

City of Fayetteville

Personnel Policy



Adopted March 14, 2017

CITY OF FAYETTEVILLE

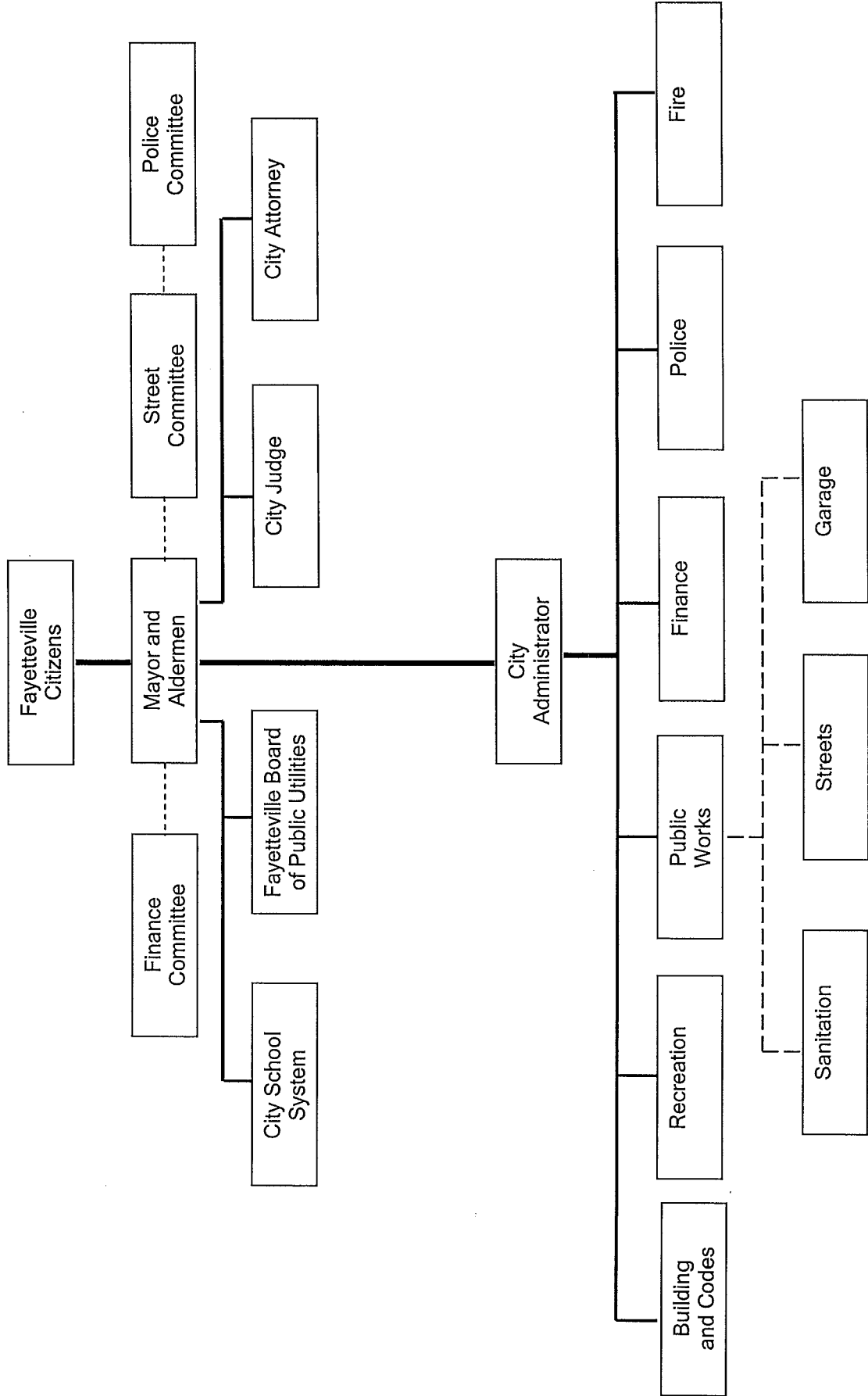
TABLE OF CONTENTS

ORGANIZATIONAL STRUCTURE	1
SECTION I - PERSONNEL POLICIES	2
A. Purpose and Objectives	2
B. Personnel Policy Statement	2
C. Coverage	4
D. Administration	4
SECTION II - DEFINITIONS	5
SECTION III - CLASSIFICATION PLAN	10
A. Purpose	10
B. Composition of the Classification Plan	10
C. Use of Class Titles	10
D. Use of Class Specifications	10
E. Use of the Classification Plan	10
F. Administration of the Classification Plan	11
G. Allocation of Positions	11
H. Request for Reclassification	11
SECTION IV - COMPENSATION PLAN	12
A. Purpose	12
B. Composition	12
C. Maintenance of the Pay Plan	12
D. Use of Salary Ranges	12
E. Pay for Part-Time Work	12
F. Hourly Rates	12
G. Merit Salary Increases	13
SECTION V - EMPLOYMENT	14
A. Applications	14
B. Recruitment by Examination	14
C. Types of Examinations	15
D. Notification & Inspection of Examination Results	15
E. Residency	15
F. Physical & Psychological Examinations	16
G. Minimum Age	16

