at the urinary cutoff level that is normally used for those specific substances by the laboratory selected.

1. Post-Accident (Post-Incident) Testing for Ambulatory Employees – Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the department head, any affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City of Lawrenceburg to the designated urine specimen collection site within 32 hours following the accident. In the event of an accident (incident)



occurring after regular work hours, the employee(s) will be taken to the testing site within 32 hours. No employee shall consume drugs prior to completing the post-accident (post-incident) testing procedures.

2. Post-Accident (Post-Incident) Testing for Injured Employees – Any affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) and to the City of Lawrenceburg appropriate and necessary information or records that would indicate only whether or not specified prohibited drugs (and what amounts) were found in the employee's system. Each employee shall grant consent at the implementation date of the substance abuse policy of the City of Lawrenceburg or upon hiring following the implementation date.

Post-accident (post-incident) urinary testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if drugs were present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within 32 hours must be fully documented by the attending medical personnel.

### **Testing Based on Reasonable Suspicion**

All employees are subject to reasonable suspicion testing.

Reasonable suspicion testing is also referred to as probable cause testing and is required for **any** employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief should be based on recent, physical, behavioral or performance indicators of possible drug use. Possible causes requiring a testing of reasonable suspicion include specific observations concerning appearance, behavior, speech, body odors or performance. One supervisor who has received drug detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

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

## **Random Testing**

Random testing is unannounced. Every employee in the pool has an equal chance of being chosen for testing every time a random selection is drawn. Only employees of the City of Lawrenceburg holding safety sensitive positions are subject to random drug testing. "Safety sensitive positions" include police officers, firefighters, positions requiring a commercial driver's license, public works equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of electrical lines. It is the policy of The City of Lawrenceburg to perform annually random tests for drugs of the percentage regulated by Tennessee Department of Transportation, (TDOT), of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

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

Random donor selection dates will be unannounced and occur with predictable frequency. Some employees may be tested more than once each year while others may not be tested at all, depending on the random selection.

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

## **Return-to-Duty and Follow-Up**

Any employee of the City of Lawrenceburg who has violated the prohibited drug conduct standards must submit to a return-to-duty test. Follow-up tests, also referred to as post rehabilitation testing, will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

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

Testing may also be performed on the employee returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

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## 2. PROHIBITED DRUGS

The substances for which testing is commonly performed are those that the National Institute for Drug Abuse (NIDA) designated as “illegal” drugs for purposes of the Federal Drug Testing programs. All drug results will be reported to the medical review officer (MRO). If verified by the MRO, they will be reported to the Human Resource Director.

The following is a list of drugs for which tests will be routinely conducted.

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

The City of Lawrenceburg may test for additional substances listed under the Tennessee Drug Control Act of 1989 (as amended).

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## 3. COLLECTION PROCEDURES

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

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## 4. DRUG TESTING LABORATORY STANDARDS AND PROCEDURES

The Department of Health and Human Services (DHHS)/Substance Abuse and Mental Health Services Administration (SAMHSA) has established standardized procedures and cutoff levels that are followed by several federal agencies, DOT and various private and governmental regulations. All collected urine samples will be sent to an authorized laboratory that is certified and monitored by the federal Department of Health and Human Services (DHHS).

As specified earlier, in the event of an accident (incident) occurring after regular work hours, the supervisor or designated personnel will take the employee(s) to the (testing site) within 32 hours where proper collection procedures will be administered.

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

For the employee’s protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify the Human Resource Director or the City Administrator.

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## 5. REPORTING AND REVIEWING

The City of Lawrenceburg will designate a medical review officer (MRO) to receive, report, and file testing information transmitted by the laboratory. This person shall be a licensed physician with knowledge of substance abuse disorders.

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

An applicant or employee must carry and present a valid government issued photo ID to the appropriate personnel during testing. Failure to present a photo Id is equivalent to refusing to take the test.

## B. ALCOHOL TESTING

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### 1. TYPES OF TESTS

#### **Post –Accident/Post Incident Testing**

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

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

1. Post-Accident (Post-Incident) Testing for Ambulatory Employees – Following all workplace accidents (incidents) where alcohol testing is to be performed, unless otherwise specified by the HR Director affected employees who are ambulatory will be taken by a Department Manager, HR Director or designated personnel of the City of Lawrenceburg to the designated breath alcohol test site for a breath alcohol test within two hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the (testing site) within two hours. No employee shall consume alcohol prior to completing the post-accident (post-incident) testing procedures.

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

2. Post-Accident (Post-Incident) Testing for Injured Employees – an affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including

hospitals) to release to the medical review officer (MRO) of the City of Lawrenceburg appropriate and necessary information or records that would indicate only whether or not specified prohibited alcohol (and what amount) was found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City of Lawrenceburg or upon hiring following the implementation date.

