TITLE 4
MUNICIPAL PERSONNEL

CHAPTER
1. SOCIAL SECURITY.
2. PERSONNEL REGULATIONS.
3. TRAVEL REIMBURSEMENT REGULATIONS.

CHAPTER 1
SOCIAL SECURITY

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4-101. **Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of this municipality to provide for all eligible employees and officials of the municipality, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the municipality shall take such action as may be required by applicable state and federal laws or regulations. (1977 Code, § 1-701)

4-102. **Necessary agreements to be executed.** The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1977 Code, § 1-702)

4-103. **Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1977 Code, § 1-703)

4-104. **Appropriations for employer's contributions.** There shall be appropriated from available funds such amounts at such times as may be
required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1977 Code, § 1-704)

4-105. Records and reports. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1977 Code, § 1-705)

4-106. Exemptions from coverage. There is hereby exempted from this chapter any authority to make any agreement with respect to any position, any employee or official not authorized to be covered by applicable state and federal laws or regulations. (1997 Code, § 1-706)
CHAPTER 2

PERSONNEL REGULATIONS

SECTION
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4-201. Personnel policy. (1) Purpose. The purpose of this chapter is to establish a system of personnel administration in the City of Bradford, Tennessee.

(2) At-will employer. The City of Bradford, Tennessee is an at-will employer. Nothing in this chapter may be construed as creating a property right or contract right to any job for any employee.
(3) **Coverage.** The following personnel are **not** covered by this policy unless otherwise provided:

(a) All elected officials;
(b) Members of appointed boards and commissions;
(c) Consultants, advisers and legal counsel rendering temporary professional service;
(d) The city attorney;
(e) Independent contractors and/or contract employees;
(f) Volunteer personnel;
(g) The city judge.

All other employees of the municipal government are covered by this personnel policy.

4-202. **Employees.**

(1) **Full-time.** Full-time employees are individuals employed by the municipal government who normally work forty (40) hours per week.

(2) **Part-time.** Part-time employees are individuals who may not work on a daily basis or work on a daily basis fewer than eight (8) hours a day and may work fewer than forty (40) hours per week or who are temporary and/or seasonal employees.

4-203. **Hiring procedures.**

(1) **Policy statement.** The primary objective of this hiring policy is to insure compliance with the law and to obtain qualified personnel to serve the citizens of the municipality. The municipality shall make reasonable accommodations in all hiring procedures for all persons with disabilities.

(2) **Application.** All persons seeking appointment or employment with the municipality must complete a standard application form provided by the municipal government. Applications for employment shall be accepted in the recorder's office during regular office hours only. Applications will remain on active status for six (6) months after accepted or until the job for which the application is submitted is filled, whichever period of time is less.

(3) **Interviews.** All appointments will be preceded by an interview with the department supervisor and the mayor.

(4) **Pre-appointment exams.** For certain positions, the employee may be required to undergo a validated physical agility examination related to the essential functions of the job, validated written and/or oral tests related to the essential functions of the job, drug testing, and, upon a conditional offer of employment, a medical examination to determine the employee’s ability to perform the essential functions of the job. Reasonable accommodations shall be made in the physical agility exam for applicants with disabilities making a request of accommodations.
(5) **Appointments, etc.** All appointments shall be made in accordance with lawful provisions of the municipal charter if there are applicable provisions in the charter.

(6) **Employment probation period.** Full-time employees shall be on a ninety (90) day employment probation from date of hire. No benefits shall be allowed prior to completion of the probationary period. Upon completion of the ninety (90) day period, the employee will be reviewed by the department supervisor and the mayor on job performance and employment status. Upon review approval, benefits shall take effect.