H.	Types of Employees	17
I.	Appointments, Promotions, Demotions & Transfers	17
J.	Probational Period	19
K.	Performance Appraisal	20
L.	Moonlighting/Outside Employment	20
M.	Work Day/Work Week	20
N.	Attendance	20
O.	Overtime Pay	21
P.	Nepotism	21
SECTION VI - BENEFITS		22
A.	Legal Holidays	22
B.	Holiday Pay	22
C.	Annual Vacation With Pay	23
D.	Sick Leave	24
E.	Special Leave With or Without Pay	26
F.	Family & Medical Leave Act	26
G.	Military Leave	26
H.	Military Reserve Duty Leave	27
I.	Jury Service Leave	27
J.	Educational Leave	27
K.	Maternity Leave	27
L.	Death & Bereavement Leave	27
M.	Retirement System	28
N.	Hospitalization Insurance	28
O.	Life Insurance	28
P.	Occupational Disability	28
SECTION VII - SEPARATIONS & DISCIPLINARY ACTIONS		30
A.	Type of Separations	30
B.	Resignation	30
C.	Lay-Off	30
D.	Disability	30
E.	Retirement	31
F.	Death	31
G.	Disciplinary Action	31
H.	Oral Reprimand	31
I.	Written Reprimand	31
J.	Suspension	32
K.	Dismissal	32
L.	Grievance Procedures	32
M.	Appeals Process	33

SECTION VIII - MISCELLANEOUS POLICIES	34
A. Solicitation	34
B. Personal Telephone Calls	34
C. Narcotics & Intoxicating Liquors	34
D. Fighting, Horseplay, Damaging Municipal Government Property	34
E. Parking	34
F. Computer Use and Monitoring Guidelines	34
G. Cell Phone Policy	37
H. Lockers	39
I. Bulletin Boards	39
J. Lost and Found Articles	39
K. Trip Reimbursement	39
L. Use of City Vehicles and Equipment	40
M. Sexual Harassment	40
N. Political Activity	43
O. Personnel Records	45
P. Annual Longevity Bonus	45
SECTION IX - AMENDMENTS OF PERSONNEL RULES	47
A. Amendments	47
B. Severability	47
C. Special Note	47
SECTION X - ADDENDUMS	
A. Addendum 1 – Drug and Alcohol Testing Policy	
B. Addendum 2 – Travel Policy	
C. Addendum 3 – Vehicle Policy	

CITY OF FAYETTEVILLE ORGANIZATIONAL CHART



CITY OF FAYETTEVILLE

SECTION I - PERSONNEL POLICIES

A. PURPOSE AND OBJECTIVES

The purpose of these policies is to establish a high degree of understanding, cooperation, efficiency and unity among municipal government employees which comes from a systematic application of good procedure in personnel administration, and to provide uniform policies for all employees, with all the benefits such a program insures without regard to race, sex, age, national origin, creed and handicapping condition.

The fundamental objectives of good personnel administration to be achieved by these policies are:

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

B. PERSONNEL POLICY STATEMENT

It is the policy of the City of Fayetteville to apply and foster a sound program of personnel management.

The policies of the municipal government are as follows:

1. EMPLOYMENT AND PLACEMENT

- a. To fill all positions, without undue delay, in accordance with job qualifications and requirements without discriminations as to race, color, creed, national origin, handicap or political affiliation.
- b. To establish programs for the promotion, transfer, demotion, dismissal, and reassignment of personnel.

2. POSITION CLASSIFICATION AND PAY ADMINISTRATION

- a. To establish and maintain job descriptions for every position with the descriptions maintained on file with the City Administration and Department Head.
- b. To review position descriptions periodically and systematically with the employee to insure currency and accuracy.
- c. To establish appropriate position standards and to group positions in classes with similar standards.
- d. To conduct area wage and salary surveys periodically in order to provide competitive wage and salary scales.

3. EMPLOYEE RELATIONS AND SERVICES

- a. To develop a system of job performance standards and evaluation and inform each employee periodically and systematically of the status of his performance on his job.
- b. To establish rules and standards governing employee conduct both on and off the job.
- c. To administer a uniform leave program.
- d. To provide employee grievance procedures.
- e. To develop a handbook to inform employees of their responsibilities, rights and privileges.
- f. To provide and maintain a safe and healthful work environment.

4. EMPLOYEE DEVELOPMENT AND TRAINING

- a. To establish training standards and requirements for all positions.
- b. To motivate and stimulate employees to achieve their highest potential usefulness.

5. RECORDS

To establish and maintain comprehensive and uniform personnel records.

C. COVERAGE

These rules and regulations shall cover all employees in the city service unless specifically exempt by this document, the city charter and/or the ordinances of the municipality without regard to race, religion, national origin, political affiliation, sex, age or physical handicap.

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

1. All elected officials.
2. The City Administrator.
3. Members of appointed boards and commissions.
4. Consultants, advisers, and legal counsel rendering temporary professional service.
5. The City Attorney.
6. Independent contractors.
7. Persons employed by the municipality for not more than three (3) months during a fiscal year.
8. Part-time employees paid by the hour or the day and not considered regular.
9. Volunteer personnel appointed without compensation.
10. The City Judge.

