4-101. **General purpose.** It is the purpose of this chapter to establish a fair and uniform system of personnel administration for all employees of the City of Blaine that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial applications of personnel policies and procedures free of personal and political considerations and without regard to race, religion,
national origin, political affiliations, sex, disability or age. (Ord. #0-94-01, June 1994)

4-102. Definitions. As used in this chapter the following quoted words and terms shall have the meanings enumerated hereinafter:

1. "Municipality" or "Town" or "City" shall mean the City of Blaine.
2. "Governing body" shall mean the board of mayor and alderman vested with power to enact ordinances and resolutions for the City of Blaine.
3. "Chief administrative officer" shall mean the mayor of the City of Blaine.
4. "Classified services" shall include positions in the city service except those listed under exempt services.
5. "Compensatory leave" is time off from work in lieu of monetary payment for overtime worked.
6. "Exempt service" is those not included in the classified service as defined in these personnel rules and regulations.
7. "Immediate family" includes spouse, children, brother, sister, mother, father, mother and father-in-law, grandparents, and grandchildren.
8. "Temporary employee" is an employee holding a position other than permanent, which is of a temporary, seasonal, casual, or emergency nature.

(Ord. #0-94-01, June 1994)

4-103. Coverage. All offices and positions of the city are divided into the classified service and the exempt service. The exempt service shall include the following:

1. All elected officials and persons appointed to fill vacancies in elective offices.
2. The chief administrative officer and direct assistant(s) thereto.
3. All members of appointive boards, commissions, or committees.
4. City attorney.
5. Consultants, advisors, and counsel rendering temporary professional service.
6. Independent contractors.
7. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property.
8. Seasonal employees who are employed by the city for not more than three (3) months during the fiscal year.
9. Persons rendering part-time service defined as 20 hours per week or less.
10. Volunteer personnel, such as volunteer firemen; and all other personnel appointed to serve without compensation.

(Ord. #0-94-01, June 1994)
The following sections of this chapter apply only to the classified service unless otherwise specifically provided or necessarily implied. (Ord. #0-94-01, June 1994)

4-104. **Administration.** The chief administrative officer, or its governing body, shall have the basic responsibility for the personnel program as set forth in this chapter. In addition to other duties as set forth in this chapter, the chief administrative officer shall:

1. Exercise leadership in developing a system of effective personnel administration within the municipal departments subject to this chapter.
2. Recruit qualified applicants for employment.
3. Maintain records of all employees of the municipal departments.
4. Maintain and recommend a pay plan for all employees for the governing body approval. (Ord. #0-94-01, June 1994)

4-105. **Compensation.** (1) **Hourly rates.** If certain employees are paid on an hourly rate basis, such employees will be paid only for time actually worked except that employees called in or reporting for work shall be guaranteed pay for a minimum of two (2) hours work.

2. **Work week/work periods.** Pursuant to the Fair Labor Standards Act, an employee work period is a regular recurring period of 168 hours consisting of seven consecutive 24-hour periods. Except as provided in special contracts of employment, public safety employees working under the FLSA 7(k) exemption and employees exempt from FLSA requirements, employees work 40 hours during the work period. The work period begins at 12:00 midnight on Sunday and ends at 12:00 midnight the Sunday following. Work schedules may vary in departments as necessary for the smooth operation of the city.

3. **Overtime.** Unless otherwise exempt, employees who work overtime shall be compensated at a rate of one-and-one-half the employee's regular rate of pay for all hours worked in excess of 40 in the 7 day work period.

   All overtime must have the prior approval of the chief administrative officer or his/her designee before the work is undertaken, except in the case of emergency. Overtime must be documented on the employee's records and initialed by the chief administrative officer or his/her designee.

4. **Compensatory time off.** Compensatory time off at the rate of time and one half may be granted in lieu of pay for overtime hours worked. Department heads shall keep accurate records of compensatory time earned and used for each employee. Maximum accumulation of compensatory time shall not exceed 240 hours. All compensatory time earned and taken must be approved by the department head.

    Compensatory time off must be granted within a reasonable period after being earned, and an employee can not be denied use of compensatory time unless it would disrupt departmental operations. If this is the case, alternate
times for use of compensatory time should be identified. (Ord. #0-94-01, June 1994)

4-106. Recruitment and employment. (1) Notification. The chief administrative officer shall prepare recruiting notices to publicize vacancies in the city workforce and to secure applicants for vacant positions. Such various media of publicity shall be used as might be expected to bring notice of vacancies to as many qualified persons as possible.

(2) Recruitment by examination. All appointments in the classified service shall be made according to merit and fitness and may be subject to competitive examination. The governing board will make reasonable accommodations in the application and examination process to applicants with disabilities making a request for such accommodations.

(3) Medical/agility examination. For certain positions, the employee may be required to undergo a physical agility examination in order to determine the employee's ability to perform the essential functions of the job. The chief administrative officer will make reasonable accommodations in the physical agility exam to applicants with disabilities making a request for such accommodations.

After a job offer has been made, prospective employees in certain positions may be required to undergo a medical examination by a competent examiner designated by the city. Medical examinations shall be at no expense to the employee. (Ord. #0-94-01, June 1994)

4-107. Hours of work. The governing body shall establish hours of work per week for each position in the classified service which shall be determined in accordance with the needs of service and which shall take into account the reasonable needs of the public who may be required to do business with various city departments. (Ord. #0-94-01, June 1994)

4-108. Attendance. An employee shall be in regular attendance at work in accordance with these rules. (Ord. #0-94-01, June 1994)

4-109. Pecuniary interests. No officer or employee of the city shall have any financial interests in the profits of any contract, service, or other work performed by the city; or shall personally profit directly or indirectly from any contract, purchase, sale, or service between the city and any person or company; or personally or as an agent provide any surety, bail, or bond required by law or subject to approval by the governing body. No officer or employee shall accept any free or preferred services, benefits, or concessions from any person or company. Any official or employee who violates the provisions of this section shall be guilty of misconduct in his service. (Ord. #0-94-01, June 1994)
4-110. **Political activity.** Municipal officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided the city is not required to pay the employee's salary for work not performed for the city. Provided, however, municipal employees shall not be qualified to run for elected office in the board of mayor and aldermen. The restriction against running for office in the board of mayor and aldermen shall not apply to elective officials. (Ord. #0-94-01, June 1994, modified)

4-111. **Holiday leave.** The following legal holidays shall be observed by the city's employees: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day, Martin Luther King, and Presidents Day and other such days as may be designated by the governing body. When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday shall be observed as a holiday for city employees.

Where possible, every city employee shall be given approved holidays as set out in this section. When an employee must work on one of these holidays, he shall receive equivalent time off or, if necessary, double pay for time worked. In all cases, department heads shall attempt to arrange working schedules to permit time off for holidays in preference to extra pay. In order to receive pay for an observed holiday, an employee must not have been absent without leave either on the work day before or the day after the holiday. (Ord. #0-94-01, June 1994)

4-112. **Annual leave.** All permanent employees who have been continuously employed for a period of one (1) year or longer shall be credited with earned vacation leave in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Completed-Service</th>
<th>Vacation Credit - Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-2 years</td>
<td>1 work week</td>
</tr>
<tr>
<td>3-5 years</td>
<td>2 work weeks</td>
</tr>
<tr>
<td>6-10 years</td>
<td>3 work weeks</td>
</tr>
<tr>
<td>11+ years</td>
<td>3 work weeks</td>
</tr>
</tbody>
</table>

The above schedule and credits are for uninterrupted service computed from the most recent date of continuous employment date, but shall not be entitled to take vacation until they have completed one (1) year of service. Vacation leave may be taken as earned subject to the approval of the department head who shall schedule vacations so as to meet the operational requirements of the department.
Employees who resign from service with the city and give two weeks notice will be entitled to receive pay for their unused accumulated annual leave as of the date of resignation.

Part-time and temporary employees shall not be entitled to vacation leave except when approved by the governing body. (Ord. #0-94-01, June 1994)

4-113. **Sick leave.** Sick leave with pay shall be granted all full-time employees, except emergency employees, who have completed at least 6 months of continuous service with the city, at the rate of one (1) working day for each completed month of service. A working day is defined as 6 hours for the city recorder and 8 hours for police and maintenance employees. There shall be a 60 day sick leave accrual limit.

Sick leave with pay shall be granted for the following reasons: Personal illness or physical incapacity resulting from causes beyond the employee's control; illness of a member of the employee's immediate family that requires the employee's personal care and attention; enforced quarantine of the employee in accordance with community health regulations; or to keep a doctor's appointment.

Sick leave shall not be considered as a right which an employee may use at his discretion, but rather as a privilege.

When an employee is absent due to reasons as provided in this section in order to be granted sick leave with pay he must meet the following conditions: Notify his immediate supervisor prior to the beginning of the scheduled work day of the reason for absence; present, if required by the department head, evidence of such medical examination or nursing visit or inquiry as these officials deem advisable; submit, if required by the department head, a medical certificate signed by a licensed physician certifying that the employee has been incapacitated for work for the period of absence, the nature of the employee's sickness or injury, and if absent 5 days or longer that he is again physically able to perform his duties. These provisions are applicable, unless otherwise noted, only if the period of absence is three (3) days or longer.

Sick leave may be taken as necessary, but may not be extended or overdrawn beyond the accrual at the time of absence. Provided, however, that at the request of the employee any accrued vacation balance may be applied and extended as though it were sick leave, but only in the event of extended illness. Claiming sick leave when physically fit shall be grounds for discharge.

The city may "buy back" accumulated sick days from employees on a one-to-one basis, at the employee's regular rate of pay, provided the employee always maintains at least 30 accumulated sick leave days. (Ord. #0-94-01, June 1994)

4-114. **Leave with pay.** Leave with pay may be authorized in order that regular employees may serve required court and jury duty, provided that such
leave is reported in advance to the supervisor. Time off is also allowed for voting.

A regular employee who has completed at least 6 months of service with the city and who is a member of any reserve component of the United States Armed Forces will be allowed leave of absence with pay for a period not in excess of fifteen (15) calendar days during one (1) year (as stated in Tennessee Code Annotated, § 8-33-109).

An employee may be absent and continue to be paid for death in the family. Bereavement time off is charged to the employee's sick leave or annual leave allowance after the first three (3) days with pay. (Ord. #0-94-01, June 1994)

4-115. **Leave without pay.** Leave of absence without pay may be granted, under special circumstances, by the chief administrative officer with approval of the governing body. In no case will the leave of absence be extended more than thirty days. (Ord. #0-94-01, June 1994)

4-116. **Maternity leave.** Maternity leave may be granted regular employees. Accrued sick leave may be used, as well as annual leave, if the employee so elects during the excused absence period. (Ord. #0-94-01, June 1994)

4-117. **Prohibitions.** No person shall be appointed to or promoted to, or demoted or dismissed from any position in the classified service, or in any way be favored or discriminated against with respect to employment in the classified service because of race, religion, national origin, political affiliation, sex, disability, or age.

No person shall seek or attempt to use any political endorsement in connection with any appointment to a position, or demotion, or dismissal from a position in the classified service.

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, or any increase in wages or other advantage in employment in such position, for the purpose of influencing the vote or political action of any person, or for any other consideration.

No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment or promotion, or any advantage in, a position in the classified service. Any officer or employee who violates any of the provisions of this section shall forfeit his office or position. (Ord. #0-94-01, June 1994)
4-118. **Sexual harassment.** Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct by women toward women. Consequently, this policy applies to all officers and employees of the City of Blaine, including but not limited to, full and part-time employees, elected officials, permanent and temporary employees, employees covered or exempt from the personnel rules or regulation of the city, and employees working under contract for the city.

Sexual harassment or unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, propositioning; making either explicit or implied job threats or promises in return for submission to sexual favors; making inappropriate sex-oriented comments on appearance; telling embarrassing sex-oriented stories; displaying sexually explicit or pornographic material, no matter how it is displayed; or sexual assault on the job by supervisors, fellow employees, or on occasion, non-employees when any of the foregoing unwelcome conduct affects employment decisions, makes the job environment hostile, distracting, or unreasonably interferes with work performance is an unlawful employment practice and is absolutely prohibited by the city. (Ord. #0-94-01, June 1994)

4-119. **Separation and disciplinary action.** All separations of employees from positions in the 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 and dismissal. At the time of separation and prior to final payment, all records, assets, and other items or city property in the employee's custody shall be transferred to the department head and certification to this effect shall be executed. Any amount due to a shortage in the above shall be withheld from the employee's final compensation.

(1) **Resignation.** An employee may resign by submitting in writing the reasons and the effective date, to his department head as far in advance as possible, but a minimum of two weeks notice is requested. Failure to comply with this requirement may be cause for denying future employment with the city. Unauthorized absence from work for a period of three (3) consecutive days may be considered by the department head as a resignation. Department heads shall forward all notices of resignation to the chief administrative officer immediately upon receipt.

(2) **Lay-off.** The governing body may lay-off any employee in the classified service when it deems it necessary by reason of shortage of funds or work, the abolition of a position, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon service of the employee.
(3) **Disability.** An employee may be separated for disability when he cannot perform the essential functions of the position because of a physical or mental impairment which cannot be reasonably accommodated by the city without undue hardship. Action may be initiated by the employee or the city, but in all cases it must be supported by medical evidence acceptable to the governing body. The city may require an examination at its expense and performed by a licensed physician of its choice.

(4) **Retirement.** Whenever an employee meets the conditions set forth in the pension retirement plan regulations, he may elect to retire and receive all benefits earned in the city's retirement plan.

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

In situations where an oral warning has not resulted in the expected improvement, or when more severe initial action is warranted, a written reprimand may be sent to the employee, and a copy shall be placed in the employee's personnel folder.

An employee may be suspended without pay by his department head, with the approval of the governing board, for reasons of misconduct, negligence, inefficiency, insubordination, disloyalty, unauthorized absence, or other justified reasons when alternate personnel actions are not appropriate, but not to exceed five (5) days in any twelve (12) month period. A written statement of the reason for suspension shall be submitted to the employee affected at least twenty-four (24) hours prior to the time the suspension becomes effective. A regular employee in the classified service may be suspended by the chief administrative officer without pay for a longer period pending the investigation or hearing of any charges against him. An employee determined to be innocent of the charges against him shall be returned to duty with full pay for the period of suspension.

(6) **Dismissal.** The governing body, may dismiss or demote an employee for the good of the city service. Reasons for dismissal may include, but shall not be limited to: incompetency or inefficiency in the performance of duties; conviction of a criminal offense or of a misdemeanor involving moral turpitude; violations of any lawful and reasonable regulation, order or direction made or given by a superior officer; or insubordination that constitutes a serious breach of discipline; public intoxication or drinking any intoxicating beverages while on duty; being addicted to the use of narcotics or being under the influence of a drug or narcotic while on duty; theft, destruction, carelessness, or negligence in
4-10
the use of the property of the city; disgraceful personal conduct or language toward the public, toward fellow officers or employees, or abusive public criticism of his superior or other public officials; unauthorized absences or abuse of leave privileges; acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of his duties; falsification of records or use of official position for personal advantage; failure to pay or to make reasonable provision for the future payment of just debts; loss of an employee's driver's license and driving privileges by due process of law when the employee's position makes the operation of a motor vehicle necessary in the performance of his duties; violation of any of the provisions of the charter, ordinance, or these rules.

The employee shall be furnished an advance written notice within seven (7) days containing the nature of the proposed action, the reasons therefore and his right to answer the charges in writing. This notice shall be furnished at least one (1) calendar week prior to the date of the transmittal; the employee may be retained in duty status, on leave or suspended with or without pay at the discretion of the governing body. If the employee fails to respond to the advance notice, the proposed action of the governing body shall be effective on the date specified with no need for further action. Otherwise, the governing body shall carefully consider the appeal of the employee before making a final decision. (Ord. #0-94-01, June 1994)

4-120. Training. It will be the responsibility of the chief administrative officer to promote training of employees for the purpose of improving the quality of personnel service rendered to the city and to assist employees to equip themselves for advancement in the service. (Ord. #0-94-01, June 1994)

4-121. Retirement. The City of Blaine shall enroll its employees in the Social Security System of the United States and shall comply with all laws and regulations applicable thereto. (Ord. #0-94-01, June 1994)

4-122. Records and reports. Personnel records shall be public records and shall be open for public inspection during office hours and reasonable times in accordance with such procedures as may be prescribed. The chief administrative officer shall retain records necessary to the proper administration of the personnel system.

The chief administrative officer shall prescribe necessary forms and reports for all necessary personnel change actions. (Ord. #0-94-01, June 1994)

4-123. Amendment of personnel rules. Amendments or revisions to these Rules may be recommended for adoption by the chief administrative officer, or by the governing body of its own motion. Such amendments or
revisions of these rules shall become effective upon approval by ordinance of the governing body.

Should there be a conflict between this personnel chapter and the administrative rules of any department, the provisions of this chapter shall govern. (Ord. #0-94-01, June 1994)