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

### **Testing Based on Reasonable Suspicion**

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

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

Supervisory personnel of the City of Lawrenceburg making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the Human Resource Director immediately before the decision to test.

### **Random Testing**

Only employees of the City of Lawrenceburg holding safety sensitive positions are subject to random alcohol testing. "Safety sensitive positions" include police officers, firefighters, positions requiring a commercial driver's license, public works equipment operators. It is the policy of the City of Lawrenceburg to annually random test for alcohol at least 10 percent of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

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

Random test dates will be unannounced with unpredictable frequency. Some employees may be tested more than once each year while others may not be tested at all, depending on the random selection.

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

### **Return-to-Duty and Follow-Up**

Any employee of the City of Lawrenceburg who has violated the prohibited alcohol conduct standards must submit to a return to duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

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

Testing may also be performed on any employee returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

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## **2. ALCOHOL TESTING PROCEDURES**

All breath alcohol testing conducted for the City of Lawrenceburg will be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA). Alcohol testing is to be performed by a qualified technician as follows:

1. **Step One:** An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent breath alcohol level (BAL), the test will be considered negative. If the result is greater or equal to 0.04 BAL, the result will be recorded and witnessed, and the test shall proceed to Step Two.
2. **Step Two:** Fifteen minutes will be allowed to pass following the completion of Step One above. Before the confirmation test or Step Two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician will conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument. Then Step One will be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

The breath alcohol level detected in Step Two shall be recorded and witnessed.

If the lower of the breath alcohol measurements in Step One and Step Two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test. Failure of the breath alcohol test shall result in

administrative action by proper officials of the City of Lawrenceburg up to and including termination of employment.

Any breath alcohol level found between 0.02 percent BAL and 0.04 percent BAL shall result in the employee's removal from duty without pay for a minimum of 24 hours. In this situation, the employee must be retested by breath analysis and found to have a BAL of up to 0.02 percent before returning to duty with the City of Lawrenceburg,

All breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and by a supervisory employee of the City of Lawrenceburg, when possible.

The completed breath alcohol test form shall be submitted to the Human Resource Director.

## **C. EDUCATION AND TRAINING**

### **Supervisory Personnel Who Will Determine Reasonable Suspicion Testing**

Training supervisory personnel who will determine whether an employee must be tested based on reasonable cause will include at the minimum two 60-minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One 60-minute period will be for drugs and one will be for alcohol.

The City of Lawrenceburg will annually sponsor a drug-free awareness program for all employees.

### **Distribution of Information**

The minimal distribution of information for all employees will include the display and distribution of:

1. informational material on the effects of drug and alcohol abuse;
2. an existing community services hotline number, available drug counseling , rehabilitation, and employee assistance programs for employee assistance;
3. the City of Lawrenceburg's policy regarding the use of prohibited drugs and/or alcohol; and
4. the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace



## **D. CONSEQUENCES OF A CONFIRMED POSITIVE DRUG AND OR ALCOHOL TEST RESULT AND/OR VERIFIED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT**

One of the goals of the City of Lawrenceburg's drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an employee violates the policy, the consequences are serious. Job applicants will be denied employment with the City of Lawrenceburg if their initial positive pre-employment drug test results have been confirmed and/or verified.

If a current employee's positive drug and alcohol test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and may be subject to disciplinary action. The City of Lawrenceburg will consider the following factors in determining the appropriate disciplinary response: the employee's work history, length of employment, current work assignment, current job performance, and existence of past disciplinary actions. However, the City of Lawrenceburg reserves the right to allow employees to participate in an education and/or treatment program approved by the City of Lawrenceburg's Employee Assistance Program as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through the City of Lawrenceburg's Employee Assistance Program or other program sanctioned by the City of Lawrenceburg, and thereafter refrains from violating the City of Lawrenceburg's policy on drug and alcohol abuse. However, voluntary identification will not prevent disciplinary action for the violation of City of Lawrenceburg's Personnel Policies and Regulations, nor will it relieve the employee of any requirements for return to duty testing. (See Section – Voluntary Disclosure).

Refusing to submit to an alcohol or controlled substances test means that an employee: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or (3) engages in conduct that clearly obstructs the testing process. In either case the physician or breath alcohol technician shall provide a written statement to the City of Lawrenceburg indicating a refusal to test.

## **E. RETURN-TO-WORK AGREEMENT**

A return-to-work agreement (RTWA) is a written document that sets forth the expectations of the City of Lawrenceburg and employee assistance/medical professional have of an employee who have completed mandated treatment for alcohol and/or drug problems. It also sets forth the consequences if the expectations are not met. This agreement will be used if an employee has violated the drug-free workplace policy and has been provided the opportunity to participate in rehabilitation as a condition of continued or re-employment.