D. ADMINISTRATION

These rules shall be administered by the City Administrator under the direction of the Board of Mayor and Aldermen and in conformity with the ordinance establishing a personnel system.

SECTION II - DEFINITIONS

(NOTE - THE USE OF DEFINITIONS IS A COMMON PRACTICE AMONG PERSONNEL PROFESSIONALS. THE LIMITATION, HOWEVER, IS THAT IT IS VIRTUALLY IMPOSSIBLE TO LIST AND DEFINE EVERY POSSIBLE TERM USED IN THE RULES AND REGULATIONS DOCUMENT.)

For the purposes of this manual, the following words and phrases shall have the meanings respectively ascribed to them by this chapter:

Actual Service - The time engaged in performance of the duties of a position or positions including absences with pay and authorized leave without pay.

Anniversary Date – The date in each year the employee was hired.

Allocation - The assignment of a position to its appropriate class in relation to the duties performed.

Annual Leave - Paid leave that is granted to each eligible employee for holiday leave, vacation or other personal uses.

Appeal - An application for review of a disciplinary action submitted or instituted by an employee to a higher authority.

Applicant - An individual who has completed and submitted an application for employment with the City.

Appointing Authority - The City Administration shall be responsible for the appointment of qualified applicants to regular full-time, regular part-time, temporary or emergency positions in the City. The City Administrator shall be the appointing authority for all Department Heads and certain other positions as specified in the Code and Charter for the City.

Appointment - The offer to and acceptance by a person of a position either on a regular or temporary basis.

Break In Service - Any separation from the service of the municipal government, whether by resignation, layoff, dismissal, unsatisfactory service, disability, retirement or **unauthorized absences without leave of three (3) days or more.** Authorized leaves of absence without pay shall not be considered as constituting a "break in service".

Chief Administrative Officer - The City Administrator is the chief administrative officer in enforcing the personnel regulations.

Class Code - An identifying number assigned to each job title in the classification plan.

Class Series - A number of classes of positions that are substantially similar as to the types of work involved and differ only in rank as determined by the importance of the duties and

degree of responsibility involved and the amount of training and experience required. Such classes constitute a series.

Class Specification - A written description of a class consisting of class title, a general statement of the level of work and of the distinguishing features of work, example of duties and desirable qualification for the class.

Classification - The act of grouping positions into classes with regard to: (1) duties and responsibilities; (2) educational requirements, knowledge, experience and ability; (3) test of fitness; and (4) ranges of pay.

Classification Plan - The official or approved system of grouping positions into appropriate classes consisting of: (1) an index to the class specification; (2) class specification; and (3) rules for administering the classification plan.

Compensation - The standard rates of pay that have been established for the prospective classes of work, as set forth in the compensation plan.

Compensation Plan - The official schedule of pay approved by the governing body assigning one or more rates of pay to each class title.

Compensatory Leave - Time off from work in lieu of monetary payment for overtime worked. FLSA requires that compensatory time off be provided at the rate of one and one-half the time actually worked.

Continuous Service - Employment without interruption, except for absences on approved leaves or absences to serve in the Armed Forces of the United States.

Demotion - Assignment of an employee from one class to another which has a lower maximum rate of pay and/or rank.

Department - The primary organizational unit under the immediate charge of a department head who reports directly to the City Administrator.

Department heads shall include the Police Chief, Fire Chief, Public Works Director, Parks and Recreation Director, Finance Director, IT Director, and Planning & Codes Director.

Disability Leave - Paid leave that may be granted to an eligible employee who is unable to pursue the duties of his position because of physical or mental impairment.

Disciplinary Action - Action which may be taken when an employee fails to follow the departmental rules and regulations or the personnel administration sections of these Rules. The types of disciplinary actions are oral reprimand, written reprimand, suspension, demotion and dismissal.

Dismissal - A type of disciplinary action resulting in the separation from employment from the municipal government for cause.

Eligible - A person who has successfully met requirements for a particular class.

Eligible List - A list of names of qualified applicants for appointment or promotion to municipal government positions.

Emergency Appointment - An appointment made when an emergency arises and time will not permit compliance with the personnel appointment procedures. No such emergency appointment shall continue for a period exceeding four months and no such emergency employee shall be entitled to any benefits.

Employee - (Synonymous with "incumbent") The person employed to perform the work of a position. An individual who is legally employed by the municipal government and is compensated through the municipal government payroll for services. Individuals or groups compensated on a fee basis are not included.

Evaluation Date - Evaluation date is July 1st. Except for employees who have not completed their probationary period. Probationary employees will be evaluated six (6) months after hire date. If probation period is not satisfactory after six (6) months of employment the employee will be evaluated again at twelve (12) months.

Examination - The process of testing, evaluating or investigating the fitness and qualifications of applicants and employees.

Exempt Service - The elected positions of Mayor and Aldermen and those individuals who serve at the pleasure of the elected officials who appointed them to their position, members of boards and commissions, persons employed as consultants or counsel rendering temporary professional services, and positions involving seasonal, temporary, emergency or voluntary employment or appointments.