4-204. **Holidays.** Generally, full-time employees are allowed a day off with pay on the following holidays:

<table>
<thead>
<tr>
<th>Number</th>
<th>Holiday</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>New Years Day</td>
<td>January 1&lt;sup&gt;st&lt;/sup&gt;</td>
</tr>
<tr>
<td>2</td>
<td>Martin Luther King Day</td>
<td>January</td>
</tr>
<tr>
<td>3</td>
<td>Memorial Day</td>
<td>Last Friday in May</td>
</tr>
<tr>
<td>4</td>
<td>Independence Day</td>
<td>July 4&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>5</td>
<td>Labor Day</td>
<td>First Monday in September</td>
</tr>
<tr>
<td>6</td>
<td>Veterans Day</td>
<td>November 11&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>7</td>
<td>Thanksgiving Day</td>
<td>Fourth Thursday of November</td>
</tr>
<tr>
<td>8</td>
<td>Day after Thanksgiving</td>
<td>Fourth Friday of November</td>
</tr>
<tr>
<td>9</td>
<td>Christmas Eve</td>
<td>December 24&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>10</td>
<td>Christmas Day</td>
<td>December 25&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

When a holiday, other than Christmas Day, falls on a Saturday or Sunday, Monday shall be observed as a holiday.

<table>
<thead>
<tr>
<th>When Christmas Day falls on:</th>
<th>The city observes Christmas Eve and Christmas Day on:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saturday</td>
<td>Friday and Monday</td>
</tr>
<tr>
<td>Sunday</td>
<td>Friday and Monday</td>
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<td>Monday</td>
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<td>Wednesday</td>
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<td>Thursday</td>
<td>Wednesday and Thursday</td>
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<tr>
<td>Friday</td>
<td>Thursday and Friday</td>
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</tbody>
</table>

Employees must be in a pay status on the workday before and on the workday after the holiday, unless otherwise excused by the supervisor, to receive compensation for the holiday.

Any employee required to work on a regular holiday shall be granted eight (8) hours off on an alternate day approved by the supervisor or an additional eight (8) hours pay for the holiday.
Regular holidays, which occur during a vacation, sick or other leave period of any officer or employee of the city shall not be considered as a vacation, sick or other leave.

4-205. Vacation leave. All full-time employees of the municipality shall accrue vacation leave monthly upon the completion of each calendar month of service. Vacation leave will begin to accrue as of the first full month of employment. As the number of years of service increases, the amount of leave granted increases and may accumulate to the maximum accrual as shown in the table below:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Vacation Days/Year</th>
<th>Maximum Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1 or more</td>
<td>10</td>
<td>20</td>
</tr>
</tbody>
</table>

Vacation leave exceeding the maximum accrual limit shall be forfeited.

Vacation leave shall be taken at a time approved by the employee's supervisor. Upon separation, employees are entitled to be reimbursed for any unused vacation leave, not to exceed the maximum accrual allowed for the years of service completed.

4-206. Sick leave. All full-time employees shall accumulate four (4) hours of sick leave with pay for each month of work completed for the municipality. Sick leave may be granted for any of the following reasons:

(1) Personal illness or physical incapacity resulting from causes beyond the employee's control;
(2) Exposure to contagious disease so that employee's presence at work might jeopardize the health of other employees.
(3) Medical, dental, optical or other professional treatments or examinations.
(4) Acute illness or death of a member of the employee's immediate family (i.e., spouse, parents, children).

The mayor may, in his discretion, require doctors' certificates or other satisfactory evidence that absences are properly chargeable as sick leave.

Sick leave shall be taken in four (4) hour increments. Employees shall not be paid for unused sick leave upon the employee's termination, resignation or retirement.

4-207. Grievance procedures. The purpose of this section is to prescribe uniform disposition procedures of grievances presented by individual employees. A grievance is a written question, disagreement, or misunderstanding concerning administrative orders involving only the employee's work area, reasonable accommodations under the Americans with
Disabilities Act, physical facilities, unsafe equipment, or unsafe material used. The grievance must be submitted within five (5) working days of the incident causing the grievance.

Employees must remember that there is no grievance until the department head or other appropriate person has been made aware of the dissatisfaction by written notice. Once this is done, the following steps are to be taken:

**Step 1.** Discuss the problem with the immediate supervisor. If satisfaction is not obtained, the grievance is advanced to the second step.

**Step 2.** Discuss the problem with the appropriate department head. If the grievance is not resolved, it is advanced to the third step along with all documentation.

**Step 3.** Discuss the problem with the mayor and board of aldermen of the municipality. The mayor and board of aldermen's decision is the last and final step in the process. The decision of the mayor and board of aldermen is final and binding to all parties involved.

