



HUMAN RESOURCES POLICIES

The City of Lebanon has provided these policies to help manage Human Resources matters fairly and efficiently.

This manual contains policies and procedures which pertain to many aspects of the employment relationship between The City of Lebanon and its employees.

Table of Contents

RULE I: GENERAL PROVISIONS.....	7
Section 1: Purpose and Objectives	7
Section 2: Administration	7
Section 3: Definitions	8
RULE II: CLASSIFICATION PLAN.....	11
Section 1: Purpose	11
Section 2: Composition of the Classification Plan	11
Section 3: Use of Class Titles	11
Section 4: Use of Class Specifications	11
Section 5: Use of the Classification Plan	12
Section 6: Administration of the Classification Plan	12
Section 7: Allocation of Positions	12
Section 8: Request for Reclassification	12
Section 9 Probationary Period	12
RULE III: PAY PLAN.....	12
Section 1: Composition of Pay Plan	12
Section 2: Maintenance of the Pay Plan	13
Section 3: Increases within the Same Pay Grade	13
Section 4: Rates of Pay for Promotion, Demotion, Transfer, and Reclassification	14
Section 5: Pay Rate for Temporary or Seasonal Work	14
Section 6: Pay Rate for Reinstated Employee	15
Section 7: Pay Rate for a Fire Department Employee	15
Section 8: Overtime, Work Periods, Determining Time Worked, Breaks	15
Section 9: Compensatory Time (Comp Time)	16
Section 10: Certifications	16
Section 11: General Cost of Living Adjustment (COLA) Pay Increases	18
RULE IV: RECRUITMENT AND EMPLOYMENT.....	18
Section 1: Recruitment	18
Section 2: Notification	19
Section 3: Applicants	19
Section 4: Minimum Qualifications	19
Section 5: Rejection of Applicants	19
Section 6: Nepotism	19
Section 7: On Call Guidelines:	20
Section 8: Background Investigations	22
Section 9: Arrest of an Employee	23
RULE V: EXAMINATIONS.....	23
Section 1: Recruitment By Examination	23
Section 2: Admission to Examination	23
Section 3: Types of Examinations	23
Section 4: Rating Examination	24

Section 5: Notification and Inspection of Examination Results	24
Section 6: Medical Examinations	24
RULE VI: DRUG FREE WORKPLACE	25
Section 1: Certified Drug Free Workplace	25
Section 2: Consent	26
Section 3: Types of Tests:	26
Section 4: Condition of Employment	26
Rule VII: SMOKE FREE WORKPLACE	26
Section 1: Tobacco Use Workplace Policy	26
Section 2: Procedure	26
RULE VIII: EMPLOYEE ASSISTANCE PROGRAM	27
RULE IX: EMPLOYEE EVALUATIONS	27
Section 1: Evaluation Types and Procedures	27
Probationary Evaluations	27
Annual Evaluations	27
Section 2: Use of Evaluations	28
Section 3: Employee Evaluation Discussion	28
Section 4: Overall Performance Rating	28
Section 5: Provisions	28
Section 6: Appeals of Evaluation Results	29
Section 7: Review by the Human Resources Director	29
RULE X: SEPARATION, DISCIPLINARY ACTION, AND SUSPENSION	29
Section 1: Types of Separation	29
Section 2: Resignation	29
Section 3: Layoff	30
Section 4: Disability	30
Section 5: Death	30
Section 6: Retirement	30
Section 7: Disciplinary Action	30
Section 8: Types of Disciplinary Action	32
Section 9: Verbal Counseling	33
Section 10: Written Reprimand	33
Section 11: Departmental Hearing	34
Section 12: Suspension	34
Section 13: Suspension with Pay	34
Section 14: Disciplinary Demotion	35
Section 15: Dismissal	35
Section 16: Appeals Process	35
Section 17: In the Event of a Conflict	36
RULE XI: GRIEVANCE AND APPEAL PROCEDURES	36
Section 1: What is a Grievance	36
Section 2: What is Not a Grievance	36

Section 3: How to File a Grievance	36
Section 4: In the Event of a Conflict	37
RULE XII: OUTSIDE EMPLOYMENT	38
Section 1: Written Authorization	38
Section 2: Disclosure	38
Section 3: Changes	38
RULE XIII: DRESS/PERSONAL HYGIENE CODE	38
Section 1: Uniforms	38
Section 2: Casual Friday	38
Section 3: Prohibited clothing	38
RULE XIV: SAFETY PROGRAM	38
Section 1: Safety Program Overview	38
Section 2: Motor Vehicle Records (MVR) and Driving	38
RULE XV: HOLIDAYS AND LEAVES	41
Section 1: General Policies	41
Section 2: Paid Time Off (PTO)	41
2.1 Paid Time Off	41
2.2 NON-EXEMPT EMPLOYEES MAY ONLY USE EARNED PTO DAYS	41
2.3 Coverage	42
2.4 Advance Notice	42
2.5 Accrual	42
2.6 PAID TIME OFF (PTO) LENGTH OF SERVICE AND ACCRUED TIME	42
2.7 PAID TIME OFF (PTO) ACCRUAL RATES	43
2.8 Non-exempt Hourly Fire Department	43
2.9 Employee Tracking and Reporting PTO Usage	43
2.10 Accrual Period	43
2.11 UNUSED PTO	44
2.12 EXTENDED SICK LEAVE	44
2.13 EMPLOYEE TERMINATIONS AND UNUSED PTO	44
2.14 Limitations	45
2.15 PTO and Missed Work Due to Weather	45
2.16 Administration and Calculation of PTO	45
Section 3: Holiday Leave	45
3.1 Holiday List:	45
3.2 When holidays fall on a weekend:	45
3.3 Special Floating Holiday Pay:	45
3.4 Floating Holidays:	46
Section 4: Family Medical Leave Act (FMLA)	46

4.1 Public Law	46
4.2 Full Policy	47
4.3 Minimum Fitness Standards.....	47
4.4 Insurance Premiums.....	47
Section 5: Military/Uniformed Service Leave and Benefits.....	47
Section 6: Civil Leave.....	50
Section 7: Maternity Leave.....	50
Section 8: Administrative and Emergency Leave.....	51
Section 9: Bereavement Leave.....	51
RULE XVI: GENERAL POLICIES AND PROCEDURES	52
Section 1: Employee Conduct and Working Relationships.....	52
Section 2: Corrective Action.....	52
Section 3: Attendance.....	52
Section 4: Impartiality	55
Section 5: Use of Municipal Time and Facilities.....	55
Section 6: Use of Position.....	55
Section 7: Records and Reports	55
Section 8: Electronic Mail (E Mail)	55
Section 9: Strikes	55
Section 10: Workplace Violence, Harassment and Bullying	55
A. PURPOSE.....	55
B. WORKPLACE VIOLENCE	56
C. SEXUAL HARASSMENT	56
D. MAKING HARASSMENT COMPLAINTS	57
E. REPORTING AND INVESTIGATING HARASSMENT COMPLAINTS	57
F. ACTION ON COMPLAINTS OF HARASSMENT.....	58
G. OBLIGATION OF ELECTED OFFICIALS, MANAGERIAL AND SUPERVISORY EMPLOYEES.....	58
H. OBLIGATION OF EMPLOYEES.....	59
Section 11: Social Media Standards.....	59
11.1 Social Media Standards for City of Lebanon Facebook Pages and/or City Social Media Pages.....	59
11.2 Personal Conduct for Employees' Use of Social Media:	60
RULE XVII: FAMILY AND MEDICAL LEAVE AND AMERICANS WITH DISABILITIES ACT POLICIES	61
Section 1: Purpose:.....	61
Section 2: Guidelines	61
2.1 Definitions:.....	61
2.2 Leave Provisions.....	62
2.3 Notification and Scheduling.....	63
2.4 Certification.....	63

2.5 Maintenance of Health Benefits During Paid and Unpaid Leave:	64
2.6 Reduced and Intermittent Leave:	64
2.7 Restoration	64
2.8 Prohibited Secondary Employment	64
Section 3: Qualifying Exigency and Military Caregiver	65
3.1 Qualifying Exigency	65
3.2 Military Caregiver Leave	66
Section 4: Americans with Disabilities Act and Americans with Disabilities Amendments Act	66
RULE XVIII: RUN OR HOLD AN ELECTIVE OFFICE WITH THE CITY OF LEBANON	67
RULE XIX: CODE OF ETHICS	67
TITLE 22 CODE OF ETHICS	67
RULE: XX: REPORTING IMPROPER GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST RETALIATION	70
1.0 PURPOSE AND SCOPE	70
2.0 EXPLANATION OF KEY TERMS	70
3.0 PROCEDURES FOR REPORTING	70
4.0 PROTECTION AGAINST RETALIATORY ACTIONS	70
5.0 RESPONSIBILITIES	71
RULE XXI: MISCELLANEOUS	71
Section 1: Availability of Rules and Regulations	71
Section 2: Amending or Changing Rules and Regulations	71
Section 3: Effective date of These Rules and Regulations	71
Section 4: All Prior Rules Superseded	71
Section 5: Departmental Rules	71
Section 6: Implementing These Rules and Regulations	71
Section 7: Further Implementation	71
Section 8: In the event of a conflict	71
RULE XXII: SEVERABILITY	71
Acknowledgements and Disclosures	73
ACKNOWLEDGEMENT OF RECEIPT OF HUMAN RESOURCES RULES & REGULATIONS	74
ACKNOWLEDGMENT OF RECEIPT of RULE XVI: GENERAL POLICIES AND PROCEDURES, Section 11 Prevention of Workplace Violence, Harassment and Bullying	75
DISCLOSURE OF PERSONAL INTEREST BY CITY EMPLOYEE	76
OUTSIDE EMPLOYMENT OR OTHER POSITION OF FINANCIAL INTEREST DISCLOSURE FORM	77

RULE I: GENERAL PROVISIONS

Section 1: Purpose and Objectives

The purpose of these policies is to establish a high degree of understanding, cooperation, efficiency, and unity among employees by applying good procedures of Human Resources management, and uniform policies for all employees without regard to race, sex, age, national origin, creed, or condition of handicap. These rules and regulations shall apply to all employees of the City of Lebanon.

The City does not have employment contracts, oral or written, expressed or implied. No written or oral representation by the city management, supervisors or employees is intended to create a contract of employment. No employment practice of the City shall be construed or is intended to create a contract of employment.

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

1. Employment shall be based on proven merit and demonstrated efficiency and fitness, as ascertained through fair and practical methods of selection without regard to race, religion, age, sex, political affiliation, or national origin.
2. Conditions of employment shall be established and maintained to promote and increase efficiency and economy among employees for the operation of the City of Lebanon.
3. Fair and equal opportunities shall be provided to all qualified applicants and employees on the basis of demonstrated merit and fitness as determined through fair and practical methods of selection.
4. Tenure of employment shall be subject to satisfactory performance of work, personal conduct that is compatible with the trust inherent in the public service necessary for the performance of work, and the authorization of available funds.
5. A uniform plan of evaluation and compensation shall be established and maintained including a classification system which shall be periodically reviewed and revised as necessary to meet changing times and needs, and covering all positions, including employment standards and qualifications for each class.
6. High morale among the employees shall be desired by providing good working relationships, a uniform Human Resources policy, opportunity for advancement, and consideration for employee needs and desires.
7. Procedures shall be established for the announcement of all tests deemed necessary and for the acceptance of applications for employment, the establishment and use of resulting employment lists, and the certification and appointment procedures for eligible persons from such appointment lists.
8. Employees shall be encouraged to participate in developmental activities such as on job training and educational job-related courses during off duty hours.
9. Employee benefits are outlined under separate cover and are subject to change. Benefits provided shall be in keeping with general community practices.
10. Rules and standards shall be established as guidelines for employee conduct both on and off the job.
11. Communication methods shall be established and maintained to inform employees of their responsibilities, rights, and privileges as employees.
12. Classified service is defined as those employees who have satisfactorily completed their probationary period and are employed in a budgeted position on a full-time basis, for an indefinite period of time.
13. Exempt is defined as those employees who meet the Department of Labor classifications as exempt from overtime. Exemptions are defined under the Fair Labor Standards Act and duties tests must be met in order to qualify for exemptions such as administrative, executive, and professional employees, or computer professionals. Exempt status will be determined by the Human Resources Director and consultation with Legal, as needed.

Section 2: Administration

Ordinance No 90-783 established a system of personnel administration for the City of Lebanon by a creating a structure of personnel policies and procedures, free of personal and political considerations and regardless of race, sex, age, creed, national origin or handicapping condition. The personnel system, policies, procedures, pay plan, classification system, recruiting programs and employee records shall be managed by the Human Resources Director. Ordinance No 15-4937 established that the Human Resources Director shall develop personnel rules, regulations and policies deemed necessary for the effective administration of the City's personnel/Human Resources system and shall publish them in an Employee Handbook. The Employee Handbook, and any amendments thereto, shall be presented to the Lebanon City Council for approval by resolution.

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

Section 3. Definitions

1. **ABSENCE WITH PAY** A known absence from duty which has been approved by the supervisor and/or Department Head and for which compensation is received.
2. **ABSENCE WITHOUT PAY** An absence which may or may not have been known and may or may not have been approved.
3. **ABSENCE WITHOUT LEAVE** An absence from duty which was not authorized or approved by proper authority and for which either a leave request was not made, or such request was denied.
4. **ACCRUAL DATE** This is the hire date that is used for PTO Accrual purposes. Other terms may be Adjusted Hire Date, Entitlement Override Date or PTO Accrual Date.
5. **ADA and ADAAA** are the American with Disabilities Act and Americans with Disabilities Amendments Act, which are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job so that they may perform the essential job duties with or without reasonable accommodation. Employees must see Human Resources to request accommodation.
6. **ALLOCATION** The assignment of a position to its appropriate class in relation to duties performed.
7. **ANNIVERSARY DATE** The most recent date of appointment to or employment in a classified position.
8. **ADJUSTED HIRE DATE** Also referred to as Service Date or Continuous Service Date. When an employee leaves the City's employment and is reinstated with less than a 12-month gap in employment, the months that the employee was absent shall be subtracted from the original hire date and that new date becomes the Adjusted Hire Date/Service Date. Employees reinstated after a 12 month or longer gap in employment shall be considered as a New Hire and will not receive an adjusted hire date.
9. **APPEAL** Is an appeal of a decision(s) following a departmental hearing resulting in termination or alleged denial of constitutional or statutory rights.
10. **APPLICANT** An individual who has completed and submitted an application for employment with the City of Lebanon.
11. **APPLICATION** A form or forms which are prescribed by the Human Resources Director in applying for positions with the City of Lebanon.
12. **APPOINTMENT** The offer to and acceptance by a person of a position either on a regular full-time or regular part-time basis.
13. **AUTHORIZED REPRESENTATIVE** A person or persons possessing authority authorized and delegated by the immediate superior. Such authority from the immediate supervisor shall not be inconsistent with the provisions of the City Charter, the Human Resources Ordinance and Rules and Regulations.
14. **CALL BACK** This work is irregular or occasional work performed by an employee on a day when no work is scheduled or at a time which requires the employee to return to the place of employment from an off-duty status. Call Back earnings apply only to non-exempt, hourly employees and shall not be applied to non-emergency situations.
15. **CLASS** This is a group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title class specification and pay range.
16. **CLASSIFICATION** The act of grouping positions in classes with regard to: (1) duties and responsibilities; (2) requirements as to education, knowledge, experience, and ability; and (3) tests of fitness. Classification allows an arrangement of positions whereby equal pay is given for substantially equal responsibility and authority.
17. **CLASSIFICATION PLAN** The resulting system of positions that have been grouped into appropriate classes according to 1 and 3 under "Classification" above, reflecting the hierarchical structure of the organization, and consisting of: (1) an index to the class specifications; (2) the class specifications; and (3) rules for administering the classification plan.
18. **CLASSIFIED FULL-TIME EMPLOYEES** Those employees who have satisfactorily completed their probationary period and are employed in a budgeted position on a full-time basis. (May also be referred to as "regular full-time employees.")
19. **COLA** is a Cost-Of-Living Adjustment to the City's Pay Plan and is meant to counteract inflation. The recommended amount is determined by evaluating data such as consumer price index, inflation, labor market and

local and regional wage data. Any COLA recommendation must be included in the budget and approved by City Council. It is not guaranteed and is subject to approval each year.

20. **COMPENSATION** The standard rates of pay which have been established for respective classes of work as set forth in the compensation plan.
21. **COMPENSATION PLAN** The official schedule of pay approved by the City Council assigning one or more rates of pay to each class title.
22. **COMPENSATORY LEAVE** Time off from work in lieu of monetary payment for overtime work.
23. **CONTINUOUS SERVICE** The most recent period of employment with the city, void of any unapproved leaves of absence or employment breaks with city service, as evidenced by separation from the city payroll.
24. **CRIMES OF MORAL TURPITUDE** can be either a felony or a misdemeanor and may include but are not limited to larceny, theft, burglary, bribery, forgery, arson, shoplifting, fraud, sex offenses, assault, violent crimes or homicide related offenses. This term is a legal concept that refers to conduct that is considered contrary to community standards of justice, honesty or good morals.
25. **DEMOTION** Assignment of an employee from one class to another which has a lower maximum rate of pay.
26. **DEPARTMENT** The primary organizational unit which is under the immediate charge of the Department Head.
27. **DEPARTMENT HEAD** A person, appointed with the provisions of the Charter, who is responsible for administering the functions of the department.
28. **DEPARTMENTAL RULES** Those policies and standard operating procedures set out by the Department Head and approved by the Human Resources Director and Mayor. They are peculiar to the operation of the individual department and shall be consistent with these Human Resources Rules and Regulations.
29. **DISCIPLINARY ACTION** An action taken by an employee's superior when the employee fails to follow policies and procedures, rules and regulations.
30. **DISMISSAL** A type of disciplinary action which separates an employee from the City of Lebanon payroll for cause. May also be referred to as involuntary termination.
31. **ELIGIBLE** A person who has successfully met the required qualifications for a particular class,
32. **EMPLOYEE** An individual who is legally employed by the City of Lebanon and is compensated through the city payroll for his/her services. Individuals or groups compensated on a fee basis are not included. "Employee" is synonymous with "incumbent" but is different from the concept of "position."
33. **EXEMPT EMPLOYEES** Those elected or appointed officials or others so designated.
34. **EXAMINATION** The process of testing, evaluating, or investigating the fitness and qualifications of applicants and employees.
35. **EXTENDED SICK LEAVE** This sick leave balance may only be used for the employee's own long term or an immediate family member's long term, catastrophic medical absence that generally exceeds three consecutive workdays. The absence must be approved for FMLA, Disability leave or any other approved medical leave of absence by the City of Lebanon Human Resources with proper medical certification from the employee's or immediate family member's medical provider.
36. **FMLA** Public Law 103-3 known as The Family and Medical Leave Act of 1993 and as amended in 2008, 2009 and 2015.
37. **FOR CAUSE EMPLOYMENT** The City of Lebanon Charter establishes that City employees are not at-will employees but can only be terminated for cause such as an employee's substantial failure to perform job duties, breach of City policies, ethics policies, or departmental policies and are entitled to a pre-termination, departmental hearing. Employees who are still in their probationary period, part time and seasonal employees are employed at-will. However, position eliminations or layoffs are not bound to this for-cause rule.
38. **FULL TIME HIRE DATE** This is also referred to as a permanent hire date. This is the date that a part time or seasonal employee becomes Full Time.
39. **GRIEVANCE** A claim or dispute made by the employee involving alleged violation of rules and regulations, administrative order or other related management decisions affecting the employee.
40. **IMMEDIATE FAMILY** For purposes of this policy, "immediate family" includes the employee's: spouse, brother, sister, parents, stepfather, stepmother, grandparents, children, stepchildren, grandchildren, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, step grandparents, and any other member of the employee's household, or other close relatives as determined on a case-by-case basis by the Human Resources Director.
41. **JOB DESCRIPTION** A written explanation of one position or several very similar positions which includes a title, definition of responsibilities examples of duties, and minimum required qualifications.

42. **LAYOFF** The involuntary non-disciplinary separation of an employee from a position for reasons of shortage of funds or work, the abolishment of a position, or other material changes in the duties of the organization or for related reasons which are outside the employee's control, and which do not reflect discredit upon service of the employee. Pre-termination hearings do not apply in the event of layoff or other involuntary non-disciplinary separations or position eliminations.
43. **LEAVE** An authorized absence during regularly scheduled work hours that has been approved by proper authority. Leave may be authorized with or without pay as provided for in these rules.
44. **MAX PAY** is the capped or maximum pay rate, wage or compensation assigned to a job, and the maximum that the City can pay an employee in that job, as defined by the City's Pay Plan and compensation structure.
45. **MERIT PAY** is pay for performance based on a set of criteria set by the employer.
46. **MINIMUM PAY** is the minimum or starting pay rate, wage or compensation assigned to a job, as defined in the City's Pay Plan or compensation structure.
47. **NEPOTISM** Favoritism shown to relatives by reason of relationship rather than merit.
48. **ON CALL** Or stand-by is the time spent waiting to be called back to work. Employees who are scheduled to be on-call are essentially on stand-by, in readiness to respond should they be called back to work. On Call earnings apply only to non-exempt, hourly employees.
49. **OCCUPATIONAL DISABILITY OR INJURY LEAVE** An excused absence from duty because of an injury or illness sustained in the course of employment and determined to be compensable under the provisions of the Workers' Compensation Law.
50. **OCCURRENCE** Any unapproved or unexcused absence as described under Rule XV HOLIDAYS AND LEAVES, Section 4 Attendance.
51. **ON CALL** Status of an employee required by job description to be available beyond the employee's regular work hours. Exempt personnel are not eligible for on call pay.
52. **OPEB** or Other Post-Employment Benefits are non-pension benefits that the City provides to retired employees. Examples of OPEB principally involve health care benefits and may include vision, Medicare supplement stipend and life insurance. OPEB benefits are evaluated annually by City Council, are subject to change during annual budget approvals and are further defined under the City of Lebanon Retiree Benefits Guide, which may be obtained from your Payroll & Benefits Specialist.
53. **ORIGINAL HIRE DATE** This is the employee's original hire date, the first time they are employed by the City.
54. **OVERTIME** Time worked by a non-exempt, hourly employee in excess of the FLSA overtime threshold for their position. This is generally 40 hours in a 7-day workweek; higher overtime limits and longer work periods apply to non-exempt police and fire.
55. **OVERTIME PAY** Compensation paid to an employee for overtime work performed in accordance with the Fair Labor Standards Act.
56. **PART-TIME EMPLOYEE.** Part time employees are employees whose hours may not exceed 28 hours per week. Part time employees do not qualify for benefits. Part Time employees are on a probationary employment status for the full duration of their part time employment.
57. **PAY PLAN** The written chart or compensation structure which places every job description in a pay grade. Each pay grade consists of a Minimum, Mid and Maximum level of pay.
58. **PAY RANGE** One or more pay rates having a percentage relationship to one another, assigned to a class of positions as the compensation for that class.
59. **PAY RATE** A specific dollar amount expressed as either an annual rate, monthly rate, or hourly rate.
60. **POSITION** A group of duties and responsibilities assigned to one employee. A position can be vacant or occupied.
61. **PROBATIONARY EMPLOYEES** who, upon satisfactory completion of the probationary requirements, are expected to continue employment with the city in a classified position. Employees on a probationary employment status may be terminated at any time, without cause and without right of an appeal or hearing.
62. **PROBATIONARY PERIOD** The designated period of time after an applicant is appointed or an employee is promoted in which the employee is required to demonstrate fitness for the position by actual performance.
63. **PROMOTION** Assignment of an employee from one class to another which has a higher rate of pay and/or rank.
64. **PTO** Paid Time Off for personal, vacation, illness, dependent or spouse illness
65. **QUALIFICATIONS** The minimum education, experience and personal requirements which must be fulfilled by an applicant prior to an appointment or promotion.

66. **RECLASSIFICATION** The process of reviewing the duties and responsibilities of an existing position or positions in order to revise the job descriptions to which the position or positions are assigned; or moving a job description from one pay grade to another pay grade.
67. **REHIRE DATE** This is date an employee is re-hired by the City.
68. **REPRIMAND** A type of discipline, oral or written, denoting a violation of Human Resources or departmental rules, which becomes a part of the employee's Human Resources record.
69. **RETIREE** A person having already retired under the guidelines of the Tennessee Consolidated Retirement System and eligible for a monthly benefit for TCRS.
70. **RETIRING EMPLOYEE** An employee who is terminating employment with the City of Lebanon and meeting the qualifications of retirement under the guidelines of the Tennessee Consolidated Retirement System and eligible for a monthly benefit for TCRS.
71. **SAFETY SENSITIVE EMPLOYEE** All employees of the police, fire, and gas departments, plus any other employees as dictated by their job functions. Excludes administrative and clerical employees.
72. **SEASONAL EMPLOYEE** Seasonal/temporary employees, who are not in classified jobs, who may work part time or up to 40 hours per week but whose work period may not exceed 6 months of employment or 1549 hours annually in compliance with Affordable Care Act and IRS regulations. Seasonal employees are on a probationary employment status for the full duration of their seasonal employment. Seasonal employees do not qualify for benefits.
73. **SERVICE DATE** This is the payroll date that is used for employees who are rehired with an absence of less than 12 months, it is also known as the Adjusted Hire Date or Accrual Date.
74. **SENIORITY DATE** This is the payroll date that is used for employees who are promoted from part-time to full-time or the date that is reported to TCRS for purposes of service. It will be the original hire date minus any absence from city service for a rehire, or the date the employee was officially classified as a full-time employee.
75. **SPLIT SERVICE** is used to determine eligibility for retirement “other post-employment benefits” or OPEB, which may include health, vision, life or a Medicare Stipend. Retirement OPEB are subject to change. Eligibility is based on hire date and is further defined in the City of Lebanon Retiree Benefits Guide, which may be obtained from your Payroll & Benefits Specialist.
76. **TMLA** Tennessee Maternity Leave Act which runs concurrent to FMLA and provides an additional 4 weeks of leave to a qualified parent for pregnancy, childbirth, nursing an infant, and adoption.
77. **TRANSFER** The assignment of an employee from one position to another position. Transfers can take place within a department, between departments, between positions of the same pay range, between positions of the same class, or between positions of different classes of equal rank and pay. Vacancies must be filled through the posting and application process.
78. **WORKDAY** The scheduled number of hours an employee is required to work per day.

RULE II: CLASSIFICATION PLAN

Section 1: Purpose

The classification plan provides a complete inventory of all positions in the municipal government's service and an accurate description and specifications for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the city service.

Section 2: Composition of the Classification Plan.

A classification plan shall consist of:

- 2.1 A grouping of classes of positions which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- 2.2 Class titles descriptive of the work of the class which identifies the class;
- 2.3 Written specifications for each class of positions; and
- 2.4 Physical standards for performance of the duties of the position.