Grievance - An employee's feeling of dissatisfaction; and differences or disagreements or disputes arising between an employee and his supervisor and/or other employee with some aspect of employment, application or interpretation of regulations and policies or some management decision affecting the employee. A grievance can be something real, alleged or a misunderstanding concerning the rules and regulations or administrative order involving the employee's health, safety, physical facilities, equipment or material used, employee evaluation, promotion, transfer, layoff, recall and any other related item.

Immediate Family - Includes spouse, mother or step-mother, father or step-father, children or step-children, sister or step-sister, brother or step-brother, grandparents, current mother-in-law, or current father-in-law, step-grandparents, grandparents-in-law, grandchildren, step-grandchildren, brothers-in-law and sisters-in-law. Immediate family shall also include other adults who had day-to-day responsibility for caring for the employee for a substantial portion of his or her childhood in place of his or her natural parents. Proof of these relationships may be required.

Job Description - A written explanation of one (1) position or several very similar positions which includes a title, definition of responsibilities, examples of duties and the minimum required qualifications.

Lay-Off - The involuntary non-disciplinary separation of an employee from a position for reasons 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.

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 by these rules.

Nepotism - Favoritism shown to relatives by reason of relationship rather than merit.

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 Worker's Compensation Law.

Overtime - Authorized (by prior approval of the Department Head or his designee) time worked by an employee in excess of normal working hours or work period. Generally, overtime is paid for all hours worked over forty (40) during the work week. Public safety employees are allowed to work additional hours before overtime pay is required. Employees may accumulate a maximum of forty-eight (48) hours as compensatory time. All hours over forty-eight (48) must be paid.

Overtime Pay - Compensation paid to an employee for overtime work performed in accordance with the Fair Labor Standards Act.

Pay Plan - The written chart which places every job description in a pay grade. Each pay grade consists of maximum, intermediate, and minimum levels of pay.

Pay Range - One (1) or more, but commonly seven to eight (7-8) specific pay rates having a percentage relationship to another, assigned to a class of positions as the compensation for that class.

Pay Rate - A specific dollar amount, expressed as either an annual rate, monthly rate, biweekly rate or hourly rate.

Position - A group of duties and responsibilities assigned to one (1) employee. A position can be vacant or occupied.

Probation 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.

Promotion - Assignment of an employee from one (1) class to another which has a higher rate of pay and/or rank.

Qualifications - The minimum educational, experience and personal requirements which must be fulfilled by a person prior to an appointment or promotion.

Reclassification - The process of reviewing the duties and responsibilities of an existing position or positions in order to revise the job description to which the position or positions are assigned; or moving a job description from one (1) pay grade to another pay grade.

Regular Full-Time Employee - An individual who works the equivalent of forty (40) hours or more per week.

Regular Part-time Employee - An employee appointed to fill a vacancy or a newly created position who works a minimum of twenty-four (24) hours each work week. The employee is not entitled to all benefits, but may receive a prorated share of the benefits. If the employee works less than twenty-four (24) hours, they will receive no benefits.

Reprimand - A type of disciplinary action, oral or written, denoting a violation of personnel or departmental regulations which becomes part of the employee's personnel record.

Separation - The removal of an individual from a position either through resignation, dismissal, layoff, disability, retirement or death.

Sick Leave - An absence approved by the department head or supervisor due to non-occupational illness or injury.

Supervisor - Any individual having authority on behalf of the City to assign, direct or discipline other employees, if the exercise of such authority is not a mere routine or clerical nature, but requires the use of independent judgment.

Suspension - An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

Temporary Employee - An employee holding a position other than full-time that is of a temporary, seasonal, casual, or emergency nature. Such appointments shall only be made by the Chief Administrative Officer for a period not to exceed one (1) year.

Transfer - The assignment of an employee from one (1) 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.

Work Day - The scheduled number of hours an employee is required to work per day.

SECTION III - CLASSIFICATION PLAN

A. 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.

B. COMPOSITION OF THE CLASSIFICATION PLAN

The classification plan shall consist of:

1. A grouping of classes of positions which are approximately equal in difficulty and responsibility, which call for the same general qualification, and which can be equitably compensated within the same range of pay under similar working conditions.
2. Class titles descriptive of the work of the class which identifies the class.
3. Written specifications for each class of positions.
4. Physical standards for performance of the duties of the position.

C. USE OF CLASS TITLES

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

D. 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.

E. USE OF THE CLASSIFICATION PLAN

The classification plan is to be used:

1. As a guide in recruiting and examining candidates for employment.
2. In determining lines of promotion and in developing employee training programs.
3. In determining salaries to be paid for various types of work.
4. In determining personal service items in departmental budgets.
5. In providing uniform job terminology and understandable by all municipal government officers and employees and by the general public.

F. ADMINISTRATION OF THE CLASSIFICATION PLAN

The City Administrator is charged with maintaining the classification plan of the municipal government so that it will reflect the duties performed by each employee in the service of the city and the class to which each position is allocated. It is the duty of the City Administrator to examine the nature of the classes of positions, 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.