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-work agreement as a condition of continued employment.

### **Sample Return-to-work Agreement**

This Return-to-work Agreement is necessitated due to the fact that:

- The employee tested positive for drugs.
- A supervisor refers the employee to the EAP or treatment due to declining job performance
- The employee has violated a work rule that could result in termination.
- The employer is giving the employee a “last chance” to work free of alcohol or drugs.
  1. The employee acknowledges receipt of the organization’s drug and alcohol policy and agrees to comply with all provisions.
  2. The employee has voluntarily signed the Release of Information form allowing the City of Lawrenceburg to receive information from medical professionals regarding continuing care recommendations and compliance.
- The employee agrees to comply with all aspects of the medical professional’s recommendations.
- The employee agrees to be subject to unannounced follow-up testing for a period of five years.

- The employee agrees that the organization will monitor compliance by receiving updates from medical professionals regarding compliance with continuing care recommendations. The employee will maintain documentation of attendance.
- The employee agrees to abstain from the use of alcohol and/or other drugs except when prescribed by a physician who has been informed of the employee's difficulty with substance abuse.
- The employee agrees that all costs of treatment and monitoring not covered by the employee's insurance plan are the financial responsibility of the employee.
- If absence from work is required as a part of rehabilitation, it will be regarded as family and medical leave, sick leave, vacation, personal leave or some combination thereof, depending on accrued leave.

#### **Type of Assistance Available**

The City of Lawrenceburg recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation and may prevent those whose substance abuse has yet to reach the level of addiction from progressing.

To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Ensures the availability of a current list of qualified community professionals.
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

## **F. VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL USE**

In the event that an employee of the City of Lawrenceburg is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical

care, that employee should voluntarily discuss his/her problem with the respective Department Manager or the Human Resource Director in private.

Such voluntary desire for help with a substance abuse problem will be honored by the City of Lawrenceburg. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment. Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

Affected employees of the City of Lawrenceburg are entitled to up to 30 consecutive calendar days for initial substance abuse treatment as follows:

1. The employee must use vacation, holiday, sick and compensatory time.
2. In the event accumulated vacation, sick, and compensatory time is insufficient to provide the medically prescribed and needed treatment up to a maximum of 30 consecutive calendar days, the employee will be provided unpaid leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum 30-day treatment period.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional (SAP) of the City of Lawrenceburg. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective Department Manager, Human Resource Director and City Administrator of the City of Lawrenceburg will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in disciplinary action.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the City of Lawrenceburg. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to disciplinary action.

## **G. EXCEPTIONS**

This policy does not apply to possession, use or provision of alcohol and/or drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement, intoxilyzer demonstrations). In all cases, it is the individual employee's responsibility to ensure that job performance is not adversely affected by the possession, use, or provision of alcohol.

## **H. EMPLOYEE CONFIDENTIALITY/PROTECTION**

All information received by the organization through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

## **I. MODIFICATION OF POLICY**

This statement of policy may be revised by the City of Lawrenceburg at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment or changes in the drug and alcohol testing policy of the City of Lawrenceburg.

## **SECTION XI - INFECTIOUS DISEASE CONTROL**

The City of Lawrenceburg has adopted Resolution 92-12, as comprehensive infectious disease control rules and regulation. All employees shall be familiar with the rules and regulations. Those employees in high risk occupations, including but not limited to, paramedics and emergency medical technicians, housekeeping, police, fire fighters, sanitation and landfill workers and any other employees deemed to be at high risk of exposure to infectious disease are offered a Hepatitis B (HBV) vaccination, free of charge, in the amount and times prescribed by standard medical practices.

Employees engaged in the above mentioned jobs are encouraged by the city and OSHA to take the vaccination (HBV) because of the high risk of being exposed to infectious disease.

Employees are required to comply with the rules, regulations and general guidelines as adopted in the infectious disease policy when dealing with situations that may expose them to other persons' body fluids.

### **INFECTIOUS DISEASE CONTROL POLICY**

#### **SECTION I – GENERAL INFORMATION**

A. **Purpose.** It is the responsibility of the City of Lawrenceburg to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the City of Lawrenceburg, employees may come in contact with life-threat infectious diseases which can be transmitted through job related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and Tuberculosis (TB).

B. **Coverage.** Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Several classes of employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to

body fluids from potentially infected individuals. Those high risk occupations include but are not limited to:

1. Paramedics and Emergency Medical Technicians;
2. Occupational Nurses;
3. Housekeeping and Laundry Workers;
4. Police and Security Personnel;
5. Firefighters;
6. Sanitation and Landfill Workers; and
7. Any other employee deemed to at high risk per this policy and an exposure determination.

C. Administration. This Infection Control Policy shall be administered by the Human Resource Director or his/her designated representative who shall have the following duties and responsibilities:

1. Exercise leadership in implementation and maintenance of an effective Infections Control Policy subject to the provisions of this ordinance, other ordinances, the City Charter, and Federal and State law relating to OSHA regulations;
2. Make an exposure determination for all employees positions to determine a possible exposure to blood or body fluids;
3. Maintain records of all employees and incidents subject to the provisions of the ordinance;
4. Conduct periodic inspections to determine compliance with the Infection Control Policy by municipal employees;
5. Coordinate and document all relevant training activities in support of the Infection Control Policy;

6. Prepare and recommend to the City Administrator for consideration by the Board of Mayor and Council any amendments or changes to the Infection Control Policy;
7. Identify any and all housekeeping operations, involving substantial risk of direct exposure to body fluids and shall address the proper precautions to be taken while cleaning rooms and blood spills;
8. Perform such other duties and exercise such other authority as may be prescribed by the City Administrator.

Definitions.

1. Body fluid – fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovia fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.
2. Exposure – the contact with blood or other body fluids to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.
3. Hepatitis B Virus (HBV) – a serious blood-borne virus with potential for life-threatening complications. Possible complications include: massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.
4. Human Immunodeficiency Virus (HIV) – the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and prenatally from mother to neonate.
5. Universal Precautions – refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with body fluids to be protected as though such body fluid were HBV or HIV infected.

SECTION II – GENERAL POLICIES AND PROCEDURES.

- A. Policy Statement. All blood and body fluids are potentially infections for several blood-borne pathogens and some body fluids can transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care



when there is a potential exposure. These precautions have been termed “universal precautions.”

B. General Guidelines. General guidelines which shall be used by everyone include:

1. Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or body fluids which require universal precautions.
2. Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.
3. Soap and water kill many bacteria and viruses on contact. If hands are contaminated with blood or body fluids to which universal precautions apply, then wash immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or hand washing facilities are not available, the use a waterless antiseptic hand cleaner according to the manufacturers recommendation for the product.
4. All workers shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After they are used, disposable syringes and needles, scalpel blades and other sharp items shall be placed in puncture resistant containers for disposal. The puncture resistant container shall be located as close as practical to the use area.
5. The City will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or body fluids to which universal precautions apply:
  - a. While handling an individual where exposure is possible;

- b. While cleaning or handling contaminated items or equipment;
- c. While cleaning up an area that has been contaminated with one of the above;

Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employee shall not wash or disinfect surgical or examination gloves for reuse.

- 6. Resuscitation equipment shall be used when necessary. (No transmission of HBV or HIV infection during mouth-to-mouth resuscitation has been documented). However, because of the risk of salivary transmission of other infectious diseases and the theoretical risk of HIV or HBV transmission during artificial resuscitation, bags shall be used. Pocket mouth-to-mouth resuscitation masks designed to isolate emergency response personnel from contact with a victims' blood and blood contaminated saliva, respiratory secretion, and vomitus, are available to all personnel who provide or potentially provide emergency treatment.
- 7. Masks or protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other body fluids to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.
- 8. Gowns, aprons, or lab coats shall be worn during procedures that are likely to generate splashes of blood or other body fluids.
- 9. Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10 parts water) shall be applied to the contaminated surface as a disinfectant leaving it on for at least 30 seconds. A solution must be changed and re-mixed every 24 hours to be effective.
- 10. Contaminated clothing (or other articles) shall be handled carefully and washed as soon as possible. Laundry and dish washing cycles at 120 degree are adequate for decontamination.

11. Place all disposable equipment (gloves, masks, gowns, etc.) in a clearly marked plastic bag. Place the bag in a second clearly marked bag (double bag). Seal and dispose of by placing in a designated “hazardous” dumpster. NOTE: Sharp objects must be placed in an impervious container and then taken to a hospital for disposal.
12. Tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.

All required tags shall meet the following criteria:

- a. Tags shall contain a signal word and a major message. The signal word shall be “BIOHAZARD,” or the biological hazard symbol. The major message shall indicate the specific hazardous condition or the instruction to be communicated to employees.
  - b. The signal word shall be readable at a minimum distance of five (5) feet or such greater distance as warranted by the hazard.
  - c. All employees shall be informed of the meaning of the various tags used throughout the workplace and what special precautions are necessary.
13. Linen soiled with body fluids shall be handled as little as possible and with minimum agitation to prevent contamination of the person handling the linen. All soiled linen shall be bagged at the location where it was used. It shall not be sorted or rinsed in the area. Soiled linen shall be placed and transported in bags that prevent leakage.

The employee responsible for transporting soiled linen should always wear protective gloves and prevent possible contamination. After removing the gloves, hands or other skin surfaces shall be washed thoroughly and immediately after contact with body fluids.