Section 3: Use of Class Titles

Class titles are to be used in all Human Resources, accounting, budget appropriation and financial records of the municipality. No person will be appointed or employed in a position in the city service under a title not included in the classification plan.

Section 4: Use of Class Specifications

Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Specifications are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.

Section 5: Use of the Classification Plan

The classification plan is to be used:

- 5.1 As a guide in recruiting and examining candidates for employment.
- 5.2 In determining lines of promotion and in developing employee training programs;
- 5.3 In determining salaries to be paid for various types of work;
- 5.4 In determining personal service items in departmental budgets; and
- 5.5 In providing uniform job terminology understandable by all City officers and employees and by the general public.

Section 6: Administration of the Classification Plan

The Human Resources Director, in accordance with City Ordinances, is charged with maintenance of the classification plan so that it will reflect the duties performed by each employee in the classified service and the class to which each position is allocated. It is the Human Resources Director's duty to examine the nature of the classes, to make such changes in the classification plan as are deemed necessary by changes in the duties and responsibilities of existing positions, and periodically to review the entire classification plan and recommend appropriate changes in allocations or in the classification plan itself.

Section 7: Allocation of Positions

Whenever a new position is established or duties of an old position change, Department Heads shall submit in writing a comprehensive job description describing in detail the duties of such a position. The Human Resources Director shall investigate the actual or suggested duties and shall then make appropriate class allocations or the establishment of a new class and assign the appropriate pay grade, in accordance with the Human Resources Policies.

Section 8: Request for Reclassification

Any employee who considers his position improperly classified shall first submit his request to his supervisor or Department Head who shall review such request as to its justification. If the Department Head finds merit in the request, he shall immediately transmit his recommendation to the Human Resources Director. Reclassification requests should be submitted for City Council consideration during the budget preparation period each year, or a budget amendment may be appropriate outside of the budget preparation period if the Human Resources Director makes that recommendation. If the Human Resources Director or Department Head determine that the request is not justified, then the Department Head shall advise the employee of their decision to that effect.

Section 9 Probationary Period

9.1 Every newly hired full time employee or a part time or seasonal employee promoted to fill a classified position within the city service must successfully complete a probationary period before becoming a classified employee. The probationary period is a "work test" period, lasting 6 months (12 months for firefighters, law enforcement and police dispatch), from the date of appointment or promotion. During this period, the probationary employee's work is being evaluated so that the supervisor may determine whether or not the employee is capable and willing to perform his or her duties in a satisfactory manner.

9.2 The Department Head may take certain action if, in his or her opinion, the probationary employee is unwilling or unable to satisfactorily perform the duties of the position. A new employee failing to complete the probationary period will be dismissed from city service. During the probationary period, the employee may be rejected at any time, without cause and without right of an appeal or hearing, and the decision of their Department Head is final.

9.3 Sometimes, an extended probationary period may be determined necessary in the training and evaluation of an employee. A one-time extension, not to exceed six months, may be directed by the Department Head with concurrence of the Human Resources Director. Upon satisfactory completion of the probationary period, the employee is notified and designated as classified.

9.4 Part Time and Seasonal employees are on a probationary employment status for the full duration of their part time or seasonal employment and may be rejected at any time, without cause and without right of an appeal or hearing, and the decision of their Department Head is final.

9.5 See Rule X on Separation, Disciplinary Action and Suspension regulations.

RULE III: PAY PLAN

Section 1: Composition of Pay Plan

The pay plan shall consist of salary ranges with MINIMUM, MID and MAXIMUM rates of pay for each existing Pay Grade of positions.

Section 2: Maintenance of the Pay Plan

The pay plan is intended to provide fair compensation for all Pay Grades in the Pay Classification plan. The plan is based on general rates of pay for similar employment in private establishments and in other public jurisdictions in the area, the financial condition of the City, and other factors. To this end the Human Resources Director will from time to time, normally on an annual basis, make comparative studies of all factors affecting the level of pay ranges. The Human Resources Director, in consultation with the Commissioner of Finance and approval from The Mayor shall propose an annual Pay Scale market adjustment to Council for approval each budget period.

The Human Resources Director shall select and recommend to Council an external compensation consultant to conduct a formal compensation study to be completed every 5 years. This study shall be a comprehensive study that provides market data for every position in the City. These studies shall be completed before December 31 of each fifth year in order for the City Council to consider any needed corrections before passing a new fiscal year budget.

Section 3: Increases within the Same Pay Grade

3.1 Max Pay

No employee shall be paid more than the maximum of that position Pay Grade salary range. An employee achieving the maximum pay within a Pay Grade does not qualify an employee to move to the next highest grade. That may only be achieved through promotion.

3.2 Salary Ranges and Pay Grades

The salary ranges within the pay grades are recommended by The Human Resources Director and adopted by Council, as described in Rule II Classification Plan. Salary Ranges for each Pay Grade contain a MIN, MID, and MAX.

The Human Resources Director shall be responsible for assigning Pay Grades to new positions and shall recommend if a Pay Grade assigned to a position needs to be revised. Pay Grade changes may be required when position responsibilities or scope of work changes substantially and/or if the market pay for a specific position evolves and needs to be revised in order to remain competitive. Any recommended change to a position's existing Pay Grade shall be approved by Council.

3.3 The Hiring Salary Range

The salary range at which a new employee may be hired shall not exceed the mid-point of the total salary range.

Department Heads may fill vacancies within the Hiring Salary Range (MIN to MID), providing that the position has been approved and in the budget. Hiring pay rates shall be recommended by the Department Head and approved by the Human Resources Director. Prior work experience, education, training, certifications and overall qualifications shall be evaluated to determine the appropriate hiring pay rate or starting salary for new hires, within the Hiring Salary Range. Department Heads requesting to hire an individual above the Mid-Point of the Salary Range must obtain approval from Council.

3.4 Waiting period:

An employee must be employed as regular part time or full time and have been with the City for a minimum of 6 months before becoming eligible for any pay increase, other than for promotion. However, employees within the waiting period shall be eligible to receive any annual Council approved market pay adjustments during budget period.

3.5 Service Based Pay Increases

All Regular full time and part time employees may receive an annual 2.5% increase every calendar year, beginning with the first full pay period in January. Employees must have a minimum of 9 months of continuous service as a regular full time or regular part time employee to qualify for this annual increase. This pay adjustment may also be referred to as an annual "step increase". See Rule 3.1 on Max Pay restrictions. Employees who are at the max of their pay grade will receive the 2.5% service pay as a bonus, capped at \$2,000. Service bonus payments are subject to all employee payroll tax withholdings. The Service Pay adjustment percentage and implementation are contingent upon budget approval, annually.

3.6 Performance or Merit Pay:

The Merit Pay Review Board (Mayor, Commissioner of Finance, HR Director and one Council person) shall evaluate performance-based Merit Pay each budget period. The Mayor will appoint a Council person to this committee.

Department Heads may submit a proposal for employee Merit Pay with backup documentation to support the recommendation. This review board shall evaluate the recommendation to ensure that the employee's performance meets or exceeds expectations, there are no disciplinary actions within the past 12 months, the employee has made a substantial contribution or accomplishment that benefits the City, that the recommendations are not discriminatory, and that the amounts recommended fit within pay policy.

The Merit Pay Review Board will be authorized to approve, deny or recommend revisions to the amount proposed, if deemed appropriate. If the review board determines that all conditions are met, then the recommended Merit Pay will be provided to Finance for inclusion into the next Fiscal Year budget documents for adoption.

Merit Pay is granted only once in a fiscal year.

It is the Mayor's discretion to determine if Merit Pay will be provided as bonus or a % of salary each Fiscal Year during the budget process. The Mayor will set the maximum that is permitted in that fiscal year as a bonus or a % of salary. Employees who are already at the MAX of their current pay grade may only qualify for merit pay as a Bonus. See Rule 3.1 on Max Pay restrictions.

Merit bonus payments are subject to all employee payroll tax withholdings.

Merit Pay is generally applied with the first full pay period in July and only if City Council has approved the new Fiscal Year budget.

3.7 Lump Sum Bonus

Annually, during the budget process the Mayor may recommend that the City Council approve a lump sum bonus payment to qualified, full time City employees. Details of this program are as follows:

- a. This bonus is a one-time, lump sum payment.
- b. This amount has traditionally been paid as a \$500 bonus, before taxes. However, this bonus program and the amount to be paid is subject to change, Mayor and Council will evaluate continuation and funding of this bonus program annually.
- c. Payroll tax withholdings will apply to all bonus payments.
- d. Bonus payment is generally issued on the week in between the first and second payroll of November but shall not be paid later than the third Friday in November.
- e. Qualifiers:
 - i. Employee must be employed as a FT Regular employee on or before Nov 1 of the prior year to qualify.
 - ii. Employees who are out on an approved, certified FMLA, ADA leave or Military Leave will remain qualified for participation in this bonus program.
- f. Disqualifiers:
 - i. A Needs Improvement or Unsatisfactory overall rating on the most recent Performance Appraisal will disqualify employee from receiving performance bonus. "Most recent" will be the evaluations that are completed and on file from the previous calendar year. The bonus payment generally occurs within the current evaluation period, and not yet be completed. Therefore, prior calendar year evaluations will need to be used for this determination.
 - ii. Any policy or safety violation that results in a disciplinary action of unpaid suspension or greater from Nov 1 of the prior year through November 1 of the current year shall disqualify the employee from participation in this bonus program. This may include but is not limited to transfer, demotion or another type of disciplinary action that occurs following a disciplinary hearing, excluding verbal counseling or written warning.
- g. Department Heads shall identify those employees who do not meet eligibility and submit a list to Human Resources no later than November 1.
- h. HR will also pull reports from the HRMS system to validate employee eligibility for this bonus.
- i. Must be an active employee on the date the bonus payments are issued in order to receive the bonus payment.

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

Pay rates shall be established when an employee is promoted, demoted, transferred, or reclassified as follows:

4.1 When an employee is promoted to a position in a higher Pay Grade the pay rate shall be within the Pay Grade assigned to the position and shall not exceed the mid-point of the range. Promotion pay rates shall be recommended by the Department Head and approved by the Human Resources Director. Department Heads requesting to promote an individual above the Mid-Point of the Salary Range must obtain approval from Council. The employee shall thereafter be eligible for subsequent increases according to policy guidelines.

4.2 When an employee is demoted without cause to a position for which (s)he is qualified, (s)he shall be placed at a rate within in the new Pay Grade to which demoted that provides the smallest decrease in pay. If the demotion is taken for cause, the employee shall be placed at the level in the Pay Grade to which demoted as determined by the Department Head with concurrence with Human Resources. Demoted employees shall thereafter be eligible for subsequent increases according to policy guidelines.

4.3 When an employee is transferred from a position of one Pay Grade to another position within the same Pay Grade, the pay shall continue at the same rate. Employees shall thereafter be eligible for subsequent increases according to policy guidelines.

4.4 When an employee is reclassified to a position of one Pay Grade to another position within a higher Pay Grade, his/her pay shall be set as under the criteria for promotion in 4.1.

Section 5: Pay Rate for Temporary or Seasonal Work

5.1 The City's minimum pay rate for Seasonal and Part Time employees shall be set annually during the budget period. The Human Resources Director may recommend adjustments to the minimum pay rate annually, depending on salary market data. Department Heads shall not hire part time or seasonal employees above the City's established seasonal or part time rate of pay unless the part time or seasonal position has a designated Pay Grade assigned.

Section 6: Pay Rate for Reinstated Employee

6.1 Any Regular Part Time- or Full-Time employee who leaves the city's employment and is reinstated to an equal or comparable position within 6 months or less may be placed at the rate within his/her former Pay Grade that will most closely compare with the former rate of pay without a decrease. Employees reinstated after a 6 month gap may not be guaranteed to receive their former rate of pay. The hiring pay rate will be recommended by the Department Head and must be approved by the HR Director.

Section 7: Pay Rate for a Fire Department Employee

7.1 In order to calculate the hourly rate for Fire Department, Payroll must consider only the annual rate of pay for the computation. The hourly rate is determined by dividing the approved annual salary by 2,756 which is the number of regularly scheduled work hours for the year.

Section 8: Overtime, Work Periods, Determining Time Worked, Breaks

When it becomes necessary for a non-exempt, hourly employee to work overtime hours, non-exempt employees shall be paid one and a half times their regular rate of pay for any hours worked over the Fair Labor Standards Act (FLSA) overtime threshold for their position. On call service shall be governed by Rule IV, Section 7. When possible, employees shall obtain approval from their supervisor before working outside of their scheduled hours, unless required by their position, such as on-call.

8.1 Overtime compensation shall comply with the provisions of the Fair Labor Standards Act (FLSA).

8.2 The supervisor shall be responsible for ensuring time records are completed accurately and for validating all overtime worked by each employee.

8.3 Overtime shall be divided as equally and impartially as possible among employees of like classification and like duties.

8.4 Work periods

Any work hours over the established threshold within a work period shall be counted as overtime. Overtime thresholds shall comply with FLSA guidelines and are designated as follows:

- 40 hours/7-day work week for regular non-exempt employees in departments other than police and fire
- 212 hours/28-day work period for non-exempt Fire department employees
- 86 hours/14-day work period for non-exempt ESU department employees working 24-hour shifts
- 84 hours/14-day work period for non-exempt Police department employees working 12-hour shifts
- 80 hours/14-day work period for non-exempt Police and ESU department employees working 8- or 10-hour shifts

8.5 Determining Time Worked:

The purpose of paid leave is to maintain employee income, not enhance it. If employees work additional hours outside their normal schedule in a workweek in which they also have scheduled or taken time off, the additional time worked "offsets" the time that the employee intended to cover with available leave or paid time off. Therefore, the number of leave hours originally charged must be reduced by the number of additional hours worked. This offset is mandatory; the employee cannot be paid both for the leave time and the additional work time.

For the purposes of this policy, leave time refers to:

- Compensatory Time Off
- Paid Time Off
- Extended Sick Leave
- Bereavement Leave
- Paid Suspensions
- Administrative Leave with Pay

Exceptions – Leave Time That Is Not Offset

The following leave programs are not offset by time worked and may result in a non-exempt employee receiving pay for more than his/her regular number of hours in a workweek. These hours are guaranteed, but do not contribute to time worked for the purposes of calculating overtime pay (i.e., they are paid as additional "straight-time" hours).

- PAID HOLIDAY: Employees will receive their full paid holiday, regardless of the number of hours worked in the workweek.
- PAID FLOATING HOLIDAY: Floating Holiday time is treated the same as regular holiday pay.

- **CIVIL LEAVE/JURY DUTY:** Time spent on jury duty that occurs during the employee's regular work schedule will not be offset by additional hours worked.

Applying Offsetting Leave to the Workweek:

If the total hours worked are less than the employee's regularly scheduled number of hours for the work period (and this includes paid holiday, paid call back and civil leave), then accrued leave time shall be applied to fulfill the employee's regular number of hours for the work period.

- Employees may not take leave without pay before coding paid leave.
- Employees on an approved family or medical leave of absence are required to use accrued, paid leave for their leave of absence. See RULE XVII for complete details on FMLA policy.

8.6 Recording time:

- Non-exempt hourly employees must accurately record all worked time and called back time using the time keeping system in place for the employee's department. The time record must accurately reflect any unpaid breaks (i.e., meal breaks) taken during the workday. Adjustments to the assigned schedule cannot be made without prior approval of the supervisor. Non-exempt employees must be paid for all hours worked, whether preapproved or not.
- Stacking time is strictly prohibited and violations of proper timekeeping policies and practices is grounds for disciplinary action.
- Exempt employees need only record days worked or leave days in the timekeeping system.

8.7 Breaks

Employees scheduled to work six (6) consecutive hours shall be granted a thirty (30) minute meal or rest period, except in workplace environments that by their nature of business provides for ample opportunity to rest or take an appropriate break.

Section 9: Compensatory Time (Comp Time)

In accordance with the Fair Labor Standards Act (FLSA), comp time is time off in lieu of cash payment and shall be granted according to the following rules:

- 9.1 Comp time shall not be granted before actual overtime is worked. Comp time is calculated at the same rate as overtime, at the end of the work period, as indicated in RULE III: PAY PLAN, Section 8: Overtime
- 9.2 The employee must agree to receive comp time in lieu of cash overtime payment for overtime hours worked.
- 9.3 Comp time requires careful monitoring by supervisors. Supervisors shall authorize all compensatory time earned and taken for each employee.
- 9.4 Compensatory time may be accrued up to a maximum of 480 for Police Officers and Firefighters and 240 hours for all other City employees.
- 9.5 After the employee has accumulated the maximum comp time and not used it as leave, all overtime must be paid in cash.
- 9.6 Comp time used must run concurrently with FMLA leave or any other approved leave of absence.
- 9.7 An employee who has accumulated overtime may request comp time and such comp time leave must be given within a reasonable amount of time, so long as it does not unduly disrupt the employer's operations. Advance notice in compliance with city attendance policies is advised so department management can administer required staffing levels.
- 9.8 Accrued balances of comp time at the employee's termination of employment must be paid at the rate not less than the final regular rate of pay in accordance with FLSA requirements.
- 9.9 Each employee must authorize his or her own time records verifying the accuracy.
- 9.10 Comp time balances shall be paid out to any employee who is transferred or promoted to a position with a higher pay rate or from a non-exempt to exempt position. The full comp time balance payout shall occur before the transition in to the new role.
- 9.11 In the event that any employee accrues a comp time balance that exceeds 240 (480 for Police and Fire) hours, the excess will be paid out at the end of each calendar year.

Section 10: Certifications

The objective is to reward regular, full time staff for successful achievement of job related and departmental recommended professional certifications.

- 10.1 A bonus payment may be granted to an employee for achieving a job related certification. Bonus payments resulting from certification achievements may range from \$75 to \$1,500 and will be based on the type and complexity of the

certification, if an exam is required to obtain the certification, the length of time and effort required to achieve the complete certification, and the impact and benefit that certification has to the department in achieving its goals.

10.2 Some certifications may qualify the employee to move into the next level job (ie: Engineering positions, Utility Operators, Sanitation Worker 1 to Sanitation Worker 2, Light Equipment Operator to Heavy Equipment Operator, etc.). Therefore, any certification that results in a position reclassification, transfer or promotion shall not also result in a certification incentive bonus payment.

10.3 The chart below identifies common certifications that qualify for bonus incentive. Other factors for consideration shall include that there are no disciplinary actions (suspension or greater) within the past 12 months, the employee has submitted proof of certification, and that bonus incentive recommendations are not discriminatory.

This list is not all-inclusive. Equivalent type certifications that are not on the approved list may be approved by the Department Head, in consultation with the HR Director with final approval from the Mayor, and then added to the list for future consideration.

10.4 Once HR determines that all conditions are met, the certification bonus payment shall be included for payment in the next full pay period.

- a. The Department Head shall submit a completed certification incentive payment memo to the HR Director with proof of certification.
- b. HR Director will review the submitted documentation and recommended bonus amount to ensure it complies with policy and to ensure consistency with similar type certifications. Following review, the documentation will be forwarded to Payroll or sent back to the Department Head for revision.
- c. When processing the bonus payment, Payroll will “gross up” the bonus amount to include payroll taxes so that the Net Payment to the employee is equal to the bonus payment that was approved.
- d. Bonus payments may be processed as a live check when requested. This is subject to change based on HR Director’s recommendations.

10.5 The Department Head and Commissioner of Finance are responsible for ensuring that the department budget has available funds for any increases for certification incentives before any amount is granted to an employee.

10.6 New certifications or Licenses by Profession or Department may include but are not limited to the following certifications.

1. State of Tennessee Exam Certifications for Water Distribution, Sewer Collection, Gas Department, Water Plant and Wastewater Treatment Plant, excluding when such certifications are already a job requirement for the position.
2. Street Department Certifications such as Mosquito Fogging, Traffic Signal Maintenance
3. Garage Mechanic Certification
4. Fire specific Certifications such as Specialty Rescue, Codes Enforcement or Hazmat
5. Firearms Instructor, Crime Scene Investigator, Vanguard Instructor, Internal Affairs Investigation and Background Investigations for Police, FTO Instructor, Honor Guard, Narcotics, Gang Investigator, Master Instructor, Explosives or Hazmat training certifications, and other equivalent certifications for Police Officers and ESU Officers
6. FBI-LEEDA Executive Leadership Institute for Law Enforcement Certification, Command Leadership Institute for Law Enforcement Certification OR Supervisor Leadership Institute for Law Enforcement Certification
7. Information Technology Certifications
8. Occupational Safety and Health Association (OSHA) Certification
9. Risk Management Professional (RMP) or Certified Safety Professional (CSP)
10. Certified Employee Benefits Professional (CEBS) or similar benefits professional certification
11. Certified Payroll Professional (CPP) from American Payroll Association (APA) or similar payroll certification
12. Economic Development Certification through MTAS or equivalent certifying authority
13. Professional or Senior Professional Human Resources Certifications such as PHR/SPHR, SHRM-SCP/CP, or IPMA-SCP/CP certifications
14. Certified Planner from American Institute of Certified Planners (AICP) or equivalent certification authority
15. Certified Municipal Finance Officer (CMFO) through MTAS or equivalent accounting or finance designation, such as Certified Public Accountant (CPA)

10.7 Additional Requirements:

1. The Department Head must approve before any employee participates in a certification program and validate that there is a business necessity that is in alignment with the employee’s professional development goals.

2. When multiple modules, seminars or courses are required to obtain a full certification, the bonus payment will be issued at the completion of ALL modules or courses. No bonuses will be paid for partial completion.
3. Re-certifications are not eligible for bonus incentive payments.
4. Certifications or Licenses that result in the employee being promoted to a higher position shall be excluded from bonus incentives for certification achievements. (for example, Equipment/Heavy Equipment Operator, Utilities Operator, Engineering)
5. Certifications or licenses that are a position requirement in the job description will not qualify for additional certification-based incentive pay. This is because that requirement is already built into the pay rate for that specific position.
6. If an employee has been disciplined in the prior 12 months which resulted in an unpaid suspension or greater, that employee is not eligible to receive incentive pay for 12 months following that disciplinary decision.

10.8 Incentive Payment Schedule:

Certifications	Exam required to obtain certification?	Incentive payment
Any certification course that is at least 4 hours and up to 8 hours in length	Yes	\$100
Any certification course that is at least 4 hours and up to 8 hours in length	No	\$75
Any certification course that is 9 to 16 hours in length	Yes	\$150
Any certification course that is 9 to 16 hours in length	No	\$100
Any certification course that is 17 to 24 hours in length	Yes	\$200
Any certification course that is 17 to 24 hours in length	No	\$150
Any certification course that is 25 to 40 hours in length	Yes	\$300
Any certification course that is 25 to 40 hours in length	No	\$250
Any certification course that is 41 to 80 hours in length	Yes	\$500
Any certification course that is 41 to 80 hours in length	No	\$450
Any certification course that is 81 to 120 hours in length	Yes	\$600
Any certification course that is 81 to 120 hours in length	No	\$550
Any certification course that is 121 to 160 hours in length	Yes	\$700
Any certification course that is 121 to 160 hours in length	No	\$650
Professional certifications that generally require 6 months to a year to prepare and an exam to obtain certification. Examples include CMFO, Certified Planner, IPMA-SCP, SPHR, TCED, CPP, CBP, CSP, CRMP and other related professional certifications	Yes	\$1,500

Section 11: General Cost of Living Adjustment (COLA) Pay Increases

During the annual budget planning process, the Human Resources Director will make a recommendation to the Mayor, Finance Commissioner and City Council to consider an annual Cost of Living Adjustment (COLA) to the City’s pay plan and existing employee wages based on economic and labor market data. The City Council may, at its discretion, approve or reject this COLA, depending upon general or market wage conditions. In the event such increase is approved, its percentage equivalent shall be applied equally to all grades of the pay plan to maintain the same degree of spread between grades and ranges within grades.

RULE IV: RECRUITMENT AND EMPLOYMENT

Section 1: Recruitment

The Human Resources Director shall make every effort to attract qualified applicants to compete for positions in the classified service. Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well qualified applicants for the various types of employment positions. Recruitment, therefore, shall not necessarily be limited to residents of Lebanon, TN.

Section 2: Notification

The Department Head or Hiring Manager shall open a requisition within the Applicant Tracking System to advise Human Resources of a vacancy for promotion, transfer, or external hire. The Finance Commissioner or designated individual from Finance will validate that the department is budgeted for this vacancy and approve the requisition.

Once approved, the Human Resources Director or designated HR Generalist shall prepare the job posting to publicize vacancies and to secure applicants for vacant positions. Public notice of all job openings shall be given at least one week (7 calendar days) in advance of the closing date for receipt of applications. This posting of notices will be made on the City's Career Portal and any other various media shall be used to inform as many persons as possible. Notices of internal transfer or promotional opportunities will be posted on the City's Internal Career Portal for one week (7 calendar days) for existing employees to access or the posting will be circulated in areas where there are employees eligible to compete.

Section 3: Applicants

Applications for employment are received online through the City's Career Portal and stored in the Applicant Tracking Software within the Human Resources Department. Paper applications are not accepted. Applicants submitting an email with intent to apply shall be directed to the appropriate Career Portal link to apply for existing vacancies. The City of Lebanon exercises a policy of fairness to every person who applies for work. The Human Resources Director, in cooperation with the Department Head involved, is responsible for the proper selection and placement of persons in various departments throughout the city. This statement is to affirm the City of Lebanon's Human Resources policy regarding equal employment opportunity, the Americans with Disabilities Act, and nondiscrimination as required by State and Federal Laws.

As a result of an application(s), the applicant will be considered only for the position(s) applied for. Each applicant for employment shall make application in the manner prescribed by the Human Resources Director. Such information may be required as is necessary in order to judge the applicant's merit and fitness. After the application(s) has/have been considered for an opening and upon the opening being filed, the application will be retained as provided for under the law.

Section 4: Minimum Qualifications

The Human Resources Director may, after consultation with the Department Head concerned, prescribe minimum qualifications as required for the nature of work to be performed. Such requirements shall be announced to all applicants.

Section 5: Rejection of Applicants

The Department Head or their designated Hiring Manager, in consultation with the Human Resources Director or designated HR Generalist shall reject any application or applicant when it has been determined:

5.1 The applicant fails any of the following:

- the background and criminal history investigation as defined in Section 8: Background Investigations
- the pre-employment drug screen as defined by RULE V: EXAMINATIONS
- Fails to meet the minimum fitness standards required by the position to which appointed as defined by RULE V: EXAMINATIONS

5.2 The applicant does not possess the minimum qualifications, or a more qualified candidate is selected.

5.3 The applicant has established, as evidenced by reference checks, an unsatisfactory employment or personnel record of such nature as to demonstrate unsuitability for employment.