G. 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 City Administrator shall investigate the actual or suggested duties and recommend to the Board of Mayor and Aldermen the appropriate class allocation or the establishment of a new class. The Board of Mayor and Aldermen shall then approve or change such recommendations.

H. REQUEST FOR RECLASSIFICATION

An employee who considers his/her position improperly classified shall first submit his/her request to the immediate supervisor who shall review the justification for the request. If the Department Head or supervisor finds that there is merit in the request, he/she shall immediately transmit his/her recommendation to the City Administrator. If the department head/supervisor finds the request is not justified, he/she shall advise the employee of his/her decision and also the employee's right to appeal the decision under the grievance procedures.

SECTION IV - COMPENSATION PLAN

A. PURPOSE

The pay plan is intended to provide fair compensation for all classes in the classification plan in consideration of ranges of pay for other classes, general rates of pay for similar employment in private establishments and other public jurisdictions in the area, cost of living data, the financial condition of the municipality, and other factors.

B. COMPOSITION

The pay plan for the City of Fayetteville shall consist of minimum and maximum rates of pay with intermediate steps for each existing pay grade (position classification).

C. MAINTENANCE OF THE PAY PLAN

The City Administrator will from time to time make comparative studies of all factors affecting the level of salary ranges and will recommend to the Board of Mayor and Aldermen such changes in salary ranges as appear to be in order. Such adjustments will be made by increasing or decreasing the salary ranges the appropriate number of steps as provided in the basic salary schedule, and the rate of pay for each employee will be adjusted an appropriate number of steps in conformity with the adjustment of the salary range for that class as approved by the Board of Mayor and Aldermen.

D. USE OF SALARY RANGES

Salary ranges are intended to furnish administrative flexibility in recognizing individual differences among positions allocated to the same class, and in providing incentives to employees.

The minimum rate established for a class is the normal hiring rate except in those cases where unusual circumstances (such as inability to fill the position at the hiring rate or exceptional qualifications of an applicant) appear to warrant employment of an individual at a higher rate in the pay range. Any department head desiring to appoint an applicant to start at a salary above the minimum must submit a written justification for approval. Such appointments shall be made only in exceptional cases as decided by the City Administrator.

E. PAY FOR PART-TIME WORK

When an employment decision is for a part-time position, only the proportioned part of the rate for the time actually employed will be paid.

F. HOURLY RATES

In accordance with FLSA, no employee whether full-time, part-time or probationary, shall be paid less than the Federal minimum wage unless they are expressly exempt from the

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minimum wage requirement by FLSA regulations. Employees paid on an hourly rate basis are paid for all time actually worked.

G. MERIT SALARY INCREASES

Merit salary increases may be granted when approved by the Board of Mayor and Alderman the 1st day of July until the employee reaches the maximum of his pay grade for the class in which he is employed. Merit increases shall be calculated from the evaluation date. Merit salary increases will be granted only in recognition of improved or superior performance as indicated by the employee evaluation system and by written recommendation of the employee's Department Head and approval of the Chief Administrative Officer.

SECTION V - EMPLOYMENT

A. APPLICATIONS

The City of Fayetteville shall make every effort to attract qualified applicants for various types of positions. In so doing the appointing authority shall prepare and publish a public notice of vacancies when they occur at an officially designated site in the City Hall, and such other sites as may be designated by the City Administrator, and also on the City of Fayetteville website.

All applications for employment are received at City Hall and given thorough consideration by the appropriate department head. The City of Fayetteville exercises a policy of fairness to every person who applies for work, and in cooperation with the supervisor involved, is responsible for the proper selection and placement of persons in various departments through the City.

Applicants may be removed from consideration if:

1. The applicant declines an appointment when offered.
2. The applicant cannot be located by the postal authorities. It shall be deemed impossible to so locate an applicant when a communications mailed at the last known address is returned unclaimed.
3. The applicant moves out of the area.
4. The applicant has an employment history of narcotics use or the excessive use of intoxicating liquors.
5. The applicant has not updated his/her application within the past six (6) months.
6. The applicant has made a false statement of material fact on the application.
7. The application was not filed within the period specified in the examination announcement or was not filed on the prescribed form.
8. The applicant does not possess the minimum qualifications as indicated by the classification plan.

B. RECRUITMENT BY EXAMINATION

All appointments in the municipal government service shall be made according to merit and fitness and may be subject to competitive examination. All such examinations 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.

C. TYPES OF EXAMINATIONS

The examinations held to establish eligibility and fitness for any class may consist of one or more of the following parts as determined by the Department Head:

1. Written Test – This part, when required, shall include a written demonstration designed to show the familiarity of applicants with the knowledge involved in the class of positions to which they seek appointment, their ability to use the English language, and the range of their general educational attainments.
2. Oral Test – This part, when required, shall include a personal interview where the ability to deal with others, to meet the public, and/or other personal qualifications are to be evaluated. An oral interview may also be used in examinations where a written test is unnecessary or impractical.
3. Performance Test – This test, when required, shall involve test of performance as would aid in determining the ability and manual skills of applicants to perform the work involved.
4. Physical Test – When required, this consists of tests of bodily conditioning, muscular strength, agility, and physical fitness of job applicants. This test may be given a weight in the examination process or may be used to exclude from further consideration applicants who do not meet the minimum required standards.
5. Mental Test – When required, the mental test shall include any test to determine mental alertness, general capacity of the applicant to adjust his/her thinking to new problems, or to ascertain special character traits and attitudes.