**4-208. Discrimination prohibited.** The municipality is an equal opportunity employer. Except as otherwise permitted by law, the municipality will not discharge or fail or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, gender, or national origin, or because the individual is forty (40) or more years of age. The municipality will not discriminate against a qualified individual with a disability because of the disability in regard to job application procedures, hiring or discharge, employee compensation, job training, or other terms, conditions, and privileges of employment.¹

**4-209. Sexual harassment prohibited.** (1) Sexual harassment by any employee or elected or appointed official of the municipality will not be tolerated. Sexual harassment is unwanted sexual conduct, or conduct based upon sex, by an employee's supervisor(s) or fellow employees or others at the workplace that creates a hostile work environment, makes decisions contingent on sexual favors, or adversely affects an employee's job performance. Examples of conduct that may constitute sexual harassment are sexually provocative language, sexual jokes, and display of sexually-oriented pictures or photographs.

(2) Any employee who believes that he or she has been subjected to sexual harassment should immediately report this to the department supervisor

or mayor. Within the limits of the Tennessee Open Records Law, the municipality will handle the matter with as much confidentiality as possible. There will be no retaliation against an employee who makes a claim of sexual harassment or who is witness to the harassment.

(3) The municipality will conduct an immediate investigation in an attempt to determine all the facts concerning the alleged harassment. If the municipality determines that sexual harassment has occurred, corrective action will be taken. The municipality will attempt to make the corrective action reflect the severity of the conduct. If it is determined that no harassment has occurred, this will be communicated to the employee who made the complaint, along with the reasons for the determination.

4-210. Occupational safety and health. The municipality shall provide job safety and health protection for all employees in accordance with the Occupation Safety and Health Administration (OSHA) Legislation (29 U.S.C. §§ 656 et seq.) and the Tennessee OSHA Law.\(^1\)

4-211. Overtime compensation. All eligible municipal employees, except police officers, shall be compensated at a rate of one and one-half (1 ½) times their regular rate of pay for all hours worked in excess of forty (40) in a work week. All police officers eligible for overtime pay shall be compensated at a rate of one and one-half (1 ½) times their regular rate of pay for all hours worked in excess of forty-three (43) in a work week. All overtime compensation shall be paid to the employee in the first paycheck following the week that overtime work occurred.

4-212. Military leave/veterans' re-employment. All employees who are members of reserve components of the armed forces, including the National Guard, are entitled to leave while engaged in "duty or training in the service of this state, or of the United States, under competent orders," and they must be given such leave with pay not exceeding fifteen (15) working days in any one calendar year.\(^2\) Also, any employee of the municipality who leaves his/her job voluntarily or involuntarily, to enter active duty in the armed forces may return to the job in accordance with Veteran’s Re-employment Rights (38 U.S.C. § 202-2016) and the Tennessee Military Leave Act.\(^3\)

\(^1\)State law reference

\(^2\)State law reference

\(^3\)State law reference
(continued...)
4-213. **Family and medical leave.** If the municipality has fifty (50) or more employees on the payroll, an eligible employee (one who has been employed at least 12 months and worked at least 1250 hours in the preceding 12 months) will be provided twelve (12) calendar weeks of unpaid leave for medical conditions of the employee or his/her family members in accordance with the Family and Medical Leave Act (P.L. 103-3).

4-214. **Commercial driver's license.** (1) All employees that drive:
   (a) A vehicle with a gross weight of more than twenty-six thousand (26,000) pounds;
   (b) A trailer with a gross weight of more than ten thousand (10,000) pounds;
   (c) A vehicle designed to transport more than fifteen (15) passengers, including the driver; and
   (d) Any size vehicle hauling hazardous waste requiring placards are required to have a Tennessee Commercial Driver's License in accordance with Tennessee Code Annotated, § 55-50-101, et seq.

   (2) Fire truck, police vehicle and emergency medical operators are exempt from the CDL requirements.