14. Whenever possible, disposable equipment shall be used to minimize and contain clean-up.

SECTION III – VACCINATIONS, TESTING AND POST-EXPOSURE MANAGEMENT

- A. Hepatitis B Vaccinations. The City of Lawrenceburg shall offer the appropriate Hepatitis B Vaccination to employees at risk of exposure free of charge and in amounts at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head that shall make the appropriate arrangements through the Infectious Disease Control Coordinator.
  
- B. Reporting Potential Exposure. City employees shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc.):
  1. Notify the Infectious Disease Control Coordinator of the contact incident and details thereof.
  2. Complete the appropriate accident reports and any other specific form required.
  3. Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for Hepatitis B surface antigen (HBsAg) and/or antibody to Human Immunodeficiency Virus (HIV antibody). Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided.

- C. Hepatitis B Virus Post-exposure Management. For an exposure to a source individual found to be positive for HBsAg, the worker who has not previously been given the hepatitis B vaccine should receive the vaccine series. A single dose of hepatitis B immune globulin (HBIG)

is also recommended, if it can be given within seven (7) days of exposure.

For exposure from an HBsAg-positive source to workers who have previously received the vaccine, the exposed worker should be tested for antibodies to hepatitis B surface antigen (anti-HBs), and given one dose of vaccine and one dose of HBIG if the antibody level in the worker's blood sample is inadequate (i.e., 10 SRU by RIA, negative by EIA).

If the source individual is negative for HBsAg and the worker has not been vaccinated, this opportunity should be taken to provide the hepatitis B vaccine series. HBIG administration should be considered on an individual basis when the source individual is known or suspected to be at high risk of HBV infection. Management and treatment, if any, of previously vaccinated workers who receive an exposure from a source who refuses testing or is not identifiable should be individualized.

- D. Human Immunodeficiency Virus Post-exposure Management. For any exposure to a source individual who has AIDS, who is found to be positive for HIV infection, or who refuses testing, the worker should be counseled regarding the risk of infection and evaluated clinically and serologically for evidence of HIV infection as soon as possible after the exposure. The worker should be advised to report and seek medical evaluation for any acute febrile illness that occurs within 12 weeks after the exposure. Such an illness, particularly one characterized by fever, rash, or lymphadenopathy, may be indicative of a recent HIV infection.

Following the initial test at the time of exposure, seronegative workers should be tested 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred. During this follow-up period (especially the first 6 to 12 weeks after exposure) exposed workers should follow the U.S. Public Health service recommendation for preventing transmission of HIV. These include refraining from blood donations and using appropriate protection during sexual activity. During all phases of the follow-up, it is vital that worker confidentiality be protected.

If the source individual was tested and found to be seronegative, baseline Testing of the exposed worker with follow-up testing 12 weeks later may be performed if desired by the worker or recommended by the health care provider. If

the source individual cannot be identified, decisions regarding appropriate follow-up should be individualized. Serologic testing should be made available by the City to all workers who may be concerned they have been infected with HIV through an occupational exposure.

- E. Disability Benefits. Entitlement to disability benefits and any other benefits available for employees who suffer from on-the-job injuries will be determined by the Tennessee Worker's Compensations Bureau in accordance with the provisions of T.C.A. 50-6-303.

#### SECTION IV – TRAINING

- A. Regular Employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or body fluids. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents.
- B. High Risk Employees. In addition to the above, high risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of “universal precautions” as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated as per this policy.
- C. New Employees. During the new employee's orientation to his/her job, all new employees will be trained on the effects of Infectious Disease prior to putting them to work.

#### SECTION V – LEGAL RIGHTS OF VICTIMS OF COMMUNICABLE DISEASES.

Victims of communicable diseases have the legal right to expect, and municipal employees, including police and emergency service officers are duty bound to provide, the same level of service and enforcement as any other individual would receive.

- A. Officers assume that a certain degree of risk exists in law enforcement and emergency service work and accept those risks with their individual appointments. This holds true with any