D. NOTIFICATION AND INSPECTION OF EXAMINATION RESULTS

Each person who takes an examination shall be notified by first class mail of his/her standing on the eligible list (if one is maintained) or of his/her passing or failing to obtain a passing score. Each person in an examination may inspect his/her rating and the examination papers within ten days of notification of the results. These inspections shall be permitted only during regular business hours and at the office of the City Administrator.

E. RESIDENCY

Department heads, with the approval of the City Administrator, are encouraged to hire suitable candidates for employment who are residents of the City of Fayetteville and/or Lincoln County when possible but shall have the discretion to hire individuals residing outside the City of Fayetteville and Lincoln County when the department head deems is necessary to do so to fill open positions with qualified candidates for employment. All department heads must live within Lincoln County.

F. PHYSICAL AND PSYCHOLOGICAL (AS NEEDED) EXAMINATIONS

Every prospective employee shall be given a physical examination by a licensed physician designated by the municipal government prior to the time he/she is hired, to determine if the applicant is physically and mentally capable of accomplishing duties required of the position.

The following provisions shall apply to physical examinations:

Initial Physical Examinations. After offering a position of employment to the applicant, the applicant shall be required to undergo a physical examination to determine their fitness to perform the work and essential functions of the position to which appointment is offered. All such applicants shall be required to obtain certification from the examining physician certifying that the person meets the minimum physical and mental standards for the essential functions required by the position. The examining physician shall be a licensed practicing medical doctor designated by the Personnel Official and confirmed by the City Administrator. The medical certificate shall be completed no later than the day prior to the first day the applicant is to begin employment duties. Any applicant rejected for not meeting the minimum fitness standards of physical and mental ability to perform the essential functions shall not be appointed to the classified service. The physical and psychological (as needed) examinations shall be at no expense to the applicant.

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/her department head to undergo a physical or mental examination to determine whether he/she is physically and/or mentally able to perform that 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 a no expense to the employee. The examination shall be accomplished by a licensed medical practitioner or practitioners as designated by the Personnel Official and confirmed by the City Administrator. Examiners may additionally include such professional practitioners as may be recommended by the initial examiner. The examination shall be sufficiently extensive to reasonably ascertain whether or not the employee is capable of performing the required duties.

G. MINIMUM AGE

The Fair Labor Standards Act requires that employees of State and local governments be at least sixteen (16) years of age for most non-farm jobs and at least eighteen (18) to work in non-farm jobs declared hazardous by the Secretary of Labor. Minors fourteen (14) and fifteen (15) years of age may work outside school hours under certain conditions.

H. TYPES OF EMPLOYEES

1. **Regular Full-Time Employee (per hour or per month)** – A regular full-time employee is a full-time employee paid an annual rate and who is subject to all conditions of employment and receiving all benefits. Regular employees, except Police and Fire, serve a six (6) month probation period; an additional probation period of up to six (6) months may be requested by the Department Head, with approval of the City Administrator, during which time they may be dismissed without recourse. Police and Fire serve a twelve (12) month probation period with an evaluation at six (6) months and completion of twelve (12) months of service. No employee may serve more than one (1) year on probation.
2. **Regular Part-Time Employee** – Regular part-time employees work part-time hours on a regular basis. Part-time employees are eligible for city benefits on a prorated basis according to the actual hours worked (except health and/or life insurance benefits). If the employee works less than twenty-four (24) hours, they will receive no benefits.
3. **Temporary Employee and/or Part-time Employee** – A temporary employee is an employee who works full-time but not exceeding twelve (12) months per term of employment and who is paid on a per day or per hour basis. Temporary employees are not subject to all the conditions of employment but shall be fully capable of performing the assigned duties but receiving no benefits except coverage under Worker's Compensation.
4. **Volunteer Firefighters** – Volunteer Firefighters are appointed by the Fire Chief when necessary. Volunteers are compensated per fire call with no other benefits except coverage under the Worker's Comp Policy.
5. **Police Reserve - Reserve Officers** are appointed by the Police Chief. Police Reserves have no other benefits except coverage under Worker's Comp Policy.

I. APPOINTMENTS, PROMOTIONS, DEMOTIONS AND TRANSFERS

The City Administrator has the authority to appoint, promote, demote, transfer, suspend, and remove all officers and employees of the City of Fayetteville.

All vacancies in the municipal government service shall be filled by original appointment, re-employment, promotional appointment, provisional appointment, transfer, or demotion. Whenever an appointing authority wishes to fill a vacancy, a request for appointment must be submitted to Department Head on the forms prescribed.

Appointments to positions with the municipal government fall into four (4) categories. They are:

1. **Original Appointment** – When a non-employee passes all the tests of employability and is offered employment.