4-215. **Employee drug testing.** The City of Bradford enforces a drug free working environment. All employees in safety-sensitive positions (such as gas employees, equipment/vehicle operators that require a commercial driver's license, etc.) are subject to alcohol and drug testing in accordance with the Department of Transportation (DOT) Omnibus Transportation Employee Testing Act 1991 (P.L. 102-143, Title V) and the Natural Gas Pipeline Safety Act (49 CFR Part 199). Other employees may be subject to drug testing in accordance with the drug testing policy of the municipality. The municipality's procedures for drug testing are on file in the office of the city recorder.

4-216. **Residence requirements.** Residence within the corporate city limits of the city shall not be a condition precedent for employment for any of the appointive officials or employees of the city. However, preference for employment shall be afforded to prospective appointive officials and employee applicants who reside within the corporate limits of the city. No person currently employed by the municipality can be dismissed or penalized solely on the basis of non-residence.\(^1\) The intent of this policy is to set forth a municipal policy of hiring residents. It does not create a right or entitlement to

\(^3\) (...continued)

\(^1\) State law reference

appointment or employment to any position simply because of residency within the city.

Hiring and employment matters are governed by administrative policies and the sound discretion of the administrative and/or governing body. It is the intent of the city to establish procedures that are deemed appropriate and necessary to serve the health, safety and welfare of the citizens of the City of Bradford. Therefore, all future employees shall be required to live within fifteen (15) miles from their place of residence to the corporate limits of the city.

4-217. **Employee right to contact elected officials.** No employee shall be disciplined or discriminated against for communicating with an elected official. However, an employee may be reprimanded for making untrue allegations concerning any job-related matter.¹

4-218. **Civil leave.** Civil leave with pay shall be granted to employees for the following reasons:
   (1) Jury duty.²
   (2) To answer a subpoena to testify for the municipality.

4-219. **Voting.** When elections are held in the state, leave for the purpose of voting, if requested, shall be in accordance with Tennessee Code Annotated, § 2-1-106.

4-220. **Political activity.** Employees have the same rights as other citizens to be a candidate for state or local political office (except for membership on the municipal governing body) and to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. No employee may campaign on municipal time or in municipal uniform, nor use municipal equipment or supplies in any campaign or election.³

¹State law reference

²State law reference
Tennessee Code Annotated, § 22-4-108.

³State law reference
4-221. **Travel policy.** All employees, including elected and appointed officials, are required to comply with the municipality's travel policy, as required by Tennessee Code Annotated, § 6-54-901.

4-222. **Types of separation.** All separations of employees from city positions shall be designated as one of the following types and shall be accomplished in the manner indicated:

1. Resignation;
2. Layoff;
3. Death;
4. Dismissal; and
5. The inability to perform the essential job functions with or without a reasonable accommodation due to a disability.

At the time of separation and prior to final payment, all records, assets, and other items of city property in the employee's custody must be transferred to the department. Any amount due because of shortages shall be withheld from the employee's final compensation.

4-223. **Resignation.** In the event an employee decides to leave the city's employ, a two (2) week notice shall be given to his/her supervisor so that arrangements for a replacement can be made. In such case, employees will be expected to return any or all city equipment assigned. An unauthorized absence from work for a period of three (3) consecutive working days may be considered by the department head as a resignation. If a former employee returns to city employment, his/her status of seniority, pay, leave, etc. will be the same as any new employee beginning work for the first time.

4-224. **Layoff.** The department head, upon approval from the mayor and board of aldermen, may lay off an employee in the city service when he/she deems it necessary by reason of shortage of funds, the abolition of a position, or other material changes in the duties or organization of the employee's position, or for related reasons that are outside the employer's control and that do not reflect discredit upon the employee's service. Temporary employees shall be laid off before probationary or regular employees. The order layoff shall be in reverse order to total continuous time served upon the date established for the layoff to become effective.

4-225. **Disability.** An employee may be separated for disability when he/she cannot perform the essential functions of the job because of physical or mental impairment that cannot be accommodated without undue hardship or because the disability poses a direct threat to the health and safety of others. A reasonable accommodation may include transfer to a comparable position of

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1Ord. #2-2001 is of record in the office of the city recorder.
which the individual is qualified. Action may be initiated by the employee or
the municipality, but in all cases it must be supported by the medical evidence
acceptable to the mayor and board of aldermen, and the disability must prevent
the employee from performing the essential functions of the job. The city may
require an examination at its expense to be performed by a licensed physician
of its choice.