5.4 The applicant has made a false statement of any material fact or has practiced deception in his/her application; or

5.5 The applicant does not reply to a mail inquiry within seven days; does not return an email or telephone inquiry within two days; or fails to accept an appointment within the time prescribed in the offer.

Section 6: Nepotism

6.1 In addition to the other restrictions stated herein, members of a City of Lebanon employee's or elected official's immediate family shall not be considered for employment with the City in a Department Head position. Such family members may be considered for employment by the City in all other non-Department Head positions, if the applicant possesses all the requisite qualifications for employment.

6.2 An immediate family member may not be hired if the employment would: (a) create a direct supervisor/subordinate relationship with a family member, or (b) create an actual conflict of interest. These criteria will also be considered when assigning, transferring or promoting an employee.

6.3 Employees who marry or become members of the same household may continue employment so long as there is not: (a) a direct or indirect supervisor/subordinate relationship between the employees; or (b) an actual conflict of interest.

6.4 Relatives of the Mayor, Council, Department Heads, Commissioner of Public Works, Commissioner of Finance, Director of Human Resources, Director of Recreation, Director of Family Life Center, Fire Chief, Police Chief, City Attorney or City Judge, are not eligible to hold a job or transfer as Department Heads if they are immediate family members.

6.5 For purposes of this policy, "immediate family" includes an employee's or an elected official's: spouse, children, parent, sibling, grandparent, stepchildren, stepfather, stepmother, grandchildren, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, and any other member of the elected official or employee's household.

Section 7: On Call Guidelines:

7.1 On Call and Call Back

- On call service is necessary for the proper maintenance and functioning of city services.
- Call-back work is irregular or occasional work performed by an employee on a day when no work is scheduled or at a time which requires the employee to return to the place of employment from an off-duty status.
- On Call or Stand-by is the time spent waiting to be called back to work. Employees who are scheduled to be on-call are essentially on stand-by, in readiness to respond should they be called back to work.
- On Call and Call Back earnings apply only to non-exempt, hourly employees.

7.2 Certain designated departments and designated employees are placed in "On Call" status. Departments/sections which have on call duties are:

1. Police Department Detective
2. Traffic Reconstructionist
3. Traffic Signals
4. Street Department and General Services Specialist
5. Cemetery (two hours on Saturday)
6. Water Plant
7. Wastewater Plant
8. Water Distribution
9. Sewer Collection
10. Gas Department
11. Animal Control
12. ESU Tech (only when Animal Control Officers are unavailable)
13. ESU Officers (2 hours rotating on Sundays, generally scheduled every 3rd Sunday)
14. Police Officers (2 hours only when scheduled to be on stand-by for Court)

7.3 Any additions or deletions of the above designated shall be approved by resolution passed by the City Council.

7.4 Stand-By Pay and "On Call": A non-exempt employee who is scheduled to be on call or "stand by" shall receive two (2) hours straight pay for each day for time on stand-by for the work week, (Saturday, Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and holidays) for a total of fourteen (14) hours weekly.

7.5 When a non-exempt employee, after departing from his or her regularly scheduled workplace, is called back to work for emergency service, after hours, he/she shall be paid a minimum of two (2) hours wage from the time he or she begins work at the worksite until the time he or she leaves the worksite.

This two hour minimum shall be applied only the first time an employee is called back in one calendar day. After that, actual time worked shall apply.

7.6 "Call Back": Each non-exempt employee that is on call and called back to the worksite after his or her regular shift ends shall be paid at one- and one-half times his/her regular hourly rate for work performed during call-back duty. If their total work hours for the week are below the FLSA overtime threshold for their department, they shall still receive one and a half times their regular rate of pay for hours worked on call back duty. Overtime thresholds are defined in RULE III: PAY PLAN, Section 8: Overtime.

7.7 Additional non-exempt employees called in by the on-call person after his or her regular shift ends and is authorized by the supervisor, shall be paid call-back pay (see items 7.5 and 7.6) but he/she does not receive "on call" stand-by pay.

7.8 Call back pay is intended only for emergency service calls.

- a. Call Back earnings shall not be applied to non-emergency situations including but not limited to scheduled work hours, schedule changes, special events and fairs, employee training, shift swap, or calling an employee back in who is on leave (FMLA, administrative leave, disciplinary leave).
- b. Employees working in those scenarios shall be paid through normal earnings rules and clock in/out as they normally would.

- c. Final determination of call back eligibility shall be determined by the HR Director in the event clarification is necessary.

7.9 Employees working on City holidays shall not stack call back on top of holiday pay earnings as the holiday pay policy shall apply in those scenarios. Exceptions to this must be approved by the Department Head, HR Director and Mayor.

7.10 Refer to Rule III Pay Plan, Section 8: Overtime for details on work periods and overtime calculations. Time stacking is prohibited.

7.11 Additional considerations for Department Heads to manage:

- a. Does the department allow the employee to clock in for a call back from the moment they begin driving to the work site or at the time they arrive at the job site? Department Heads shall define what is allowed in their departments.
- b. Employees who live more than 30 minutes from the job site shall not be paid for their drive time that exceeds 30 minutes one-way. Department Heads may impose stricter guidelines if necessary, regarding minimum response time.
- c. GPS must be activated for the Paycor app when punching in/out from mobile devices. Employees deactivating GPS features on their personal device must use the City issued iPad to punch in/out. This is required for auditing purposes.

7.12 On call personnel must hold themselves in readiness to respond to an emergency, must be able to be reached by phone or cell phone promptly, and must respond immediately to the trouble call and work to restore service at the earliest possible moment.

7.13 Employees must review and familiarize themselves with procedures for their department. It is the duty and responsibility of the on-call employee to be available by phone and/or cell at all times (when functioning in the on-call capacity). Employees away from home must notify central dispatch where they may be reached. Employees must be onsite within 30 minutes after receiving the emergency call. The on-call employees are responsible for determining if additional back up is required and for checking to determine if all trouble is corrected before leaving duty.

7.14 Employees shall rotate responsibility for on call service. The supervisor, with concurrence of higher management, shall be responsible for determining which employees are qualified to participate in the on-call pool. An employee shall be designated as "on call" normally for a one-week period beginning Monday at the beginning of the regular work shift and ending the following Monday at the start of the regular work shift; except when a holiday falls on Monday, the on-call person shall remain on call until the beginning of the Tuesday work shift.

7.15 On call schedules will be set by supervisors on a rotating basis with consideration given for spreading holiday duty as evenly as possible. Supervisors or Department Heads must approve any schedule changes. Partial changes must also be approved, but arrangements are to be worked out between employees.

7.16 If employees on call are assigned vehicles to respond to the scene of the emergency and to determine if additional crews will be needed to properly respond, the employee is responsible for making certain his/her equipment is fueled at all times and all equipment is in proper working condition and proper material is available to minimize time spent on emergency repairs.

7.17 Equipment will be used by the on-call crews only for the period of time they are on call. Supervisors will ensure the equipment is properly maintained, be accountable for materials used and ensure materials used are immediately restocked.

7.18 Specific departments may have a driver or assistant used to accommodate, help, or assist as required by the group. This person is required to help and assist in any and all activities regarding the repairs including directing traffic and determining that all safety regulations are met.

7.19 If the emergency situation interferes with traffic flow or is a safety hazard to the traveling public it is the responsibility of the on-call employee to notify the dispatcher to have the Lebanon Police Department provide personnel to help direct traffic flow in the vicinity of the emergency.

7.20 Police K9 Handlers

The DOL has held that time spent in the at-home care of police dogs is compensable time. Therefore, the City of Lebanon Police Department allocates 30 minutes per day to non-exempt officers assigned to a K-9 unit for daily maintenance and care of the canine. This shall be allocated 7 days per week, regardless of if the care is provided on or off-duty. This time shall be compensated equivalent to the officer's overtime rate of pay (1.5x), regardless of if the hours exceed the overtime threshold for the work period. The non-exempt K-9 officer shall document any additional time worked for training, callouts, and veterinary care that does not occur on the officer's regular shift. It will be the responsibility of the K-9 officer to report this time in the timekeeping system.

7.21 Police Court Time

Time that non-exempt police officers must spend in court on a regularly scheduled workday shall be paid at their regular rate of pay. Time that non-exempt police officers are called back to appear in court on an unscheduled day shall be compensated at the call back rate of pay (1.5x), regardless of if work hours exceed the overtime threshold for the work period.

7.22 Discipline

- a. An employee on call who fails to respond to an emergency call within 30 minutes will receive a documented verbal reprimand to be placed in his/her Human Resources file beginning with the first incident.
- b. For a second incident of failure to respond, a written reprimand shall be issued.
- c. For a third incident of failure to respond and any subsequent time thereafter, the employee shall receive disciplinary action that may include an unpaid suspension and removal of rights to be included in the on-call pool for a set period of time if the Department Head and supervisor deem the employee was negligent in not responding to the emergency situation.

7.23 Schedules shall be established, updated, and maintained by supervisors in the Time & Attendance System so it can be determined if an employee or supervisor is appropriately applying call back earning codes. Deleting schedules is not permitted without authorization from the HR Director. Supervisors requiring support in setting up schedules may contact Payroll staff for assistance.

7.24 Payroll staff will regularly audit timesheets for accuracy and compliance to City Policy. Payroll staff are authorized to correct errors that do not comply with City Policy and will notify supervisors. A pattern of errors or misuse of call back earnings code may subject an employee to disciplinary action.

7.25 It is the Supervisor's and Department Head's responsibility to ensure their department employees comply with timekeeping rules and regulations and they are responsible for enforcement for all parts of this policy.

7.26 The extent of any disciplinary action shall be determined in accordance with existing policies on Disciplinary Action, Rule X, Sections 7 through 17.

7.27 Tennessee Highway Safety Office (THSO) Grant Activity Pay Rate for Police Officers. Time that police officers spend on THSO grant funded traffic enforcement activity outside of their regularly scheduled shift shall be compensated at the officer's overtime rate of pay (1.5x), regardless of if the hours exceed the overtime threshold for the work period.

Section 8: Background Investigations

8.1 The City of Lebanon has determined that a detailed background, reference and criminal history records check is required for all candidates. The City of Lebanon is an equal opportunity employer and does not discriminate on the basis of race, sex, age, national origin, religion, disability, genetic information, or any other characteristic protected by federal, state or local laws.

8.2 Procedures

The internal or external applicant for the position will be asked to provide written authorization for the background investigation using the company-provided form and The City will conduct the check. The City may utilize a third-party background investigation agency to conduct the background check or portions of the check. Human Resources will review the results of the background investigation and share or discuss the results with the appropriate management personnel for a determination as to the candidate's fitness for the position.

8.3 Internal applicants for transfer or promotion

Internal candidates* shall be subjected to a criminal background and motor vehicle records (when applicable) investigation when one or more of the following scenarios apply:

1. If the person is applying for a transfer or promotion to a safety or security sensitive role
2. If the person will be driving a city vehicle or operating equipment
3. If it has been more than 2 years since the last background investigation was completed

**Certified police officers are required to have regular recurring criminal and motor vehicle records checks that meet these requirements. Additional checks may not be required.*

8.4 Disqualifying factors: the following factors are considered disqualifying factors for both internal and external applicants.

Positions within The City that are designated as **Safety or Security Sensitive** roles:

1. If the person has ever been convicted of a felony
2. If the person has ever been convicted of any misdemeanor crime of moral turpitude
3. If the person has been convicted of a DUI Within the past 12 months
4. Whether hiring, transferring or promoting the applicant would pose an unreasonable risk to The City, its citizens, employees, customers or vendors.

Positions within The City that are not designated as Safety or Security Sensitive roles:

1. If the person has ever been convicted of any violent crimes including but not limited to aggravated assault, homicide related offense, sex offense.
2. If the person has been convicted of a felony within the past 5 years
3. If the person has been convicted of any misdemeanor crime of moral turpitude within the past 5 years
4. If the person has been convicted of a DUI within the past 5 years
5. Whether hiring, transferring or promoting the applicant would pose an unreasonable risk to The City, its citizens, employees, customers or vendors.

8.5 Department specific requirements

Departments may impose Departmental Rules that may expand upon these background requirements when it is specific to the department's business needs or when applicable laws may apply to certain positions. Any Departmental specific background requirements must have approval from the Director of Human Resources and the Department Head.

8.6 Military Discharges

Applicants with military service who are applying for law enforcement or firefighter positions shall be required to submit a certified copy of their most current military history form. Military service will be reviewed as follows:

1. Honorable discharge will be eligible for further consideration.
2. General discharge under honorable conditions or other than honorable discharge shall be thoroughly investigated in order to determine if applicant is eligible for further consideration.
3. Any applicant with a dishonorable discharge shall be rejected and the applicant process will be discontinued.

Section 9: Arrest of an Employee

9.1 It is the policy of The City of Lebanon to require employees who are arrested to immediately report their arrest.

9.2 An employee who is arrested and charged with a misdemeanor or felony crime, whether or not it is related to the individual's employment with The City, will report such arrest to Human Resources and their Department Head within 24 to 48 hours. Failure to do so shall subject the employee to the disciplinary process.

9.3 The affected employee shall be subjected to the disciplinary process to evaluate the circumstances of the arrest and to determine if they shall be permitted to work or suspended until such charges are concluded. In the event the employee is relieved of duty, the affected employee will remain on a leave without pay status until cleared or convicted of the crime.

RULE V: EXAMINATIONS

Section 1: Recruitment by Examination

All appointments in the classified service shall be made according to merit and fitness and may be subject to competitive examination. All such evaluations shall fairly and impartially test those matters relevant to the capacity and fitness of the applicant to discharge efficiently the duties of the position to be filled.

Section 2: Admission to Examination

Admission to examination(s) shall be open to all applicants who, according to the determination of the Human Resources Director or designated Hiring Manager, meet the requirements specified in the public notice of such examinations and who filed application on the prescribed form on or before the closing date of the filing of such application. Each applicant whose application has been accepted for any examination shall be notified. Such notice shall be his/her authorization to take the examination. No person shall be permitted to take any examination without such an authorization or other satisfactory evidence of the acceptance of his or her application by the Human Resources Director or designated Hiring Manager.

Section 3: Types of Examinations

The fitness test held to establish a list of eligible candidates for any class shall consist of, but shall not be limited to, one or more of the following parts as determined by the Human Resources Director, who with the cooperation of the Department Head concerned, may use any combination of these selection techniques:

3.1 Written Examination

This part, when required, shall include a written demonstration of each competitor's knowledge and skill in the field for which the test is being held. This may include standard tests of mental alertness and ability in the use of language and mathematics, the range of general information, or general educational attainments.

3.2 Oral Interview

This part, when required, shall appraise each competitor's personal fitness for the position. This shall include a personal interview with competitors for classes of positions where ability to deal with others, to meet the public, or other personal and temperamental qualifications are to be evaluated.

3.3 Oral Examination

This part may be used in lieu of, or to supplement the written examination or to obtain information regarding the abilities of the competitors when such information is not readily obtained in a written examination. Such oral examination may include performance tests or demonstrations of skills or leadership.

3.4 Performance Test

This part, when required, shall include such tests of performance as shall determine the ability, manual skills, and leadership of each competitor to perform the work involved and which may be either competitive or qualifying.

3.5 Physical Test

This part, when required, may be either competitive or qualifying, and shall consist of tests of body condition, muscular strength, agility, and physical coordination. This may be given a weight in the examination or may be used in excluding from further examination those applicants who do not measure up to the minimum required standards.

3.6 Mental Test

This part, when required, shall include any test to determine mental alertness, general capacity of applicants to adjust their thinking to new problems, or to ascertain special character traits.

3.7 Rating of Education, Training, and Experience

This part, when required, shall be based upon information in the application form, evaluation forms, and such other data as may be secured through the interview or from other sources, and which shall be subject to investigation as to truth and completeness.

3.8 Promotional Examination

One of the above, or a combination of the above recruitment tools used in the filling of a vacant position where the notices of such vacancies are circulated only to City of Lebanon employees.

Section 4: Rating Examination

Appropriate techniques and procedures shall be used in rating the results of examinations and in determining the relative ranking of the applicants. In all examinations, the minimum rating by which eligibility may be achieved shall be established by the Department Head and approved by the Human Resources Director. Such minimum ratings may also apply to the ratings of any part of the test. Any applicant who fails to attain at least this passing score shall be considered to have failed this examination and shall not be examined on any further parts if they are planned.

4.1 The Hiring Manager or a Manager designated by the Department Head shall determine a final score for each applicant's examination, computed in accordance with the weights for several parts as set forth in the announcement. All applicants for the same position shall be accorded uniform and equal treatment in all phases of the examination procedure.

Section 5: Notification and Inspection of Examination Results

Each person who takes an examination shall have access to his/her score as soon as possible after the exams are graded. This access is available through posting on city bulletin boards and/or inquiry by the applicant.

Section 6: Medical Examinations

6.1 Pre-employment Examinations - Prior to appointment as a probationary employee, applicants selected for certain positions shall be required to undergo a medical examination by a physician designated by the City of Lebanon to determine if the applicant meets necessary physical fitness standards for the position they are being hired to perform. The cost of the physical examination shall be borne by the city. Applicants determined to be physically or mentally unfit for service shall not be considered for appointment. A certificate that the applicant meets minimum fitness standards shall be furnished no later than the day prior to the first day of employment. Any applicant rejected as not meeting minimum fitness standards shall not be placed in classified service and shall have no recourse against the City for such rejection.

Job Classifications that require a post offer physical examination:

1. Police Officers
2. Evidence
3. Dispatch
4. Fire Department
5. Street
6. Sanitation
7. Water Plant

8. Water Treatment
9. Gas
10. Sewer
11. Equipment/Heavy Equipment Operators
12. Animal Control
13. Codes
14. Warehouse
15. Maintenance
16. Building Inspector
17. Cemetery
18. Jimmy Floyd Family Center
19. Recreation Department
20. Risk Manager
21. Gasification Plant
22. Truck Drivers

This is not an all-inclusive list. There may be other departments and jobs not listed here that may require a post offer/pre-employment physical. Job descriptions will note if this requirement applies to a specific job. Departments and positions that are primarily sedentary office/desk work such as finance, engineering, planning, accounting, administrative assistants, human resources, payroll, customer service clerks, file clerks, front office clerks and the like will not require a post-offer/pre-employment physical.

Every applicant, prior to hiring, will be required to submit to a drug screening in compliance with the City's Drug Free Workplace policy. A negative report, indicating no usage of illegal drugs, or any drugs detected and not prescribed by a medical doctor, is also mandatory prior to employment.

6.2 Post-employment Examinations - As a condition of continued employment, all employees must continue to meet minimum fitness standards required by the position to which appointed. Any employee may be required by his or her Department Head to undergo a physical or mental examination to determine whether or not he or she is physically and/or mentally capable of continuing to perform his or her required duties. The cost of the examination, limited to diagnostic procedures deemed appropriate by the examining physician or other professionals to whom the employee has been referred by the examining physician to determine fitness and not inclusive of any treatment subsequent thereto, shall be at no expense to the employee. The examination shall be sufficiently extensive to reasonably ascertain whether or not the employee is capable of performing his or her required duties. The examination may include screening for drug/alcohol use.

6.3 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 Human Resources Department, 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 designated by the City and the physician chosen by the employee, a third physician shall be selected by the City. The third physician's decision shall be final and binding as to the physical or mental fitness of the employee. The City shall pay its physician, the employee shall pay his/her physician, and the third physician shall be paid for by the City.

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

6.5 Screening for Alcohol/Controlled Substance - The City of Lebanon has been designated as a "drug free workplace" and as such screening for drugs and alcohol is practiced. This screening covers prospective new employees, post-accident, reasonable suspicion, return to duty and follow up testing for all employees and random for employees in safety sensitive roles.

RULE VI: DRUG FREE WORKPLACE

Section 1: Certified Drug Free Workplace

Pursuant to TN Code § 50-9-101, The City of Lebanon is a Certified Drug Free Workplace.

This policy applies to all employees of the City of Lebanon, TN. The policy also applies to all applicants who have been given a conditional offer of employment.

Section 2: Consent

One time only, employees and applicants will be asked to sign a consent form acknowledging the drug free workplace policy, authorizing tests and permitting release of test results to the laboratory, medical review officer (MRO), and the Human Resources Director or their designee.

Section 3: Types of Tests:

1. Pre-employment
2. Post incident/accident
3. Transfer/promotion into safety sensitive positions
4. Reasonable suspicion
5. Random Testing, applies only to safety sensitive positions
6. Return to Duty/Return to Work (RTW)/Follow-Up Testing

Section 4: Condition of Employment

4.1 Compliance with the City of Lebanon, Tennessee’s Drug and Alcohol-Free Workplace Procedure and Policies are a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms other required documents, or the failure or refusal to submit to any test or any procedure under this policy in a timely manner may be grounds for refusal to hire or for disciplinary action that may include termination of employment.

4.2 The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated will be grounds for refusal to hire or for disciplinary action that may include termination of employment.

4.3 Any violation of this policy will be handled through the normal disciplinary process. Employees who are experiencing difficulties with substance abuse should contact the City of Lebanon’s Employee Assistance Program or seek professional treatment under the City of Lebanon’s medical plan. Employees may contact their Human Resources or Payroll & Benefits representative to obtain this information.

4.4 Any employee convicted under a criminal drug statute for violations occurring on or off city premises, either on or off duty, shall report the conviction to Human Resources or the Department Head within 24 but no later than 48 hours after conviction. The affected employee shall be subjected to the disciplinary process as defined by RULE X: SEPARATION, DISCIPLINARY ACTION, AND SUSPENSION.

4.5 Refer to the **City of Lebanon, Tennessee’s Drug and Alcohol-Free Workplace Procedure and Policies Manual** which outlines the full Drug Free Workplace program requirements, standards, and guidelines.

Rule VII: SMOKE FREE WORKPLACE

Section 1: Tobacco Use Workplace Policy

The City of Lebanon complies with TN Code § 39-17-1803, the Non-Smoker Protection Act, which specifically bans smoking in any: “enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles.”

No use of tobacco products including cigarettes, cigars, e-cigarettes and “spit tobacco” will be allowed within the City facilities or City owned vehicles at any time. Smoking or tobacco use shall be permitted only in designated smoking areas located at least 25 feet outside the building entrance, operable windows, and ventilation systems of enclosed areas to prevent tobacco smoke from entering those areas. Spit tobacco shall be disposed of in a considerate manner that does not create any sanitation or maintenance issues. All materials used for smoking in designated smoking areas, including cigarette butts and matches, will be extinguished and disposed of in appropriate containers.

Section 2: Procedure

1. Employees will be informed of the Tobacco-free Policy through signs posted throughout properties owned and operated the City, including city owned vehicles.
2. The City will help employees who want to quit smoking by helping them access recommended smoking cessation programs and materials. Employees may contact their Human Resources or Payroll & Benefits representative to obtain this information.
3. Any violations of this policy will be handled through the standard disciplinary procedure.

RULE VIII: EMPLOYEE ASSISTANCE PROGRAM

An employee assistance program is offered by the City of Lebanon as a benefit to all classified employees and their eligible dependents. The program, contracted by the City and administered by the Human Resources Department, offers assessment, counseling and referral for problems in the areas of: marriage, family, emotional well-being problems, grief, finances, legal and alcohol and substance abuse.

Employees needing this assistance may contact their HR Representative for full information.

RULE IX: EMPLOYEE EVALUATIONS

Section 1: Evaluation Types and Procedures

Probationary Evaluations

1.1 Each employee completing their probationary period shall have his/her performance evaluated in writing; personally discussed with their immediate supervisor and reviewed by the Department Head prior to and no later than 14 calendar days after completing the probationary period. (Law enforcement shall complete probationary evaluations at 6 months and 12 months.)

1.2 Department Heads may develop their own evaluation forms, with approval from the Human Resources Director, or may obtain evaluation forms from Human Resources, prior to the time for evaluation. The forms shall be completed and immediately forwarded to the Human Resources Department for review and placement in the employee's Human Resources file.

1.3 The Department Head shall notify the employee in writing when he/she is not meeting the probationary period requirements and shall offer the employee additional advice and assistance and outline the action expected of the employee to show future improvement. This notification will also give the employee an indication of the action which may be taken by the Department Head if improvement does not meet expectations within the specified time limits. A copy of any and all such correspondence, to or from the employee shall be immediately forwarded in its entirety to the Human Resources Director for the employee's file.

1.4 Probationary evaluations must be completed and processed prior to the end of the probationary period, thus allowing time for changing the employee's status to classified, if he/she is to be retained; or, time for separation before the end of the period, if the evaluation indicates service should be terminated. It is recommended the Department Head notify the Human Resources Director on a change of status form at least 14 calendar days prior to the expiration of an employee's probationary period, indicating whether the employee should be placed in classified status or terminated.

1.5 Employees on a probationary employment status may be rejected at any time, without cause and without right of an appeal or hearing, and the decision of their Department Head is final.

1.6 Part Time and Seasonal employees are on a probationary employment status for the full duration of their part time or seasonal employment. Part Time and Seasonal employees are not subject to the employee evaluation process.

Annual Evaluations

1.6 Each classified employee shall have their performance evaluated in writing, personally discussed with the employee by their immediate supervisor, and reviewed by the Department Head on an annual basis prior to December 1 each year. Each employee's supervisor shall be responsible for furnishing the Human Resources Director with copies of the evaluation reports as required in this rule. The supervisor, with concurrence of the Department Head, may impose additional evaluations throughout the year.

1.7 The Evaluation Period is October through September. Disciplinary matters noted in the employee's personnel file must be considered for the evaluation period in which they occurred. For example, the 2016 evaluation will evaluate the employee's work performance for October 1, 2015 through September 30, 2016 and may not take into consideration infractions of the rules and regulations that occurred prior to October 2015.

1.8 Human Resources shall send evaluation forms for annual evaluations to the Department Heads and Managers by October 15 of each year. The evaluation shall then be completed and reviewed as required in the above paragraph in sufficient time for the supervisor to forward the form and all related correspondence back to Human Resources by December 1 of that same year.

1.9 Performance evaluations are required no less frequently than annually.

1.10 When a classified employee's performance has reached the level which the immediate supervisor determines to be unsatisfactory (in comparison with the minimum standards for the position); an oral warning has not resulted in expected improvement; more severe initial action is warranted, or for other just cause, an official written reprimand shall be issued to the employee. When alternative actions such as written reprimands have not resulted in expected improvement or when more severe initial action is warranted, or for other just cause, the Department Head, in accordance with the provisions of

Rule X, may suspend the employee and provide a departmental hearing to determine discipline or termination. The provisions of these rules shall be strictly adhered to when applying this section of this rule.

Section 2: Use of Evaluations

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

- 2.1 Performance appraisal during the probationary period
- 2.2 Performance appraisal on an annual basis
- 2.3 Evaluation for a promotion
- 2.4 In-service training
- 2.5 Self improvement

Section 3: Employee Evaluation Discussion

As frequently as deemed necessary by the supervisor and/or Department Head, but at least as part of the employee's annual evaluation, an employee dialog shall be conducted between the supervisor and the employee. The dialog is an effort to encourage the supervisor to communicate to an employee his/her reaction to the employee's performance, to offer praise for a job well done, to offer positive assistance in remedying any shortcomings in the employee's job performance, and to give the employee an opportunity to express feelings and thoughts in those various job related areas. The use of a form is primarily intended to help the Supervisor organize ideas and guide discussion with the employee.

Section 4: Overall Performance Rating

The overall performance rating developed in the performance appraisal, as derived from the total evaluation score, shall be considered when evaluating any recommendations for pay increases according to Rule III Pay Plan, Merit Increases. And, the overall performance rating developed in the performance appraisal, as derived from the total evaluation score, shall be considered when evaluating any recommendations for promotions or transfers.

- 4.1 Employees rated as "unacceptable" or "marginal" shall be denied any pay increase within their pay grade and may be considered for disciplinary action under the criteria of Rule X: Section 10 and 11. All such employees shall be provided close supervision, more training, and follow up to include frequent performance evaluations and counseling with a view toward attainment of established job standards in the least amount of time possible.
- 4.2 Employees rated as "acceptable" or higher may qualify for consideration for Merit Increase, if recommended by the Department Head and approved by the Merit Review Board, under the criteria set forth in Rule III Pay Plan, Merit Increases. Employees are not entitled to Merit Increases based on performance appraisal results alone.

Section 5: Provisions

The following provisions shall apply to evaluations:

- 5.1 After an evaluation has been completed with a classified or probationary employee, the employee and the supervisor must sign the form. This certification by the employee should not be interpreted to mean that the employee is satisfied or dissatisfied with the evaluation but does signify that the employee has seen the rating; that it has been explained to him/her, and that he/she does understand the areas in which their performance has been strongest or weakest and improvements are expected, if any. This certification by the supervisor should signify that the rating has been completed and explained to the employee, that in the supervisor's best judgment, the rating reflects the true picture of the employee's performance, clearly outlines the areas in which the employee's performance has been the strongest or weakest, what actions are expected, and that advice and assistance has been offered.
- 5.2 Use of Standards - The Department Head is responsible for developing job performance standards for each position classification. Such standards will be used as a basis for measuring employees' performance against job related criteria to determine whether the employee has performed at an acceptable level to meet position and departmental expectations.
- 5.3 Standards must be clearly defined, documented, and communicated to the employee with a copy provided to the affected employee and a copy placed in the employee's Human Resources file.
- 5.4 Standards must be measurable, under one or more of the following concepts:
 - a) "Quantity based" on a production concept. For example, the number of expected utility connections, meters installed, meters repaired, etc., during a rating period.
 - b) "Quality based" on a concept of few 'rejects' in the work produced, absence of customer complaints, level of errors tolerated, etc., or
 - c) "Procedures based" on a concept of specific adherence to detailed procedures without deviation, timeliness of work accomplished, etc.
- 5.5 Standards must be attainable and reasonable yet challenge the employee to work as a team member toward the betterment of the work unit, department, and the City as a whole.
- 5.6 Standards must identify critical elements and noncritical elements of the employee's job. A critical element is one deemed sufficiently important that performance below the established minimum standard requires remedial action and

may be the basis for removal from the position. Accordingly, elements of each standard should be weighted for relative importance to the successful accomplishment of the assigned job so that "critical elements" carry much more significance in the overall performance evaluation than less important but necessary 'noncritical elements.'

5.7 Standards must be accurate and consistent and developed by a detailed study of the job content, with input from each affected employee. In developing standards for each position, the Department Head will guard against simply relying on past experience.

5.8 Standards must be predetermined, to allow each affected employee to develop a clear understanding of what is expected in the job performance.

5.9 Standards shall be reviewed with the affected employee no less frequently than annually at the time of the performance appraisal.

5.10 The evaluation process for employee performance herein specified must be thoroughly explained to and discussed with all employees by their immediate supervisor at the time of employment, including those who rate employees, as well as those being rated. It shall be the ultimate responsibility of the Department Head to see that the purposes and methods of carrying out the performance evaluations are fully adhered to for all affected employees as provided for in these rules. Both the employee's Human Resources file and record of evaluations are public records and subject to public view by following prescribed procedures to view them.

5.11 No annual performance evaluation shall be conducted unless the rater has been in direct supervision over the rated employee for at least three consecutive months. Rating supervisors who are transferred or terminated in good standing shall complete interim evaluations for all employees under their supervision. The succeeding supervisor will complete annual evaluations, provided he/she has supervised the employee for at least three continuous months; otherwise, the Department Head shall delegate a manager or supervisor familiar with the employee's work performance to complete the performance evaluation in lieu of a supervisor who has transferred or terminated.

5.12 Justification for Rating - Each performance evaluation shall include, in narrative comments:

- a) Specific and objective examples clearly indicated how the rated employee failed to meet, met, or exceeded the job standards; and,
- b) Constructive comments to include goals and methods, timetables, etc., to achieve goals and standards.

5.13 Indicators of exceeded standards - The following are some, but not necessarily all possible indicators which may be used in determining whether an employee has exceeded standards;

- a) Demonstrated improvement in efficiency, productivity, and quality of work or service;
- b) Significant reduction of paperwork or the elimination of unnecessary steps in accomplishing job tasks;
- c) Cost effectiveness remaining within budgetary constraints and/or accomplishing required tasks with the most efficient utilization of available Human Resources and resources.
- d) Timeliness or performance meeting necessary deadlines while still maintaining a high level of performance, and
- e) Effectiveness, productivity, and quality of subordinate performance used in supervisory evaluations.

Section 6: Appeals of Evaluation Results

Appeal of an evaluation may be made by the employee to the Department Head or the Human Resources Director for Review. Performance appraisals/evaluations are not a grievable matter under the City's grievance policy.

Section 7: Review by the Human Resources Director

In all matters relating to employee performance, the Human Resources Director shall from time to time review the procedures being used and make suggestions to supervisors and provide reports to the Mayor as may be necessary for carrying out the spirit and intent of this rule.

RULE X: SEPARATION, DISCIPLINARY ACTION, AND SUSPENSION

Section 1: Types of Separation

All separations of employees in classified service shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, lay off, disability, death, retirement, or termination.

1.1 At the time of separation and prior to final payment, all records, assets, and other items of City property in the employee's custody shall be transferred to the Department Head and documentation to this affect shall be executed by the Department Head.

1.2 If there is a shortage of these items, any amount due the City, based on current replacement costs, may be withheld from the employee's final compensation.

Section 2: Resignation

2.1 An employee may resign by submitting the reasons therefore and the effective date of resignation.

- 2.2 The written notice shall be submitted as far in advance as possible to the Department Head; however, a minimum two-week notice is requested.
- 2.3 Failure to give two weeks' notice may be considered in future recommendations and/or reemployment with the City.
- 2.4 Unauthorized absence from work without notification for a period of three consecutive working days (or, two consecutive work shifts for fire fighters) will be considered by the City as an abandonment of position.
- 2.5 If the employee reports within five working days (three consecutive shifts for firefighters) and claims justification for violation of these rules, and or attempts to justify the absence without notice, a Departmental Hearing will be scheduled to determine if the cause was valid.

Section 3: Layoff

An employee in classified service may be laid off when fiscal constraints, as defined by the City Council, dictate and may not reflect discredit upon the service of the employee.

Section 4: Disability

- 4.1 In accordance with Rule V, Section 6.4, an employee who has become mentally or physically unable to perform his/her present duties may be separated from city services or transferred to a vacant authorized position for disability when it has been determined that he/she cannot, because of physical or mental impairment, continue to perform the required duties as listed in the job description of the position.
- 4.2 The City shall pay the reasonable fee or fees levied by the licensed practicing medical doctor or doctors designated by the Human Resources Director and confirmed by the Mayor to determine whether the employee can perform the essential functions of the job.

Section 5: Death

- 5.1 Separation shall be effective as of the date of death.
- 5.2 All compensation due in accordance with these rules shall be paid to the estate of the employee, except such sums as by law must be paid to the surviving spouse.
- 5.3 Employee benefits will be affected in accordance with current benefit regulations effective at the time of death.

Section 6: Retirement

- 6.1 Whenever an employee meets the conditions as set forth in the retirement program regulations, he/she may elect and receive all benefits earned under the City's retirement plan.
- 6.2 Official notice of such intended action must be submitted by the employee on forms provided by the Payroll and Benefits section and within the prescribed time limits as set out in the retirement plan.
- 6.3 Should the retiring employee have unused sick leave and/or vacation time accumulated, he/she shall be eligible for terminal annual leave pay and shall be given credit for unused sick leave accumulated toward retirement.

Section 7: Disciplinary Action

Discipline is a necessary part of any organization. It is the mutual respect and self-control of the employees of the **City of Lebanon** that enables the City to meet its standards and objectives. Discipline is developed both by management and employees, since if one employee fails to follow the standards and objectives, every other employee must work harder to see that those objectives are accomplished.

Whenever an employee's performance, attitude, work habits, or personal conduct fall below desirable level, supervisors may inform employees promptly and specifically of such lapses and shall give them counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating progressive disciplinary action.

In some instances, a specific incident in and of itself may justify severe initial disciplinary action; however, the action to be taken depends on the seriousness of the incident and patterns of past performance and conduct.

Reasons for discipline, may include, **BUT ARE NOT LIMITED TO:**

1. Misconduct.
2. Incompetency or inefficiency in performing duties.
3. Conviction of a criminal offense or of a malfeasance involving moral turpitude; or conviction of any law violation reflecting upon the employee's ability to perform public service for the city.
4. Arrest and/or failure to report arrest to Human Resources within 48 hours.
5. Inappropriate or threatening personal conduct or language toward the public, supervisors, or fellow employees, or abusive criticism of supervisors or other public officials.
6. Threatening, intimidating, harassing, coercing, verbal abuse, sabotage or work interference with fellow employees or non-employees.

7. Indirect or direct threats of violence or incidents of actual violence involving fellow employees or non-employees.
8. Inability to perform the essential functions of a job because of a permanent or chronic physical or mental deficiency that cannot be reasonably accommodated.
9. Falsifying records or using official position for personal advantage.
10. Revocation /Loss of an employee's driver's license and/or driving privileges by due process of law, when the employee's position makes it necessary for the operation of a motor vehicle in the performance of his/her duties, or failure to report loss or restriction of license or failure to pass a Motor Vehicle Records audit due to moving violations.
11. Violating any of the provisions of the local government charter, personnel ordinance, or these rules.
12. When it is determined the employee does not possess the necessary qualifications to render satisfactory service in the position held.
13. Failure to comply with the City's Drug Free Workplace policy.
14. Reporting to work under the influence of alcohol or illegal drugs, or in possession of alcohol or illegal controlled substance.
15. Drinking any alcoholic beverage or using any illegal controlled substance on City property during the workday or immediately prior to reporting to work.
16. Testing positive for use and consumption of alcoholic beverages, and/or illegal controlled drugs in any City administered test required by City policy or test administered as a result of a workplace incident or upon reasonable suspicion.
17. Unlawful manufacture, distribution, dispensing, possession, or use of controlled substances.
18. Failure to report to Human Resources that employee is taking prescribed medication that could affect job performance; or that the employee is under doctor's orders not to perform normal work duties.
19. Making false statements of any material fact or purposely showing deception on his/her employment application.
20. Having established unsatisfactory employment of such nature as to demonstrate unsuitability for employment.
21. Using, or attempting to use, political pressure or bribery to secure an advantage in an examination or appointment.
22. Directly or indirectly obtaining information regarding examinations to which, as an applicant, one is not entitled.
23. Theft from the City, or any employee, or any other person or entity in any way related to the employee's employment with the City.
24. Causing loss or damage of any City property due to carelessness or negligence.
25. Making false, vicious, or malicious statements about any employee.
26. Being habitually tardy or absent, or, unauthorized tardiness or absences.
27. Failure of a Department Head to enforce or report any violations.
28. Failure to report absences or tardiness to immediate supervisor prior to the start of assigned working hours.
29. To have a private interest in, or benefit from, directly or indirectly, from business dealings with the city.
30. Acceptance of gratuities which were given with the expectation of influencing the employee in the performance of his/her duties.
31. Engaging in outside employment which interferes with or is incompatible with city employment.
32. Using position with the city in order to grant or influence privileges or receive privileges for oneself or others.
33. Failure to wear safety restraint (seatbelt) when driving city vehicles or while enacting business on behalf of the City of Lebanon, using city or personal vehicle. State Regulations identify some exemptions to the seat belt requirement, based on position requirements (police, meter readers and the like).
34. Failure to have active liability coverage on private vehicle when using for city business.
35. Engaging in horseplay, scuffling, or throwing things.
36. Malicious and/or intentional destruction of city property.
37. Carelessness affecting employee safety.
38. Violation of a known safety rule, safety practice, or failure to use safety equipment.
39. Unauthorized use or possession of firearms, other weapons, or explosives during working hours.
40. Unauthorized use of city equipment, property or materials for personal or private use.
41. Attempting, provoking, instigating a fight, or fighting during working hours or on City property.
42. Wasting time, loitering, or leaving place of work during working hours without authorization.
43. Revealing confidential information.

44. Posting, altering, or removing any materials on city bulletin boards or other city property unless authorized.
45. Gambling on city property and/or during working hours.
46. Deliberately restricting output.
47. Sleeping on the job during working hours, unless work related (such as fire department employees).
48. Not wearing assigned uniform during work hours.
49. Failure to follow job instructions, either verbal or written.
50. Violation of any lawful and reasonable regulation, order, or direction made or given by a superior; or insubordination that constitutes a serious breach of discipline.
51. Improper conduct in the use of radios, cellular telephones and computers.
52. Dishonesty, intemperance, immoral conduct, insubordination, failure to adhere to rules and regulations or other written instructions, other acts of omission or commission tending to injure the public service, or any other willful failure on the part of the employee to conduct himself/herself properly.
53. Any other act or failure to act which, in the judgment of the Department Head, is sufficient to show that the person is an unsuitable employee, including active political campaigning during working hours. No City employee or official may solicit campaign contributions or actively engage in or participate in any political campaign while on duty and shall not exert any pressure on any person through his/her position of employment or service.
54. Any violations of any of the provisions of the City Charter, Human Resources Policies, Ordinances, Ethics Policy, or these rules.
55. Failure of an employee to immediately report to their supervisor any knowledge of a work-related injury or illness; regardless of whether or not medical treatment is necessary, when that work-related injury or illness is incurred either by the employee or another employee of which he/she has knowledge.
56. Failure to submit to a post incident drug and alcohol test within 12 hours post-incident.
57. Failure of a supervisor to report any accident involving city personnel or property resulting in property damage or personal injury to a person or entity. A properly completed report of occupational injury or illness must be submitted within 24 hours of such knowledge.
58. Improper use of city time, facilities, etc. involving the use of same for private gain or advantage to the employee, or a private group or person. The City Council may grant use of time, facilities, and equipment when the city is paid for such use.
59. Engaging in any strike, or work stoppage, against the city.
60. Failure of an employee to report any violations when he/she has knowledge of such violations.
61. Timekeeping fraud that may include, but not be limited to, false or fraudulent reporting of hours worked, call back, holiday hours, PTO, extended sick leave or compensatory time.
62. Failure of any employee to immediately report to his/her supervisor and Department Head any variance on their hourly rate.
63. Knowingly record, or to knowingly use a recording device in such a manner likely to record, a City of Lebanon employee at the workplace without that employee's knowledge and consent.
64. Discriminatory behavior towards another employee or non-employee that constitutes a violation of any state or federal regulation.

Employees shall not be disciplined for actions that fall in the category of protected activities. You may not be disciplined or dismissed for any of the following reasons:

1. Filing good faith complaints with the Equal Employment Opportunity Commission or the Tennessee Human Rights Commission or engaging in activities protected by Equal Employment Opportunity laws. Such complaints involve issues of race, sex, national origin, ethnicity, religion, age (over 40), disability, or reprisal.
2. Reporting occupational health and safety violations or raising concerns about safety
3. Filing good faith worker's compensation claims.
4. Refusing to perform an unusual work assignment that the employee believes is life-threatening or hazardous. (Certain exceptions to this rule apply to law enforcement and fire department employees. Those employees shall comply with departmental procedures in the execution of their job duties.)
5. Refusing to perform an act that is clearly in violation of the law.
6. Any other activity that is protected by federal or state law.

Section 8: Types of Disciplinary Action

The types of disciplinary action are:

1. verbal counseling,
2. written reprimand,
3. suspension,
4. demotion, and
5. dismissal

8.1 While progressive discipline is preferred, an accelerated disciplinary process may be justified depending up on the serious nature of the violation. Employees shall be informed of standards of conduct, performance, rules and regulations. Rules and regulations shall be consistently applied considering the seriousness of the infraction, mitigating circumstances, previous work record, and other relevant criteria. Discipline shall be based on the severity of the infraction. Department Heads and/or supervisors may recommend use of the Employee Assistance Program to provide employees with assistance in addressing work related problems.

8.2 Any employee receiving disciplinary action higher than a written reprimand shall be placed on work review status from 90 to 180 days. The length of the work review status is defined by the type of disciplinary action given. The employee's supervisor and Department Head shall observe the employee to ensure proper performance or conduct and determine whether further disciplinary measures are in order. Further deviations by an employee from job expectations or acceptable conduct, whether involving the same issue as disciplined for initially or some other work performance or conduct issue of similar or more severe magnitude, may result in a more severe disciplinary measures being invoked up to and including dismissal.

8.3 Verbal Reprimands, Written Reprimands or Temporary Reassignments cannot be appealed. Employees have the option of documenting their response to any disciplinary action and submitting a copy of that document to their personnel file. An employee may request to have the HR Director review a written warning. The request must be submitted to the HR Director in writing within 5 business days. The HR Director will evaluate the written warning for compliance with federal and state regs as well as disciplinary policy and procedure and shall then advise the Department Head regarding any recommended revisions. The Department Head will be responsible for making any necessary corrections before it is placed into the employee's file.

8.4 For suspension or dismissal actions, the employee will be furnished a notice from the employee's supervisor or Department Head containing the nature of the action, the reasons therefore and his right to answer as per the pre-action procedure contained herein. The employee may be retained in status, suspended without pay, demoted or dismissed, as deemed in the best interest of the City, for violation of these Personnel Regulations, misconduct as defined herein or for any reason as defined.

8.5 When an employee is suspended without pay, demoted or terminated as the result of a departmental hearing, he or she has the right to an appeal hearing per Section 16: Appeals.

Section 9: Verbal Counseling

9.1 Whenever an employee's performance, attitude, work habits, or personal conduct fall below a desirable level, the supervisor shall inform the employee promptly and specifically of such lapses and shall give him/her counsel and assistance.

9.2 If justified, a reasonable period of time for improvement may be allowed before initiating disciplinary actions. The supervisor shall submit a memo for placement into the employee's personnel file, stating the date of the verbal counseling, what was said to the employee, and the employee's response.

Section 10: Written Reprimand

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

10.2 At the conclusion of a conference with the employee, a signed copy of the written reprimand will be given to the employee and a copy placed in the employee's personnel folder. It is recommended that the affected employee sign the written reprimand to indicate that he/she has seen the document and to acknowledge receipt of the employee's copy.

10.3 Should the employee refuse to sign the written reprimand, the supervisor will obtain a witness to sign and date the form and so indicate the employee's refusal to sign. An employee who disagrees with the written reprimand may place a written statement of his/her objection in the personnel file.

Section 11: Departmental Hearing

11.1 Excluding verbal counseling, written reprimand or temporary assignment, disciplinary actions require a pre-action hearing and shall be taken only after the employee has had a pre-action hearing conducted by the Department Head. A representative from Human Resources shall be present in the pre-action hearing.

11.2 If the employee is a Department Head, the pre-action hearing shall be conducted by the Mayor and another Department Head selected by the Mayor. The second Department Head's role at the pre-action hearing is to act as a neutral third-party witness.

11.3 The written notice of such pre-action hearing must be personally delivered to the employee at least **5 business days** before the hearing date. In those instances where the employee cannot be personally contacted, a registered letter will be mailed to the employee's last known address. The same time limitations shall apply. This notice shall contain a statement of the charges and the time, date and location of the hearing and the employee's hearing rights. At the hearing, the employee may present testimony, personally, and of others, and present/give evidence.

11.4 It is recommended that pre-action disciplinary hearing be held during the employee's regularly scheduled shift. If that is not possible, then an employee shall be compensated for the time spent during the pre-action hearing pursuant to RULE III: PAY PLAN, Section 8: Overtime.

11.5 Attorneys are not permitted to participate on behalf of either party in a pre-action disciplinary hearing. An employee may elect to consult with an attorney, at their own expense, prior to the pre-action hearing but the attorney may not attend the pre-action hearing.

11.6 The Department Head will render a written decision no later than five (5) business days after the conclusion of the hearing with copies to the Human Resources Department for placement in their personnel file. The Department Head or designee shall personally deliver a copy of the decision to the employee. If the employee is unavailable or in unusual circumstances, the disciplinary action letter may be sent to the employee by certified, registered mail. Prior to any disciplinary action being taken, the Human Resources Director shall review the procedure for compliance with policy.

11.7 An employee may choose to waive their right to a pre-action hearing. A written waiver must be submitted to the Human Resources Director no later than 1 business day prior to the hearing. The Human Resources Director will notify the Department Head of the waiver. If the pre-action hearing is waived, then the decision will be based on the information gathered and/or received prior to the hearing. In waiving their right to a pre-action hearing, the employee also waives their right to appeal any disciplinary action issued for the infraction. Should an employee not submit a written waiver for the hearing and not attend the hearing, then the lack of attendance will be considered as a waiver.

11.8 The provisions of this section shall not apply to reductions in pay, which are a part of a general plan to reduce salaries and wages or to eliminate positions.

Section 12: Suspension

12.1 When alternative actions such as verbal counseling and/or written reprimand have not resulted in expected improvement; when more severe action is warranted, or for any other just cause or justified reasons, the Department Head may suspend an employee without pay for the length of time considered appropriate.

12.2 This ruling can only be applied following a departmental hearing as outlined in Section 11 or as outlined below in Section 13. The suspension should be initiated as soon after the incident as is reasonably possible. A copy shall be forwarded to the Human Resources Director and placed in the employee's personnel file.

12.3 Notification and contents of the written suspension shall be strictly adhered to as set out in Sections 8 and 11 of this rule.

12.4 An employee can accept the suspension and take the required steps to correct his/her performance and/or conduct and conform to the hearing and charges.

12.5 All records associated with a suspension shall become a permanent part of the employee's personnel file, including hearing outcome. Any employee receiving a suspension as a matter of disciplinary action shall be placed on a work review status for a period of 90 to 180 days, depending upon the severity of the incident.

Section 13: Suspension with Pay

13.1 An employee may be suspended with pay by his/her Department Head. Pursuant to the pre-action hearing procedures, a written statement of the reason for suspension shall be submitted to the employee affected at least 2 business days prior to the effective date of suspension.

13.2 The decision to suspend with pay pending investigation or pending hearing must be made by the Department Head, the procedure may be subject to review and approval by the Human Resources Director for compliance with policy.

13.3 Under certain circumstances, an employee may be suspended with pay and without notice, if in the best interest of the City and public interest. The decision to suspend without notice must be made by the Department Head with notification to the Human Resources Director.

13.4 Suspension with pay shall not exceed 30 calendar days, pending pre-action hearing.

Section 14: Disciplinary Demotion

14.1 A demotion of an employee is a form of disciplinary action by a Department Head for a serious offense and/or multiple violations of a less serious nature where discharge is not warranted. Prior to demotion a pre-action hearing must be conducted. A copy of the demotion notification and related documentation shall be forwarded to Human Resources for inclusion in the official personnel file of the employee. The demotion notification and related documentation shall remain in the employee's personnel file.

14.2 A demotion may be defined as but not limited to a reduction in pay, a change of employment conditions that may subject employee to loss of fringe benefits, and/or substantial change of job duties.

14.3 Job transfers and changes in schedules and/or job assignments that occur as part of normal business operations are not defined as demotions.

14.4 Any employee receiving a demotion as a matter of disciplinary action shall be placed on 90 to 180 days months of work review status, depending upon the severity of the incident and/or policy violation.

Section 15: Dismissal

15.1 The Department Head may dismiss an employee for just cause that is for the good of the local government service. The decision to terminate shall only occur after a pre-action disciplinary hearing that includes the Department Head and a representative of Human Resources and complies with all disciplinary action policies. The dismissal notification and related documentation shall remain in the employee's personnel file.

15.2 Illegal or unethical activities and violations of some City policies may result in immediate suspension with pay, pending a termination decision.

15.3 In the event that the employee is a Department Head, The Mayor or Council (with a majority vote) may dismiss the employee for just cause that is for the good of the local government service. The decision to terminate shall only occur after a pre-action disciplinary hearing. The pre-action hearing shall be conducted by the Mayor and another Department Head selected by the Mayor. The second Department Head's role at the pre-action is to act as a neutral third-party witness.

15.4 Pursuant to the pre-action hearing procedure, the employee shall be furnished an advance written notice as outlined in Section 9.

Section 16: Appeals Process

16.1 If the employee is not satisfied with the resolution of the disciplinary action, he or she may make a written request addressed to the Human Resources Director for an Appeal Hearing. The employee must deliver the written request to the Human Resources Director no later than five (5) business days following receipt of the Department Head's decision as outlined in Section 11. An Administrative Hearing Officer will conduct the Appeal Hearing. Employees shall be allowed to present testimony and evidence at the Appeal Hearing and may be represented by an attorney at his/her own expense.

16.2 In the event that the employee is a Department Head, the employee may submit a written request for an Appeal Hearing to The Mayor no later than five (5) business days following receipt of the disciplinary hearing decision, as outlined in Section 11. An Administrative Hearing Officer will conduct the Appeal Hearing. Employees shall be allowed to present testimony and evidence at the Appeal Hearing and may be represented by an attorney at his/her own expense.

16.3 The City Attorney may represent the City in an Appeal Hearing and reserves the right to hire outside Counsel to represent the City, subject to Charter provisions relative to hiring outside Counsel.

16.4 An Administrative Hearing Officer shall be an attorney licensed in the State of Tennessee and shall be chosen by the Mayor and City Attorney from a panel of licensed attorneys approved by a majority vote of the City Council. The panel of Administrative Hearing Officers shall be presented for review and approval by the City Council in June of each year based upon recommendations from the City Attorney. Said Administrative Law Officer shall be paid on a part-time basis at an hourly rate not to exceed the rate of Two Hundred Dollars (\$200.00) Dollars per hour. Said Administrative Hearing Officer shall be chosen for the express purpose of providing a just administrative hearing concerning the questions involved. The City of Lebanon shall pay the Administrative Hearing Officer for the time and

expenses involved in the subject termination hearing. The City Attorney shall maintain a panel of least three (3) licensed attorneys from which the Administrative Hearing Officer shall be chosen as provided herein.

16.5 If the hearing is conducted by an Administrative Hearing Officer, the Administrative Hearing Officer shall preside over the hearing and provide an orderly procedure ensuring due process. A record shall be compiled using a professional court reporter. Upon hearing the evidence presented, the Administrative Hearing Officer shall determine if the evidence presented is supported by a preponderance of the evidence. The Administrative Hearing Officer may order an action consistent with the Personnel Rules and Regulations, City Ordinances, and the law. The decision of the Administrative Hearing Officer shall be considered a final judgment. No ex parte communications shall be allowed with the Administrative Hearing Officer by a party or the party's representatives. Cost for the attendance of the professional court reporter shall be borne by the City of Lebanon, however, the cost of any transcript which may be requested shall be borne by the party requesting the transcript.

16.6 Appeal Hearings will be held within 60 calendar days after a written request is received, unless unusual circumstances warrant an extension of time. Requests for extensions must be submitted to the City Attorney.

16.7 The appeal hearing final determination notification and related documentation shall remain in the employee's personnel file.

Section 17: In the Event of a Conflict

In the event of a conflict between the content of the disciplinary policies in this Handbook and policies within a department specific handbook or department specific practices, the language in this Handbook will prevail.

RULE XI: GRIEVANCE AND APPEAL PROCEDURES

Section 1: What is a Grievance

Employees who are serving in their probationary employment period are not entitled to use the grievance procedure (but may file a complaint under the harassment policy).

Performance appraisals are not a grievable matter under the City's grievance policy; however, they may be appealed to the Department Head or the Human Resources Director for review.

A grievance is an employee's feeling, concern, belief or complaint regarding:

1. Some aspect of employment and/or employment conditions
2. A relationship between the employee and the employee's supervisor and/or the employee's Department Director and/or the City
3. The relationship with other employees
4. Inconsistent application of regulations and policies
5. Management or administrative decisions which affect the employee's health, safety, physical facilities, equipment or material used

Section 2: What is Not a Grievance

The following is a list of actions which do not fall under the definition of a grievance and are not adjusted through the grievance procedure.

Non-grievable personnel actions are:

1. Performance evaluations
2. Position classification; rates of pay or other compensation such as fringe benefits
3. Policies, Procedures, Rules and Regulations adopted by Council through Resolution or Ordinance
4. Position demotions, transfers and lay-offs because of abolishment of positions or reorganization
5. Examination scores for appointment or promotion but may be referred to the Human Resources Department for review

Section 3: How to File a Grievance

Employees are encouraged to bring the issue to their supervisor and the supervisor should make every effort to resolve the matter through oral communication.

1. If you feel the matter has not been resolved, you may submit a grievance, in writing, to your supervisor. The supervisor shall immediately forward a copy of the grievance to the Human Resources Director.
2. If your supervisor does not respond in writing within five business days or if your response is not satisfactory, you may submit the grievance, in writing, to the Human Resources Director within three City business days.
3. The Human Resources Director will obtain all necessary information and schedule a meeting with you, your Department Director, and others as necessary to informally discuss the grievance and possible solutions.
4. Your Department Director will render a decision in writing within five City business days of the meeting.

5. If you are not satisfied with the Department Director's decision, you may file an appeal with the Mayor. The City Attorney has the right to appoint an Administrative Hearing Officer to hear the appeal in lieu of the Mayor.

Section 4: In the Event of a Conflict

In the event of a conflict between the content of the grievance policy in this Handbook and policies within a department specific handbook or department specific policies, the language in this Handbook will prevail.

RULE XII: OUTSIDE EMPLOYMENT

Section 1: Written Authorization

Full-time employees of the City of Lebanon shall not accept or continue any present outside employment without written authorization from his/her Department Head. The Department Head shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the employee's duties, or is incompatible with the employee's municipal employment, or is likely to discredit or embarrass the municipal government. The employee must work his/her own shift (cannot hire a substitute or surrogate) in order to work the second job.

Section 2: Disclosure

Approval to work a second job must be approved in writing on the Secondary Employment Disclosure Form and may be withdrawn for any of the reasons above. Each additional outside employment must be submitted on separate forms for approval.

Section 3: Changes

Any changes in secondary employment shall be immediately reported to the Department Head. For other questions concerning ethics or outside employment, contact the ethics officer, the city attorney.

RULE XIII: DRESS/PERSONAL HYGIENE CODE

All City employees are expected to present a neat, well-groomed appearance. Employees in contact with the public should keep in mind they represent the City of Lebanon. Dress and personal appearance will be consistent with the type of work performed and the amount of customer contact required.

Section 1: Uniforms

Assigned uniforms are required during work hours, but are not to be worn during non-work hours, except for travel to and from the employee's residence to work. A brief stop before or after work hours to accomplish personal errands on the employee's own time, of short duration, is permitted.

Section 2: Casual Friday

Some departments, especially with clerical and administrative type employees have a "casual dress Friday." This rule is not intended to prohibit this practice, however, this must also be approved in advance by the Department Head in compliance with the policy of the requirements of the job and maintenance of personal hygiene.

Section 3: Prohibited clothing

Clothing, while on duty, such as: beachwear, shoes such as "flip flops", cutoffs, tank tops, leggings (unless paired with long tunic/top/sweater or dress) excessively tight or sexually revealing clothing, is prohibited during working hours. Department Heads may impose a stricter dress code, as required by the business needs of their department, such as employees with public facing jobs that require regular interaction with other departments or citizens.

RULE XIV: SAFETY PROGRAM

Section 1: Safety Program Overview

1.1 The City of Lebanon is committed to providing a safe and healthy environment for its employees and the public it serves. The City's Risk Management Program is an important part of our efforts to ensure safety in the day-to-day operations, and the safety program is the foremost tool of the Risk Management Program. Both programs are administered by the Human Resources Department which has the responsibility of receiving and filing with our insurers all accident and property damage claim reports. All such incidents/accidents must be reported to the Human Resources Department as soon as possible, but no later than 24 hours following the accident/incident.

1.2 The City of Lebanon emphasizes the necessity for all employees to recognize and report safety and health problems, to avoid unsafe conditions, and to learn and practice acceptable safety techniques.

1.3 The Safety Committee, under the recommendation of the Risk Manager and approved by the Human Resources Director and the employee's Department Head shall consist of employees, managers and supervisors. Membership on the safety committee shall rotate with different members from year to year. The role of the safety committee shall be to advise the Risk Manager regarding any safety concerns, hazards or training needs throughout their department, assist in facilitating training, conduct self-inspections and support an effective safety program.

Section 2: Motor Vehicle Records (MVR) and Driving

All City vehicles shall be driven in a safe and proper manner, with the driver acting in full compliance with all traffic laws and regulations. City vehicles are conspicuous symbols on the streets and the public observes the actions of employees operating City vehicles. This places the responsibility on each driver to set a visible example of good driving behavior and habits.

2.1 This policy applies to all employees, elected officials or volunteers driving for City business. Public Works, Fire, LPD and ESU may have additional departmental policies and regulations in place specific to the requirements of their own department and with specific requirements for the type of Operator's License necessary for the position. This policy also applies to Applicants who are being considered for positions that require driving.

2.2 Definitions of driving for City business may include, but not limited to:

- Employees who rent cars for business trips or other City business
- Employees who attend seminars and conferences
- Employees who operate City vehicles
- Employees who operate their own personal vehicle for City business

2.3 Employees are prohibited from using City of Lebanon vehicles to conduct their own personal business unless the individual has been assigned a vehicle for twenty-four-hour use. Positions which are assigned twenty-four-hour use of City vehicle are identified and approved by the Department Head.

2.4 In the case where an employee is authorized a City vehicle for twenty-four hour use who may occasionally need to use the City vehicle for personal use, that personal use must be approved in advance by the Department Head and shall be limited to:

- Driving to work from home and driving home from work
- Lunch break
- Short errand on the way to work or on the way home from work (example: grocery store)
- Personal or medical appointments within Wilson County, during scheduled work hours that have been approved by Department Head or Department Manager.
- No vacations or out of town personal trips in City vehicle
- Some departments may impose stronger limitations on personal use of City vehicle and indicate such restrictions in the department's Standard Operating Procedures manual.

2.5 Personal Use of City Car (PUCC) is considered a non-cash fringe benefit. The value of this non-cash fringe benefit is added to the employee's total earnings each pay period and is taxable. The formula for calculating the value of the non-cash fringe benefits for PUCC is defined by the IRS and is subject to change.

2.6 Department Heads must maintain a list of employees assigned City Vehicles, the list must be updated every year on January 15 and July 15 and submitted to the City's Human Resources Department by that date.

2.7 Non-City employees shall not operate City vehicles. Employees shall not permit a non-employee or citizen in City vehicles without authorization from the Department Head and documented with the City's Risk Manager.

- a) At times, business necessity may require transporting individuals in a City vehicle.
- b) LPD may have additional departmental policies and regulations in place specific to volunteers and non-employees in City vehicles based on unique departmental needs.

2.8 City employees are required to use City vehicles when in travel status or if they choose to use their personal vehicle, then provide to the City proof of insurance with liability limits set at a minimum of 100/300/100. Employees shall provide proof of insurance to the City's Risk Manager annually or at any time changes are made to the employee's insurance policy.

2.9 Definitions of Moving Violations:

1. Major Violations include but not limited to:
 - Leaving the scene of an accident – felony or involving injury
 - Driving under the influence (DUI)
 - Felony, homicide or manslaughter involving the use of a motor vehicle
 - Suspended license or revocation of license resulting from accidents or moving violations
2. Intermediate Violations include but not limited to:
 - Leaving the scene of an accident – non-felony
 - Excessive speed (>30 mph over limit)
 - Four (4) or more speeding tickets in the past 24 months
 - Reckless driving
3. Minor violations include but not limited to:
 - Speeding (<30 mph over limit)
 - Failure to obey sign
 - Failure to yield

- Illegal turn
4. Non-moving violations include but not limited to:
- Parking tickets
 - Motor vehicle equipment violations
 - Failure to have a valid operator's license available where one actually exists
 - Non-moving violations are not included when evaluating an applicant's, volunteer, elected official or employee's MVRs.

2.10 The following constitutes The City's MVR requirements:

1. Applicants and existing employees being considered for positions that require driving must have an MVR that has 3 or less minor moving violations (past 24 months), no intermediate violations (past 36 months) and no major violations (past 5 years) in order to be hired or promoted/transferred.
2. All drivers must have a valid driver's license with the proper class and appropriate endorsements for the vehicles they are operating.
3. Drivers must not drive if their license has been suspended or revoked.
4. Employees who drive a city vehicle must report all accidents (on or off duty), moving violations (on or off duty) and license suspensions to their supervisor and to HR immediately, but not later than the beginning of the next worked shift.
5. Prospective employees being considered for positions requiring driving shall be asked to disclose all accidents and moving violations for the past 5 years during the applicant screening process.
6. Existing employees moving in to driving positions will be required to complete a similar report at the time of transition.
7. All employees who drive for City business will be subject to an MVR audit annually that will review the past 12 months of driving history.
8. As a condition for driving any vehicle on City business, including your personal or a City vehicle, drivers must give City of Lebanon authorization to conduct a MVR check and provide all necessary information for the check.
9. The City prohibits driving on City business if authorization to conduct a MVR check is not given.
10. Any driver who continues to drive on City business after refusing to authorize a MVR check or after authorization to drive on City business has been suspended, will be subject to disciplinary action.
11. City of Lebanon will conduct a Motor Vehicle Records (MVR) check on anyone who has had a vehicular accident while on City business or in City vehicle.

2.11 Employees who drive for city business shall maintain safe driving habits. Employees with poor MVR records as defined in Sections 2.9 and 2.10 will be referred to HR and may be suspended from driving on City business. A representative from the HR Department (HR Director, Risk Manager or other HR designee) will evaluate the serious nature of the moving violations and driving requirements of the employee's position and shall advise the Department Head. The Department Head shall then determine whether or not to suspend the employee from driving on City business.

2.12 Drivers with a suspended driver's license are required to immediately report the driver's license suspension to their supervisor and to HR and will immediately be suspended from driving on City business.

2.13 Employees who are suspended from driving on City business when a license is required for their job are subject to disciplinary action. The employee may be transferred or demoted to an available position for which (s)he is determined to meet the standards of that position. If no such position is available, or the employee declines such a transfer or demotion, then (s)he shall be subject to disciplinary action up to and including separation from City service.

2.14 If an employee is suspended from driving on City business and there is sufficient work within the employee's assigned department, which does not require driving, the Department Head may consider this, following consultation with the HR Director, and permit the employee to continue working in their assigned position, at a reduced rate of pay.

2.15 Additional corrective action that may be recommended if an employee receives moving violations, the Department Head may require the employee attend driving school through the Lebanon Police Department and the City will bear the cost of this safe driving course. If the employee declines such a requirement, the employee may be suspended from driving on City business and may receive disciplinary action. The employee shall not be paid wages for attending driving school.

2.16 Any disciplinary actions such as pay rate reduction, transfer, demotion or termination resulting from being suspended from driving on City business are subject discipline as outlined in RULE X.

2.17 In the event a conflict occurs between City Policy and LPD Policy, the motor vehicle policy with the stricter language shall prevail.

RULE XV: HOLIDAYS AND LEAVES

The City of Lebanon recognizes the following types of leave:

- A. Paid Time Off
- B. Holiday Leave
- C. Extended Sick Leave
- D. Leave Without Pay
- E. Military/Uniformed Service Leave and Benefits
- F. Civil Leave (Jury Duty)
- G. Maternity Leave
- H. Administrative Emergency Leave
- I. Bereavement Leave
- J. Family and Medical Leave

Section 1: General Policies

1.1 Accurate records shall be maintained on forms designated by the Human Resources Director and may be periodically inspected to insure proper accounting of leave time.

1.2 All leave shall be granted with the approval of the Department Head and the employee's immediate supervisor.

1.3 Leave requests must be in writing, indicating type, duration, and date of departure and return must be submitted and approved by your Department Head. The Department Head shall forward a completed authorized leave request form to Human Resources and Payroll.

1.4 Requested leave must be approved by the immediate supervisor and Department Head, with notice to the Human Resources Director.

1.5 Unless an absence has been approved by the appropriate Department Head, the employee shall not be paid.

Section 2: Paid Time Off (PTO)

2.1 Paid Time Off.

PTO is designed to provide full time employees with the flexibility to manage both personal and work responsibilities by providing an allotment of days to be used for many purposes. Time off needs do not always fit into neat boundaries or categories. PTO days begin accruing from the first day of employment. This policy will be interpreted and applied consistent with any applicable federal, state, or local requirements. In any particular case, to the extent such requirements provide for a greater benefit than provided in this policy, the applicable legal requirement will apply.

- Part time and Seasonal Employees will not accrue PTO.
- New hourly, non-exempt employees may not use earned PTO until after 90 days of employment.
- No scheduled PTO time may be utilized by an employee until management approves the time off request.

2.2 NON-EXEMPT EMPLOYEES MAY ONLY USE EARNED PTO DAYS.

Exempt – Salaried employees may be permitted to go into a negative PTO balance only 1 time in a fiscal year, not to exceed 40 hours and only with advance approval from Mayor, Human Resources Director and Department Head, if special circumstances warrant such approval. Any remaining negative balance will be deducted from final pay at termination of employment.

PTO may be used for:

- Vacation
- Personal illness
- Immediate Family member illness
- Religious Holidays
- FMLA (see FMLA policy)
- TMLA - Maternity Leave
- Any other personal matters

Paid days which do NOT come from PTO bank include:

- The City's paid holidays (refer to Rule XV, Section 3 on Holidays)
- Civil Leave (Jury Duty)
- Bereavement Leave
- Military Reserve Leave
- Administrative leave with pay
- Disciplinary suspensions without pay

2.3 Coverage.

In order to have appropriate coverage, all employees must balance taking time off with the needs of their department and the City. The employee and their Supervisor are jointly responsible for seeing that all PTO days are scheduled and coordinated to ensure adequate work coverage. If the business needs warrant, or if there is insufficient coverage in the department to handle the workload, a Department Head or Supervisor may deny a request for time off.

2.4 Advance Notice.

- A minimum of one-week advance notice is required when requesting PTO usage of two or more days and or other than unexpected illness or emergency.
- A minimum of 24 hours advance notice is required when requesting PTO usage of one day and for other than unexpected illness or emergency. This is in order to arrange for adequate staffing during the absence. Employees are required to report PTO hours on their timesheet OR enter it into employee self-service in Payroll/HRMS for unexpected absences or illness within 1 business day following the absence or illness.
- If you are ill or cannot come to work for any reason, follow departmental guidelines for contacting Department Heads, Supervisors, the Receptionist and whoever else needs to know about the unplanned absence. Upon returning to the office, employees must immediately report their absence using the approved payroll time off form OR by entering it into employee self-service in Payroll/HRMS.

2.5 Accrual

PTO time is based on length of service according to the following chart. These guidelines are for regular, full-time employees. It is each employee's responsibility to track his or her own time for attendance purposes and report any time off for illness or personal time to your supervisor immediately. Supervisors who are aware of employee absences, whether or not an employee is able to report their own absence, are required to document and report the absence and PTO usage to payroll each pay period. Corrective discipline may follow if PTO is not reported accurately or promptly by employee and/or supervisor.

2.6 PAID TIME OFF (PTO) LENGTH OF SERVICE AND ACCRUED TIME

In general terms, full time employees earn the following Paid Time Off amount yearly, based on length service:

Years of Service	Maximum Days accrued Annually
First year of Service (1)	18 days annually (3.6 weeks)
From 2 through 5 years	23 days annually (4.6 weeks)
From 6 through 10 years	25 days annually (5 weeks)
From 11 through 15 years	28 days annually (5.6 weeks)
From 16 through 20 years	30 days annually (6 weeks)
From the start of year 21 and on	33 days annually (6.6 weeks)

2.7 PAID TIME OFF (PTO) ACCRUAL RATES

Years of Service	PTO Hours Accrued, Regular, Full Time Employees	PTO Hours Accrued Regular Full Time Fire Department Employees*
First year of Service (1)	5.54 hours per pay period	7.2 hours per pay period
From 2 through 5 years	7.08 hours per pay period	9.31 hours per pay period
From 6 through 10	7.70 hours per pay period	10.0 hours per pay period
From 11 through 15 years	8.62 hours per pay period	11.47 hours per pay period
From 16 through 20 years	9.24 hours per pay period	12.0 hours per pay period
From the start of year 21 and on	10.16 hours per pay period	13.62 hours per pay period

2.8 Non-exempt Hourly Fire Department

- Non-exempt Fire Department employees work 24-hour shifts. Therefore, non-exempt Fire Department employees accrue PTO at a higher rate than all other regular, full time City employees.
- When a firefighter promotes or transfers from a 24-hour shift into a standard 8-hour day/40-hour week shift, the current PTO balance and Extended Sick shall be adjusted to reflect a current “day” equivalent to the shift the employee is working following the transfer or promotion.

2.9 Employee Tracking and Reporting PTO Usage

- All hourly, non-exempt employees must track and report any PTO time that is used, including partial day absences.
- Overtime and On-Call:
 - Overtime work will be compensated as described by RULE III: PAY PLAN, Section 8: Overtime.
 - On-call service shall be governed by Rule IV, Section 7: On Call Guidelines.
- Salaried, Exempt-level employees are required to track and report any full day absences within a workweek as PTO usage. PTO will only be applied to full day absences.
- In the event that there is no PTO accrued and the absence is for personal or vacation (not illness) a full day pay may be deducted from the weekly salary for an exempt employee.
- In the event that there is no PTO accrued and the absence is for an FMLA approved absence, a full or partial day may be deducted from the weekly salary for an exempt employee.

2.10 Accrual Period

- For purposes of this policy, the year is interpreted to start on the employee’s date of hire (anniversary date). On each payday of the month, the amount of PTO that you have accrued during that pay period is added to your balance and the amount you have used is subtracted.
- Your current PTO balance is available on your pay statement and in employee self-service in the City’s Pay System.
- Exempt employees accrue a set amount of PTO each pay period.
- Non-exempt employees earn PTO based on actual, regular hours worked.
- Overtime hours are not used for purposes of calculating PTO hours earned.
- Employees will accrue PTO during any paid time off, including jury, bereavement and sick leave.
- Employees do not accrue PTO while on military leave of absence status.
- Employees will not accrue PTO during any unpaid time off or unpaid leave of absence.

2.11 UNUSED PTO

A set amount of unused PTO is permitted to roll over from one year to the next.

Unused PTO Rollover	Unused PTO Rollover for non-exempt Fire Department employees
160 hours	244 hours

Rollover will occur one time each calendar year. Payroll will set the rollover date according to the system requirements of the payroll software and notify employees. Generally, rollover occurs around January 15 to February 1 each calendar year.

2.12 EXTENDED SICK LEAVE

- An employee's own unused PTO balance will be transferred over to an Extended Sick Leave account.
- This sick balance may only be used for the employee's own long term or an immediate family member's long term, catastrophic medical absence. For example, absence is FMLA and exceeds three (3) consecutive scheduled workdays.
- Certain intermittent medical conditions (employee's own medical condition) may qualify for Extended Sick Leave usage, with Human Resources Director approval.
- For purposes of this policy, "immediate family member" must meet FMLA definition of immediate family member (spouse, parent, dependent child).
- The absence must be approved for FMLA, Disability leave or any other approved medical leave of absence by the City of Lebanon Human Resources with proper medical certification from the employee's or immediate family member's medical provider.
- Human Resources will provide any necessary forms and instructions on how to obtain approval for use of extended sick leave.
- It is not required to exhaust all PTO before accessing this extended sick leave balance, provided all other sick leave qualifications are met. Once Extended Sick Leave balance is exhausted, then any remaining PTO hours will be applied.
- This sick leave balance will be considered unused accumulated sick leave at retirement. The employee will receive retirement credit for this leave at the date of retirement for the purpose of calculating their monthly benefit from the Tennessee Consolidated Retirement System (TCRS). Additionally, the "day" that is reported to TCRS from this balance is equivalent to the current shift at the time of retirement.
- Unused extended sick leave is not paid out upon an employee's resignation or termination.
- Extended Sick Leave is not transferrable to any other individual employee.
- Unused PTO or Extended Sick Leave may be donated to the Sick Leave Donation Pool or Bank, according to the terms and conditions of that program. See Sick Leave Donation Program Guide for full details, rules and regulations regarding eligibility, qualifications, and usage.
 - The Sick Leave Donation Program is subject to change or cancellation by Cit Council at any time.

2.13 EMPLOYEE TERMINATIONS AND UNUSED PTO

Unused PTO balance will only be paid out to terminating employees if they meet the following conditions, in accordance with applicable laws:

- Employees must be employed for a minimum of 12 months as a full-time employee to qualify for a payout of their PTO balance.
- Resigning employees must give a minimum of 2-week notice. The employee must complete their two-week notice and physically report to work on their last day.
- PTO shall not be applied to a timesheet following the employee's last day they physically reported to work.
- If the resigning employee meets all other conditions and gives proper notice but the department does not need that notice and accepts the resignation effective immediately or less than the 2-week notice, the employee is entitled to receive payout of unused PTO.
- Employees who resign in lieu of termination or are terminated through no fault of their own because of job elimination or layoffs will receive payout of unused PTO.
- If an employee's employment is involuntarily terminated for cause, they will not qualify to receive a payout of their PTO balance.

- Unused PTO payout to qualified terminating employees will not exceed 160 hours (244 for non-exempt Fire dept. employees). Unused PTO hours that exceed those caps will be converted to Extended Sick Leave for purposes of TCRS retirement credit, for qualified terminating employees who meet all the above conditions.
- Exempt, salaried employees who have taken more PTO days than have been earned (who show a negative balance of PTO time) must reimburse The City for those days. The reimbursement is in the form of a deduction from the final paycheck.
- The City does not require employee authorization to utilize PTO for absences related to illness, personal or vacation.
- If an employee has been denied a day off and then fails to appear at work on that day, he or she may be subject to disciplinary action or dismissal due to insubordination.
- If a holiday falls on a working day during a scheduled Time Off, that day is not counted as a PTO day. Employees do not receive additional PTO days if becoming ill or injured while on vacation.
- A full-time employee who becomes a part time-employee, and who later again becomes a full-time employee, is only eligible to accrue and utilize PTO on the total time worked as a full-time employee.
- Employees reinstated after a 12-month gap in service are considered as new employees and will begin accruing PTO at the lowest PTO accrual rate. Employees returning after less than a 12-month gap in employment will have their hire date adjusted to account for the months they were not employed.
- Retiring employees should use all earned annual leave prior to retirement. However, a retiring employee may instead elect to receive payment at retirement for unused PTO. Unused PTO payout to retiring employees will not exceed 160 hours (244 for non-exempt Fire dept. employees).
- If an employee dies, his or her designated beneficiary receives payment for all unused PTO earned but not taken by the employee. Any PTO hours that have been converted to catastrophic sick pay are not eligible to be paid out to the employee's beneficiary or estate. Unused PTO payout to the employee's beneficiary will not exceed 160 hours (244 for non-exempt Fire dept. employees).

2.14 Limitations.

Departments may impose reasonable limitations on the number of consecutive days off. Employees are urged to not take more than 10 consecutive days at a time. However, under unusual or special circumstances and workload demands permitting specific approval of the employees' Department Head may be obtained for a longer vacation.

2.15 PTO and Missed Work Due to Weather

PTO time will be applied to days missed due to weather related causes and not related to an official City office closure.

2.16 Administration and Calculation of PTO

The Payroll Department will be responsible for the administration, accounting, and final verification of PTO accrual and usage calculations.

Section 3: Holiday Leave

The following holidays are observed by the city and shall be granted to regular employees with pay and to part time and temporary employees without pay, unless such part time or temporary employees are required to be on scheduled duty:

3.1 Holiday List:

- New Year's Day (January 1)
- Martin Luther King Day (Third Monday in January)
- Washington's Birthday (Third Monday in February)
- Good Friday (Friday before Easter Sunday)
- Memorial Day (Last Monday in May)
- Juneteenth (June 19)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- Veteran's Day (November 11)
- Thanksgiving Day (Fourth Thursday in November)
- The Friday after Thanksgiving (Fourth Friday in November)
- Christmas Eve (December 24)
- Christmas Day (December 25)
- One Floating Holiday (As described under section 3.3)

3.2 When holidays fall on a weekend:

- a. When a holiday falls on a Saturday, the preceding Friday shall be observed.
- b. When a holiday falls on a Sunday, the following Monday shall be observed.

3.3 Special Floating Holiday Pay:

- One day of floating holiday time is granted annually, to be used by Full Time City employees each calendar year.

- This floating holiday time is not to be stacked on top of work hours. The spirit of this policy is to give employees additional time off during the holidays.
- This time does not roll over and any unused time is converted to Extended Sick Time.
- The “day” is equivalent to a full scheduled day for all employees and 12 hours for Firefighters who are scheduled to work 24-hour shifts.
- JFFC and Fire employees will see this balance added to their normal floating holiday balance in payroll/timekeeping. All other City employees will see a separate Floating Holiday earning code in payroll/timekeeping.
- A new balance will be made available to all Full-Time employees each calendar year. Payroll staff will advise employees and Department Heads on the date that will be programmed into the HRMS/Payroll system for the rollover to occur each calendar year. The unused time will be converted to Extended Sick on that rollover date, without exception.
- It is the Department Head’s responsibility to coordinate the scheduling of staff to allow for employees to utilize this floating holiday time.
- This floating holiday is subject to cancellation at any time at the Mayor’s discretion.

3.4 Floating Holidays:

Departments with employees working 24-hour shifts (Fire Department) and employees at Jimmy Floyd Family Life Center shall be granted a bank of hours for floating holidays. The following departments and their personnel shall be awarded floating holidays at the beginning of the year to be used in lieu of all other designated holidays.

- All floating holiday time must be used within a calendar year.
- Unused floating holiday hours will not carry over to the next calendar year.
- Unused floating holiday hours will not be paid out to terminating employees.
- Floating holidays must be requested off with adequate advance notice so that coverage can be arranged.
- Requests for floating holiday are not excused absences unless approved in advance by the supervisor.
- Employees with floating holidays must ensure they have available hours in their floating holiday balance to receive any holiday pay.

Department	Number of Hours in a Shift	Floating Holiday Hours Awarded Annually (this includes the Special Floating Holiday that is described under item 3.2 of this policy)	Advance Notice Required
Fire	24	7 Floating Holidays, equivalent to 168 hours (for those scheduled to work 24-hour shifts)	Scheduled each 10-week interval and exceptions require 72-hour notice
Jimmy Floyd Family Life Center	8	14 Floating Holidays, equivalent to 112 hours	1 week

3.4 Unused Floating Holiday Hours

All unused floating holiday time is permitted to roll over to Extended Sick Leave each year. Floating Holiday conversion to Extended Sick Leave is programmed into the payroll system to occur automatically in January. It will occur on the same schedule as the PTO rollover and conversion.

3.5 Any non-exempt employees (excluding employees participating in floating holidays) who are scheduled to work or called in to work on an Observed Holiday shall be paid holiday pay (equivalent to their regular scheduled work hours for that day) plus their work hours. Holiday hours are not included in overtime calculations.

3.6 If a holiday falls on an employee’s regularly scheduled day off, they shall receive holiday pay at straight time for that holiday (excluding employees participating in floating holidays).

3.7 Department Managers may choose to establish a holiday schedule for those employees who provide essential community services and cannot observe the regular holiday schedule.

3.8 Employees shall not be terminated or have a hire date coinciding with the observance of a holiday.

3.9 Employees who have unexcused absences on a day immediately pre-ceding or a day immediately following the holiday may be subject to disciplinary action according to RULE XV: HOLIDAYS AND LEAVES, Attendance Policy.

Section 4: Family Medical Leave Act (FMLA)

4.1 Public Law.

The Family Medical Leave Act (FMLA) provides a family and medical leave policy in compliance with Public Law 103-3, act of 1993. Applications are available from the Human Resources Department for this type leave. Also, the employee must provide the City of Lebanon at least 30 days advance notice except in cases of medical emergency or other certain unforeseen events. Other restrictions apply, full details are available at the Human Resources Department.

4.2 Full Policy

Details of the FMLA policy are outlined under **RULE XVII: Family and Medical Leave Policy.**

4.3 Minimum Fitness Standards

All employees must meet minimum fitness standards as required by the position to which appointed. Any employee may be required by the Department Head to undergo a physical or mental examination to determine fitness for duty (Rule V, Section 6.2).

4.4 Insurance Premiums

Under an approved FMLA leave (paid or unpaid), insurance premiums will be paid by the City through the duration of the qualified family medical leave. Any other leave without pay is subject to COBRA requirements.

Section 5: Military/Uniformed Service Leave and Benefits

5.1 Policy Statement

City of Lebanon employees may be entitled to certain rights and benefits, and may have certain obligations, related to service in the uniformed services pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”) or related Tennessee state law. It is the City’s intent to comply with the requirements in USERRA and related Tennessee state law with respect to leaves of absence, continuation of health coverage, reemployment, disabilities incurred or aggravated during uniformed service, non-discrimination and non-retaliation, and other covered matters. Further, although not required by state or federal law, the City offers generous differential pay benefits during uniformed service, as well as continued coverage on the City’s health insurance plan, as stated further below.

5.2 Prohibition Against Discrimination or Retaliation

Employees or prospective employees will not be subjected to any form of discrimination on the basis of their membership in or obligation to perform service in the uniformed services, including with respect to initial employment, reemployment, retention in employment, promotion, or any other benefit of employment. Further, in accordance with federal and state law, it is the City’s policy that no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under this policy.

5.3 Definitions

“Uniformed service(s)” means the Navy, Marines, Army, Air Force, Coast Guard, the Army or Air National Guard, the Commissioned Corps of the Public Health Service, and any other category designated by the President of the United States in time of war or emergency.

“Service in the uniformed services” means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, absences for fitness-for-duty examinations, and certain absences for funeral honors duty.

5.4 Advance Notice

Employees should notify their immediate supervisor and/or the Human Resources Director of any need for leave to perform service in the uniformed services as far in advance as possible, preferably at least thirty (30) days in advance and in writing, unless such notice is precluded by military necessity or is impossible or unreasonable under the circumstances. Employees are asked to provide a copy of applicable orders, training calendar, and/or similar documentation, if at all possible, in time to ensure continued business operations during absences. Supervisors receiving notice from employees are required to submit that information to Human Resources within one business day of receipt.

5.5 Leave and Reinstatement Rights

Employees will be granted a leave of absence during military/uniformed service. Employees will be eligible for reinstatement if they: (1) provide appropriate advance notice, (2) are not separated from uniformed service with a disqualifying discharge or under other than honorable conditions, (3) their leave of absence is for no longer than five years (unless an exception stated in USERRA applies), and (4) seek reinstatement in a timely manner.

5.6 Compensation During Uniformed Service/Military Leave

Employees may be eligible for pay continuation under state law and for additional differential pay under this policy. Compensation Under State Law for Reserve and National Guard Duty. City employees are entitled to leave during the performance of duty or training in service of the state or the United States as a member of a Reserve component of the United States armed forces, including members of the Tennessee army and air national guard, for up to twenty (20) working days in any one calendar year, or in limited circumstances, additional days when called to active state duty in the

case of invasion, disaster, insurrection, riot, attack, or imminent danger or emergency by the Governor. After the twenty (20) working days of full compensation, the City will provide differential pay for eligible employees as defined below. Additional Compensation During Uniformed Service. Except as required under applicable law and as outlined herein, leave for uniformed service is typically unpaid. However, the City generously provides for differential pay for employees on leave to perform uniformed service for up to five (5) years. Employees who are members of the uniformed services and who wish to take advantage of this policy should comply with all advance notice and reinstatement requirements of USERRA. To receive differential pay, employees will need to provide a copy of orders or similar information along with a military Leave and Earnings Statement or similar documentation to Payroll showing the employee's service dates and pay for which supplemental pay is sought. The City will pay the difference between uniformed service/military pay, including any housing and other allowances, per diem, incentive pay, bonus pay, or hazardous duty pay, and an employee's regular wages on regularly scheduled working day, not including any overtime pay or bonuses, if the employee's uniformed service/military pay is less than his or her regular pay.

In addition, employees may have other accrued and available paid time off. Employees may use such time off during uniformed service leave, although the total compensation to be paid by the City shall not in any case exceed the employee's regular pay for such period of time. Employees may also use accrued paid time off prior to reinstatement. Consistent with requirements under the federal Fair Labor Standard Act, salaried, exempt employees who work a partial work week due to leave to perform uniformed service will be paid their entire guaranteed salary, but the City will take an offset for any pay received during the partial workweek from the uniformed services. Salaried, exempt employees will be expected to provide documentation of dates and service and pay as stated above for any partial week absences. Salaried, exempt employees will be entitled to differential pay, but not their regular salary, for full work week absences related to uniformed service.

Payroll tax withholdings will apply to military leave differential pay according to IRS guidelines, which may vary according to the type and length of the leave. It is the employee's responsibility to consult with a tax advisor regarding their tax obligations for differential pay received.

5.7 Benefits During Uniformed Service

Although not required by USERRA or state law, the City of Lebanon has elected to retain employees on the City's health insurance plan for up to five (5) years during uniformed service leave at the employee's normal employee share of the cost of such coverage, if any at that time.

Employees may also become eligible for benefit continuation under the Consolidated Omnibus Budget Reconciliation Act ("COBRA") for the employee and any dependents covered under the applicable group health plan. If this occurs, employees will receive separate correspondence concerning their COBRA continuation rights and obligations.

Participation and benefits under other benefits, such as retirement plans, will be granted in accordance with the terms of the plans, as well as federal and state law. Consistent with applicable plan documents, the group term life/AD&D insurance, group long-term disability insurance, and voluntary supplemental life/AD&D insurance will be suspended upon a uniformed service leave of more than thirty (30) days. Converting to an individual policy will continue voluntary dependent life insurance coverage. To exercise this conversion option, dependents must submit a written application and the first premium payment within 31 days immediately following the suspension of coverage, or as defined in plan documents.

With respect to the City's 401k retirement plan, upon reemployment, employees who have taken military leave will be credited for purposes of vesting with the time spent in military/uniformed service and will be treated as not having incurred a break in service. Immediately upon reinstatement, the employee may, at the employee's election, make any or all employee contributions that the employee would have been eligible to make had the employee's employment not been interrupted by military/uniformed service. Such contributions must be made within a period that begins with the employee's reinstatement and that is not greater in duration than three times the length of the employee's military service, not to exceed five years. Employees will receive all associated City of Lebanon matches for such contributions. With respect to the employee's participation in the Tennessee Consolidated Retirement System (TCRS), TCRS regulations will apply. It is the employee's responsibility to consult with TCRS with any questions on how military service is handled or credited by TCRS.

5.8 Timely Request for Reemployment

In addition to other eligibility requirements, employees must return to work or apply for reemployment upon discharge from uniformed service within the following timeframes:

For service of less than 31 days, at the beginning of the next regularly scheduled work period after release, subject to safe return home and an eight (8) hour rest period;

For service of more than 30 days but less than 181 days, within 14 days of release;

For service of more than 180 days, within 90 days of release; or

For a person who is hospitalized or convalescing from an illness or injury incurred in, or aggravated during, uniformed service, at the end of the necessary recovery period, up to two years from the date of the completion of service (not counting the minimum time necessary to accommodate circumstances beyond the employee's control that make reporting within the period impossible or unreasonable).

5.9 Other Exceptions to Reemployment

In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement if any of the following conditions exist:

The City of Lebanon's circumstances have so changed as to make reemployment impossible or unreasonable (although the City may not refuse to reemploy the employee if another employee was hired to fill the reemployment position during the employee's absence, even if reemployment might require the termination of that replacement employee).

The employee's employment prior to the military service was for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.

5.10 Reinstatement Position

If employees meet all relevant reemployment requirements, employees will be reemployed with all seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. In addition, an employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their job with the City of Lebanon. Further, employees will be reinstated promptly in a position depending upon their length of service.

If an employee's uniformed service was less than 91 days, the employee will be reemployed in the position he or she would have had if continuously employed (i.e., the "escalator position"), or, if the employee is not qualified to perform the duties of the escalator position, after the Company has made reasonable efforts to qualify the employee, the employee will be reinstated in his or her pre-service position.

If an employee's uniformed service was more than 90 days, the employee will be reemployed in the escalator position or a position of similar seniority, status, and pay. If the employee is not qualified to perform the duties of either position, after the City has made reasonable efforts to qualify the employee, the employee will be reinstated in his or her pre-service position, or a position of similar seniority, status, and pay. If the employee is not qualified to perform the duties of the escalator position, the pre-service position, or a position of similar seniority, status, and pay, even after the City has made reasonable efforts to qualify the employee, the employee will be reinstated in a position that is the nearest approximation to the escalator position and then to the pre-service position, again subject to the City's reasonable efforts to qualify the employee to perform the duties of this position. In the case of an employee with a service-related disability who cannot become qualified to be employed in the positions required by USERRA, after the City has made reasonable efforts to qualify the employee, the employee is to be employed in a position of similar seniority, status, and pay to the escalator position or the nearest approximation to the escalator position and for which the employee is qualified.

Consistent with USERRA's "escalator principle," employees will be compensated upon reinstatement at the rate of pay they would have obtained with reasonable certainty if such employment had not been interrupted due to uniformed service. Likewise, employees will receive a reasonable amount of time to complete any training that they may have missed during uniformed service leave necessary to perform your job. If an employee becomes disabled during uniformed service the company will make a reasonable effort to accommodate the employee's disability so that the employee can perform the position the employee would have held if continuously employed. If the employee is still not qualified for the position the employee would have held if continuously employed due to his or her disability, the employee will be reemployed in a position of equivalent seniority, status, and pay, so long as the employee is qualified to perform the duties of the position or can become qualified to perform them with reasonable efforts by the company. If the employee cannot become qualified for either position, the employee will be employed in the nearest approximation with respect to seniority, status and pay.

5.11 Prompt Reinstatement

Absent unusual circumstances (such as an extended period of uniformed service leave) or with respect to periods of service less than 31 days, reemployment will occur as soon as practical under the circumstances, typically within two weeks of an employee's application. For periods of uniformed service of for more than 30 days, the employee must submit documentation to the Human Resources Director which can be used to establish the employee has retained eligibility for reinstatement under USERRA.

5.12 Termination After Military/Uniformed Service Leave

If an employee does not return to work or seek reinstatement timely, the employee's immediate supervisor must notify the Human Resources Director so that appropriate action may be taken.

An employee who is reemployed following a period of uniformed service cannot be terminated except "for cause" pursuant to the following schedule:

Within 1 year, if the person's service was more than 180 days;

Within 180 days if the person's period of service was more than 30 days, but less than 181 days.

However, discharge "for cause" may include the employee's own conduct or other legitimate, nondiscriminatory reasons unrelated to the employee's uniformed service, such as where an employee's job position is eliminated, or the employee is selected for layoff.

5.13 Additional Information

Employees who are members of the uniformed services should speak to the Human Resources Director concerning any questions regarding rights and obligations related to uniformed service leave, advance notice of uniformed service, benefits during uniformed service, differential pay, or related issues. Further, employees who believe they have been subjected to discrimination or retaliation in violation of this policy should immediately contact the Human Resources Director.

Section 6: Civil Leave

6.1 Jury Duty

An employee ordered to perform jury duty is entitled to full pay for the necessary absence.

6.2 Advance Notification

When an employee receives a jury notice, he/she shall inform his/her immediate Department Head as soon as possible in advance of the absence and the Department Head shall provide a copy of the Jury Duty summons to Payroll.

6.3 Jury Fees

Jury fees received, other than meals and travel allowance, shall be returned to the City.

6.4 Subpoenaed

When an employee is required by duty or subpoenaed to appear before a court, a public body, or commission as a witness on behalf of the City or because of official capacity with the City, the employee shall be entitled to full pay.

6.5 Voting

An employee may be granted sufficient time off with pay to vote in a national, state, or city election if his Department Head determines that working hours would prevent the employee from voting. It is anticipated that conscientious shift employees in the Fire Department will arrange to vote by absentee ballot when possible.

Section 7: Maternity Leave

As required by Federal Law, disabilities incurred as the result of childbirth, pregnancy, or related conditions, entitle an employee to leave in the same manner as any other disability. Tennessee state law provides additional provisions under the Tennessee Maternity Leave Act (TMLA) per Tennessee Code 4-21-408.

7.1 Employees who have been employed by the same employer for at least twelve (12) consecutive months as full-time employees, as determined by the employer at the job site or location, may be absent from such employment for a period not to exceed four (4) months for adoption, pregnancy, childbirth and nursing an infant, where applicable, referred to as "leave" in this section. Regarding adoption, the four-month period shall begin at the time an employee receives custody of the child.

7.2 Employees who give at least three (3) months' advance notice to their employer of their anticipated date of departure for such leave, their length of leave, and their intention to return to full-time employment after leave, shall be restored to their previous or similar positions with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of their leave. Employees who are prevented from giving three (3) months' advance notice because of a medical emergency that necessitates that leave begin earlier than originally anticipated shall not forfeit their rights and benefits under this section solely because of their failure to give three (3) months' advance notice. Employees who are prevented from giving three (3) months' advance notice because the notice of adoption was received less than three (3) months in advance shall not forfeit their rights and benefits under this section solely because of their failure to give three (3) month's advance notice.

7.3 Leave may be with or without pay at the discretion of the City. Leave will run concurrent with any employee accrued PTO, Extended Sick and Comp Time Earned. Such leave shall not affect the employees' right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which the employees were eligible at the date of their leave, and any other benefits or rights of their employment incident to the employees' employment position; provided, that the employer need not provide for the cost of any benefits, plans or programs during the period of such leave, unless such employer so provides for all employees on leaves of absence.

7.4 If an employee's job position is so unique that the employer cannot, after reasonable efforts, fill that position temporarily, then the employer shall not be liable under this section for failure to reinstate the employee at the end of the leave period.

7.5 The purpose of this section is to provide leave time to employees for adoption, pregnancy, childbirth and nursing the infant, where applicable; therefore, if an employer finds that the employee has utilized the period of leave to actively pursue other employment opportunities or if the employer finds that the employee has worked part time or full time for another employer during the period of leave, then the employer shall not be liable under this section for failure to reinstate the employee at the end of the leave.

7.6 Whenever the employer shall determine that the employee will not be reinstated at the end of the leave because the employee's position cannot be filled temporarily or because the employee has used the leave to pursue employment opportunities or to work for another employer, the employer shall so notify the employee.

Section 8: Administrative and Emergency Leave

8.1 The Department Head, when approved in writing by the Human Resources Director, may excuse employees from duty in emergency situations for short periods of time. Employees may use PTO or take an unpaid leave of absence but are responsible for paying all health and benefits insurance premiums during their absence.

8.2 Emergency Weather or Natural Disaster leave:

- If a regular, full time employee misses work due to severe weather-related causes **when City Hall and City Offices are open**, the absence will be approved for PTO usage and will not count as an attendance occurrence, provided the employee notified his/her supervisor that he or she is unable to report to work due to serious weather conditions.
 - See RULE XV: HOLIDAYS AND LEAVES, Section 2, PTO.
 - Part time or seasonal employees who miss work are unpaid but may make up the hours missed in the following weeks, provided the additional hours do not defy the requirements of ACA compliance and annual reporting for part time employees.
- Severe emergency weather conditions or natural disasters may result in an **office closure ordered by the Mayor**. The Mayor or a designated representative will announce the closure via City Email and social media that City Hall and City business and recreation offices are closed.
 - Employees in office/administrative and office/professional roles shall work from home during the office closure.
 - Employees who are in essential roles shall follow their Department Head's instructions on reporting to work and regarding any schedule changes.
 - Department Heads are responsible for maintaining a list of essential personnel for their departments.
 - Employees who are not required to report to work and are not able to work from home shall be paid administrative leave pay (regular rate of pay, non-working hours) and the absence will not count as an attendance occurrence.
 - All non-exempt, hourly employees working shall be paid regular wages for their work plus administrative leave pay, equivalent to their normal scheduled hours.
 - For example, an essential employee who works following the disaster and is normally scheduled for 8 hours would receive wages for all hours worked plus the administrative leave pay for 8 hours.
 - This additional pay shall not exceed two (2) calendar days. If the office closure continues longer than that, employees who are not working shall use PTO and employees reporting to work or working from home shall be paid regular wages with no additional supplemental administrative leave pay.
 - Part time or seasonal employees who miss work due to office closure are unpaid but may make up the hours missed in the following weeks, provided the additional hours do not defy the requirements of ACA compliance and annual reporting for part time employees.
- In exceptional circumstances, it shall be the Mayor's discretion to extend office closures and apply additional administrative leave pay. The Mayor will issue a decision in writing to Department Heads if such an extension is warranted

Section 9: Bereavement Leave

Three (3) workdays (one 24 twenty-four-hour shift for fire fighters) may be granted for each bereavement by the Department Head in the event of a death in an employee's immediate family. "Immediate family" is defined in the definitions section of these rules and regulations. Bereavement leave does not accumulate from year to year if not used.

RULE XVI: GENERAL POLICIES AND PROCEDURES

Section 1: Employee Conduct and Working Relationships

- 1.1 An employee of the City of Lebanon shall not engage in any criminal, dishonest, infamous, immoral, or notoriously disgraceful conduct or behavior, activity, or association which discredits him/her and/or the City.
- 1.2 Each employee is expected to conduct himself both on and off the job in such a manner as to reflect credit on both themselves and the City of Lebanon.
- 1.3 It shall be the duty of each employee to maintain high standards of cooperation, efficiency, and economy in their work for the City.
- 1.4 Department Heads and supervisors shall organize and direct the work of their units to achieve these objectives.
- 1.5 When work habits, attitude, production, or personal conduct of an employee fall below a desirable standard, supervisors should point out the deficiency at the time it is observed.
- 1.6 Warnings in sufficient time for improvement should precede disciplinary action, but nothing in this section shall prevent immediate action whenever the best interest of the City requires it.

Section 2: Corrective Action

Any supervisor may take corrective action by reprimanding employees as necessary. This action may be taken in an effort to correct a situation that, if uncorrected, may require additional disciplinary action.

Section 3: Attendance

- 3.1 Unexcused absences and tardiness can seriously disrupt an employer's ability to perform its mission and be detrimental to staff morale. This policy takes a real-world approach to absences and tardiness, recognizing that "zero tolerance" is an unrealistic standard but that the loss of productivity is addressed.
- 3.2 A doctor's note will no longer be required for absences, unless specifically requested by Human Resources as part of a fitness for duty, ADA or FMLA process.
- 3.3 The term Accrued Leave Time is interpreted to mean any annual leave, vacation, sick or paid time off accrual.
- 3.4 ATTENDANCE AND DEPENDABILITY

The City of Lebanon provides important and valuable services to the Citizens of this community. To accomplish this mission, it is imperative that every employee be present when scheduled to fulfill his or her position expectations. This policy details how dependability, absences and tardiness are considered for the purposes of maintaining excellent service throughout the business day.

The City awards its employees with sufficient accrued leave time and Holidays throughout the year.

- Accrued leave time usage for vacations must be scheduled with one's supervisor in advance, according to policy guidelines. Accrued leave time hours will be used in the case of emergency or sudden illness without prior scheduling.
- Advance notice is required for all Absences, Pre-Scheduled and Unscheduled.
- A minimum of one-week advance notice is required when scheduling an absence of two or more days and for other than unexpected illness or emergency.
- A minimum of 24 hours advance notice is required when scheduling an absence of one day and for other than unexpected illness or emergency.
- A minimum of one-hour advance notice is required to notify the immediate supervisor of unscheduled absences before the beginning of the scheduled work shift.
- Pre-Scheduled absences are not excused unless the supervisor approves them. For example: employee notifies supervisor 24 hours in advance that (s)he needs the next day off but business or operating needs prevent the supervisor from approving the absence, the employee does not show for work the next day, that absence will be counted as an occurrence.

3.5 Departments may impose Departmental Rules that may expand upon schedule adherence, dependability and attendance rules, and specific to the department's business needs. Any Departmental Attendance Rules must be in writing, have approval from the Director of Human Resources and the Department Head and be posted clearly in that department for all to be aware.

3.6 If an employee's absence was due to a serious medical condition, which might make a return to work hazardous to the employee or others, Human Resources may require a doctor's statement be provided upon the employee's return to work to indicate that the employee is released to work and fit to perform duties.

3.7 If at any time a Department Head believes an employee may be abusing this policy, he or she may request that Human Resources investigate. Human Resources will determine if an investigation is warranted. If the investigation determines

the employee has abused the dependability or attendance policy, the employee may be subject to possible progressive disciplinary action according to the City's Discipline policy.

3.8 Family and Medical Leave Act (FMLA)

Absences due to illnesses or injuries that qualify under the Family and Medical Leave Act (FMLA) will not be counted against an employee's attendance record. Medical documentation within the guidelines of the FMLA may be required in these instances. Please refer to the existing policy on FMLA and see Human Resources to request FMLA leave.

3.9 Americans with Disabilities Act (ADA) and Americans with Disabilities Act Amendments Act (ADAAA)

Schedule modifications or medical related absences that qualify as a reasonable workplace accommodation under the ADA/ADAAA with medical documentation that has been approved by Human Resources will not be counted against an employee's attendance record. Please see Human Resources to request ADA/ADAAA accommodation.

3.10 Absences and Tardiness Policy for Non-Exempt Employees

Prescheduled and approved time away from work using accrued leave time or paid Holidays are not considered occurrences for the purpose of this policy.

DEFINITION OF OCCURRENCE

An Occurrence is any unscheduled or unapproved absence.

- An absence occurs when a non-exempt employee misses more than half of their regular shift within a normal workday. An absence of multiple days due to the same illness, injury or other incident will be counted as one occurrence for the purpose of this policy.
- If an employee reports to work as scheduled and is sent home by the supervisor (for example: a lack of work or sickness where the employee should not be exposing co-workers to a transmittable illness) that will be an excused absence and will not be counted as an occurrence.
- A tardy arrival, early departure or other shift interruption (such as returning late from break or lunch or unapproved time away from the workstation) is considered a one-half occurrence.
- If a Department has a written, approved departmental policy that permits this and with prior approval of the supervisor (or Department Head's designated agent), a non-exempt employee may adjust their schedule to make-up missed time within the same workweek, and no occurrence will be counted.
- Arrival and departure times will be determined by the time on the time sheet or time recording system in each department. A non-exempt employee is considered late if he or she reports to work more than five minutes after the scheduled starting time; an early departure is one in which a non-exempt employee leaves before the scheduled end of his or her shift, without supervisor approval.
- If a non-exempt employee is scheduled to work overtime and either fails to report or reports after the scheduled start time, an occurrence will be charged as noted above.
- On call Service shall be governed by RULE IV: RECRUITMENT AND EMPLOYMENT, Section 7, On Call Guidelines.

Step Discipline for Non-Exempt employees

- Certain Departments, such as Fire and Police, are permitted to enforce stricter guidelines for attendance and step discipline, consult with your Department Head for clarification.
- Unscheduled absences and tardiness or early departure will be counted together but are assigned different levels of severity. Unscheduled absences are each considered one occurrence; unscheduled tardiness/early departures are each one-half an occurrence.
- Occurrences are counted in a rolling twelve-month period. Occurrences expire twelve months from the date of the incident.

Step one

Five occurrences (absences and tardiness combined) in any twelve-month period will be the basis for a Verbal Counseling between the employee and direct supervisor. The purpose of the Verbal Counseling is to make the employee aware that he or she has been absent or tardy frequently enough to draw attention and to be certain that the employee understands this policy and the consequences of violation. The Verbal Counseling will be documented in the employee's personnel file.

Step two

Seven occurrences (absences and tardiness combined) in any twelve-month period will be the basis for a First Written Reprimand from the direct supervisor with documentation in the employee's file. The Written Reprimand, delivered by the employee's direct supervisor or Department Head, serves to notify the employee that he or she is in violation of this company policy and that additional occurrences will result in further disciplinary action.

Step three

Nine occurrences (absences and tardiness combined) in any twelve-month period will be the basis for a Second Written Reprimand from the direct supervisor with documentation in the employee's file. The Written Reprimand, delivered by the employee's direct supervisor or Department Head, serves to notify the employee that he or she is in violation of this company policy and that additional occurrences will result in further disciplinary action.

- At this stage, the supervisor may choose to offer an alternate work schedule (if departmental needs support this as an option).
- Employee must be referred to Human Resources for evaluation of possible issues that may need to be addressed through ADA or FMLA.
- An EAP referral may also be provided by supervisor or Human Resources.

Step four

Ten occurrences (absences and tardiness combined) in any twelve-month period is cause for a 3-day Suspension (without pay).

Step five (final)

Any additional occurrence (absences or tardiness) in any twelve-month period is cause for termination of employment (dismissal).

3.10 No-Call/No-Show

Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter, creating increased administrative burdens and emotional upset.

- The first instance of a no-call/no-show will result in a 3-day suspension (without pay). The second separate offense may result in termination of employment with no additional disciplinary steps.
- Any no-call/no-show lasting three days is considered job abandonment at the end of the third day and will result in immediate termination of employment.
- If the employee has already begun the step discipline process for attendance/punctuality when a no-call/no-show occurs, the disciplinary process may be accelerated to the final step.

Management may consider extenuating circumstances when determining discipline for a no-call/no-show (for instance, if the employee is in a serious accident and is hospitalized) and has the right to exercise discretion in such cases.

3.11 Dependability Policy for Exempt Employees

In compliance with Federal Guidelines, exempt, salaried employees are compensated for their work performed, without regard to number of days or hours worked, and are held accountable for dependability and performance. If an exempt employee demonstrates an absenteeism problem or poor schedule adherence that impacts the department and/or their overall performance, it must be addressed by the exempt employee's supervisor through the City's progressive disciplinary processes. Exempt, salaried employees will not receive attendance occurrences but may be disciplined for poor dependability.

3.12 Procedures

- No disciplinary recommendations or actions will be taken without the direct involvement of the Human Resources Department as counsel to management. Disciplinary Action for Attendance policy violations are subject to the City's Policies on Disciplinary Action as described in RULE X: SEPARATION, DISCIPLINARY ACTION, AND SUSPENSION, Section 8: Types of Disciplinary Action.
- All disciplinary actions resulting in schedule changes, dismissals, demotions, reductions in pay and suspensions without pay shall be taken only after a departmental hearing has been conducted.
- Management reserves the right to use its discretion in applying this policy under special or unique circumstances, with approval from the Human Resources Director.
- Occurrences will roll off an employee's record after twelve months. Habitual offenders (those who have established a pattern of absences, such as consistently having seven or more occurrences in any given twelve-month period or routinely calling off on Mondays or Fridays) may trigger step discipline even though twelve-month old infractions have fallen off, if he or she continues to incur occurrences.
- Any other policy violations may be combined with attendance policy violations and may result in an accelerated disciplinary process.
- Department Managers may view available leave balances by logging in to the HRMS/Payroll/Timekeeping software. Or, upon request, Payroll can run a leave usage report on an individual employee. Department Supervisors and Managers are responsible for documenting and maintaining records of unexcused absences (including tardiness or unexcused early departures) for disciplinary purposes. Such documentation shall occur

by adding a comment or note on the employee's timecard within the designed timekeeping software. Any reports generated for attendance tracking and possible disciplinary purposes will be placed within the employee's Personnel File and at any time the employee enters into the disciplinary process.

Section 4: Impartiality

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

Section 5: Use of Municipal Time and Facilities

5.1 No official or employee shall use or authorize the use of municipal time, facilities, equipment, or Human Resources except within the normal course of employment, or supplies for private gain or advantage to themselves or to any other private person or group.

5.2 Such resources may be utilized only as provided by official authorization and provided the city is paid for such utilization at such rates as are normally paid by private sources for comparable services.

Section 6: Use of Position

6.1 No official or employee shall make or attempt to make private purchases in the name of the municipality, nor shall he/she otherwise use or attempt to use his/her position to secure unwarranted privileges or exemptions for themselves or others.

6.2 No person shall use or promise to use, directly or indirectly, any official authority or influence whether possessed or anticipated, to secure or to attempt to secure for any person an appointment to a position in the classified service, any increase in wages or other advantage in employment in such position for the purpose of influencing the vote or political action of any other person, or, for any other consideration.

6.3 No supervisor or other person, including past employees, shall conduct a personal loan or other business operation with City employees during business hours. For purposes of this section, a loan operation shall be defined as monetary loans to one or more persons at usurious interest rates and a business operation is defined as the sale of goods or services for a profit on a regular basis. Any supervisor found conducting or allowing a personal loan or business operation which is contrary to this policy shall be subject to immediate dismissal.

Section 7: Records and Reports

7.1 The Human Resources Director is responsible for maintaining in files adequate records which will include the following:

7.2 Application for employment

7.3 Approval for hiring

7.4 Record of transfers, promotions, and changes in pay scale

7.5 Record of position performance evaluation by supervisor, reviewed at least annually

7.6 Record of reprimands, suspensions, demotions, and dismissals

7.7 Current home address and phone number

7.8 Name of contact in case of emergency and phone number

7.9 Medical records and such portions of other records specified in these rules or by law shall be held as such confidential and not open for public inspection.

7.10 Employees have the right to see their Human Resources records and may do so by submitting a written request to the Human Resources Director. The Human Resources Director will set a time for you to come by to view your file.

7.11 Employees may receive a copy of their Human Resources file by submitting a request in writing to the Human Resources Director. A copy will be supplied to the employee within 48 hours of the request, unless circumstances prevent it.

Section 8: Electronic Mail (E Mail)

All City of Lebanon electronic mail may be monitored, subject to the records law as a public record, in accordance with the laws of Tennessee and is considered city property. Employees should have no expectation of privacy in e-mails sent and received with city equipment, during city time. E-Mail is not to be used to harass or intimidate others, either within the City workplace or outside.

Section 9: Strikes

No officer or employee of the city shall be a party to, participate in, or instigate any strike against the City of Lebanon.

Section 10: Workplace Violence, Harassment and Bullying

A. PURPOSE

The City of Lebanon may be held liable for the actions of all employees with regard to workplace harassment and will not tolerate bullying or harassment of its employees in any form with regard to race, color, religion, gender or gender identity,

age, national origin, disability, military status, genetic information or any other basis protected by federal, state or local law. The city will take prompt remedial action to stop such harassment when it occurs. The City is held legally responsible for acts of 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 Municipality may also be responsible for the acts of nonemployees (such as vendors, contractors, customers or guests), with respect to harassment of employees in the workplace, where the municipal government (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 part-time employees, elected officials, permanent, seasonal and temporary employees, employees covered or exempt from the personnel rules or regulations of the municipal government, and employees working under contract for the municipality. The following rules shall be strictly enforced.

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

1. Verbal harassment – Verbal threats toward persons or property; the use of vulgar or profane language directed towards others (including e-mail and text messaging or other electronic communication); disparaging or derogatory comments or slurs; offensive flirtations or propositions; verbal intimidation; exaggerated criticism or name-calling; spreading untrue or malicious gossip about others.
2. Physical Harassment – Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.
3. Visual Harassment – Displaying derogatory or offensive posters, cartoons, publications or drawings or forwarding the same via e-mail, text or other electronic communication.
4. Bullying – Workplace bullying refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual (or a group of individuals), which are intended to intimidate, degrade, humiliate, or undermine; or which create a risk to the health or safety of the individual(s).

B. WORKPLACE VIOLENCE

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

1. all types of firearms, switchblade knives and knives with a blade longer than four inches;
2. dangerous chemicals;
3. explosives or blasting caps; chains; or
4. other objects carried for the purposes of injury or intimidation.

Charges of violence and harassment may be reported to any supervisory employee of the City, including but not limited to the Human Resources Director, Risk Manager, Immediate Supervisor, Department Head, City Attorney or the Mayor. The Human Resources Director or his/her designee is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the Human Resources Director may request that the Police Chief assign someone from the Police Department to provide assistance or assume responsibility for the investigation.

All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action.

C. SEXUAL HARASSMENT

Sexual harassment is a form of unlawful gender discrimination. The following actions are absolutely prohibited by the municipal government when they affect employment decisions, create a hostile work environment, cause distractions, or unreasonably interfere with work performance:

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 sex-oriented comments on appearance;
6. embarrassing sex-oriented stories;
7. displaying sexually explicit or pornographic material, no matter how the material is displayed; and/or

8. sexual assault on the job by supervisors, fellow employees, or, on occasion, non-employees.

Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women.

D. MAKING HARASSMENT COMPLAINTS

An employee who feels he/she is subjected to 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. The employee's Department Head,
3. The Human Resources Director
4. The Risk Manager
5. The Finance Commissioner,
6. The City Attorney, or
7. The Mayor

Employees have the right to circumvent the employee chain-of-command when selecting the person to complain to about 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 harassment, including their title(s), if known;
3. The specific nature of the 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;
5. Whether the employee has previously reported the harassment and, if so, when and to whom;
6. What, if any, steps the complainant has taken to try to stop the harassment;
7. Any other information the complainant believes to be relevant to the harassment complaint.

E. REPORTING AND INVESTIGATING HARASSMENT COMPLAINTS

The Human Resources Director is the person designated by the city to be the investigator of complaints of harassment. The Human Resources Director may delegate the investigation to a qualified individual within the Human Resources or Risk Management Department, at his/her discretion. In the event the harassment complaint is against the Human Resources Director, the investigator shall be the city attorney or a specially appointed outside counsel.

When an allegation of harassment is made by any employee, the person to whom the complaint is made shall:

1. Immediately prepare a report of the complaint according to the preceding section and submit it to the Human Resource Director;
2. 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 sexual harassment,
 - b. witnesses interviewed during the investigation,
 - c. the person against whom the complaint of sexual harassment was made, and
 - d. any other person contacted by the investigator in connection with the investigation

At the conclusion of the investigation, the Human Resource Director prepares and presents the findings to the Mayor and City Attorney in a report, which will include:

- e. the written statement of the complainant,
- f. the written statements of witnesses,
- g. the written statement of the respondent, and
- h. all the investigator's notes connected to the investigation

Against an Elected Official

Complaints against an elected official shall be investigated by the City Attorney or a specially appointed outside counsel. The investigator shall investigate a complaint of harassment against an elected official in the same manner as outlined in

this policy for the investigation of complaints against city employees. However, upon the completion of the investigation, the investigator shall submit the report of his investigation to the Mayor, City Attorney (if investigation was handled by outside counsel), Human Resources Director and members of the City Council.

F. ACTION ON COMPLAINTS OF HARASSMENT

Upon receipt of a report of the investigation of a complaint of harassment, the Mayor shall immediately review the report. If the Mayor determines that the report is not complete in some respect, the Mayor may direct the Human Resources Director or designee to ask follow-up questions of the complainant, respondent or witnesses. However, if the Mayor or the Mayor's designee believes the investigation report is adequate, in consultation with the Human Resources Director or the City Attorney, the Mayor or the Mayor's designee, may make a determination of whether or not harassment occurred, based on the report.

If the Mayor determines that the complaint of harassment is valid, he or she shall take immediate and appropriate disciplinary action against the alleged harasser, consistent with his/her authority under the municipal charter, ordinances, rules or regulations pertaining to employee discipline. See RULE X: SEPARATION, DISCIPLINARY ACTION, AND SUSPENSION.

This disciplinary action shall be consistent with the nature and severity of the offense, the position of the employee, and any other factors the Mayor believes relate to fair and efficient administration of the city, including but not limited to, the effect of the offense on employee morale, public perception of the offense, and the City's ability to discharge its duties.. The disciplinary action may include demotion, suspension, dismissal, warning, or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis.

A written record of disciplinary action taken shall be kept, including a record of all verbal reprimands.

Against an Elected Official

The Board of Mayor and Aldermen (Council) 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.

Harassment Committed by Non-Employees

In cases of harassment committed by a non-employee against a City employee in the workplace, the Department Head or Mayor shall take all lawful steps to ensure that the harassment is brought to an immediate end.

Retaliation

Retaliation in any form is prohibited. No hardship, loss, benefit or penalty may be imposed on an employee in response to:

1. Filing or responding to a bona fide complaint of discrimination or harassment.
2. Appearing as a witness in the investigation of a complaint.
3. Serving as an investigator of a complaint.
4. Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy.

Any person engaging in retaliation will be subject to disciplinary action, see RULE X: SEPARATION, DISCIPLINARY ACTION, AND SUSPENSION.

G. OBLIGATION OF ELECTED OFFICIALS, MANAGERIAL AND SUPERVISORY EMPLOYEES

Elected Officials, Managerial and supervisory employees are expected to serve as role models and to demonstrate their commitment to this policy in their everyday conduct. Any such employee who fails to take appropriate action upon observing an act prohibited by this policy, or who fails to take appropriate action upon receiving a complaint of a violation of this policy, is guilty of misconduct.

It is the responsibility of supervisors, managers and Department Heads to enforce the policy, to train new employees on the policy, to review the policy annually with all employees, and to regularly assess the workplace to ensure compliance.

Managerial employees are required to promptly notify their Department/Division Head, in writing, of all instances of known, observed and/or reported discrimination, harassment and/or retaliation.

H. OBLIGATION OF EMPLOYEES

It is the responsibility of each and every employee to know this policy and to follow it. All City employees share the responsibility of understanding and preventing unlawful discrimination and harassment. It is imperative that every employee treat every other employee and members of the public with decency and respect so as to facilitate a sound, professional work environment.

Employees are not only encouraged to report instances of harassment, they are obligated to report instances of harassment.

Employees are obligated to cooperate in every investigation of harassment, including, but not necessarily limited to, coming forward with evidence, both favorable and unfavorable, to a person accused of harassment, fully and truthfully making a written report or verbally answering questions when required to do so by an investigator during the course of an investigation of harassment.

Disciplinary action may also be taken against any 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.

Section 11: Social Media Standards

11.1 Social Media Standards for City of Lebanon Facebook Pages and/or City Social Media Pages

To address the rapidly evolving Internet and the way citizens and employees communicate and obtain information online, City of Lebanon departments may consider using social media tools to reach a broader audience. The City encourages the use of social media to further the goals of the City and the missions of its departments, where appropriate. The City of Lebanon has an overriding interest and expectation in deciding what is "spoken" on behalf of the City on social media sites. This policy establishes guidelines for the use of social media.

1. All City of Lebanon social media sites posted by departments may be subject to approval by The Mayor.
2. The City of Lebanon's website www.lebanontn.org will remain the City's primary and predominant internet presence.
3. The best, most appropriate City uses of social media tools fall generally into two categories:
 - a) As channels for disseminating time-sensitive information as quickly as possible (example: emergency information).
 - b) As marketing/promotional channels which increase the City's ability to broadcast its messages to the widest possible audience.
4. Wherever possible, content posted to City of Lebanon social media sites will also be available on the City's main webs.
5. Wherever possible, content posted to City of Lebanon social media sites should contain links directing users back to the City's official websites for in-depth information, forms, documents or online services necessary to conduct business with the City of Lebanon.
6. As is the case for City of Lebanon's web sites, departmental public information staff will be responsible for the content and upkeep of any social media sites their department may create.
7. Wherever possible, all City of Lebanon social media sites shall comply with all appropriate City of Lebanon policies and standards, including but not limited to:
 - a) Personnel Rules and Regulations
 - b) Code of Ethics
 - c) Department specific Standard Operating Procedures or Codes
8. City of Lebanon social media sites are subject to State of Tennessee open records laws. Any content maintained in a social media format that is related to City business, including a list of subscribers and posted communication, is a public record. The Department maintaining the site is responsible for responding completely and accurately to any public records request for public records on social media. Wherever possible, such sites shall clearly indicate

that any articles and any other content posted or submitted for posting are subject to public disclosure. Users shall be notified that any Open Records Requests must be directed to the Commissioner of Finance Office.

9. Tennessee state law records retention schedules apply to social media formats and social media content. Unless otherwise addressed in a specific social media standards document, the Department maintaining a site shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period on a City server in a format that preserves the integrity of the original record and is easily accessible. Users and visitors to social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for communication between City departments and members of the public.
10. City of Lebanon social media site articles and comments containing any of the following forms of content shall not be allowed:
 - a) Comments not topically related to the particular social medium article being commented upon;
 - b) Comments in support of or opposition to political campaigns;
 - c) Profane language or content;
 - d) Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
 - e) Sexual content or links to sexual content;
 - f) Solicitations of commerce;
 - g) Conduct or encouragement of illegal activity;
 - h) Information that may tend to compromise the safety or security of the public or public systems; or
 - i) Content that violates a legal ownership interest of any other party.
11. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available.
12. The City reserves the right to restrict or remove any content that is deemed in violation of this social media policy or any applicable law.
13. The City will approach the use of social media tools as consistently as possible, enterprise wide.
14. All new social media tools proposed for City use will be approved by The Mayor and the appropriate department's public information authority.
15. Administration of City of Lebanon social media sites.
 - a) IT Director will maintain a list of social media tools which are approved for use by City departments and staff.
 - b) IT Director will maintain a list of all City of Lebanon social media sites, including login and password information. Departmental public information officers will inform the IT Department of any new social media sites or administrative changes to existing sites.
 - c) In special cases (such as Police or ESU) where IT may not be added as an additional administrator of a social media page, that department must maintain two separate page administrators and notify IT of their identity.
 - d) The City must be able to immediately edit or remove content from social media sites.

11.2 Personal Conduct for Employees' Use of Social Media:

At The City of Lebanon, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers. However, use of social media also presents certain risks and carries with it certain responsibilities. City of Lebanon employees are held to a higher standard and must conduct themselves online with the understanding that they work for a public entity and whatever is done or said online may be reflected onto the organization.

To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

1. This policy applies to all Department Heads, Supervisors and Employees who work for The City.
2. In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log, blog or vlog, journal or diary, personal web site, social networking or affinity web site, video or picture sharing website, web bulletin board or a chat room, whether or not associated or affiliated with The City, as well as any other form of electronic communication. Employees assume any and all risk associated with their off-duty personal/private blogging and/or use of social media.

3. Carefully read the guidelines within The City’s Code of Ethics, Employee Conduct and Working Relationships, Electronic Email, and Workplace Harassment Policies plus any department specific guidelines or codes, and ensure your online activity and postings are consistent with these policies.
4. The City may require immediate removal of material and/or take disciplinary action for personal/private blogging or personal/private use of social media sites by employees that violates any of those policies, causes disruption of the workplace or impairs the mission of the City.
5. Employees engaged in personal/private blogging and use of social media sites may not
 - a) Attribute personal statements, opinions, or beliefs to the City of Lebanon;
 - b) Disclose confidential City information;
 - c) Use the City’s or any Department Specific logos or trademarks; or
 - d) Post any material that:
 - i) Is threatening, intimidating, harassing, coercing, or interfering with fellow employees or;
 - ii) Constitutes hate speech, or defamation or libel;
 - iii) Violates the privacy rights of fellow employees;
 - iv) Is disruptive to the work environment because it impairs workplace discipline or control, impairs or erodes working relationships;
 - v) Creates dissension among co-workers, interferes with job performance, or obstructs operations;
 - vi) Gives the appearance of impropriety
6. The City may ask an employee to add a disclaimer to his/her profile to make it clear that the opinions expressed do not represent the employer.
7. Supervisors are prohibited from requesting or requiring that applicants or employees disclose their passwords for personal internet accounts. Supervisors are prohibited from requiring that applicants or employees add the supervisor to the employee’s or applicant's list of contacts associated with a social media or personal internet account. For example, supervisors must not require that an employee accept a “friend” request that would permit access to restricted online content or that would permit the supervisor employer to observe restricted online content after they have accessed an online account (shoulder surfing).
8. Retaliation is prohibited: The City prohibits taking negative action against any associate for reporting a possible deviation from this policy or for cooperating in an investigation. Any associate who retaliates against another associate for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.
9. Media contacts: When possible, Department Heads shall obtain approval from the Mayor to speak to the media on the City’s behalf. Department Heads are responsible for authorizing employees to speak to the media and are responsible for any content that is communicated to the media by that authorized individual. All of the aforementioned conduct guidelines in this policy will also apply to media communications.

RULE XVII: FAMILY AND MEDICAL LEAVE AND AMERICANS WITH DISABILITIES ACT POLICIES

Section 1: Purpose:

To provide a family and medical leave policy in compliance with the Family Medical Leave Act of 1993, as amended in 2008 and 2009 and to comply with Department of Labor Final Rule effective March 27, 2015. The Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons. The FMLA also includes certain military family leave provisions.

Section 2: Guidelines

2.1 Definitions:

- a) Eligible Employee: Eligible employees are those who have been employed for at least 12 months, who have provided at least 1,250 hours of service during the 12 months before leave is requested, and who work at a worksite where at least 50 employees are on the payroll (either at that site or within a 75 mile radius).
- b) Hours of Service: the 1,250 hours do not include time spent on paid or unpaid leave. Consequently, these hours of leave shall not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- c) Spouse: a husband or wife, as the case may be. The City of Lebanon is required to give an eligible employee unpaid leave to care for his/her spouse. This definition includes an individual in a same-sex or common law marriage. The City of Lebanon is not required to grant an eligible employee unpaid leave to care for an unmarried domestic partner.
- d) Parent: Mother or father of an employee, or an adult who had day to day responsibility for caring for the employee during his or her childhood years in place of the natural parents. (Does not include in-laws).

- e) Son or Daughter/Child: Biological, adopted, or foster child, a stepchild, legal ward, or child of a person standing in loco parentis, who are under the age of 18 years. Children who are 18 years or older qualify, if he or she is incapable of self-care because of mental or physical disability.
- f) Serious Health Condition: An illness, injury, impairment, or physical or mental condition involving either inpatient care or continuing treatment by a health care provider. Examples of serious health conditions include but are not limited to heart attacks, heart conditions requiring heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, severe arthritis, etc.
- g) The 12 Month FMLA Period: The City will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

2.2 Leave Provisions

- a) An eligible employee may take up to 12 weeks of unpaid leave in a 12-month period for the birth of a child or the placement of a child for adoptions or foster care. Leave may also be taken to care for a child, spouse, or a parent who has a serious health condition.
- b) Under the Tennessee Maternity Leave Act (TMLA), an employee may take an additional four (4) weeks of unpaid leave if the three (3) months advance notice has been complied with. Leave under TMLA may be taken for childbirth, adoption, pregnancy, and caring for an infant. Exceptions to the 3-month notice requirement are if a medical emergency requires leave earlier than expected or if the employee receives less than three months' notice for the adoption.
- c) The right to take leave applies equally to male and female employees who are eligible.
- d) Unpaid leave for the purpose of care for a newborn child or newly placed adopted or foster care child must be taken before the end of the first 12 months following the date of birth or placement.
- e) An expectant mother may take unpaid medical leave or paid leave upon the birth of the child, or prior to the birth of her child for necessary medical care and if her condition renders her unable to work. Similarly for adoption or foster care, leave may be taken upon the placement of the child or leave may begin prior to the placement if absence from work is required for the placement to proceed.
- f) An employee may take paid or unpaid leave to care for a dependent child, a parent or spouse of any age, who because of a serious mental or physical condition is in the hospital or other health care facility.
- g) An employee may also take leave to care for a spouse or parent of any age who is unable to care his or her own basic hygiene, nutritional needs, or safety. Examples include a parent or spouse whose daily living activities are impaired by such conditions as Alzheimer's disease, stroke, or who is recovering from major surgery, or who is in final stages of a terminal illness.
- h) Providing needed care to a son or daughter with a serious health condition may be a qualifying reason for FMLA leave. However, in order to take FMLA leave to care for a son or daughter who is 18 years of age or older, the adult child must have a disability and be incapable of self-care due to that disability.
- i) Employees may use accrued paid leave (PTO, extended sick, compensatory time) when caring for a family member when it is approved by FMLA.
- j) Eligible employees, who are unable to perform the functions of the position held because of a serious health condition, may request up to 12 weeks unpaid leave or paid leave. The term "serious health condition" is intended to cover conditions or illnesses that affect an employee's health to the extent that he or she must be absent from work on a recurring basis or for more than a few days for treatment or recovery.
- k) An employee will be required to use accrued paid leave (including PTO, extended sick leave, compensatory time and workers' compensation) during any type of approved family or medical leave of absence.
- l) When the employee is on leave for their own medical condition they may apply for Short Term Disability, which has a 30-day elimination or waiting period
 - a. The terms and conditions of the City's disability coverage are outlined under separate cover and reviewed with eligible employees during orientation and annually during open enrollment.
 - b. All accrued leave time must be utilized before Short Term Disability will apply, even after the designated elimination or waiting period.
 - c. The City offers employees a Sick Leave Donation program, as outlined under Rule CV, Section 2.10, Extended Sick Leave. Any donated sick time that is withdrawn by a qualified employee must be utilized

prior to Short Term Disability.

- d. Employees who do not have adequate accrued leave or are not members of the leave donation program will be unpaid for the duration of the approved FMLA period.
- m) When an employee has used all his or her accrued paid leave, the employee may request an additional period of unpaid leave so that the total paid and unpaid leave provided equals 12 weeks (or 26 weeks if combined with Service-member Family Leave time).
- n) During periods of unpaid leave, an employee will not accrue PTO.
- o) Employees on paid FMLA leave and unpaid FMLA leave shall receive normal holiday pay, per holiday pay policy.
 - a. Employees who have exhausted FMLA and are approved for unpaid leave continuation through ADA will not receive holiday pay.
 - b. Employees who have exhausted FMLA and are approved for paid leave continuation (accrued PTO or Ext. Sick time is available) through ADA will continue to receive holiday pay.
- p) If both spouses are employed by the City of Lebanon and wish to take leave for the care of a new child or (their own) sick parent, their aggregate leave is limited to 16 weeks. For example, if the father takes 4 weeks of leave to care for a child, the mother would be entitled to 12 weeks leave, for a total of 16 weeks, this is a combined 12 weeks of FMLA with an additional 4 weeks permitted under TMLA.
- q) FMLA leave will run concurrent to workers' compensation absences and will be counted towards an employee's leave entitlement, provided the absence is due to a qualifying serious health condition.
- r) Absences covered by FMLA or TMLA leave will not be counted as occurrences of absenteeism under the City's attendance policy.
- s) Misrepresentations or any act of dishonesty related to FMLA leave will be grounds for discipline, up to and including separation from employment.

2.3 Notification and Scheduling

- a) An eligible employee must provide the City of Lebanon at least 30 days advance notice of the need for leave for birth, adoption or planned medical treatment, when the need for leave is foreseeable. This 30 day advance notice is not required in cases of medical emergency or other unforeseen events, such as premature birth, or sudden changes in a patient's condition that require a change in scheduled medical treatment.
- b) Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this 30-day notice.
- c) Employees may contact Human Resources for instructions on how to request leave. A third party Leave Administrator may be engaged to handle FMLA leave requests, approvals, notifications, reports and usage tracking.
- d) Supervisors who are aware of an employee's need for family or medical leave shall refer that employee to the Leave Administrator or notify Human Resources no later than 3 business days of becoming aware of the employee's need for leave.

2.4 Certification

- a) The City of Lebanon reserves the right to verify an employee's request for family /medical leave.
- b) If an employee request leave because of a serious health condition or to care for a family member with a serious health condition, the City of Lebanon requires that the request be supported by certification issued by the health care provider of the eligible employee or the family member as appropriate. If the City of Lebanon has reason to question the original certification, the City of Lebanon may, at the employer's expense, require a second opinion from a different health care provider chosen by the employer. That health care provider may not be employed by the City of Lebanon on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained from another provider and that opinion will be final and binding.
- c) This certification must contain the date on which the serious health condition began, its probable duration, and appropriate medical facts within the knowledge of the health care provider regarding the condition. The certification must also state the employee's need to care for the son, daughter, or spouse, or parent and must include an estimate of the amount of time that the employee is needed to care for the family member.
- d) Medical certifications given will be treated as confidential and privileged information.
- e) An employee will be required to report periodically to the Human Resources Department the status and the intention of the employee to return to work.
- f) Employees who have taken leave under this policy must furnish the City of Lebanon with a medical Return to Work

certification from the employee's health care provider that the employee is able to resume work before return is granted.

- g) If an incomplete medical certification is received, the Leave Administrator will provide the employee with the opportunity to either have the health care provider correct the certification or provide a written release for the Leave Administrator to contact the health care provider directly. The employee will have seven (7) calendar days to resolve any deficiencies in the medical certification. If, after seven (7) calendar days the identified deficiencies have not been resolved, the FMLA request may be denied.

2.5 Maintenance of Health Benefits During Paid and Unpaid Leave:

- a) The City of Lebanon will maintain health insurance benefits, paid by the employer for the employee, during periods of leave without interruption.
 - a. During paid leave (PTO, extended sick or other accrued time applied to the leave) normal payroll deductions will continue to occur.
 - b. If the employee is on an unpaid leave, any payment for family coverage/s premiums, or other payroll deductible insurance policies, must be paid by the employee or the benefits may not be continued.
- b) The City of Lebanon has the right to recover from the employee all insurance premiums paid during the unpaid leave period if the employee fails to return to work after leave.
 - a. Consideration may be granted to 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. Human Resources and Finance will consider the circumstances, evaluate the situation and the employee may be exempt from the recapture provision.
- c) Leave taken under this policy does not constitute a qualifying event that entitles an employee to COBRA insurance coverage. However, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not return to work, and therefore ceases to be entitled to leave under this policy.

2.6 Reduced and Intermittent Leave:

- a) Leave taken under this policy can be taken intermittently (a few hours or a few days at a time) or on a reduced leave schedule when medically necessary, as certified by the health care provider. Intermittent or reduced leave schedules for a routine care of a new child can be taken only with approval of the Human Resources Director and the Department Head. The schedule must be mutually agreed upon by the employee and the Department Head.
- b) Employees on intermittent or reduced leave schedules may be temporarily transferred by the Department Head to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule.
- c) Intermittent or reduced leave may be spread over a period of time longer than 12 weeks but will not exceed the equivalent of 12 work weeks total leave in a one 12 month period.
- d) Leave cannot be taken in less than 1-hour increments.
- e) Employees are responsible for reporting Intermittent FMLA usage or other approved medical leave usage to their immediate supervisor in accordance with departmental policy. Employees are responsible for reporting Intermittent Leave usage or other approved medical leave usage to the Leave Administrator within 48 hours of the absence. Failure to report the intermittent absence to the supervisor and/or the Leave Administrator will subject the employee to the City's disciplinary process.
- f) Intermittent FMLA usage that is not reported with the Leave Administrator will result in those absences not being protected from the City's attendance policy.

2.7 Restoration

- a) Employees who are granted leave under this policy will be reinstated to an equivalent or the same position held prior to the commencement of their leave.
- b) Certain highly compensated key employees, who are salaried and among the 10% highest paid employees, may be denied restoration. Restoration may be denied if (a) the City of Lebanon shows that such denial is necessary to prevent substantial and grievous economic injury to the City of Lebanon's operations, (b) the City of Lebanon notifies the employee that it intends to deny restoration after giving the employee a reasonable opportunity to return to work, and, (c) the employee elects not to return to work within a reasonable period of time at the end of the leave after receiving such notice.

2.8 Prohibited Secondary Employment

- a) An employee who is approved for FMLA or other medical leave, or who is approved for limited duty, is prohibited from engaging in secondary employment.
- b) Consideration for secondary employment may be granted when the employee is taking leave for care of a family member (for example, a part time position that provides a flexible schedule). In this case, written authorization must be granted by the Department Head and submitted to Human Resources in advance of taking the leave of absence.
- c) In the absence of any written authorization, employees who engage in other employment or in self-employment while on authorized leave of absence or light duty will be subject to disciplinary action up to and including separation from employment.
- d) The above limitations specifically do not apply to an employee's use of accrued leave time for absences that are not related to FMLA or other approved medical leave of absence.

Section 3: Qualifying Exigency and Military Caregiver

3.1 Qualifying Exigency

- a) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.
- b) An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:
 - a. short-notice deployment
 - b. military events and activities
 - c. childcare and school activities
 - d. financial and legal arrangements
 - e. counseling
 - f. rest and recuperation
 - g. post-deployment activities, and
 - h. additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.
- c) Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list. In order to care for a covered servicemember, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered servicemember.
- d) A "son or daughter of a covered servicemember" means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.
- e) A "parent of a covered servicemember" means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents "in law."
- f) The "next of kin of a covered servicemember" is the nearest blood relative, other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has a sibling(s) and designates a

cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to § 825.122 (k).

- g) “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.
 - a. Covered active duty or call to covered active duty status in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation, in accordance with 29 CR 825.102.
- h) The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee’s 12-week maximum of FMLA leave in a 12-month period.

3.2 Military Caregiver Leave

- a) Military Caregiver Leave (also known as covered servicemember leave) to care for an injured or ill servicemember or veteran.
- b) An employee whose son, daughter, parent or next of kin is a covered servicemember may take up to 26 weeks of leave in a single 12-month period to care for that servicemember.
- c) Next of kin is defined as the closest blood relative of the injured or recovering servicemember.
- d) The term “covered servicemember” means:
 - a. a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
 - b. a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- e) The term “serious injury or illness means:
 - a. in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and
 - b. in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.
- f) Outpatient status, with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces.

Section 4: Americans with Disabilities Act and Americans with Disabilities Amendments Act

4.1 Purpose

THE ADA/ADAAA IS FEDERAL LAW. A CITY POLICY IS CURRENTLY IN PROGRESS TO PROVIDE ADDITIONAL GUIDANCE AND STRUCTURE REGARDING COMPLIANCE WITH THESE REGULATIONS. To provide a policy in compliance with the Americans with Disabilities Act of 1990, as amended with the Americans with Disabilities Amendments Act in 2009 and to comply with Equal Employment Opportunity Commission Final Rule on ADAAA issued on March 25, 2011.

- a) The **Americans with Disabilities Act (ADA)** and the **Americans with Disabilities Amendments Act (ADAAA)** are federal laws that prohibit employers with 15 or more employees from discrimination against applicants and individuals with disabilities and, when needed, require the employer to provide reasonable accommodations to those qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

- b) Employees requesting a reasonable accommodation under the terms of ADA/ADAAA or needing light duty assignments for restrictions due to workers compensation injuries must be referred to the Human Resources Department.
 - a. Medical documentation supporting the accommodation request or light duty work will be required.
 - b. The interactive process will be initiated with the employee and their department.

RULE XVIII: RUN OR HOLD AN ELECTIVE OFFICE WITH THE CITY OF LEBANON

Lebanon City employees have equal rights as are afforded to all citizens, regardless of where they are employed, by the First Amendment of the United States Constitution to qualify to run for or hold an elective office.

- 1.1 All employees have the right to qualify and run for elective office.
- 1.2 Upon notification of election of a municipal employee to a municipal office, the municipal position as an employee shall be automatically terminated.
- 1.3 Individuals holding elected office for the City of Lebanon may not concurrently be employed by the City.

RULE XIX: CODE OF ETHICS

TITLE 22 CODE OF ETHICS

- I. State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:
 - A. Campaign finance - T.C.A. Title 2, Chapter 10.
 - B. Conflict of interests - T.C.A. §§ 6-54-107, 108; 12-4-101, 102.
 - C. Conflict of interest disclosure statements - § 8-50-501 and the following sections. Consulting fee prohibition for elected municipal officials - T.C.A. §§ 2-10-122, 124.
 - D. Crimes involving public officials (bribery, soliciting unlawful compensation, buying and selling in regard to office) - T.C.A. § 39-16-101 and the following sections.
 - E. Crimes of official misconduct, official oppression, misuse of official information - T.C.A. § 39-16-401 and the following sections.
 - F. Ouster law - T.C.A. § 8-47-101 and the following sections.

SECTION

- 22-101. Applicability.
- 22-102. Definition of Personal Interest.
- 22-103. Disclosure of Personal Interest by Official with Vote.
- 22-104. Disclosure of Personal Interest in Non-Voting Matters.
- 22-105 Acceptance of Gratuities, Etc.
- 22-106 Use of Information.
- 22-107 Use of Municipal Time, Facilities, Etc.
- 22-108 Use of Position or Authority.
- 22-109 Outside Employment.
- 22-110 Ethics Complaints.
- 22-111 Violations.
- 22-112. Appearance of Impropriety.

22-101. Applicability. This Title is the Code of Ethics for Human Resources of the City of Lebanon. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities.

22-102. Definition of "Personal Interest". (1) For purposes of Sections 103 and 104 of this Title, "personal interest" means:

- (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
- (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
- (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren); or
- (d) Any such financial, ownership, or employment interest of the official's or employee's spouse's parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

(2) The words "employment interest" include:

- (a) Any job, occupation, consultation, or other position for which the employee or official is compensated, whether by a third party/entity or in a self-employed capacity, other than the City of Lebanon; and
- (b) Any situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of a vote of any City of Lebanon board, committee, or commission, or that is to be regulated or supervised by the City of Lebanon.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.

22-103. Disclosure of Personal Interest by Official with Vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

22-104. Disclosure of Personal Interest in Non-Voting Matters.

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

22-105. Acceptance of Gratuities. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

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

22-106. Use of Information.

- (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.
- (2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

22-107. Use of Municipal Time or Facilities.

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

2 Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

22-108. Use of Position or Authority.

- (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.
- (2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality.

22-109. Outside Employment or Other Position of Financial Interest.

- (1) Outside employment, or other position of financial interest, shall be defined as any job, occupation, consultation, or other position for which the employee is compensated, whether by a third party/entity or in a self-employed capacity, other than the City of Lebanon.
- (2) All positions of outside employment, or other position of financial interest, must be submitted on the Outside Employment form provided by the City and approved on an annual basis by the employee's respective Department Head prior to the acceptance, or continuance, of such outside employment, or other position of financial interest.
- (3) No employee of the City of Lebanon shall be permitted to continue in, commence, or accept any position of outside employment, or other position of financial interest, if such outside employment, or other position of financial interest:

- (a) Will unreasonably inhibit the performance of any affirmative duty of the City position or conflict with any provision of the City's charter or any ordinance or policy;
- (b) Is likely to interfere with the employee's satisfactory performance of his or her duties and responsibilities;
- or
- (c) Is incompatible with City employment in any way, including the appearance of any conflict of interest or impropriety.

22-110. Ethics Complaints.

- (1) The city attorney is designated as the ethics coordinator for the City of Lebanon. Upon the written credible request or ethics complaint of an official or employee potentially affected by a provision of this chapter, the city attorney shall gather and organize any information required to fully investigate the written request and shall forward such information to an attorney designated by the Lebanon City Council as an ethics investigator. In all respects, the city attorney shall act as the City's liaison to the ethics investigator during, and at the conclusion of such investigation. The written ethics request or complaint shall be delivered to the city attorney as a sworn statement of facts, under oath, before a notary public. False statements of fact may be subject to a perjury charge. The Mayor and City Council shall be advised that an ethics inquiry is occurring.
- (2) Such ethics investigator shall be chosen from any one of three attorneys approved annually by resolution at the second City Council meeting of July as administrative law officers, and with whom the City of Lebanon has entered into an agreement for compensation to act in such capacity.
- (3) Such ethics investigator shall review all information provided by the city attorney and shall render a written advisory ethics opinion to the city attorney as to whether any violations have occurred based upon this ethics policy or other applicable law. Should the ethics investigator require additional information, the city attorney shall be responsible for coordinating any other information, witnesses, or statements and providing such information to the ethics investigator. The subpoena power of the City Council may be used to obtain information, if required. The ethics investigator shall report the findings to the City Attorney within sixty (60) days of the complaint, unless more time is required and approved by City Council action. Upon request, the ethics investigator may also be asked to issue a written advisory opinion about an ethics question or situation.
- (4) Once the ethics investigator concludes an investigation and renders an opinion about a complaint or request, the city attorney shall forward such written opinion, along with any recommendations for action(s) to end or seek retribution for any activity that, in the ethics investigator's judgment, constitutes a violation of this code of ethics, to the Lebanon City Council, the Mayor, and, if the subject of the investigation is an employee, to the employee and such employee's Department Head. The opinion shall also be sent to the person(s) that filed the request or complaint.
- (5) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the investigation of such complaint shall proceed as heretofore described.
- (6) Any complaint filed with malice or under false statements of fact or, in an obvious attempt to embarrass, shall be the subject of proper sanctions or disciplinary action. However, any city employee shall be able to file a valid complaint without fear of retaliation. Any supervisor, or any other employee, who harasses or retaliates against an employee filing a complaint shall be subject to disciplinary action, including dismissal. A policy regarding procedures and protections for reporting alleged ethics violations shall be incorporated into the Lebanon Human Resources Rules and Regulations.
- (7) The interpretation that a reasonable person in the same circumstances would apply shall be used in interpreting and enforcing this code of ethics.
- (8) When a violation of this code of ethics also constitutes a violation of a Human Resources policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the Human Resources or civil service provisions rather than as a violation of this code of ethics.

22-111. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

22-112. Appearance of Impropriety. At all times, every City of Lebanon employee or official, whether elected or appointed, shall conduct himself or herself in a manner so as to avoid even the appearance of any impropriety.

RULE: XX: REPORTING IMPROPER GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST RETALIATION

1.0 PURPOSE AND SCOPE

It is the policy of the City of Lebanon to encourage reporting by its employees of improper governmental action taken by City of Lebanon officers or employees and to protect City of Lebanon employees who have reported improper governmental actions in accordance with the City of Lebanon's policies and procedures.

2.0 EXPLANATION OF KEY TERMS

2.1 Improper Governmental Action

Any action by a City of Lebanon officer or employee that is a) undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and b) in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

It does not include Human Resources actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reprimands, reductions in pay, dismissals, suspensions or demotions.

2.2 Retaliatory Action

Any adverse change in the terms and conditions of a City of Lebanon employee's employment.

2.3 Emergency

A circumstance that if not immediately changed may cause damage to persons or property.

3.0 PROCEDURES FOR REPORTING

City of Lebanon employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the City Attorney or such other person as may be designated by the Lebanon City Council to receive reports of improper governmental action.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate governmental agency with responsibility for investigating the improper action.

The supervisor, the City Attorney or the designee, as the case may be shall take prompt action to assist the City of Lebanon in properly investigating the report of improper governmental action. The City of Lebanon officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation.

City of Lebanon employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the City of Lebanon employee reasonably believes that an adequate investigation was not undertaken by the City of Lebanon to determine whether an improper governmental action occurred, or that insufficient action has been taken by the City of Lebanon to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.

City of Lebanon employees who fail to make a good faith attempt to follow the City of Lebanon procedures in reporting improper governmental action shall not receive the protection provided by the City of Lebanon in these procedures.

4.0 PROTECTION AGAINST RETALIATORY ACTIONS

City of Lebanon officials and employees are prohibited from taking retaliatory action against a City of Lebanon employee because he or she has, in good faith, reported a concern of improper governmental action in accordance with these policies and procedures.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the City Attorney or the City Attorney's designee. City of Lebanon officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor, the City Attorney, or the City Attorney's designee, as the case may be, does not satisfactorily resolve a City of Lebanon employee's complaint that he or she has been retaliated against in violation of this policy, the City of Lebanon employee may obtain protection under this policy by providing a written notice to the Lebanon City Council that a) specifies the alleged retaliatory action, and b) specifies the relief requested.

City of Lebanon employees shall provide a copy of their written charge to the City Attorney no later than thirty (30) days after the occurrence of the alleged retaliatory action. The City of Lebanon shall respond within thirty (30) days to the charge of retaliatory action.

After receiving either the response of the City of Lebanon or thirty (30) days after the delivery of the charge to the City of Lebanon, the employee may request a hearing before an administrative law judge to establish if a retaliatory action occurred and to obtain appropriate relief provided by ordinance. An employee seeking a hearing should deliver the request for hearing to the City Attorney within the earlier of either fifteen (15) days of delivery of the City of Lebanon's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City of Lebanon for response.

Upon receipt of request for a hearing, the City of Lebanon shall establish a proceeding before an appointed administrative law judge within 30 working days.

The City of Lebanon will consider any recommendation provided by the administrative law judge which may include, but not be limited to the retaliator being suspended with or without pay or dismissed.

The Administrative Law Judge ruling is the final ruling within the City of Lebanon's disciplinary process.

5.0 RESPONSIBILITIES

5.1 Human Resources

Human Resources is responsible for ensuring that this policy and these procedures are a) permanently posted where all employees will have reasonable access to them, b) are made available to any employee upon request, and c) are provided to all newly hired employees.

5.2 Officers, Managers and Supervisors

Are responsible for ensuring the procedures are fully implemented within their area of responsibility.

Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

RULE XXI: MISCELLANEOUS

Section 1: Availability of Rules and Regulations

These rules and regulations shall be made available to employee by displaying a copy in each department.

Section 2: Amending or Changing Rules and Regulations

These rules may be amended in accordance with the City of Lebanon Human Resources Ordinance.

Section 3: Effective date of These Rules and Regulations

These rules shall take effect from and after their adoption by the City Council.

Section 4: All Prior Rules Superseded

These rules shall be the Human Resources Rules and Regulations of the Municipal Government of the City of Lebanon, Tennessee, and shall supersede all prior Human Resources rules. Any part or parts of rules in conflict with these Human Resources rules, resolution or ordinance are, to the extent of the conflict, repealed.

Section 5: Departmental Rules

Department Heads may implement additional policies and procedures to govern their departments; that is, specific policies and procedures which would apply to their departments only, but such policies and procedures must not be inconsistent with these Human Resources Rules and Regulations. These policies shall be posted and made available to all employees at all times.

Section 6: Implementing These Rules and Regulations

It shall be the responsibility of the Department Heads to carry out these rules and regulations. They shall be held accountable for failure to carry out these rules as written. The Mayor and the Human Resources Director will advise and assist the Department Heads in enforcing and interpreting these rules and regulations.

Section 7: Further Implementation

The Human Resources Rules and Regulations contained herein is an outline covering Human Resources policies and procedures and may be further implemented by specific policies and procedures duly adopted by the City Council.

Section 8: In the event of a conflict

In the event of a conflict between the content of this Handbook and policies within a department specific handbook or department specific practices, the language in this Handbook will prevail.

RULE XXII: SEVERABILITY

The provisions of these rules are hereby declared to be severable; and, if any rule, section or subsection, provision, exception, sentence, clause, phrase, or parts of these rules and regulations be held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force, and effect of any other rule, section, or

subsection, provisions, exception, sentence, clause, phrase, or parts of these rules unless it clearly appears that such other part or parts is wholly or necessarily dependent for its operation upon the part or parts so held invalid or unconstitutional. The remainder of these rules and regulations shall continue in full force and effect, it being the corporate intent, now hereby declared, that these rules and regulations would have passed even if such unconstitutional or void matter had not been included herein.

Acknowledgements and Disclosures

ACKNOWLEDGEMENT OF RECEIPT OF HUMAN RESOURCES RULES & REGULATIONS

By signing below, I acknowledge that I have received a copy, read and understand The Human Resources Rules & Regulations. I further acknowledge that this policy handbook was reviewed with me. I understand that failure to comply with these policies could result in disciplinary action up to and including termination of employment. I further acknowledge and understand that I will be responsible for complying with future changes in such policies, rules, or regulations that are communicated to employees, whether or not I have signed or acknowledged such changes.

Employee Print Name

Employee Signature

Date

This form, after signing and dating, is to be sent to the Human Resources Department for inclusion in your Human Resources file.

**ACKNOWLEDGMENT OF RECEIPT of RULE XVI: GENERAL POLICIES AND PROCEDURES,
Section 11 Prevention of Workplace Violence, Harassment and Bullying**

By signing below, I acknowledge that I have received a copy, read and understand RULE XVI: GENERAL POLICIES AND PROCEDURES, Section 11 addressing prevention of Workplace Violence, Harassment and Bullying.

I further acknowledge that this policy was reviewed with me. I understand that failure to comply with the policy could result in disciplinary action up to and including termination of employment.

Employee Print Name

Employee Signature

Date

This form, after signing and dating, is to be sent to the Human Resources Department for inclusion in your Human Resources file.

DISCLOSURE OF PERSONAL INTEREST BY CITY EMPLOYEE

Any City of Lebanon employee who has apparent influence over or exercises discretion relative to any matter, and who has a personal interest, as defined by Lebanon Municipal Code (LMC) 22-102, in the matter, must complete this form and file it with the Commissioner of Finance. LMC 22-102 defines a personal interest as any financial, ownership, or employment interest in a matter to be regulated or supervised by the employee that could affect, or could reasonably be inferred to affect, the employee's discretion or influence'. This includes any financial, ownership, or employment interest of the employee's or official's spouse, and such spouse's, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or step-child(ren),

NAME OF EMPLOYEE:

1. Individual Occurrence

Briefly describe the situation in which you have apparent influence or must exercise discretion, and in which you have a personal interest that could affect such influence or discretion:

2. Continual Occurrences

For individuals, businesses, or entities that the City of Lebanon will enter into transactions with more than once each calendar year and in which you have a personal interest, you may make one (1) disclosure for the calendar year by reporting it here:

Name of Individual, Business, or Entity

Briefly describe the transactions that will take place between the municipality and the named entity during the calendar year in which you will exercise discretion and in which you have a personal interest that could affect that discretion:

Date: _____

Employee's Signature: _____

This form, after signing and dating, is to be sent to the City Attorney and Human Resources Department for inclusion in your Human Resources file.

OUTSIDE EMPLOYMENT OR OTHER POSITION OF FINANCIAL INTEREST DISCLOSURE FORM

Part I

- A. The City of Lebanon, Tennessee, requires all employees, whether part time or full time, to disclose, and receive approval for, any and all positions of outside employment, or other positions of financial interest. Outside employment, or other position of financial interest, as defined by LMC 22-109, shall include any job, occupation, consultation, or other position for which the employee is compensated, whether by a third party/entity or in a self-employed capacity, other than the City of Lebanon.
- **For all full time, classified City of Lebanon employees, his or her employment with the City shall be considered the employee's primary employment and any other outside employment, or other position of financial interest, shall be considered subordinate to the City position.**
- B. All positions of outside employment, or other position of financial interest, must be approved in writing on an annual basis by the employee's respective Department Head prior to the acceptance, or continuance, of such secondary employment. Each and every instance of secondary employment must receive approval. No blanket approvals shall be granted.
- C. No employee of the City of Lebanon shall be permitted to continue in, commence, or accept any position of outside employment, or other position of financial interest, if such outside employment, or other position of financial interest:
1. Will unreasonably inhibit the performance of any affirmative duty of the City position or conflict with any provision of the City's charter or any ordinance or policy;
 2. Is likely to interfere with the employee's satisfactory performance of his or her duties and responsibilities; or
 3. Is incompatible with City employment in any way, including the appearance of any conflict of interest.
 4. See RULE XVII: FAMILY AND MEDICAL LEAVE , Section 2.8 regarding prohibited secondary employment while on FMLA or other medical leave.
- D. Upon approval or denial, a copy of this form shall be given to the employee for his or her personal records and the original shall be placed in the employee's City of Lebanon Human Resources file.

Part II

This request must be submitted to, and approved by, the employee's Department Head prior to the initiation or acceptance of any position of outside employment, or other position of financial interest, or to continue any position of outside employment, or other position of financial interest, the employee has prior to the adoption of this form. Additionally, the submission and approval of this request form shall be renewed annually. Any changes in outside employment, or other position of financial interest, shall be immediately reported to the Department Head.

Name of Employee: _____

Position: _____

Outside Employer: _____

Outside Employer's Address: _____

Outside Employer's Telephone: _____

Secondary Employment Commencement Date: _____

Describe in detail the type of work to be performed in the outside employment, or other position of financial interest. Use a second piece of paper if needed:

I hereby consent to my outside employer releasing my employment record and information to the City of Lebanon. I also understand that my failure to comply with City of Lebanon rules, regulations, and policies regarding outside employment may result in disciplinary action against me.

Employee Signature Date

Department Head Signature Date

Approved Denied

This form, after signing and dating, is to be sent to the City Attorney and Human Resources Department for inclusion in your Human Resources file.