2. Provisional Appointment – When the municipality is unable to fill a vacancy because of an insufficient number of applicants, the City Administrator may authorize the Department Head to fill the vacancy by a provisional appointment. Provisional appointments require the prior approval of the City Administrator and no payment shall be made for services rendered by the appointee prior to the appointment.
3. Emergency Appointments – The City Administrator may authorize the appointment of any qualified person to a position to prevent the stoppage of public business or loss or serious inconvenience to the public. Emergency appointments shall be limited to a period not to exceed four months (120 days) in any twelve (12) month period.
4. Student Appointments – Students, majoring in a field of value to the municipal government, from a qualified, cooperating educational institution, may be employed on an "internship" basis for a period not to exceed twelve (12) months.

A promotion is an assignment of employee from one (1) position to another which has a higher maximum rate of pay, rank and responsibility. Vacancies in positions above the lowest rank in any category in the classified service shall be filled as far as practical by the promotion of employees in the service. Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation.

When an employee in one (1) classification is promoted to a position in another classification and the employee's current rate of pay is less than the minimum rate for the new position, the employee's salary shall be raised to that minimum rate. When the employee's salary falls above the new minimum rate, a percentage increase as determined by the City Administrator shall be given.

When an employee desires to transfer from one (1) department to another, both department heads must be notified and approved by the City Administrator. The transfer of an employee from one position to another without significant change in level may be effective:

1. When the employee meets the qualification requirements for the new position.
2. If it is in the best interest of the municipal government.
3. If it meets the personal needs of the employee as consistent with the other requirements of this rule.

An employee who transfers from one (1) municipal government department to another will retain and carry forward all benefits earned or accrued or both as of the date of transfer. As a general rule lateral transfers require no increase in compensation.

A demotion is an assignment of an employee from one (1) position to another which has a lower maximum rate of pay, rank and responsibility. An employee may be demoted for any of the following reasons:

1. Because his/her position is being abolished and he/she would otherwise be laid off.
2. Because his/her position is being reclassified to a higher grade and the employee lacks the necessary skill to successfully perform the job.
3. Because there is a lack of work.
4. Because there is a lack of funds.
5. Because another employee, returning from authorized leave granted in accordance with the rules on leave, will occupy the position to which the employee is currently assigned.
6. Because the employee does not possess the necessary qualifications to render satisfactory service to the position he/she holds.
7. Because the employee voluntarily requests such a demotion and it is available.
8. Because the employee is inefficient or incompetent in his position as determined by his/her supervisor and approved by Department Head and City Administrator.
9. Because the employee is creating discord among fellow employees as determined by the Department Head and approved by the City Administrator.

When an employee in one classification is demoted to a position in a lower classification and the employee rate of pay is higher than the minimum rate for the new position, the employee's salary shall be reduced to the classification rate.

J. PROBATIONAL PERIOD

The probation or working test period, is an integral part of the examination process, and shall be utilized for the following:

1. Closely observing the employee's work.
2. Securing the most effective adjustment of a new or promoted employee to his/her position.
3. Rejecting any employee whose performance does not meet work standards.

The probation period for all regular appointments shall be for a period of six (6) months except Police and Fire shall serve a twelve (12) month probation period. Department heads may extend employee's initial period with notification to the employee and City Administrator. In no event may an initial period be extended beyond twelve (12) months.

During the probation period the City Administrator shall require the department head to report the observations of the employee's work and his/her judgment of the employee's willingness and ability to perform the duties assigned. During the probation period the supervisor will inform the employee when his/her performance is unsatisfactory and not meeting the initial test requirements.

A performance evaluation shall be completed at least ten (10) days prior to the expiration of an employee's probation period. At this time, the department head shall notify the City Administrator if the service of the employee has been satisfactory and whether he/she will continue to employ the individual.

K. PERFORMANCE APPRAISAL

Annually, each employee's performance will be appraised and reviewed by his/her immediate supervisor. The appraisal will be discussed with the employee so that he/she will know how he/she is progressing and what he/she may do to improve his/her performance. By this means, it is intended that each employee will have adequate opportunity to correct any weakness that may interfere with his/her progress. Employees may appeal the results of the evaluation in accordance with the Appeal Process contained in this document (Section 7, Subsection M).

L. MOONLIGHTING/OUTSIDE EMPLOYMENT

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

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

M. WORK DAY/WORK WEEK

Pursuant to the Fair Labor Standards Act, a work week is a regular recurring period of one hundred sixty-eight (168) hours consisting of seven consecutive twenty-four (24) hour periods. Schedules will vary in departments as necessary for the smooth operation of the City. A standard work week is scheduled between 7:00 A.M. on Saturday through 7:00 A.M. on the Saturday following.

N. ATTENDANCE

Punctual and regular attendance is necessary for the efficient operation of the city. Employees unavoidably late or absent from work due to illness or other cause, must notify their supervisor as early as possible, explaining the reason for the absence and, possible an anticipated return to work date. Failure to notify one's supervisor of absences may result in disciplinary

action. Department Heads may require employees to notify them by a certain time in order to provide notice to substituting employees.