4-226. Death of an employee. Separation shall be effective as of the
date of death of an employee. All compensation due in accordance with these
rules shall be paid to the estate of the employee, except for such sums as by law
must be paid to the surviving spouse.

4-227. Dismissal. The City of Bradford may dismiss an employee for
just cause that is for the good of the city service as long as it does not violate
federal and/or state law or the municipal charter. Reasons for dismissal may
include, but shall not be limited to:

(1) Misconduct;
(2) Negligence;
(3) Incompetence;
(4) Insubordination;
(5) Unauthorized absences;
(6) Falsification of records;
(7) Violation of any of the provisions of the charter; ordinances, or
these rules.

4-228. Outside employment. No full-time employee of the municipality
may accept any outside employment without written authorization from the
department supervisor and mayor.

4-229. Use of municipal time, vehicles, facilities, etc. No employee
may use or authorize the use of municipal time, facilities, equipment, or
supplies for private gain or advantage to oneself or any other person, groups, or
organizations other than the municipality. Decisions about aid to charitable,
civic or other organizations will be made exclusively by the governing body.

4-230. Accepting of gratuities. No employee shall accept any money,
other considerations, or favors from anyone other than the municipality for
performing an act that he/she would be required or expected to perform in the
regular course of his/her duties. No employee shall accept, directly or indirectly,
any gift, gratuity, or favor of any kind that might reasonably be interpreted as
an attempt to influence his/her actions with respect to the municipality's
business.
4-231. **Disciplinary procedures.** Upon citing an individual for any infraction, the incident shall be placed into the individual's personnel file, additionally the following shall occur:

1. First infraction--verbal warning;
2. Second infraction--written warning;
3. Third infraction--written warning with three (3) days off work without pay;
4. Fourth infraction--appearance before mayor and board of aldermen with a recommendation by the department supervisor and/or mayor to dismiss (terminate) or retain (employ) the employee.

Upon insubordination or falsification of records by a city employee, the mayor may terminate the employee immediately. A special called meeting of the mayor and board of aldermen will be held within three (3) working days of mayoral action for confirmation or overruling of decision.

4-232. **Personnel policy changes.** Nothing in this chapter may be construed as creating a property right or contract right to the job for any employee. The provisions of this personnel policy may be unilaterally changed by resolution of the governing body from time to time as the need arises.
CHAPTER 3
TRAVEL REIMBURSEMENT REGULATIONS

SECTION
4-601. Travel policy.
4-602. Travel reimbursement rate schedule.
4-603. Administrative procedures.

4-601. Travel policy. (1) The mayor of the city or his or her designee shall be responsible for the enforcement of these regulations.

(2) In the interpretation and application of this chapter, the term "traveler" or "authorized travel" means any elected or appointed officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this chapter.

(3) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursement expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the mayor. Under certain conditions, entertainment expenses may be eligible for reimbursement.

(4) Authorized travelers can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences, and similar expenses.

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

(5) Travel advances are available only for special travel and only after completion and approval of the travel authorization form.

(6) The travel expense reimbursement form will be used to document all expense claims.

(7) To qualify for reimbursement, travel expenses must be:

(a) Directly related to the conduct of the city business for which travel was authorized, and

(b) Actual, reasonable, and necessary under the circumstances.

The mayor may make exceptions for unusual circumstances.

Expenses considered excessive won't be allowed.
(8) Claims of five dollars ($5.00) or more for travel expenses reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone calls, public carrier travel, conference fee, and other reimbursable costs.

(9) Any person attempting to defraud the city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.

(10) Mileage and motel expenses incurred within the city aren't ordinarily considered eligible expenses for reimbursement.

4-602. Travel reimbursement rate schedule. Authorized travelers shall be reimbursed according to the State of Tennessee travel regulation rates. The city's travel reimbursement rates will automatically change when the state rates are adjusted. The municipality may pay directly to the provider for expenses such as meals, lodging, and registration fees for conferences, conventions, seminars, and other education programs.

4-603. Administrative procedures. The city adopts and incorporates by reference--as if fully set out herein--the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee.