



EMPLOYEE HANDBOOK

A compilation of rules, regulations, and guidelines of use to the employees of the municipality.

Adopted May 6, 2024
Amended March 3, 2025

ANY QUESTIONS YOU HAVE ABOUT THE APPLICATION, MEANING OR
ENFORCEMENT OF THESE RULES AND REGULATIONS SHOULD BE
DIRECTED TO THE HUMAN RESOURCES OFFICER AT CITY HALL

This employee handbook contains the key policies, goals, benefits, and expectations of the City of Sweetwater as an employer. The city is committed to excellence in our public service to the citizens of our community. That public service is provided by the men and women of the city government. You were hired because we believe you can contribute to the achievement of our goals, and you share our commitment to public service.

The success of the city government is determined by your success in operating as part of a unified team. We earn the trust and respect of our citizens every day. To be proud of their city, those citizens must be proud of each one of us as their employees. Being a part of the city government requires that:

- We treat each other with respect.
- We treat the citizens of Sweetwater with courtesy and respect.
- We are professional in our work and citizens contacts.
- We work safely, following all safety rules and require our co-workers to do the same.
- We are committed to “do it right the first time.”
- We go the extra mile.

It is the desire of the Mayor and Board of Commissioners that every employee succeeds in his or her job. We are committed to do our best to see that you have every opportunity and reasonable assistance to achieve that success. You should use this handbook as a reference as you pursue your career with the City of Sweetwater. We look forward to your help and contribution to the betterment of our community.

TABLE OF CONTENTS

	<u>PAGE</u>
SECTION ONE: PERSONNEL POLICIES	6
A. Purpose and Objectives	6
B. Personnel Policy Statement	6
C. Coverage	7
D. Administration	8
SECTION TWO: COMPENSATION	9
A. Hourly Rates	9
B. Minimum Wages	9
C. Overtime Pay	9
D. Call-Back Pay	9
E. Compensatory Pay	9
F. Paychecks	11
G. Payroll Deductions	11
H. Bonuses	12
SECTION THREE: EMPLOYMENT	13
A. Equal Employment Opportunity	13
B. Americans With Disabilities Act (ADA)	13
C. Applications	15
D. Recruitment By Examination	15
E. Types of Examinations	15
F. Medical Examinations and General Physicals	17
G. Minimum Age	18
H. Types of Employees	18
I. Appointments, Promotions, Demotions, and Transfers	19
J. Citizenship and Immigration Status Verification	21
K. Initial Employment	21
L. Employee Orientation	21
M. Outside Employment	22
N. Workday/Workweek	22
O. Attendance	22
P. Nepotism	23
Q. Personal Relationships	23
SECTION FOUR: BENEFITS	24
A. Legal Holidays	24
B. Holiday Pay	24

	<u>PAGE</u>
C. Funeral Pay	24
D. Vacation Leave	25
E. Sick Leave and Personal Leave	25
F. Family Medical Leave Act	26
G. Military Leave	31
H. Military Reservist Leave	32
I. Jury Service Leave	33
J. Career Development and Training	33
K. Death of an Employee	33
L. Employee Benefits	33
M. Workers Compensation	34
N. Leave of Absence	34
 SECTION FIVE: DRUG AND ALCOHOL TESTING POLICY	 36
 SECTION SIX: SEXUAL HARASSMENT	 38
 SECTION SEVEN: MISCELLANEOUS	 43
A. Political Activity	43
B. Trip Reimbursement	43
C. Use of City Vehicles and Equipment	43
D. Driving Records	43
E. Solicitation	43
F. Electronic Communication Devices	44
G. Telephone Courtesy	44
H. Dress Code	44
I. Lockers	44
J. Bulletin Boards	45
K. Tobacco Products, Non-Smoker Protection Act	45
L. Gratuities and Business Interests	45
M. Personnel Records	45
N. Disclosure of Employee Records and Information	46
O. Use of Internet and Electronic Mail	46
P. Social Media Policy	48
Q. Cyber Security	49
 SECTION EIGHT: SEPARATION AND DISCIPLINARY ACTIONS	 54
A. Types of Separation	54
B. Suspension	54
C. Resignation	54
D. Layoff	55
E. Disability	55

	<u>PAGE</u>
F. Retirement	55
G. Death	55
H. Dismissal	55
I. Grievance Procedure	55
 SECTION NINE: AMENDMENTS TO THE PERSONNEL RULES	 57
A. Amendments	57
B. Severability	57
C. Special Note	57
 Tennessee Pregnant Workers Fairness Act	 58
 Pump for Nursing Mothers Act (“PUMP Act”)	 59
 Anti-Retaliation Policy	 60
 Weapons Policy	 61
 Code of Conduct	 62
 Acknowledgment of Receipt	 67

SECTION ONE: PERSONNEL POLICIES

A. PURPOSE AND OBJECTIVES

The main purpose of these policies is to establish a high degree of understanding, cooperation, efficiency, and unity among municipal government employees fostered by a systematic application of good procedures in personnel administration.

Another purpose is to provide uniform policies for all employees with all the benefits such a program ensures, without regard to race, color, religion, gender or gender identity, age, national origin, disability, military status, communication with elected public officials, free speech, refusing to participate in or remain silent about illegal activities exercising a statutory constitutional right or any right under clear public policy, political affiliation, genetic information or any other basis protected by law.

The city complies with Title VI of the Civil Rights Act of 1964. Title VI requires that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The fundamental objectives of these personnel administration policies are to:

1. promote and increase efficiency and economy among employees of the city;
2. provide fair and equal opportunity to all qualified citizens on the basis of demonstrated merit as ascertained through fair and practical methods of selection;
3. develop a program of recruitment, advancement, and tenure that will make employment with the city attractive as a career and encourage each employee to render the best service to the public;
4. establish and promote high morale among the employees by providing good working relationships, a uniform personnel policy, opportunity for advancement, and consideration of employee needs and desires.

B. PERSONNEL POLICY STATEMENT

The City of Sweetwater, Tennessee, is an at-will employer. Nothing in this handbook, the resolution adopting it, or the personnel ordinance may be construed as creating a property right or contract right to any job for any employee. In that context, the City of Sweetwater is an Equal Opportunity Employer, and its decisions are not based on race, gender, age, national origin, creed, ancestry, or disability.

It is the policy of the City of Sweetwater to apply and foster a sound program of personnel management. The policies of the municipal government are established to address the following:

1. Employment and Placement
2. Position Classification and Pay Administration
3. Employee Relations and Services
4. Employee Development and Training
5. Records
 - a. fill all positions without undue delay in accordance with established job qualifications and requirements without discrimination;
 - b. establish programs for the promotion, transfer, demotion, reassignment, and dismissal of personnel;
 - c. administer a uniform leave program;
 - d. provide an employee grievance procedure;
 - e. develop a handbook to inform employees of their responsibilities and privileges;
 - f. provide and maintain a safe and healthful work environment;
 - g. establish and maintain comprehensive and uniform personnel records.

C. COVERAGE

These rules and regulations shall cover all employees in the city service that are classified in the personnel ordinance as being in the “classified service.” Those employees or other personnel placed in the “exempt service” by the personnel ordinance are not covered by these rules and regulations.

All offices and positions of the local government classified as exempt service are:

1. all elected officials;
2. the local government manager/administrator;
3. members of appointed boards and commissions;
4. consultants, advisers, and legal counsel rendering temporary professional service;
5. the local government attorney;
6. independent contractors;
7. regular part-time employees paid by the hour or the day who are not considered regular unless otherwise indicated including student interns;
8. volunteer personnel appointed without compensation;

9. the local government judge;
10. officers and employees of the local government school system;
11. employees of the utility district.

Employees shall always behave, both on and off duty, to reflect favorably on the city. Unbecoming conduct shall include that which brings the city disrepute or reflects discredit upon the individual as an employee of the city, or that which impairs the operation or efficiency of the city or individual.

Some policies apply to all employees and officers of the city including those placed in the exempted service, such as policies related to discrimination and/or harassment and policies required by state or federal law.

D. ADMINISTRATION

These rules and regulations shall be administered as part of the personnel authority of the Mayor and Board of Commissioners as provided in the City Charter as a delegation of personnel authority in conformity with the ordinance establishing a personnel system. Amendments to these rules and regulations shall be made in keeping with the procedure outlined in the personnel ordinance. Any employee of a department that has adopted a Standard Operating Procedure (e.g., Police Department and Fire Department) must comply with all requirements of the SOP in addition to these rules and regulations, provided that should the provisions of an SOP conflict with these rules and regulations or the personnel ordinance, the provisions of the personnel ordinance and these rules and regulations shall control.

SECTION TWO: COMPENSATION

A. HOURLY RATES

Employees paid on an hourly rate basis are paid for all time actually worked. The Mayor and Board of Commissioners shall set all salaries paid by the city. Consideration will be given to duties performed, responsibilities, technical knowledge and skills required to perform the work satisfactorily, the labor market, and availability of people having the desired qualifications. Pay scales adopted as part of the overall personnel program shall be for guidance only and do not represent guaranteed or committed levels of compensation. All pay is subject to the adoption of the annual budget, availability of funds, and continued need for the job position.

B. MINIMUM WAGES

In accordance with the Fair Labor Standards Act, no employee, whether full-time or part-time shall be paid less than the federal minimum wage requirement of the FLSA regulation.

C. OVERTIME PAY

When it becomes necessary for an employee to work overtime hours or return to duty from off-duty hours due to an emergency, regular employees, part-time employees, and temporary employees shall be paid according to the prevailing pay schedule. Overtime work will be compensated according to the FLSA provisions at a rate of one and one-half times the employee's regular rate. Except for fire and police employees, who respectively have a 15-day and 14-day work period, when an employee is required to work outside the hours of his regularly defined shift he or she will be paid at a rate of one and one-half times his or her normal rate of pay, with a minimum compensation period of no less than 2 hours. (As amended by the resolution adopted by the Mayor and Board of Commissioners on December 4, 2006.)

Generally, overtime work must be authorized by the department head and overtime should not be authorized except by prior approval of the department head, except in case of an emergency. In the event of an emergency, the police chief, fire chief and city recorder are authorized to request additional personnel and authorize overtime as deemed necessary to ensure the effective and timely response to the situation, priority public safety and the well-being of the community.

D. CALL-BACK PAY

An employee who is called back to work on an emergency basis will be compensated at the regular overtime rate of one and one-half (1½) times his/her regular rate of pay for a minimum of two (2) hours as approved by his/her supervisor. Department heads may offer compensatory time in lieu of overtime compensation.

E. COMPENSATORY PAY

Overtime work may also be paid with compensatory time at a rate of one and one-half times the hours worked in accordance with the FLSA. The following particular policies shall apply to its

use by the departments of city government to which these Personnel Rules and Regulations are applicable:

1. Accrued comp time belongs to the employee and may be taken upon advance request except when the requested time of use would unduly disrupt the operations of the department in the opinion of the department head.
2. Comp time may be accrued a maximum of eighty (80) hours but beyond that limit any overtime will be compensated monetarily until such time as the accrued comp time is back below the limit allowed.
3. All accumulated comp time for each employee, not to exceed 80 hours, shall be financially compensated at the employee's then existing hourly rate of pay as of June 15 of each fiscal year and be paid in the final paycheck of that fiscal year if the employee so chooses. Employees wishing to be financially compensated must turn in their accumulated time no later than June 15. Employees may choose to roll over accumulated time into the next fiscal year, understanding that at no time shall comp time exceed 80 hours at a time and a half calculation. (i.e., 32 hours x 1.5 = 48)
4. Comp time should be used as expeditiously as possible subject to the scheduling needs of the department. Scheduling of comp time shall be the responsibility of needs of the department head involved and all records of the earning and use of comp time shall be kept by the department head and reported monthly to the human resource officer. In the event department heads are determined at any time to be eligible for comp time or other forms of overtime compensation pursuant to the FLSA, all such time must be approved in advance by the commissioner in charge of that department, with records of time earned and taken kept by the department head, verified by the commissioner of the department, and reported monthly to the human resource officer.
5. Employees exempt by law from the overtime provisions of the Fair Labor Standards Act shall not qualify for comp time or other forms of overtime compensation.
6. The Mayor and Board of Commissioners has determined that special comp time rules are necessary for the person or persons such as school resource officers in the police department. For that position and that position only, in order to encourage the availability of this person for after hours and extracurricular school activities, the police chief, in consultation with the police commissioner, may authorize accumulation of more than 48 hours of comp time in any one school year. All other rules with regard to

scheduling and record-keeping for comp time shall apply to this position as well.

F. PAYCHECKS

All employees of the City of Sweetwater shall be paid on either a weekly or semi-monthly basis. If you have questions about your work time, salary, or paycheck, call it to the attention of the department head within the pay period in question or immediately thereafter.

All payroll checks will be automatically deposited to employees by noon on the day they are due.

Final Paychecks: Whenever possible, final pay may be issued to the employee at the time of dismissal or resignation. The local government is required by law to issue final pay by the next regular payday, or no later than 21 days following the date of dismissal or resignation. In unusual circumstances, a department head may make arrangement for earlier payment.

G. PAYROLL DEDUCTIONS

By law, the city is required to deduct, where applicable, federal withholding taxes, Social Security taxes, garnishments, and court-ordered child support from an employee's pay. In addition, if you are an employee eligible to participate in the Tennessee Consolidated Retirement System your membership is mandatory and will be deducted as required by the retirement program.

Federal Income Tax: Federal taxes are withheld from employees' paychecks based on the number of dependents claimed by each individual. Employees are required to keep on file with the municipal government a copy of their W-4 form. In the event of changes in the employee exemption status, a revised W-4 must be filed with the payroll deduction adjustments noted before such adjustments will be made. It is the responsibility of the employee to advise the human resource officer of any such changes.

Social Security: Social Security payments and deductions will be made according to the Social Security Act. The city recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.

Garnishments: Should the city receive a court-ordered garnishment of an employee's wages, such deduction will be made as provided by law and the employee's check will contain an explanation of the deduction in keeping with the state law. The court-order for your garnishment will be available for your inspection on request. The city assumes no responsibility for the legitimacy or accuracy of such amounts and must comply with the court orders until notified to the contrary.

Court-ordered child support: Should the city receive a court order or wage assignment notice concerning child support payments to be withheld from an employee's check, such deduction will be made as provided by law and the check will contain an explanation of the deduction in keeping with state law. The court order or wage assignment notice will be available for the

employee's inspection on request. The city assumes no responsibility for the legitimacy or accuracy of such amounts and must comply with the court orders until notified to the contrary.

Retirement: After six months employment, the required percentage of your wages will be deducted from each paycheck for membership in the Tennessee Consolidated Retirement System. Membership is mandatory. In the event a person leaves the employment of the city they may apply for a refund of the amount of money paid into the system. Federal income tax will automatically be deducted from the refund.

*In addition, the following deductions can be made from your paycheck if and when authorized by an employee in writing: hospitalization (medical service premiums); life insurance; deferred compensation (457); prepaid legal services; self-assigned child support; such other deductions on a voluntary basis which the Mayor and Board of Commissioners authorizes for city employees.

H. BONUSES

Employees may be awarded bonuses from time to time. The Mayor and Board of Commissioners shall budget all bonuses paid by the city. These provisions for bonuses adopted as part of the overall personnel program, shall be for guidance only and do not represent guaranteed or committed levels of compensation. All bonuses are subject to the adoption of the annual budget, availability of funds, and continued need for the job position.

1. Christmas Bonus. Subject to the constraints set forth hereinabove, the Mayor and Board of Commissioners may award employees Christmas bonuses in an amount to be determined by the Board of Commissioners in the budget to be paid in the month of December.
2. Longevity Bonus. Subject to the constraints set forth hereinabove, the Mayor and Board of Commissioners may award employees longevity bonuses. The longevity bonus for each respective employee shall be calculated by multiplying the amount of bonus determined by the Board of Commissioners in the budget by the number of years of continuous service accumulated by each respective employee beginning with the fiscal year following the year in which the respective employee earned the highest salary in the wage scale for his or her original employment position without a break in employment.
3. Merit Bonus. Subject to the constraints set forth herein above, the Mayor and Board of Commissioners may award a sum certain for merit bonuses to be awarded to employees in each department for exemplary service to the City of Sweetwater in the preceding year. The award of such merit bonuses to particular employees and the amounts thereof shall lie in the sole discretion of the department head and the commissioner of each department.

SECTION THREE: EMPLOYMENT

A. EQUAL EMPLOYMENT OPPORTUNITY

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

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

B. AMERICANS WITH DISABILITIES ACT (ADA)

Purpose

The purpose of this policy is to provide a policy in compliance with 42 U.S.C. 12101 et. seq.: The Americans with Disabilities Act (ADA) as amended. The city is committed to the fair and equal employment of individuals with disabilities under the ADA. It is the city’s policy to provide reasonable accommodation to individuals with disabilities who are qualified for the job in question unless the accommodation would impose an undue hardship on the city. The city prohibits any harassment of, or discriminatory treatment of, employees on the basis of a disability or because an employee has requested a reasonable accommodation.

In accordance with the ADA, reasonable accommodations will be provided to qualified individuals with disabilities to enable them to perform the essential functions of their jobs or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment and all employees.

Eligibility

The ADA policy applies to any qualified individual with a disability who can perform the essential functions of the job with, or without, a reasonable accommodation.

Disability

“Disability” refers to a physical or mental impairment that substantially limits one or more major life activities. A “qualified person with a disability” means an individual with a disability who has the requisite skills, experience, and education for the job in question, and who can perform the essential functions of the job with or without reasonable accommodation.

Reasonable Accommodation

The city will seek to provide a reasonable accommodation for a known disability or at the request of an individual with a disability. A “reasonable accommodation” is any change or adjustment to the job application process, work environment, or work processes that would make

it possible for the individual with a disability to perform the essential functions of the job and does not place undue hardship on the city.

Essential Job Functions

For each position, the job description typically will identify essential job functions. The recorder generally will review job descriptions on a periodic basis to evaluate job functions designated as essential. An applicant's or employee's questions about a job's requirements should be directed to the recorder.

Requesting a Reasonable Accommodation

An applicant or employee with a disability is responsible for requesting an accommodation from the recorder or his or her department head and engaging in an informal process to clarify what the applicant or employee needs and to identify possible accommodations. The city will inform the applicant or employee of his/her rights under the ADA and document the interactive process discussions. An applicant or employee may be required to provide documentation from an appropriate professional, such as a doctor or a rehabilitation counselor, concerning the applicant's disability and functional limitations. If an applicant or employee disagrees with the result of the medical examination, the applicant or employee may request a second examination performed and paid for by the applicant or employee. In the event of a disagreement in the two previous medical opinions, a third opinion may be obtained with both parties sharing the cost of the examination.

The applicant or employee should describe the problem created by a workplace barrier so that an appropriate accommodation may be considered. Typically, the recorder will work with the applicant or employee to identify possible reasonable accommodations and to assess the effectiveness of each in allowing the applicant or employee to complete the hiring process or perform the essential functions of the job.

Based on this interactive process, a reasonable accommodation will be selected that is appropriate for both the city and the individual. While an individual's preference will be considered, the city is free to choose between equally effective accommodations with consideration toward expense and impact on the rest of the organization.

A request for reasonable accommodation may be denied if it would create an undue hardship for the city. The recorder will provide notification in writing of denial based on undue hardship. Factors to be considered when determining whether an undue hardship exists include the cost of the accommodation, the organization's overall financial resources, the financial resources of the particular facility at which the accommodation is to be made, the number of employees at the facility, the total number of employees of the organization, and the type of operation.

Safety

All employees are expected to comply with all safety procedures. The recorder will not place qualified individuals with disabilities in positions in which they will pose a direct threat to the health or safety of others or themselves. A "direct threat" means a significant risk to the health or safety of one's self or others that cannot be eliminated by reasonable accommodation. The determination that an individual with a disability poses a direct threat typically will be made by the recorder and will be based on factual, objective evidence. A written copy of the determination will be given to the applicant or employee so that he or she may submit additional information and/or challenge the determination that he or she poses a direct threat.

Confidentiality

All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in separate medical files, and disclosed only as permitted by law.

Complaint Procedure

It is the policy of the city to prohibit any harassment of, or discriminatory treatment of, applicants or employees on the basis of a disability for requesting a reasonable accommodation. If an individual feels he or she has been subject to such treatment or has witnessed such treatment, the situation may be reported to any supervisory employee of the city, including the recorder.

The city's policy prohibits retaliation against an applicant or employee for exercising his or her rights under the ADA or applicable state fair employment laws. Any employee found to have engaged in retaliation against an applicant or employee for exercising his or her rights or for making a request for reasonable accommodation under this policy will be subject to disciplinary action up to and including discharge. If an applicant or employee feels he or she has been retaliated against, the situation may be reported to any supervisory employee of the city, or any of the following, the department head, recorder/city attorney/commissioner.

C. APPLICATIONS

The City of Sweetwater shall make every effort to attract qualified applicants for various types of positions. In so doing, the human resource officer shall, upon proper notification by the commissioner of a vacancy in a department, make and publish in various media and the newspaper a notice of vacancies when they occur. All application periods shall remain open for not less than two weeks from the first date of advertisement.

All employment applications are received at the city hall by the city recorder and given to the appropriate appointing authority once the application period has closed. Applications shall only be accepted when vacancies actually exist. The City of Sweetwater exercises a policy of fairness to every person who applies for work and, in cooperation with the supervisor involved, is responsible for selecting and placing people in various city departments. The City of Sweetwater will make reasonable accommodations in the application process to applicants with disabilities making a request for such accommodations.

D. RECRUITMENT BY EXAMINATION

All appointments to the municipal government service shall be made according to merit and may be subject to competitive examination as established beforehand. All such examinations, if used, shall fairly and impartially test those matters relevant to the capacity and fitness of the applicant to efficiently discharge the duties of the position to be filled.

E. TYPES OF EXAMINATIONS

The examinations held to establish eligibility for any classification may consist of one or more of the following parts as established by the commissioner and respective department head. The City

of Sweetwater will make reasonable accommodation in the examination process to disabled applicants requesting such accommodation.

1. Written Test: This part, when required, shall include a written demonstration designed to show the applicant's familiarity with the knowledge involved in the class of positions to which he/she is seeking appointment.
2. Oral Test: This part, when required, shall include a personal interview where the ability to deal with others, to meet the public, and/or other personal qualifications are to be evaluated. An oral interview may also be used in examinations where a written test is unnecessary or impractical or as a reasonable accommodation to someone unable to take a written test due to a disability.
3. Performance Test: This test, when required, shall involve performance tests as would aid in determining the ability and manual skills of applicants to perform the work involved. The performance test may be given a weight in the examination process or may be used to exclude from further consideration applicants who:
 - a. cannot perform the essential functions of a specific position due to a disability that cannot be reasonably accommodated;
 - b. poses a direct threat to themselves or others.
 - c. is unable to perform the essential functions of a specific position due to a temporary condition or disability not protected by the ADA.
4. Physical Agility Test: When required, this consists of job-related tests of bodily conditioning, muscular strength, agility, and physical fitness of job applicants for a specific position. This test may be given a weight in the application process or may be used to exclude from further consideration applicants who do not meet the minimum required standards for the job.
5. Psychological Test: When required, this test shall include any test to determine mental alertness, psychological state/stability, general capacity of the applicant to adjust his/her thinking to new problems, or to ascertain special character traits or attitudes.
6. Pre-employment Drug Testing: All applicants for employment in safety-sensitive positions who have received a conditional offer of employment with the City must submit to a drug test before receiving a final offer of employment. "Safety-sensitive positions" include, but are not limited to police officers, firefighters, positions requiring a commercial driver's license, public works positions involving the operation of heavy construction equipment, water/wastewater plant

operators, all positions involving the construction and maintenance of electrical lines, teachers, school staff and administrators, lifeguards and other swimming pool positions, other positions having responsibility for the safety and care of children, positions that require operation of vehicles on public streets, operators of motorized equipment on public property where members of the public may be present or near enough to be within a zone of danger created by the equipment, and other positions in which the employee discharges duties fraught with risks of harm or injury to themselves or others that even a momentary lapse of attention can have disastrous consequences, to be determined on a case by case basis.

Positive results on the drug test will result in an applicant being denied employment.

7. Mandated Tests: If mandated by third party certifying authorities (e.g., police and fire certifications, CDL), and if required prior to employment with the city, these tests will be administered as provided by state law or regulation to assess qualification pursuant to those requirements.