- potential risks of contacting a communicable disease as surely as it does with the risks of confronting an armed criminal.
- B. Any officer who refuses to take proper action in regard to victims of a communicable disease, when appropriate protective equipment is available, shall be subject to disciplinary measures along with civil and/or criminal prosecution.
  - C. Whenever an officer mentions in a report that an individual has or may have a communicable disease, he shall write “contains confidential medical information” across the top margin of the first page of the report.
  - D. The Officer’s supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initiated by the supervisor.
  - E. The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.
  - F. All request (including subpoenas) for copies of reports marked “contains confidential medical information” shall be referred to the City Attorney when the incident involves an indictable or juvenile offense.
  - G. Prior approval shall be obtained from the City Attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.
  - H. All circumstance, not covered in this policy that may arise concerning releasing confidential information regarding a victim or suspected victim, of a communicable disease shall be referred directly to the Human Resource Director.
  - I. Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim or suspected victim of a communicable disease.
  - J. Whenever an employee finds it necessary to notify another employee, police officer, firefighter, emergency service officer, or health care provider that a victim has or is suspected of having a communicable disease, that information shall be conveyed in a dignified, discrete and confidential manner. The person to whom the information is being conveyed should be reminded that the information is confidential and that it should not be treated as public information.
  - K. Any employee who disseminates confidential information in regard to a victim, or suspected victim of a communicable disease in

violation of this policy shall be subject to serious disciplinary action and/or civil and/or criminal prosecution.



**SECTION XII - TOBACCO USE POLICY**

1. Smoking shall be prohibited by employees, officials, and visitors within recreational all City of Lawrenceburg buildings, City of Lawrenceburg facilities, and City of Lawrenceburg vehicles.
2. “No Smoking” signs shall be posted in appropriate locations to provide adequate notice to all individuals utilizing these buildings, facilities, and vehicles.
3. These policies shall be effective upon adoption by the Board of Mayor and Council and shall apply to both existing and future city employees. disciplinary Employees who do not adhere to this policy shall be subject to action.

## **SECTION XIII - TRAVEL POLICY**

### **PURPOSE**

To comply with Public Acts

### **SECTION I: ENFORCEMENT**

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

### **SECTION II: TRAVEL POLICY**

- A. In the interpretation and application of this ordinance, the term “traveler” or “authorized traveler” means any elected or appointed municipal officer or employee, including members of the municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this ordinance. “Authorized traveler” shall not include the spouse, children, other relative, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this ordinance.
- B. Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business and determined by the City Administrator. Under certain conditions, entertainment expenses may be eligible for reimbursement.
- C. Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences, and similar expenses.

Travel advance request aren't considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. It will be the responsibility of the City Administrator to initiate action to recover any undocumented travel advances.

- D. Travel advances are available only for special travel and only after completion and approval of the travel authorization form.
- E. The travel expense reimbursement form will be used to document all expense claims.
- F. To qualify for reimbursement, travel expenses must be:
  - directly related to the conduct of the city business for which travel was authorized, and
  - actual, reasonable, and necessary under the circumstances. The City Administrator may make exceptions for unusual circumstances. Expenses considered excessive will not be allowed.
- G. Claims for travel expense reimbursement must be supported by the original paid receipt unless otherwise exempted in the city's travel reimbursement policy.
- H. Any person attempting to defraud the city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.
- I. Mileage and motel expenses incurred within the city are ordinarily considered eligible expenses for reimbursement if they are incurred in the furtherance of city business.

**SECTION III: TRAVEL REIMBURSEMENT RATE SCHEDULES**

Authorized travelers shall be reimbursed according to the Internal Revenue Service Travel Regulation Rates, or in the alternative, authorized travelers shall be reimbursed for ordinary and necessary expenses incurred while traveling on official city business. The city's travel reimbursement rates will automatically change when the Internal Revenue Service rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other educational programs.

**SECTION IV: ADMINISTRATIVE PROCEDURES**

A copy of the administrative procedures is on file in the office of the City Administrator. Changes to the administrative procedures may be made by resolution of the Board of Mayor and Council as well as by ordinance.

## EXHIBIT A

### ADMINISTRATIVE PROCEDURES FOR TRAVEL AND EXPENSE POLICY FOR THE CITY OF LAWRENCEBURG, TENNESSEE

#### TRAVEL REQUESTS

To ensure reimbursement for official travel, an approved travel authorization form is required. Lack of pre-approval doesn't prohibit reimbursement, but pre-approval does assure reimbursement within the limits of the city travel policy. All costs associated with the travel should be reasonably estimated and shown on the travel request form. An approved request form is needed before advanced expenses are paid or travel advances are authorized. A copy of the conference program, if applicable, should be attached to the form. If the program isn't available prior to the travel, submit it with the reimbursement form.

#### TRAVEL DOCUMENTATION

It's the responsibility of the authorized traveler to:

1. Prepare and accurately describe the travel
2. Note on the reimbursement form all direct payments and travel advances made by the city, and;
3. Sign and file the reimbursement form with the necessary supporting documents and original receipts.

The reimbursement form should be filed with the finance department within 10 days of return or at the end of the month, whichever is more practical.

#### **Transportation**

All potential costs should be considered when selecting the modes of transportation. For example, airline travel may be cheaper than automobile when time away from work and increased meal and lodging costs are considered. Then time is important, or when the trip is so long that other modes of transportation aren't cost-beneficial, air travel is encouraged.

If the traveler goes outside the state by means other than air, the reimbursement will be limited to air fare at tourist or economy class, ordinary expense during the meeting dates, and one day's meals and motel before and after the meeting. The traveler will

be required to take annual leave for any additional time taken beyond the day before and the day after the meeting dates.

Exceptions: When the traveler extends the trip with personal time to take advantage of discount fares, the reimbursement will be limited to the lesser of:

1. The actual expense incurred including meals and lodging, or
2. The amount that would have been incurred for non-discounted fares using the least expensive rates available.

All expenses and savings associated with extending the trip must be submitted with the expense reimbursement form.

#### **A. Air**

When possible, the traveler should make full use of discounts for advance airline reservations and advance registration. The traveler should request conference, government, or weekend rates, whichever is cheaper, when making lodging or rental car reservations. The city will pay for tourist or economy class air travel. The traveler should get the cheapest reasonable fare and take advantage of “Super Saver” or other discount fares. Airline travel can be paid by direct billing to the city.

Mileage credits for frequent flyer programs accrue to the individual traveler. However, the city won’t reimburse for additional expenses – such as circuitous routing, extended stays, layovers to schedule a particular carrier, upgrading from economy to first class – for travelers to accumulate additional mileage or for other personal reasons.

The city won’t reimburse travel by private aircraft unless authorized in advance by the City Administrator.

#### **B. Rail or Bus**

The city will pay for actual cost of ticket.

#### **C. Vehicles**

Automobile transportation may be used when a common carrier can’t be scheduled, when it’s more economical, when a common carrier isn’t practical, or when expenses can be reduced by two or more city employees traveling together.

Personal Vehicle. Employees should use city vehicles when possible. Use of a private vehicle must be approved in advance by the City Administrator. If two or more employees are travelling to the same business event at the same destination, they should use one City vehicle up to the amount that space inside the vehicle will allow. If a City vehicle is not available, employees may be reimbursed mileage at the rate established by the standard Internal Revenue Service Mileage Allowance for the most direct route. If an employee chooses to take a family member on a business trip, insurance will not cover the family member, and the City will be exposed to liability if a City vehicle is used; therefore, the employee travelling with family will not be allowed use of a City vehicle and will be reimbursed for gas only (receipt required). Also, if a City vehicle is available, and an employee declines to use it, the employee will be reimbursed for gas only (receipt required). The use of two or more vehicles to attend one business destination by individual employees will be highly discouraged and should only be approved in rare cases at the discretion of the Department Head. If a City vehicle is taken outside the boundaries of the state of Tennessee, absolutely no one else (such as friends from other entities) besides City employees will be authorized to ride in the vehicle, due to the lack of tort limits in other states. The employee will be reimbursed for expenses directly related to the actual and normal use of the City vehicle when proper documentation is provided. Any other questions about travel reimbursement or use of City and personal vehicles which is not covered in this policy should be addressed either to the employee's Department Head or to the Human Resources Director.

- When mileage is authorized, the city will pay a mileage rate not to exceed the rate established by the standard Internal Revenue Service Mileage Allowance. The miles for reimbursement shall be paid from origin to destination and back by the most direct route. Necessary vicinity travel related to official city business will be reimbursed. If an indirect route is taken, an internet mapping service will be used to determine the mileage to be reimbursed.

If a privately owned automobile is used by two or more travelers on the same trip, only the traveler who owns or has custody of the automobile will be reimbursed for mileage. It's the responsibility of the traveler to provide adequate insurance to hold harmless the city for any liability from the use of the private vehicle.

In no event will mileage reimbursement, plus vicinity travel and associated automobile costs, exceed the lowest reasonable available air fare and associated air fare travel costs.

Travelers won't be reimbursed for automotive repair or breakdowns when using their personal vehicle.

- **City Vehicle.** The City may require the employee to drive a city vehicle. If a city vehicle is provided, the traveler is responsible for seeing that the vehicle is used properly and only for acceptable business. The employee will be reimbursed for expenses directly related to the actual and normal use of the city vehicle when proper documentation is provided. Out-of-town repair cost to the city vehicle in excess of \$100 must be cleared with the proper city official before the repair is authorized.
- **Rental Cars.** Use of a rental car isn't permitted unless it's less expensive or otherwise more practical than public transportation. Approval of car rental is generally required in advance by the City Administrator. Always request the government or weekend rate, whichever is cheaper. Anyone who uses a rental car for out-of-state travel must obtain liability coverage from the vendor.
- Fines for traffic or parking violations won't be reimbursed by the city.
- Reasonable tolls will be allowed when the most direct travel route requires them.