F. MEDICAL EXAMINATIONS AND GENERAL PHYSICALS

Pre-employment, Post offer

Following a conditional offer of employment, some prospective employees, will be required to be examined by a licensed medical physician designated by the municipal government. This exam will determine whether prospective employees can perform the essential functions of the position offered. The cost of this medical examination shall be borne by the city. Prospective employees who are unable to successfully perform the essential functions tested for in the medical examination shall have their offer of employment by the city withdrawn if they:

1. cannot perform the essential functions due to a disability that cannot reasonably be accommodated;
2. pose a direct threat to themselves and/or others.

Post-hire

All employees of the city may, during their employment, be required by their department head, with the approval of the mayor or their respective commissioner, to undergo periodic examinations to determine their physical and mental fitness to continue to perform the work of their positions. This periodic examination shall be at no expense to the employee. Determination of physical or mental fitness will be made by a physician designated by the Mayor and Board of Commissioners.

When a city employee is reported by the examining physician to be physically or mentally unfit to perform work in the position for which he/she is employed, the employee may, within five (5) days from the date of his/her notification of such determination, indicate in writing to the Mayor and Board of Commissioners, his/her intention to submit the question of his/her physical or mental unfitness to a physician of his/her own choice.

In the event there is a difference of opinion between the examining physician and the physician chosen by the employee, a physician shall be mutually agreed upon and designated by both physicians. The third physician's decision shall be final and binding as to the physical or mental fitness of the employee. The municipal government shall pay its physician, the employee shall pay his/her physician, and the third physician shall be paid by non-prevailing parties.

Employees determined to be physically or mentally unfit to continue in their positions may be demoted according to these rules, or they may be separated from the municipal government service only after it has been determined that they:

1. cannot perform the essential functions due to a disability that cannot reasonably be accommodated;
2. pose a direct threat to themselves and/or others;
3. are unable to perform the essential functions due to a temporary condition or disability not protected by the ADA.

G. MINIMUM AGE

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

H. TYPES OF EMPLOYEES

1. **Regular Full-time Employee:** A regular full-time employee is an employee who works a minimum of thirty (30) hours per week (one or two shifts per week for firefighters), is paid an hourly rate or an annual rate, and is subject to all conditions of employment.

Full-time employees who are regularly scheduled to work at least forty (40) hours per week and are entitled to receive all benefits offered by the city unless specifically excluded by the city charter, code, or ordinance.

Full-time employees who are regularly scheduled to work at least thirty (30) hours but less than forty (40) hours per week and are entitled to receive group health insurance offered by the city unless other benefits are specifically excluded by the city charter, code, or ordinance.

2. **Regular Part-time Employee:** A regular part-time employee is an employee who has a regularly scheduled workweek of less than thirty hours per week, whether paid on an annual or hourly basis. Regular part-time employees receive no employee benefits.

3. Temporary Part-time Employee: A temporary part-time employee is an employee who works fewer than thirty hours per week at a particular assignment or in a “seasonal employment” job for a period of six months or less in any twelve-month period. Temporary part-time employees receive no employee benefits.
4. Part-time Police Officers: Part-time police officers are appointed by the chief of police and police commissioner. Part-time officers receive hourly compensation and no other benefits except workers’ compensation.
5. Volunteer Firefighters: Volunteer firefighters are appointed by the fire chief and fire commissioner when necessary. Volunteer firefighters are compensated on a per-call basis with no other benefits except coverage under the Volunteer Firefighter’s Insurance Coverage policy and workers’ compensation benefits.
6. Student appointments: Paid or unpaid student interns appointed by the appropriate department head when utilized. If paid, they receive hourly compensation and no other benefits except workers’ compensation.

I. APPOINTMENTS, PROMOTIONS, DEMOTIONS, AND TRANSFERS

Pursuant to the city charter, the Mayor and Board of Commissioners has the authority to appoint, promote, demote, transfer, suspend and remove all officers and employees of the city. The Mayor and Board of Commissioners has, in limited fashion, delegated portions of that personnel authority as set out in the personnel ordinance. In keeping with the charter and ordinance, all vacancies in the municipal government service shall be filled by original appointment, re-employment, promotional appointment, provisional appointment, transfer, or demotion.

1. Appointments: Appointments to positions with the municipal government fall into four categories. They are:
 - A. Original Appointments- When a non-employee passes all considerations for employability and is offered conditional employment.
 - B. Provisional Appointments- When the city is unable to fill a vacancy because of an insufficient number of applicants or lack of qualified applicants, the mayor in agreement with the respective commissioner may authorize the department head to fill the vacancy by a provisional appointment. Provisional appointments require the prior approval of the mayor and the respective commissioner, no payment shall

be made for services rendered by the appointee prior to the appointment, and no provisional appointment shall last longer than 90 days.

- C. Student Appointments- Students majoring in fields of value to the city government from a qualified, cooperating educational institution may be employed on an “internship” basis for a period not to exceed 12 months at a time. The appointment must first be approved by the Mayor and Board of Commissioners.
 - D. Emergency Appointments- The mayor may authorize the appointment for any qualified person to a position to prevent a halt in public business or loss or serious inconvenience to the public. Emergency appointments shall be limited to a period of 45 days in any 12-month period.
2. Promotions: A promotion is assigning an employee from one position to another that has a higher maximum pay rate, rank, and responsibility. Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of effecting an increase in compensation. When an employee is promoted, the respective department head and commissioner may make an appropriate adjustment to compensation, subject to the budget and approval of the Mayor and Board of Commissioners. In addressing vacancies, departments which have volunteer or auxiliary services may fill vacancies from such volunteer or auxiliary services by way of promotion rather than advertising and new hire at the discretion of the department head and respective commissioner.
3. Transfers: When an employee desires to transfer from one department to another and a job vacancy exists, it must be agreeable to both department heads involved and the respective commissioners. Transferring an employee from one position to another may require:
- a. that a job vacancy exists in the proposed department of transfer;
 - b. that the employee meets the job qualifications of the new position;
 - c. that it be in the best interests of the city government;
 - d. that it be consistent with the other requirements of these rules.

An employee who transfers from one city department to another will retain and carry forward all benefits earned, accrued or both as of the date

of transfer. As a general rule, lateral transfers do not require an increase in compensation.

7. Promotion and Transfer Drug Testing: All employees, who are not currently employed in a safety-sensitive position, and apply for promotion or transfer into a safety-sensitive positions, must submit to a drug test before receiving a final promotion or transfer. "Safety-sensitive positions" include, but are not limited to police officers, firefighters, positions requiring a commercial driver's license, public works positions involving the operation of heavy construction equipment, water/wastewater plant operators, all positions involving the construction and maintenance of electrical lines, teachers, school staff and administrators, lifeguards and other swimming pool positions, other positions having responsibility for the safety and care of children, positions that require operation of vehicles on public streets, operators of motorized equipment on public property where members of the public may be present or near enough to be within a zone of danger created by the equipment, and other positions to be determined on a case by case basis, in which the employee discharges duties fraught with risks of harm or injury to themselves or others that even a momentary lapse of attention can have disastrous consequences. If the applicant or employee tests positive, the offer of employment, transfer or promotion will be withdrawn and the employee may be disciplined, up to and including termination, may be required to participate in rehabilitation as described in this policy, and may be subject to future random testing.

5. Demotions: A demotion is assigning an employee from one job position to another that has a lower pay rate, rank, and responsibility. An employee may be demoted for any of the following reasons:
 - a. because his/her position is being abolished and he/she would otherwise be laid off;
 - b. because his/her position is reclassified to a higher grade and the employee lacks the necessary skills to perform the job;
 - c. because there is a lack of work;
 - d. because there is a lack of funds;
 - e. because another employee, returning from authorized leave granted in accordance with the rules on leave, will occupy the position to which the employee is currently assigned;
 - f. because the employee does not possess the necessary qualifications to render satisfactory service to the position, he/she holds;
 - g. as form of disciplinary action; or
 - h. it is in the best interest of the city government.

When an employee is demoted to a position and the employee pay rate is higher than the minimum rate for the new position, the employee's pay rate shall be subject to such adjustment as the department head and respective commissioner may recommend to the Mayor and Board of Commissioners for approval.

J. CITIZENSHIP AND IMMIGRATION 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 discharge. However, the city will not knowingly employ any person who is or becomes an unauthorized immigrant. In compliance with the Immigration Reform and Control Act, all employees hired after November 6, 1986, regardless of national origin, ancestry, or citizenship, must provide suitable documentation to verify identity and employability. The documentation must be provided within three days of employment, or the individual will be subject to separation.

K. INITIAL EMPLOYMENT

After an applicant has been chosen to fill a job vacancy by the department head and has been approved by the mayor or respective commissioner, the new employee shall be required to complete or provide the following documents and forms before beginning work:

1. W-4 form;
2. signed acknowledgment form from the employee handbook/personnel manual;
3. Immigration Control and Reform Act form (I-9);
4. a copy of educational certification, professional license, or certificate required per the job description;
5. emergency telephone numbers;
6. a copy of driver's license (if the person requires driving a city vehicle); and
7. list of dependents as required by Consolidated Omnibus Budget Reconstruction Act (COBRA).

L. EMPLOYEE ORIENTATION

New employees are required to attend a new employee orientation prior to reporting to their department for work assignment. The orientation shall be the city's opportunity to convey information about the city's government, benefits programs, structure, personnel policies and procedures, drug and alcohol testing procedures, and general employer expectations. This should

also be a time for the new employee to ask questions and seek any other information he or she might have about working for the city. Such orientation shall be conducted by the human resource officer as they shall determine appropriate.

M. OUTSIDE EMPLOYMENT

With the approval of one's department head and/or commissioner, "moonlighting" is permissible, provided that there is no conflict of interest or impairment of work performance for the city. Before outside employment begins, employees must present a written request describing the work to be performed.

Employees missing work because of sickness or injury that can be attributed to outside employment will not receive pay or other normal benefits for time lost from their local government job. Approval of outside employment may be withdrawn for any of the above reasons.

Police officers that provide security related duties for businesses or associations must provide proprietary security license or contract license information for insurance verification.

NOTE: Police and fire departments may have their own policies on use of uniforms and equipment and when such may be used in the course of outside employment.)

N. WORKDAY/WORKWEEK

Pursuant to the FLSA, a workweek is a regular recurring period of 168 hours consisting of seven consecutive 24-hour periods. Except as is provided in special employment contracts or agreements (i.e., police employees work period is 14 days, and the fire employees work period is 15 days), five days per week constitute a workweek for regular employment. As necessary, schedules will vary in departments for smooth operation of the city.

O. ATTENDANCE

Punctual and regular attendance is an essential function of every job position with the City of Sweetwater. Punctual and regular attendance is necessary for the city to operate efficiently. Employees unavoidably late or absent from work due to illness or other causes must notify their supervisor within the time frame established by each department, unless unusual circumstances prevent the employee from making proper notification. Employees must explain the reason for the absence and, if possible, the anticipated time and date they will return to work. Supervisors must be notified before the beginning of the work day for employee to use personal days or vacation days for pay in lieu of absence.

P. NEPOTISM

No member of an immediate family (wife, husband, son, daughter, son-in-law, daughter-in-law, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, aunt,

uncle, niece, nephew, stepparent, or stepchild) shall be employed under the same line of direct supervision.

Q. PERSONAL RELATIONSHIPS

If a personal, romantic, or intimate relationship is established between two or more employees post-hire, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to the department head. When a conflict or potential conflict arises due to the relationship affecting employment, the city reserves the right to make any and all employment decisions in the best interest of the city.

SECTION FOUR: BENEFITS

A. LEGAL HOLIDAYS

All offices and shops of the City of Sweetwater, except emergency and necessary operations, will be closed and employees excused on the following legal holidays:

New Year's Day	January 1
Martin Luther King Jr Day	Third Monday in January
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday in May
Juneteenth	June nineteenth
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25
Employee's Birthday	

When a legal holiday falls on Saturday, offices will be closed the preceding Friday. When a holiday falls on Sunday, it shall be observed the following Monday. Employee's birthday must be taken within one week of his/her birthday. Birthday may not be observed on any other holiday.

To receive compensation for a holiday, employees eligible for holiday benefits must be in a pay status (not away on leave without pay, workers' compensation or disability) on their last regular shift scheduled before a holiday and their first regular scheduled shift after a holiday. It shall be the department head's responsibility to report to payroll the names, hours, and dates of employees who work holidays.

B. HOLIDAY PAY

Regular full-time employees shall receive holiday pay in the form of an additional eight hours (firefighters, twelve hours) of pay for each of the above holidays whether on duty or not.

C. FUNERAL PAY

In the event of the death of a member of the immediate family of an employee (spouse, parent, grandparent, child, brother, sister, mother-in-law, father-in-law, grandchild, step child, step parent, step grandchild, step grandparent, son-in-law, daughter-in-law), the employee shall be entitled to three consecutive days of leave for the purpose of attending the funeral. One day of funeral leave must be the day of the funeral and reimbursement for funeral leave is only made for actual lost days at work. In instances of multiple death, funeral leave shall be as decided by the department head and respective commissioner in consideration of the needs of the department but no less than three days.

D. VACATION LEAVE

Vacation leave shall be allowed on the following basis from the date of hire:

	Fire Dept.	All Other
After completion of twelve months employment	3 shifts	40 hours
Second year through seventh year	5 shifts	80 hours
Eighth year through fifteenth year	7 shifts	120 hours
Sixteenth year and beyond	10 shifts	160 hours

The initial 3 shifts for fire or 40 hours of vacation for all other employees shall accrue and be available following first anniversary date and may be taken in the then current fiscal year or the fiscal year following. Thereafter, vacation shall accrue on July 1 of the second and subsequent fiscal years following the date of hire according to the above schedule.

Vacation is earned for years of “consecutive, uninterrupted employment.” “Consecutive, uninterrupted employment” is measured from your most recent date of hire with the city and is that period of time that has been without break due to resignation, retirement, change of employment status to part time, or any other failure to be in continuous service to the city. Such failure shall not include active duty with the military, duty requirements with the National Guard, or exercise of leave benefits elsewhere provided in these rules.

This policy does not set forth a minimum hourly or shift requirement. This aspect is left to the discretion of the department head. All vacations should be scheduled two weeks in advance through your department head. Vacation time cannot be accumulated or taken in a succeeding year, nor can employees elect to work and be paid in lieu of taking vacation. Certain time periods of the year may be blocked out from taking vacation time due to operational needs of the city as determined by the department head and the respective commissioner.

An employee who leaves city service and had remaining current year vacation may receive unused vacation pay.

E. SICK LEAVE AND PERSONAL LEAVE

1. Current Sick Leave

Sick leave shall be earned beginning six months after date of hire. Employees shall earn sick leave at the rate of one day per month until the end of the fiscal year following hire. Firefighters earn one-half shift per month not to exceed six one-half shifts of sick leave.

On the fiscal year following anniversary date, all employees except firefighters shall be eligible for 9 sick leave days with a “day” defined as eight hours. Fire personnel shall receive three shifts of sick leave, with a “shift” defined as twenty-four hours.

The employee must furnish a physician's statement following return from sick leave showing that he or she was unable to work for the period of his/her absence if such absence is for two or more consecutive days or shifts as these terms are used herein.

2. Banked Sick Leave

Sick days are not "paid out" to employees monetarily but can be accrued from year-to-year, referred to as "banked" sick days. The employee may use accrued sick days in the event of a qualifying medical event or to credit towards retirement. A qualifying event is defined as an event for which the employee can provide a doctor's excuse or qualifies under FMLA in its most recent update. All current sick pay must be used before banked sick days may be used.

3. Personal Leave

Personal leave may be requested by an employee without excuse or explanation but should be made known to the department a sufficient amount of time ahead to allow the department work to be scheduled without interruption.

On the fiscal year following the anniversary date, all employees shall receive three shifts of personal leave for the year, with a shift defined as the department's regular shift (i.e., Police- 12 hours and Fire- 24 hours) so that the employee may be away from work for the entire day.

The employee may not receive vacation, sick pay, holiday pay, etc., while drawing other benefits of a compensatory nature, e.g., worker's compensation.

F. FAMILY MEDICAL LEAVE ACT

Purpose

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

Eligibility

The Family and Medical leave policy is applicable to employees who have worked at least 12 months for the city over the seven years prior to the qualifying event, and who have worked at least 1,250 hours during the preceding 12-month period, and work for an employer with 50 or more employees within 75 miles of the work site.

Such employees are eligible for a maximum of 12-26 weeks leave under the act, depending upon eligibility circumstances. Special rules apply for husbands and wives employed by the same

employer, for exempt key employees (top 10 percent of all wage earners, and who are paid on a salary basis), and for local educational agencies. Individuals who are not covered include elected officials, political appointees, volunteers, independent contractors, and legal advisors.

FMLA Circumstances

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

1. For the birth and care of the newborn child of the employee.
2. For placement with the employee of a son or daughter for adoption or foster care.
3. To care for an immediate family member with a serious health condition as defined by the FMLA.
4. Medical leave when the employee is unable to work because of a serious health condition.
5. To care for an immediate family member as defined under the FMLA who is injured while on active duty if that injury renders the service member unfit for military duty.
6. To handle a “qualifying exigency” relating to an employee’s spouse or child being called to active duty.

Paid /Unpaid Leave

Family Medical Leave (FML) may be paid or unpaid. If the employee has available paid leave, that leave will run concurrently with FML. If the employee does not have paid leave available, or he/she exhausts paid leave, while out on FML, the remainder of the approved FML will be unpaid. Employees on unpaid leave will not accrue paid leave if they are on unpaid leave for more than 15 days in a month.

Employees requesting FML must generally use their accumulated compensatory time, sick leave, or annual/vacation leave. The combination of paid leave, and unpaid leave may not exceed the total allowable leave under the FMLA.

Guidelines

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

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

The “parent,” as defined in the Family and Medical Leave Act, need not be the employee’s biological parent, provided that the individual “stood in loco parentis” (acted as a parent), to the employee when the employee was a child. Benefits under FMLA are not extended to parents’ “in-law.”

FMLA defines the term “spouse” to mean a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a same-sex marriage or common law marriage. “Spouse” also includes a husband or wife in a marriage that was validly entered into outside of the United States if it could have been entered into in at least one state. No employer would be required to grant an eligible employee FML to care for an unmarried domestic partner.

“Son or daughter” is defined in part as one who is under age eighteen (18) or as an adult who is incapable of self-care because of a mental or physical disability. Medical leave may be taken for a biological child, as well as foster children, adopted children, stepchildren, or legal wards such as a niece, nephew, or grandchild whom the employee is raising.

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

1. Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment.
2. A period of incapacity of more than three consecutive calendar days that also involves treatment two or more times by a health care provider or treatment which results in a regimen of continuing treatment under the supervision of the health care provider.
3. Any period of incapacity due to pregnancy or for prenatal care.
4. A chronic condition that requires periodic treatments continues over an extended period and may cause episodic rather than a continuous period of incapacity.
5. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, requiring continuing supervision of a health care provider.
6. Multiple treatments either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity

of more than three calendar days in the absence of medical intervention or treatments, such as cancer, severe arthritis, or kidney disease.

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

During periods of unpaid FML, an employee may not accrue any additional seniority or similar employment benefits during the leave period in months in which they work fewer than 15 days; or any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken leave.

Certification

The city reserves the right to verify an employee's request for FML. If 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 from the health care provider of either the eligible employee or the family member, as appropriate. Failure to submit proper certification may result in a delay of FML approval. If the city has received a complete and sufficient certification but has a reason to doubt that it is valid, the city may, at the city's expense, require a second opinion from a different health care provider chosen by the city. The city can choose the health care provider to provide the second opinion, but generally may not select a health care provider who it employs on a regular or routine basis. If the second opinion differs from the original certification, the city may require the employee to obtain a third certification from a healthcare provider selected by both the employee and city. The opinion of the third health care provider is final and must be used by the city. The city is responsible for paying for the second and third opinions, including any reasonable travel expenses for the employee or family member. While waiting for the second (or third) opinion, the employee is provisionally entitled to FMLA leave.

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 family member. Medical certifications will be treated as confidential and privileged information under HIPAA and the state's public records laws as appropriate.

An employee may be required to report periodically to the city the status and the intention of the employee to return to work. Before return is granted, employees who have taken unpaid leave under this policy may be required to furnish the city with a medical certification from the employee's health care provider that the employee is able to resume work.

Failure to provide certification in a timely manner may result in delay or denial of FMLA. Certification is not to be required for scheduling of natural childbirth alone, but for additional pregnancy-related medical situations. Natural childbirth is not determined, in and of itself, to be a serious medical condition.

Reduced and Intermittent Leave

FMLA leave may be taken intermittently or on a reduced schedule when medically necessary as certified by the health care provider. Intermittent leave is defined as the smallest increment the payroll system will accommodate. Intermittent or reduced leave schedules for routine care of a new child can be taken only with the city's approval. 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 it will not exceed the equivalent of 12 workweeks total leave in a 12-month period.

Restoration

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

Restoration may be denied to key employees if:

1. the city shows that such denial is necessary to prevent substantial and grievous economic injury to the city's operations;
2. the city notifies the employee that it intends to deny restoration on such basis at the time the city determines that such injury would occur; and
3. in any case in that 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 FML maintain their right to restoration to the original or an equivalent job until the twelve (12) weeks of FML has passed.

Failure to Return to Work

According to the FMLA "if an employee is unable to or does not return to work at the end of twelve (12) weeks of FML, all entitlement and rights under the FMLA cease at that time; the employee is no longer entitled to any further restoration rights under the FMLA, and the employer is no longer required to maintain group health benefits pursuant to the FMLA."

Notification of Discharge

An employee may be discharged from employment at the end of the twelve (12) week entitlement period if the employee has not returned to work, has not supplied written notification of their intent to return to work or is unable to perform his/her job duties. The city, however, may

be required by the Americans with Disabilities Act (ADA) to offer the employee an accommodation (i.e., additional leave, light duty, job restructuring, etc.) prior to discharge.

Maintenance of Health and COBRA Benefits During Unpaid Leave

The city will maintain health insurance benefits, paid by the city for the employee, during periods of unpaid leave without interruption. Any payment for family coverage/s premiums or other payroll deductible insurance policies must be paid by the employee or 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 this recapture provision.

The 12-month FMLA Period

The 12-month period during which an employee is entitled to 12 workweeks of Family and Medical Leave Act (FMLA) leave is measured forward from the date of the employee's first FMLA leave begins. An employee is entitled to 12 weeks of leave during the 12-month period after leave begins. The next 12-month period will begin the first time the employee requests FMLA leave after the completion of the previous 12-month period.

Workers' Compensation While on FMLA

Workers' Compensation injury/illness meets the criteria for a serious health condition, therefore the workers' compensation absence and the FMLA leave entitlement will run concurrently.

G. MILITARY LEAVE

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

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

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

H. MILITARY RESERVIST' LEAVE

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

In addition to the leave of absence provided above, employees who are members of the Tennessee Army and Air National Guard on active state duty or the Tennessee State Guard and Civil Air Patrol shall be entitled to an unpaid leave of absence from their respective duties, without loss of time, pay not specifically related to leave of absence time, regular leave or vacation, or impairment of efficiency rating for all periods of service during which under competent orders he/she is engaged in the performance of duty or training in the service of this state, including the performance of duties in an emergency.

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

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

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

I. JURY SERVICE LEAVE

Employees selected for jury services shall be excused for the actual duration of the jury duty. Upon release from jury duty during an employee's normal working hours, he/she shall be expected to return to duty. Employees will receive full pay during jury service.

J. CAREER DEVELOPMENT AND TRAINING

Employees are encouraged to take advantage of education and training benefits to improve their job skills and qualify for promotions. These benefits are limited to training and education relevant to the employee's current position or "reasonable" transfer and/or promotional opportunities. "Reasonable" is defined as attaining the minimum qualifications for promotion or transfer with no more than two years of additional training or education.

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

The department head and respective commissioner shall evaluate and authorize training based on employee and department needs, the availability of funds and the benefit to the city.

The department head or respective may authorize or require employee attendance at conferences, seminars, workshops, or other functions of a similar nature that are intended to improve or upgrade the employee's job skills.

Requests to attend training sessions should be made at least 15 days prior to the deadline for registration. The department head and respective commissioner, based on the department head's recommendation, will determine who will attend conferences based on the availability of resources.

When a request for training is approved, the employee's cost for registration, tuition, and publications, transportation, lodging, and other reasonable expenses will be covered by the city. (See travel policy).

K. DEATH OF AN EMPLOYEE

Upon the death of a full-time regular employee, his/her beneficiary shall receive his/her next due payroll check, pay for accrued vacation time, and an additional two weeks of full pay. Further, his/her beneficiary shall be given complete assistance by the city recorder in settling pension, life, and hospital insurance benefits.

L. EMPLOYEE BENEFITS

The city recognizes the value of benefits to employees and their families. The city supports employees by offering a comprehensive and competitive benefits program. These benefits will be reviewed upon employment, specific information on plans may be obtained from the recorder.

M. WORKERS COMPENSATION

An employee of the city who suffers injury or illness as a result of a work-related accident or condition shall receive compensation during the period of illness or injury by the State Compensation Insurance Fund in accordance with the Tennessee Worker's Compensation Act. Worker's compensation pays an employee 66.67% of his/her weekly salary once the employee has been disabled for more than seven (7) days. Compensation will be made as of the eighth day of disability due to an occupational injury. If the employee is disabled for fourteen (14) days or more, worker's compensation will pay the employee retroactively from the first full day of absence from work up to the return date to work. Employees receiving worker's compensation payments may not supplement their pay with accrued paid leave.

Employees shall report any injury or illness incurred in, or arising out of, the course of their employment, however minor, to the supervisor or department head. Failure to make such a report may delay the employee from receiving Workers Compensation benefits. The employment of an injured employee, who is unable to return after a period of 30 days may be reassessed by the human resources manager with the department head and commissioner, at which time a determination regarding their employee status will be made.

N. LEAVE OF ABSENCE

After employees have exhausted their accrued paid leave, leave without pay may be granted at the discretion of the recorder and the department head/commissioner as a reasonable accommodation to individuals with a disability, serious employee health condition or injuries or the serious health conditions of a member of the employee's immediate family.

An employee may also be placed on leave without pay if unable to perform his/her job or another job with or without reasonable accommodation. Should employees later be able to return to work, upon presentation of certification by a healthcare provider they shall be given preference for employment in a position for which they are qualified, with the approval of the recorder/department head/commissioner.

If the employee exhausts all of his/her paid leave and still needs time off for personal health reasons, he/she may apply for a leave of absence without pay for up to three (3) months if he/she is a regular full-time employee. The request for leave must be given to the recorder/mayor at least thirty (30) days prior to the start of the requested leave unless the leave is an emergency.

The recorder and department head/commissioner may approve the request for a leave of absence without pay. The decision is at his/her discretion, unless the leave qualifies under the Family Medical Leave Act, the Tennessee Maternity-Paternity Leave Act, the Americans with Disabilities Act, or Military Leave. Some of the matters considered in approving the request are the employee's length of service, employment record and the reason for the absence.

While an employee might originally request a leave of absence without pay for a period of three (3) months, it is possible that extensions may be granted. However, the total leave and extensions for any one cause cannot exceed one (1) year.

Leave without pay may be granted only when the employee has used all his/her accrued available paid leave. Employees who receive worker's compensation payments are not required to use accrued paid leave or compensatory time for the balance of the wages not paid by worker's compensation. Employees will not be eligible for accrual of paid leave while he/she is on an approved unpaid leave of absence.

Employees granted leave without pay in excess of three (3) months will be notified that:

1. No firm assurance can be given that an employee will be reinstated or if he/she will return to the same position upon expiration of the leave in the event that it is in the best interests of the city to reassign the employee to another position during his/her absence. This provision does not apply to employees on approved FMLA leave.
2. An employee may be laid off during his/her absence if there is a reduction in force which would have occurred during the period of unpaid leave affecting his/her position. If this should occur, the employee shall be notified.

Employees must notify the (designated authority) of the anticipated date of return to work prior to that date. When an employee returns from an approved leave of absence without pay, he/she may be placed in his/her previous or a similar position, if available. If the same or similar position is not available, the employee may receive preference for employment in any available position for which he/she is qualified.

If the employee fails to return to work at the conclusion of the leave of absence without pay, the employee will be subject to disciplinary action. If the employee is unable to return to work, he/she is responsible for requesting an extension, in advance, from the (designate authority).

There may be changes to the employee benefits during a leave of absence without pay. Employee should contact the (designated authority) to determine changes to which he/she may be subject.

Maintenance of Benefits during Leave of Absence Without Pay

The city is not required to maintain employee benefit coverage while the employee is on leave of absence without pay that is not protected under the Family Medical Leave Act, Tennessee Maternity-Paternity Leave Act, or applicable Military Leave. In cases where the leave of absence without pay would trigger a qualifying event (such as a termination of coverage) due to a reduction in work hours, COBRA will be offered.

SECTION FIVE: DRUG AND ALCOHOL TESTING POLICY

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the city has adopted a drug and alcohol testing policy. The policy complies with the Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Department of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. The types of tests that may be required under the DFW policy are pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random (for safety-sensitive positions only), return-to-duty, and follow-up.

It is the policy of the city that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol is prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to disciplinary action up to and including termination.

Prohibited and/or illegal conduct includes but is not limited to:

1. being on duty or performing work for the city while under the influence of drugs and/or alcohol;
2. engaging in the manufacture, sale, distribution, use or unauthorized possession of drugs at any time and of alcohol while on duty or while in or on city property, or city vehicles;
3. refusing or failing a drug and/or alcohol test administered under the 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.

Employees who are required to take prescribed or over-the-counter medication shall notify the immediate supervisor should the medication produce, or be at risk of producing, any effects which might limit the employee's ability to safely perform his/her job.

Per Public Chapter 373 – 2019 a valid prescription is defined only as a prescription issued within six (6) months prior to a positive drug test.

The city performs post-offer, pre-employment drug screens for safety-sensitive positions, including positions requiring a CDL for performance of the job; (random) post-accident/incident; and reasonable suspicion. No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users prior to selection for drug testing, obtain counseling and rehabilitation through the city's Employee Assistance Program or other program sanctioned by the city or through the employee's own provision, and thereafter refrains from violating the city's policy on drug and alcohol abuse. However, voluntary identification will not prevent disciplinary action for the violation of the city's drug and alcohol testing policies and regulations, nor will it relieve the employee of any requirements for return to duty testing.

A job applicant will be denied employment with the city if his/her post-offer, pre-employment test result has been confirmed positive. Current employees will be subject to disciplinary action up to and including termination of employment if their test result has been confirmed positive, if they refuse to test, or for any other violations outlined in the Drug Free Workplace policy. Compliance with this substance abuse policy is a condition of employment; the city will pay for all required drug tests.

The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or disciplinary actions up to and including termination of employment. The submission by an applicant or employee of a urine sample that is not the employee's own or is adulterated shall be grounds for refusal to hire or disciplinary action up to and including termination of employment.

All property belonging to the city is subject to inspection at any time without notice, as there is no expectation of privacy.

- a. Property includes, but is not limited to, vehicles, desks, containers, files, and storage lockers.
- b. Employees assigned lockers (that are locked by the employee) are also subject to inspection.

Employees who have reason to believe another employee is using alcohol or illegal drugs while on duty must report the facts and circumstances immediately to their supervisor or the (designated authority). Failure to do so may result in disciplinary action. Supervisors are required to detail in writing the specific facts, symptoms, or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the (designated authority).

To the extent allowed under the Tennessee Open Records Law, all information from an employee's or applicant's drug and alcohol test is confidential and only those individuals with a need to know are to be informed of test results.

SECTION SIX: SEXUAL HARASSMENT

Purpose

The city will not tolerate sexual harassment of its employees. The city will take immediate steps to stop such harassment when it occurs.

The city is responsible for acts of sexual harassment in the workplace when the city (or its agents or supervisory employees) knows or should have known of the conduct unless it can be shown that the city took immediate and appropriate corrective action. The city may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the city (or its agents or supervisory employees) knows or should have known of the conduct and failed to take immediate and appropriate corrective action.

This policy applies to all officers and employees of the city including, but not limited to full and regular part-time employees, elected officials, seasonal and temporary employees, employees covered or exempt from the personnel rules or regulations, and employees working under contract for the city. The City does not allow discrimination in any form by any of its employees, officials, or representatives. However, the employees of Sweetwater Utilities Board and the Sweetwater Board of Education shall be subject to their specific policies.

Prohibited Actions

The following actions constitute an unlawful employment practice and are absolutely prohibited by the city when they affect employment decisions, create a hostile work environment, cause distractions, or unreasonably interfere with work performance. They are:

1. sexual harassment or unwelcome sexual advances;
2. requests for sexual favors;
3. verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, or propositioning;
4. explicit or implied job threats or promises in return for submission to sexual favors;
5. inappropriate sexually oriented comments on appearance;
6. sexually oriented stories;
7. displaying sexually explicit or pornographic material, no matter how the material is displayed;
8. sexual assault on the job by supervisors, fellow employees, or non-employees; and/or

9. demeaning, insulting, intimidating or sexually suggestive written, recorded or electronically transmitted materials (such as email, instant message, and internet materials)

Sexual harassment includes unlawful conduct directed by persons of any gender or sex upon persons of any gender or sex because of gender membership or identification.

Making Sexual Harassment Complaints

An employee who feels he/she is subjected to sexual harassment should immediately contact a person (listed below) with whom the employee feels the most comfortable.

Complaints may be made orally or in writing to:

1. the employee's immediate supervisor,
2. a department head,
3. the recorder,
4. the board of commissioners
5. the city attorney.

Employees have the right to circumvent the employee chain-of-command when selecting the person to complain to about sexual harassment. The employee should be prepared to provide the following information:

1. his/her name, department, and position title;
2. the name of the person or people committing the sexual harassment, including their title(s), if known;
3. the specific nature of the sexual harassment, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
4. witnesses to the harassment; and
5. whether the employee has previously reported the harassment and, if so, when and to whom.

Employee Obligation

Employees are obligated to report instances of harassment. Employees are also obligated to cooperate in every investigation of harassment. The obligation includes, but is not limited to, coming forward with evidence, both favorable and unfavorable, for a person accused of such

conduct; fully and truthfully make written reports or verbally answer questions when required to do so by an investigator. Employees are to refrain from making bad faith accusations of harassment.

Disciplinary action may be taken against an employee who fails to report instances of harassment, or who fails or refuses to cooperate in the investigation of a complaint of harassment, or who files a complaint of harassment in bad faith. Employees are prohibited from interfering or attempting to interfere with any departmental investigation. False allegations will be dealt with on a case-by-case basis, and depending on the outcome, may include disciplinary action.

Reporting and Investigating Harassment Complaints

The recorder is the person the city designates as the investigator of harassment complaints against employees. In the event the harassment complaint is against (person designated above), the investigator shall be independent outside counsel appointed by the governing body or provided through the city employment practices liability insurer.

When an allegation of harassment is made by any employee, the following shall occur:

1. the city will separate the complainant and accused party for the duration of the investigation; upon the approval of the department head and (designated authority);
2. the investigator will meet with the employees, any witnesses, the supervisor(s), any other members of management considered appropriate and other individuals that may have relevant information. The investigator may elect to conduct a hearing as part of the investigation process;
3. the investigator will immediately prepare a report of the complaint according to the preceding section and submit it to the (designated authority);
4. the investigator will make and keep a written record of the investigation at the time the verbal interview is in progress, including notes on:
 - a. verbal responses made to the investigator by the person complaining of harassment,
 - b. witnesses interviewed during the investigation,
 - c. the person against whom the complaint of harassment was made, and
 - d. any other person contacted by the investigator in connection with the investigation; and
5. within (indicate number of days) days of receiving the complaint, the investigator will prepare and present the findings to the (designate authority) in a report, which will include:

- a. the written statement of the person complaining of harassment;
- b. the written statements of witnesses;
- c. the written statement of the person against whom the complaint of harassment was made; and
- d. all the investigator's notes connected to the investigation.

Action on Complaints of Harassment

Upon receiving an investigation report of a harassment complaint, the recorder and city attorney shall immediately review the report. If the recorder and city attorney determine that the report is not complete in some respect, they may question the person complaining of harassment, the person against whom the complaint has been made, witnesses to the conduct in question, or any other person(s) who may have knowledge about the harassment.

Based upon the report and his/her own investigation (where a separate investigation is made), the recorder and city attorney shall, within a reasonable time, determine whether the conduct in question constitutes harassment. In making that determination, the recorder and city attorney shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct, the context in which the alleged actions occurred, and the behavior of the person complaining. The decision of whether harassment actually took place will be determined on a case-by-case basis.

If the recorder and city attorney determine that the harassment complaint is founded, the city shall take immediate and appropriate disciplinary action against the guilty employee, consistent with its authority under the city charter, ordinances, resolutions, or rules governing its authority to discipline employees. The disciplinary action may include oral counseling, written reprimand, suspension, demotion, mandatory referral to the EAP program, or termination depending upon the severity of the matter and circumstances surrounding the incident(s). A written record of disciplinary actions, including oral reprimands, shall be maintained in the employee's human resources file. Determining the level of disciplinary action shall also be made on a case-by-case basis and subject to the city disciplinary policy. The disciplinary action shall be consistent with the nature and severity of the offense and any other factors the governing body believes relate to fair and efficient administration of the city. This includes, but is not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the city. The city will notify the employee who filed a harassment complaint of the outcome of the investigation once determined.

If the recorder and city attorney feel that the harassment warrants disciplinary action stronger than is authorized by the charter, ordinances, resolutions, or rules governing employee discipline, they shall make that determination known, along with the report of the investigator, to the governing body of the city. If the governing body determines that the harassment complaint is founded, it may discipline the employee consistent with its authority under the city charter, ordinances, resolutions, or rules governing employee discipline.

In all events, an employee found guilty of harassment shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the

investigation. All other city employees are also warned not to retaliate in any way to the above-mentioned parties. Any such retaliation or harassment will be dealt with immediately and may include disciplinary action.

If the employee complaining of harassment is not satisfied with the manner in which the city addressed the complaint, the employee shall be given an opportunity to present a written grievance. The written grievance must specifically identify what aspect of the city's response was not satisfactory to the employee and why it was not satisfactory. The grievance must be submitted to the recorder within ten city business days from the date on which the disciplinary action was rendered. The recorder, with assistance from the city attorney and personnel commissioner will render a written determination in the matter within ten city business days from receipt of the grievance. Their decision will be final in all such matters.

The recorder has the authority to appoint a neutral third party (arbitrator) to be the final decision-maker in lieu of the recorder when the recorder determines that a neutral third party is in the best interest of the city. In all cases where the complaint is filed against the recorder, a neutral third party, appointed by the governing body, shall be used as a final decision-maker.

In cases where harassment is committed by a non-employee against a city employee in the workplace, the recorder shall take whatever lawful action is necessary against the non-employee to bring the harassment to an immediate end.

The governing body may discipline an elected official in whatever manner it deems appropriate, consistent with its authority under state law, the municipal charter, ordinances, resolutions, or other rules governing discipline of elected officials.

Obligation of Employees

Employees are not only encouraged to report instances of harassment; they are obligated to report them. Employees are also obligated to cooperate in any harassment investigation when required. The obligation includes, but is not necessarily limited to, coming forward with evidence (both favorable and unfavorable) about a person accused of such conduct, fully and truthfully making written reports, or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of harassment.

Disciplinary action may be taken against employees who fail to report instances of harassment, fail, or refuse to cooperate in the harassment investigation, or file a complaint of harassment in bad faith.

SECTION SEVEN: MISCELLANEOUS

A. POLITICAL ACTIVITY

Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities provided such activity occurs while the employee is off duty and out of uniform. Provided, however, municipal employees shall not be qualified to run for elected office as mayor or commissioner for the City of Sweetwater without first resigning their position of employment upon qualifying and any elected official shall be out of office for one (1) year before being appointed to a paying position within the city.

B. TRIP REIMBURSEMENT

No trip that involves reimbursement and/or municipal government expense shall be undertaken without prior approval of the appropriate department head and/or commissioner. Meals and incidentals shall be reimbursed at the state rate in effect at the time of the expense or upon submission of receipts or affidavits for actual costs. For additional information see the recorder.

C. USE OF CITY VEHICLES AND EQUIPMENT

All city vehicles and equipment are for official use only. No other person other than a city employee may operate a city vehicle or piece of machinery. Drivers and/or operators must have a valid Tennessee driver's license and be approved by the department head or appropriate commissioner.

D. DRIVING RECORDS

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

E. SOLICITATION

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

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

It should be emphasized that no pressure is to be placed on any employee to make any contributions.

F. ELECTRONIC COMMUNICATION DEVICES

The city may provide and assign city-owned cell phones or electronic communication devices to employees when it will enhance employee productivity and provide a higher level of service. Business cell phones or electronic communication devices are typically provided to positions that require immediate and on-going communication due to management responsibilities, field operations and emergency response purposes. Business cell phones or electronic communication devices shall be used for appropriate business purposes in the most cost-effective manner possible. Since they are provided to conduct city business, the employee should limit personal usage to calls that are essential.

The use of business cell phones for essential personal business calls must be kept to a minimum and shall not interfere with the conduct of city business.

If an individual is abusing the privilege of using a city cell phone or electronic device, disciplinary action may be taken, along with discontinuation of the use. Employees must be aware that any electronic communication devices owned by the city is open to audit for monetary and/or content review. The records of any communications sent or received from a city-owned electronic device is subject to inspection by any member of the public pursuant to the TN Public Records Act and must be retained as per the city adopted records retention schedule.

G. TELEPHONE COURTESY

The telephone is often the only contact citizens have with the city. Telephone courtesy is essential. When employees answer the phone, have them state the department's name and his/her own name. Instruct employees to discuss all matters with the same courtesy that they would appreciate and treat every call as if it were extremely important.

H. DRESS CODE

Although the city has no formal dress code, employees are asked 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 taste, and should not constitute a safety hazard. Interpretation of this rule will be left to the department head. Uniformed departments may have their own dress codes.

I. LOCKERS

Lockers are provided as needed. Employees are expected to furnish their own lock and key so they will have control over access to the locker. Liability for loss or damage to content of lockers cannot be assumed by the municipal government. Employees may be requested to open their lockers for periodic housekeeping, inspections, or other occasions when it is appropriate

and/or necessary, as there is no expectation of privacy. Those who use the locker rooms are expected to assist in keeping them clean and orderly.

Any suspicious activity around lockers, as well as break-ins and thefts, should be reported to the supervisor.

J. BULLETIN BOARDS

At numerous locations, the city maintains bulletin boards on which important information connected with an employee's work is posted from time to time. Cooperation is needed in protecting the posted material. All material to be placed on the bulletin boards must be approved by the appropriate supervisor before posted.

K. TOBACCO PRODUCTS, NON-SMOKER PROTECTION ACT

The city complies with the Non-Smoker Protection Act of 2007 which prohibits smoking in all public places such as buildings, equipment, and city-owned vehicles. All employees who operate city-owned vehicles are prohibited from smoking in the vehicle or piece of equipment. This includes other occupants that are transported in the vehicles. Violators of this policy will be subject to disciplinary action. Vaping is prohibited in city vehicles and facilities.

L. GRATUITIES AND BUSINESS INTERESTS

Pursuant to state law, the city has adopted an Ethics Ordinance contained in the Sweetwater Municipal Code. Employee conduct with regard to ethical, financial, or conflict of interest situations are addressed there and should be consulted by employees with any questions regarding accepting gifts or business dealings with the city government other than compensation for their job.

M. PERSONNEL RECORDS

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

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

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

N. DISCLOSURE OF EMPLOYEE RECORDS AND INFORMATION

The city recorder must be notified of any information that has been provided to outside inquiries.

The city will cooperate with requests for information, but will prohibit access to employees' medical records, to anyone other than the employee or his/her authorized representative.

O. USE OF INTERNET AND ELECTRONIC MAIL

1. Policy. It is the policy of the City of Sweetwater that all employees having global internet access and e-mail privileges shall use such access only for official work in full compliance with this policy and the policies of the city. Each user must be aware of the risks related to Internet access and e-mail use which cannot be eliminated but may only be managed through the exercise of prudence and caution.
2. Procedures.
 - a. Use of the Internet/E-mail. Employees must be individually authorized to use the internet and/or E-mail before doing so during working hours or while using any city equipment. No employee will be so authorized by the city until the employee has signed the Internet Use form (See attachment).
 - b. No e-mail messages sent or received on city computers is personal or private. Each is the property of the City of Sweetwater. E-mail messages can be copied, distributed, discovered in litigation, and used in disciplinary proceedings even if deleted by the recipient. Users have no expectation of privacy as to any e-mail message at any time.
3. Principles of Use.
 - a. Use must be for legitimate work-related purposes only.
 - b. Users shall respect the legal protections afforded by copyright and license laws for programs and data.
 - c. Users shall identify themselves as employees of their department and the city when sending any e-mail messages via the Internet.

4. Unacceptable Use of the Internet, E-mail, and the City Computer System.

- a. Users shall respect the integrity of the city's computing system and shall not use it for unacceptable purposes or in an unacceptable manner as set forth below. It is unacceptable for a user to use, submit, publish, display, or transmit on the Internet or any part of the city's computer system any information which:
 1. uses the system for any illegal purpose;
 2. contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory, or illegal material, whether in the form of a "joke" or otherwise;
 3. violates or infringes on the rights of any other persons, including the right of privacy; or,
 4. modifies files or data belonging to other users without explicit permission to do so.
- b. No user other than the city recorder or the various department heads shall have authority to subscribe to any service for which a fee is charged.
- c. Users shall not use or develop programs that harass other users or infiltrate a computer or computing system, or which seek to alter or damage the software components of a computer or computing system.

5. Personal Use. The prohibitions of this policy shall also not be construed to prohibit infrequent and brief use of the system for incidental personal matters by an employee during a meal or other personal break time. This is similar to an employee's limited ability to make a personal telephone call on personal time. For example, employees may spend a minute or two looking at the weather radar online, provided, however, that in no event shall any such limited personal use include any activity otherwise prohibited by this policy, e.g., visiting a sexually explicit site.

6. No Right of Privacy-Monitoring

- a. Pursuant to the Electronic Communications Act of 1986 (18 U.S.C. 2510 et seq.), notice is hereby given that there are no facilities provided by the city and its system sending or receiving private or confidential electronic communications.

- b. The City of Sweetwater reserves the right to monitor all uses of its computer system, either by local personnel or its service provider.
- c. Electronic mail, whether sent via the internet or internally, may be a public record subject to public disclosure under the Tennessee Public Records Act and may be inspected by the public.

P. SOCIAL MEDIA POLICY

This Internet Postings and Social Media Policy applies to employees who post on the following:

- 1. Social networking websites including, but not limited to, MySpace, Twitter, Flickr, Tumblr, Instagram, YouTube, LinkedIn, and Facebook;
- 2. Blogs;
- 3. Wikis including, but not limited to, Wikipedia; *AND*
- 4. Other websites and message boards.

(All of the above activities shall be referred to as "Internet Postings")

The City of Sweetwater encourages and respects its employees' rights under the First Amendment to the United States Constitution. Therefore, employees should not read this Policy as an overt attempt to limit their constitutionally protected freedoms. However, as representatives of the City of Sweetwater, employees shall maintain professional and appropriate relationships with citizens and the community. Since most Internet Postings are available to the general public, employees' public postings should remain professional and appropriate for public viewing. The same level of scrutiny will not apply to employees' private Internet Postings. Private postings include but are not limited to matters found on encrypted sites and *invite only* networks. However, when an employee makes those private postings available to the public, those postings should be treated as public and handled and maintained with appropriate care.

All employees shall sign a fair use agreement wherein employees agree that they will not use city computers or equipment for any inappropriate activities. Employees shall immediately remove any Internet Postings, public or private, that the district determines are inappropriate or unprofessional, including but not limited to Internet Postings that mention a citizen, co-worker, local business, or city official by name or that cast a person in an unfavorable light. Further, employees shall open their private social media website, blog, or other internet postings for viewing by city officials if there is reasonable suspicion that a violation of this policy has occurred. Employees shall refrain from any public or private Internet Postings that violate Federal law, State law, or city policies.

1. Liability

Employees should understand that they can be held legally responsible for Internet commentary.

Therefore, employees should exercise caution with regard to their Internet Postings. Employees must also understand that the City of Sweetwater shall not be liable for any errors, omissions, losses, or damages claimed due to those employees' Internet Postings.

2. Confidentiality

City of Sweetwater employees often find themselves privy to confidential records. Such confidential information, or information reasonably related to confidential records, shall never be shared, or posted on the Internet in any forum (i.e., public, or private).

3. Representation

If an employee's Internet Postings or profiles identify him/her as a representative of the City of Sweetwater, employees must make it clear that any views expressed are the employees' alone, and do not necessarily reflect those of the city. Furthermore, an employee's Internet Postings or profiles should not include trademarks/logos associated with the City of Sweetwater without prior permission from the appropriate administrator.

4. Association

Many City of Sweetwater employees' Internet Postings appear on sites officially associated with the city. The city administrators retain editorial control over any Internet Postings found on those officially associated sites. As such, an employee must obtain written permission from the city recorder to associate or link his/her personal site or blog to an officially associated site.

Please be aware that violation of this policy may result in disciplinary action up to and including termination. Disciplinary action reviews and decisions shall follow the standard protocol to involve the appropriate department, commissioner, city recorder, and city attorney.

Q. CYBER SECURITY

(1) The Internet is an important resource for information gathering. However, we must remember that not all Internet users have the city's best interest in mind. Employees must be alert for viruses and exercise good choices in what is downloaded from the Internet. The city's computers may not be used for personal gain or profit, for any commercial solicitations, to interfere with the operation of internet gateways, for sending or replying to "chain letters" or to distribute or obtain offensive or

inappropriate material. Most information and software that is accessible on the Internet is subject to copyright or other property rights protection, therefore, nothing should be copied or downloaded from the Internet for use by the city unless express permission to do so is stated by the material owner and city management.

With regards to usernames and passwords, if these are set by management they shall not be changed except by permission of management. The employee must be aware that all files placed on city equipment become public property (this includes any personal files, the placement of which on city equipment is in violation of this policy). All files placed on city equipment shall be backed up in two additional locations including a physical location such as a removable hard drive or SSD, as well as some form of cloud storage as approved by management.

(2) Cyber Security -- Do not allow any external storage devices to be attached to city equipment without the permission of management. When checking city e-mail, do not reply to e-mails that look strange or click on links in unfamiliar e-mails. Report any of these to management immediately. Do not forward these e-mails to anyone unless told to do so. Do not dispose of any city IT equipment without management approval, and all electronic equipment which may contain sensitive information shall only be disposed of in a manner which cleans and eliminates such information from the equipment, and in a manner prescribed by city management.

To help ensure the security of the city's technology, users shall not:

- a. Share access codes or passwords.
- b. Use accounts, access codes, privileges, or IT resources for which they are not authorized.
- c. Tamper, modify, or alter any restrictions or protections placed on city IT equipment or software.
- d. Use city resources to introduce, create, or propagate SPAM, PHISHING email, computer viruses, worms, Trojan horses, or other malicious code.
- e. Gain access to accounts for which they are not authorized.
- f. Eavesdrop on or intercept other users' transmissions.
- g. Attempt to degrade the performance or availability of any system.
- h. Misrepresent their identity with actions such as IP address "spoofing," email address falsification, or social engineering.
- i. Send email chain letters or mass mailings for purposes other than official city business.
- j. Connect devices (such as switches, routers, hubs, computer systems, and wireless access points) to the city system without prior approval.
- k. Include or request sensitive or confidential information be included in unprotected electronic communication (email, instant message, text message, etc.).

Section 4-116. Sensitive Information. The city adopts this sensitive information policy to help protect employees, customers, contractors, and the city from damages related to the loss or misuse of sensitive information. This policy will:

1. Define sensitive information.
2. Describe the physical security of data when it is printed on paper.
3. Describe the electronic security of data when stored and distributed.
4. Place the city in compliance with state and federal law regarding identity theft protection.

This policy enables the city to protect customers, reducing risk from identity fraud, and minimize potential damage to the city from fraudulent new accounts. The program will help the city:

1. Identify risks that signify potentially fraudulent activity within new or existing covered accounts.
2. Detect risks when they occur in covered accounts.
3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed.
4. Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

Scope of the Policy

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers of the city, including all personnel affiliated with third parties.

Sensitive Information

For purposes of this policy the following information shall be considered sensitive but may not be considered confidential under state law. If there are questions regarding the confidentiality of a particular item, the employee should contact management. Such sensitive information includes the following items whether stored in electronic or printed format:

- A. Credit card information, including any of the following:
 1. Credit card number (in part or whole)
 2. Credit card expiration date
 3. Cardholder name
 4. Cardholder address
- B. Tax identification numbers, including:
 1. Social Security number
 2. Business identification number

3. Employer identification numbers
- C. Payroll information, including, among other information:
 1. Paychecks
 2. Pay stubs
 3. Cafeteria plan check requests and associated paperwork
- D. Medical information for any employee or customer, including but not limited to:
 1. Doctor names and claims
 2. Insurance claims
 3. Prescriptions
 4. Any related personal medical information
- E. Other personal information belonging to any customer, employee or contractor, examples of which include:
 1. Date of birth
 2. Address
 3. Phone numbers
 4. Maiden name
 5. Names
 6. Customer number

City personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with the Tennessee Public Records Act and the city's public records policy. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact the city recorder. If the city cannot resolve a conflict between this policy and the Tennessee Public Records Act, the city will contact the Tennessee Office of Open Records Counsel.

Hard Copy Security and Distribution

Each employee and contractor performing work for the city will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Do not dispose of paper documents with sensitive information except by shredding.

5. Whiteboards, dry-erase boards, writing tablets, etc., in common shared work areas will be erased, removed, or shredded when not in use.
6. Municipal records, however, may only be destroyed in accordance with the city's records retention policy.

Electronic Distribution

Each employee and contractor performing work for the city will comply with the following policies:

1. Internally, sensitive information may be transmitted using approved city e-mail, provided such e-mail system is encrypted. All sensitive information must be encrypted when stored in an electronic format.
2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients.

SECTION EIGHT: SEPARATIONS AND DISCIPLINARY ACTIONS

A. 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 hereinafter set forth: suspension, resignation, layoff, disability, death, retirement, and dismissal. At the time of separation and prior to final payment, if required, all records, assets, and other city property in the employee's custody must be transferred to the department. Any amount due because of shortage shall be withheld from the employee's final compensation provided it does not fall below minimum wage.

B. SUSPENSION

An employee may be suspended as provided in the personnel ordinance for any disciplinary reason stated therein or for violation of these rules and regulations or for violation of departmental rules or standard operating procedures as determined appropriate by the department head and/or commissioner or the mayor. Such suspension shall be appropriate to the severity of the violation and may not exceed three days (24 working hours) in length. In addition, notice of the suspension shall indicate whether it is with or without pay, and will state the grounds for the suspension. Provided that, an investigative suspension in which the ground for more severe disciplinary action is at issue or are being determined may be indefinite until those issues are resolved and disciplinary action is taken, in which case, the suspension shall be with pay. Provided further, if the department head or respective commissioner determines that the circumstances are of an emergency or safety nature, such suspension may be noticed to the employee orally with written notice following in a reasonable time.

C. RESIGNATION

Resignations from municipal government employment shall be of two kinds: voluntary and involuntary.

In the event an employee decides to leave the municipal government employment, a two-week notice shall be given to his/her supervisor so that arrangements for a replacement can be made. In such a case, employees will be expected to return any or all municipal equipment which has been assigned to them.

An unauthorized absence from work for a period of three consecutive working days shall be considered by the department head as an involuntary resignation and the position may be filled as any vacancy.

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

D. LAYOFF

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

The duties performed by a laid-off employee may be assigned to other city employees who hold positions in the appropriate class. Temporary employees shall be laid off before probationary or regular employees. The layoff shall be in reverse order to total continuous time served upon the date established for the layoff to become effective.

No laid-off employee who is reinstated as a city employee within 90 days from the date he/she was laid off shall be reinstated with full benefits as if he/she had not been laid off.

E. DISABILITY

An employee may be separated from employment with the city for a disability when the employee cannot perform the essential functions of the job because of a physical or mental impairment that cannot be accommodated without undue hardship, or when the disability poses a direct threat to the health and safety of the employee and/or others.

F. RETIREMENT

Whenever an employee meets the conditions set forth in the retirement system's regulations, he/she may elect to retire and receive all benefits earned under the appropriate retirement system.

G. 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 surviving spouse.

H. DISMISSAL

At-will employees may be dismissed for cause, for no cause, or for any cause as long as it does not violate federal and/or state law or the municipal charter.

I. GRIEVANCE PROCEDURE

This section prescribes uniform disposition of grievances presented by individual employees. A grievance is a written question, disagreement or misunderstanding concerning administrative orders involving only the employee's work area, reasonable accommodations under the ADA, physical facilities, unsafe equipment, or unsafe material used. The grievance must be submitted

within five working days of the incident causing the grievance. This grievance process does not apply to disciplinary actions or decisions regarding termination.

There is no grievance until the department head or other appropriate person has been made aware of the dissatisfaction. Once this has been done, the following steps may be taken:

1. Discuss the problem with the appropriate department head. If satisfaction is not obtained, the grievance may advance to step two.
2. Discuss the problem with the appropriate commissioner. If the grievance is not resolved, it may advance to step three.
3. Discuss the problem with the Mayor and Board of Commissioners. The decision of the Mayor and Board of Commissioners is final and binding to all parties involved.

SECTION NINE: AMENDMENTS TO THE PERSONNEL RULES

A. AMENDMENTS

Amendments or revisions of these rules may be recommended for adoption by the Board of Commissioners as provided in the personnel ordinance.

B. SEVERABILITY

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

C. SPECIAL NOTE

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

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

TENNESSEE PREGNANT WORKERS FAIRNESS ACT

This Act requires employers with 15 or more employees to provide reasonable accommodations for medical needs related to pregnancy, childbirth, or other similar medical conditions. The Act applies to applicants and employees, and an employer must provide reasonable accommodations unless such accommodations would create an undue hardship on the employer. Undue hardship under the act is considered an action requiring significant difficulty or expense.

The city will:

1. In good faith attempt to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless the city can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the city;

Accommodations may include:

- Making existing facilities used by employees readily accessible and usable.
- Providing more frequent, longer, or flexible breaks.
- Providing a private place, other than a bathroom stall, for expressing milk.
- Modifying food or drink policies.
- Providing modified seating or allowing the employee to sit more frequently if the job requires standing.
- Providing assistance with manual labor and lifting limits.
- Providing job restructuring for light-duty if available.
- Authorizing a temporary transfer to a vacant position.
- Providing or modifying equipment, devices, or an employee's workstation.
- Adjusting work schedules, and
- Providing time for parental visits.

Accommodations not required:

- Hiring new employees that the employer would not have otherwise hired.

- Discharge an employee, transfer another employee with more seniority, or promote another employee who is not qualified to perform the new job.
 - Create a new position, including a light-duty position for the employee, unless a light-duty position would be provided for another equivalent employee.
 - Compensate an employee for more frequent or longer break periods unless the employee uses a break period that would otherwise be compensated.
2. NOT require a qualified employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation other than any reasonable accommodation arrived at through the interactive process referred to in the PWFA or TN PWFA;
 3. NOT deny employment opportunities to a qualified employee because of the need of the city to make reasonable accommodations related to the pregnancy, childbirth, or related medical conditions of the qualified employee;
 4. NOT require a qualified employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee; or
 5. NOT take adverse action in terms, conditions, or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee.

PUMP FOR NURSING MOTHERS ACT (“PUMP Act”)

Break Time to Pump Breast Milk

Covered city employees have the right to take reasonable break time to express breast milk for their nursing child. For one year after the child’s birth, city employees may take reasonable break time “each time such employee has need to express the milk.” The city will not deny a covered employee a needed break to pump. The frequency and duration of breaks needed to express milk may vary depending on factors related to the nursing employee and the child. Factors such as the location of the space and the steps reasonably necessary to express breast milk, such as pump setup, may also affect the duration of time an employee will need to express milk and will be considered by the city. Employees who telework are eligible to take pump breaks under the FLSA on the same basis as other employees.

Private Space to Pump Breast Milk

The city will provide covered employees with “a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.” Under the FLSA, a bathroom, even if private, is not a permissible location for the employer to provide for pumping breast milk.

The location provided will be functional as a space for expressing breast milk. If the space is not dedicated to the nursing employee’s use, it will be made available when needed by the employee. A space temporarily created or converted into a space for expressing breast milk or made available when needed by the nursing employee is sufficient provided that the space is shielded from view and free from any intrusion from co-workers and the public.

ANTI-RETALIATION POLICY

The city is committed to preventing retaliation and to maintaining a productive, safe, and healthy work environment for all employees, who are to be treated with courtesy and respect at all times.

Retaliation occurs when the city either acts indirectly through a manager, supervisor, administrator or directly fires an employee or takes any other type of adverse action against an employee for engaging in protected activity. An adverse action is an action which would dissuade a reasonable employee from raising a concern about a possible violation or engaging in other related protected activity. Protected activities can include, but are not limited to:

- Whistleblowing on unlawful activities,
- Reporting violations to administrative agencies,
- Exercising free speech, and
- Speaking to elected officials.

Employees are expected to maintain a productive work environment free from retaliation for an employee engaging in any form of protected activity.

Making complaints

An employee who feels he/she is subjected to retaliation should immediately contact a person (listed below) with whom the employee feels the most comfortable. Any number of individuals may be chosen. The object is to give several options:

1. The employee’s immediate supervisor,
2. The department head,
3. The recorder or
4. the commissioner.

Employees have the right to circumvent the employee chain-of-command when selecting the person to complain to about retaliation. The employee should be prepared to provide the following information:

1. his/her name, department, and position title;
2. the name of the person or people allegedly committing the retaliation, including their title(s), if known;
3. the specific nature of the retaliation, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the engaging in protected activity;
4. witnesses to the retaliation; and
5. whether the employee has previously reported the retaliation and, if so, when and to whom.

Employee Obligation

Employees are obligated to report instances of retaliation. Employees are also obligated to cooperate in every investigation of retaliation. The obligation includes, but is not limited to, coming forward with evidence, both favorable and unfavorable, for a person accused of such conduct; fully and truthfully making written reports or verbally answering questions when required to do so by an investigator. Employees are to refrain from making bad faith accusations of retaliation.

Disciplinary action may be taken against an employee who fails to report instances of retaliation, or who fails or refuses to cooperate in the investigation of a complaint, or who files a complaint in bad faith. Employees are prohibited from interfering or attempting to interfere with any departmental investigation. False allegations will be dealt with on a case-by-case basis, and depending on the outcome, may include disciplinary action up to and including termination of employment.

Reporting and investigating retaliation complaints

The city recorder is the office the city designates as the investigator of retaliation complaints against employees. In the event the retaliation complaint is against the recorder, the investigator may be independent outside counsel appointed by the city or provided through the city employment practices liability insurer.

WEAPONS POLICY

All employees, except those authorized to carry weapons for official job-related purposes (sworn law enforcement officers/arson investigators), are prohibited from carrying weapons while performing work for the city.

Notwithstanding any law or any ordinance or resolution adopted by the governing body of a city, county, or metropolitan government, including any ordinance or resolution enacted before April 8, 1986, that prohibits or regulates the possession, transportation, or storage of a firearm or firearm ammunition, a person who has a valid enhanced handgun carry permit or concealed handgun carry permit or who lawfully carries a handgun pursuant to § 39-17-1307(g) may, unless expressly prohibited by federal law, transport and store a firearm or firearm ammunition in the person's motor vehicle, as defined in § 55-1-103, while on or utilizing any public or private parking area if:

1. The person's motor vehicle is parked in a location where the motor vehicle is permitted to be; and
2. The firearm or ammunition being transported or stored in the motor vehicle:
 - a. is kept from ordinary observation if the person is in the motor vehicle.
 - b. is kept from ordinary observation and locked within the trunk, glove box, or interior of the person's motor vehicle or a container securely affixed to the motor vehicle if the person is not in the motor vehicle.

Dangerous devices and weapons prohibited by T.C.A. § 39-17-1302 are prohibited from possession on city property except when issued or sanctioned by the city for use in the performance of the employee's job.

CODE OF CONDUCT

It is the policy of the city that employees use appropriate conduct during the course of their official duties. In addition to these rules, employees are governed by the city Ethics Ordinance found in the Municipal Code.

These rules of conduct are established to give general guidelines to employees as to what is acceptable behavior and what is prohibited behavior. Violation of any of these or other appropriate rules shall be sufficient reasons for counseling, reprimand, suspension, and/or dismissal of any city employee. These rules of conduct are not intended to grant property interest in employment.

Employees may hold their positions during good behavior and acceptable performance, but may be removed for, but not limited to, the following reasons: acts of, or behaviors of, incompetence, inefficiency, ineffectiveness, dishonesty, insubordination, discourteous treatment of the public or other employees, unbecoming conduct, neglect of duty, undermining the efficiency and/or effectiveness of the city's mission to deliver service to its citizens, unwarranted work slowdown or stoppage, and undermining employee morale.

MISCONDUCT

The following list of unacceptable activities is a sample of the types of infractions to the Code of Conduct that may result in disciplinary action. It does not include all types of conduct that can result in disciplinary action, up to and including termination.

Employees are subject to the Code of Conduct appended to and adopted as a part of Sweetwater City Ordinance No. 1030 on December 4, 2023.

Rule 1 – VIOLATION OF RULES

Employees of the city shall not commit any act or omit any act which constitutes a violation of any of the rules, regulations, directives, or orders of this policy whether stated in this rule or elsewhere (i.e., departmental SOP/SOG). Examples: punching the timecard of another employee; leaving during work hours without the approval of the supervisor, etc.

Rule 2 – UNBECOMING CONDUCT

Employees shall always behave, both on and off duty, to reflect favorably on the city. Unbecoming conduct shall include that which brings the city disrepute or reflects discredit upon the individual as an employee of the city, or that which impairs the operation or efficiency of the city or individual. Examples: Using threatening, intimidating, abusive or vulgar language; fighting, horseplay, or other disorderly conduct; sabotage, etc.

Rule 3 – IMMORAL CONDUCT

Employees shall not participate in any incident involving moral turpitude, which impairs their ability to perform or causes the city to be brought into disrepute. Definition of Moral Turpitude: conduct that is believed to be contrary to community standards of honesty, justice, or good morals, thought by a reasonable person to be shameful, corrupt, or vile acts.

Rule 4 – CONFORMANCE TO LAWS

Employees shall in the course of their duties obey all laws of the United States and of any state and local jurisdictions in which the employees are present. A conviction of a violation of any law may be evidence of violation of this section.

Rule 5 – REPORTING FOR DUTY

Employees shall report for duty at the time and place required by assignment or orders and shall be properly equipped and be cognizant of all information required for the proper performance of duty.

Rule 6 – NEGLIGENCE OF DUTY

Employees shall not commit any acts expressly forbidden or omit any acts that are specifically required by the laws of this state, the resolutions/ordinances of this city, the personnel policy, policies, procedures, or directives of the city. Employees shall not engage in any activity or personal business, which could cause them to neglect or be inattentive to duty.

Rule 7 – FICTITIOUS ILLNESS OR INJURY REPORTS

Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the city as to the condition of their health.

Rule 8 – EMPLOYMENT: SICK – INJURED – LIMITED DUTY

No employee shall engage in off-duty employment of any kind while on sick leave, workers compensation leave, or leave of absence status, except by specific written permission from the recorder.

Rule 9 – SLEEPING ON DUTY

Employees shall remain awake while on duty. If unable to do so, they shall report to their supervisor, who shall determine the proper course of action. This does not apply to positions with provided sleep quarters during approved sleep time.

Rule 10 – UNSATISFACTORY PERFORMANCE

Employees shall maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Employees shall perform their duties in a way that will maintain the highest efficiency standards in carrying out the department's functions and objectives. Unsatisfactory performance may be demonstrated by a lack of knowledge of the job duties; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the position; the failure to take appropriate action; or absence without approval.

Rule 11 – INSUBORDINATION

Employees shall promptly obey any lawful directives of a supervisor, manager, department head, or the commissioner.

Rule 12 – GRATUITIES.

Employees shall not accept, directly or indirectly, any money gift, gratuity, or other consideration or favor of any kind from anyone other than the city except as permitted in the city Ethics Ordinance.

Rule 13 – ABUSE OF POSITION

Employees shall not use their official position, official identification card, or badges:

1. To secure any privilege or exemption for themselves or others that is not authorized by the charter, general law, or Resolution/Ordinance or policy of the city.
2. To avoid consequences of unlawful acts.

Employees shall not lend their identification cards or badges to another person or permit them to be photographed or reproduced without the approval of the recorder.

Rule 14 – ENDORSEMENTS AND REFERRALS

Employees shall not recommend or suggest, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service.

Rule 15 – CITIZEN COMPLAINTS

Employees shall courteously and promptly direct complaints against employees to a supervisor for handling. Supervisors taking a complaint may attempt to resolve the complaint but shall never attempt to dissuade anyone from lodging a complaint against any employee.

Rule 16 – COURTESY

Employees shall be courteous to the public and co-workers. Employees shall be tactful in the performance of their duties; shall control their tempers and exercise the utmost patience and discretion; and shall not engage in argumentative discussions. In performing their duties, employees shall not use coarse, violent, profane, or insolent language or gestures and shall not express any discriminatory intent toward protected class members.

Rule 17 – REPORTS

Employees shall submit all required reports on time and in accordance with established procedures. Reports submitted by employees shall be truthful and complete and no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information, or alter, remove, or destroy any report once filed for the purpose of altering the natural order of information. Per Public Chapter 495 – 2019 the penalty for knowingly making a false entry in, or a false alteration of a government record, may be punishable as a Class E Felony under Tennessee law.

Rule 18– ISSUANCE / RETURN OF CITY-OWNED EQUIPMENT

Each employee may be issued or provided with authorized equipment required for duty. Any employee separated from employment shall return all equipment issued.

Employees shall utilize city-owned property only for its intended purpose in accordance with established procedures and shall not abuse, damage, alter, tamper with, repair unless authorized, or allow unauthorized persons to use city -owned property. All city-owned property issued to employees shall be maintained in a proper order and returned upon separation from employment. Intentionally defacing or damaging city property is not permitted.

Rule 19 – TRUTHFULNESS (GARRITY)

Upon the directive of the (identify authority), department head or a supervisor, employees shall fully and truthfully answer all questions specifically directed and narrowly relating to the performance of official duties or fitness for duty which may be asked of them.

As a public employee, the city may require you to provide information as part of an internal and/or administrative investigation to determine whether disciplinary or administrative action is necessary. You may be ordered to truthfully respond to questions or be subject to disciplinary action. You may be asked questions specifically, directly, and narrowly related to performance of your official duties or fitness for your job. You are entitled to all the rights and privileges guaranteed by the law and the Constitution of the United States, including the right not to be compelled to incriminate yourself. If you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you could be subject to discharge. If you do answer, neither your statement, nor any information or evidence which is gained by reason of

such statement, can be used against you in any subsequent criminal proceedings. However, these statements may be used against you in relation to subsequent internal discipline.

Rule 20 – PRIVACY

Employees provided lockers in the workplace are expected to provide their own lock and to keep the locker locked when away. Liability for loss or damage to the content of lockers cannot be assumed by the city. Employees may be requested to open their assigned locker for periodic housekeeping, inspections, or other occasions when it is appropriate and/or necessary. Those who use the locker rooms are expected to assist in keeping them clean and orderly. Any suspicious activity around lockers, break-ins and theft, should be reported to a supervisor. All property belonging to the city is subject to inspection at any time without notice, as there is no expectation of privacy.

ACKNOWLEDGEMENT OF RECEIPT

This is to acknowledge that I have received or been provided access to the city Human Resources Regulations and understand that it outlines certain the city policies, procedures and benefits as may exist at the time of publication. I understand that it is my responsibility to familiarize myself with all information within the Human Resources Regulations.

I understand that the Human Resources Regulations do NOT constitute a contract of employment; rather it is merely a statement of policies and procedures. I understand that the contents of the Human Resources Regulations do not confer any rights on or promises to me or guarantee my employment for any period of time. I understand that the city can alter, eliminate, or otherwise change any policy, information, or benefit described in the Human Resources Regulation by action of the governing body. I understand that it is my responsibility to review the manual periodically to observe any recent changes.

I understand that nothing in the Human Resources Regulations or any summary brochure or employee handbook should be deemed to be a promise by the city to provide any benefit. Rather, the city reserves the right to alter or eliminate any benefit, without notice, at any time.

I understand that the Human Resources Regulations replaces (supersedes) any and all prior city policies and any and all prior city Human Resources regulations, employee handbooks or manuals, and any information contained in any such prior policy, handbook, or manual is no longer in effect. I understand that the Human Resources Regulations are the property of the city and are to be returned to the city when employment with the city ceases.

I understand that my final pay may be reduced for failure to return property, or for monies owed the city upon my separation from employment, as long as it is not reduced to below minimum wage.

I understand that continuing to work for the city constitutes acceptance of this policy even in absence of my signature.

I understand that my employment with the city is at-will and can be terminated by me or by the city at any time for any reason or no reason. I have no property interest in employment. I understand that, although other terms and conditions of my employment may change, this at-will employment relationship will remain in effect throughout my employment with the city. I understand that this at-will relationship may not be modified by any oral or implied promises or agreements. I understand that no employee has a right to continued employment by virtue of anything stated or inferred in the Human Resources Regulations.

Employee Name

Employee Signature/Date

Delivered by

Date