#### **D. Taxi, Limousine, and Other Transportation Fares**

When an individual travels by common carrier, reasonable fares will be allowed for necessary ground transportation. Bus or limousine service to and from airports should be used when available and practical. The traveler will be reimbursed for parking fees and mileage for travel to and from the local airport, provided such cost don't exceed normal taxi/limousine fares. Documentation of expense is required.

Reasonable transportation fares between lodging quarters and meetings, conferences, or meals will be reimbursed. Original receipts are required for claims of \$5 or more. Transportation costs incurred for personal purposes are not reimbursable.

Reimbursement claims for taxis, limousines, or other ground transportation must be listed separately on the expense form, claiming the destination and amount of each fare.

## **Lodging**

Authorized travelers shall be reimbursed for actual, reasonable and necessary expenses incurred for lodging in a publicly licensed lodging facility during official business travel requiring an overnight stay. Whenever possible, two employees of the same gender will be expected to share a room if two beds in a room are available, rather than booking two separate rooms. Authorized travelers sharing lodging shall report the expense on a pro-rated basis. Original lodging receipts must be submitted with the reimbursement form.

## **Meals and Incidentals**

Authorized travelers shall be reimbursed for the actual, reasonable and necessary expenses for meals consumed while on official city travel. Food reimbursement will only be provided in the event of overnight stays, but exceptions to this rule may be approved by the City Administrator on a case-by-case basis. Food reimbursement will be at a maximum rate equal to the per diem rate authorized by the Internal Revenue Service, provided that the employee provides an itemized receipt to Finance for all meals purchased by the employee. If less than 3 meals are purchased in one day, the IRS rates for separate meals should be used for reimbursement rather than the per diem rate. If funds are provided by the City in advance for meals, the amount advanced should be based on the per diem rate multiplied by the number of days away. Employees will be expected to refund the difference in the per diem advance and their daily receipts. If the employee loses the receipts and is unable to recover duplicate receipts, the employee will be expected to repay any remaining portion of the unpaid per diem to the City. If the meals are included as a part of the conference or seminar charge, the authorized traveler shall not be reimbursed for costs incurred in eating elsewhere. Should an authorized traveler pay for the total cost of a meal shared with other authorized travelers, the total cost will be reimbursed to the paying traveler if the other travelers are identified on the original receipt. Original receipts for meals must be submitted with the reimbursement form.

## **Miscellaneous Expenses**

- A. Registration fees for approved conferences, conventions, seminars, meetings, and other educational programs will be allowed and, when applicable, will include the cost of official banquets, meals, lodging, and registration fees. Registration fees should be specified on the original travel request form and can include a request for pre-registration fee payment.



- B. The traveler may be reimbursed for up to \$5.00 per day for personal phone calls while on official travel without documentation or original receipt.
- C. An allowance up to \$4.00 for hotel/motel check-in and baggage handling will be reimbursable without documentation or original receipts.
- D. Laundry, valet service, tips and gratuities for laundry and valet services are considered personal expenses and aren't reimbursable.
- E. For travel outside the United States, all expense claimed must be converted to U.S. Dollars. The conversion rate and computation should be shown on each receipt.

### **Entertainment**

The city may pay for certain entertainment expenses provided that:

- A. The entertainment is appropriate in the conduct of city business;
- B. The entertainment is approved by the City Administrator.
- C. The group or individuals involved are identified; and
- D. Documentation is attached to the expense form to support the entertainment expense claim

To request reimbursement for authorized entertainment expenses the following must be included with the expense reimbursement form:

- A. Original receipts from the vendor (restaurant, caterer, ticket office, etc.). Reasonable tips and gratuities included on the receipt by the vendor are reimbursable.
- B. An explanation of the purpose of the entertainment and the number and identity of the persons or group entertained.

### **TRAVEL RECONCILIATION**

- A. Within 10 days of return from travel, or by the end of the month, the traveler is expected to complete and file the expense reimbursement form. It must be certified by the traveler that the amount due is true and accurate. Original receipts documenting the expenses must be attached.

If the city provided a travel advance or made advanced payment, the traveler should include that information on the expense reimbursement form. In the case

of advances, the form should have a reconciliation summary, reflecting total claimed expenses with advances and city pre-payments indicated. The balance due the traveler or the refund due the city should be clearly shown – below the total claim on the form or in a cover memo attached to the front of the form.

B. If the traveler received a travel advance that exceeds the expenses claimed, the traveler shall attach a check made payable to the city for that difference.

C. The City Administrator will address special circumstances and issues not covered in this policy on a case-by-case basis.

### **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.

***DEPARTMENT MANAGERS HAVE BUSINESS TRAVEL & EXPENSE REPORTS FOR EMPLOYEE USE.***

#### **SECTION XIV – SEVERABILITY**

Each section, subsection, paragraph, sentence, and clause of this manual 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 this manual, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted here from.

#### **SECTION XV - SPECIAL NOTE**

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