O. OVERTIME PAY

When it becomes necessary for an employee to work overtime hours, regular employees, part-time employees and temporary employees shall be paid according to the prevailing salary schedule. Overtime work will be compensated in accordance with the provisions of the Fair Labor Standards Act at a rate of one-and-one half the employee's regular rate. Overtime work may also be paid with compensatory time at a rate of one-and-one half times the hours worked in accordance with the Fair Labor Standards Act. Overtime work must be authorized by the Department Head.

Employees may accumulate a maximum of forty-eight (48) hours as compensatory time. All hours over forty-eight (48) must be paid. Abuse of overtime or compensatory time shall be grounds for dismissal.

Fire Department personnel working on a fluctuating schedule are compensated with time. Overtime is compensated at one-half time unless double-half time applies under the following conditions:

The Fire Chief asks a fireman to work due to a shortage of regular duty personnel caused by the following:

1. Taking sick leave or bereavement as allowed by City Personnel Policy.
2. Other officers attending an approved fire school.
3. Vacation as approved by the Chief.

In all other cases, standard fluctuating rules shall apply.

P. NEPOTISM

No person shall be appointed or serve in a position over which a member of his immediate family as a city employee or city official has direct supervisory authority or may affect his or her job performance, job evaluation, or status in any way.

SECTION VI - BENEFITS

A. LEGAL HOLIDAYS

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

New Year's Day	January 1 st
Martin Luther King Day	Third Monday in January
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November & Day After
Christmas Day	December 25 th + "float day"
Employee Birthday	

When a legal holiday falls on Saturday, offices will be closed the preceding Friday. When a holiday falls on Sunday, the following Monday shall be observed.

Employees' birthday leave shall not interfere with the operation of each department. Each employee shall schedule their birthday holiday with their department head. Should a conflict arise, employee shall be granted an equivalent eight (8) hours time off on another day. Employees will not be granted additional monetary pay for this holiday. The Birthday Holiday must be taken within six (6) months following the date earned.

All permanent employees who have been continuously employed for a period of one (1) year or longer shall be eligible for this holiday on or after their birth date.

No Loss Day – Employees with no loss time work from December 1 through November 30 of each year shall receive a day off with pay to be scheduled with the approval of their department head to not interfere with the operation of each department. The no loss work day holiday must be taken within six (6) months following the date earned. Employees who have not completed a six (6) months of service by December 1 of the current year shall earn the no loss work day holiday based on a prorated amount based on months of completion for the year.

Regular part-time employees receive these holidays only when the holiday (or day holiday is observed) falls on their regularly scheduled work day.

B. HOLIDAY PAY

All holiday pay, except firemen, will be computed on the basis of a regular work day and only those employees normally scheduled on a rotating shift will be eligible for such pay. Eligible employees will be compensated at a double time rate of pay for time worked. All others will receive compensatory time equal to the time worked if called upon to work on a legal holiday, unless pay is authorized. Employees eligible for holiday pay must be in a pay status for

his/her entire or full shift scheduled before a holiday and his/her entire or full regularly scheduled shift after a holiday in order to receive compensation for the holiday.

Fire Department personnel are compensated on eight (8) hours maximum.

C. ANNUAL VACATION WITH PAY

Vacation will be granted to regular employees but may not be taken until the employee has completed probation period. Vacation leave is to be taken following the period of time in which it is earned and up to four (4) weeks of vacation may be carried forward into the following year. For vacation purposes, time is earned beginning with the date of regular employment to the anniversary date each year.

An employee may assign or transfer one (1) day (8 hours) of his/her vacation time to another city employee (donate) who is ill. Only one (1) day may be transferred to the same employee in a "rolling" calendar year. A donor may assign or transfer one (1) day of vacation to multiple employees. However, once the leave is transferred, it becomes sick leave as provided by Section VI D Sick Leave, in the City's Personnel Policy and may not be used for any other purpose.

Vacation time will be calculated according to the following schedule:

Completion of probation	1 week or 40 hours
2-4 years	2 weeks or 80 hours
5-15 years	3 weeks or 120 hours
15+ years	4 weeks or 160 hours

Fire department employees on a 24 hour shift with 48 hours off will earn three (3) shift days for one week.

For leave purposes the service an individual has to his/her credit includes all time spent as a regular full-time or regular part-time employee of the municipality.

Vacations will be scheduled in advance for the mutual convenience of the employee and the City Government so proper adjustments can be made in the work schedules. Department heads preparing vacation schedules will give choice of dates based on seniority of the personnel in his/her department and no employee may begin his/her annual leave until his/her request has been approved by the department head.

An employee who is separated from the employment of the City shall be paid for his/her unused vacation leave on a regular pay period basis. The termination date shall coincide with last date of pay. In no event will an employee who has not completed probationary period receive terminal vacation pay.

Legal holidays falling within a vacation period are not to be counted as vacation days.

There shall be no pay in lieu of vacation, except current earned vacation credit may be sold back to the City by the employee prior to the employee's anniversary at one-half (1/2) credit. No less than one (1) day may be sold nor can an employee sell days more than twice a year. The employee must notify his/her Department Head or Personnel Clerk of their election to sell vacation prior to their anniversary date. When an employee is on "leave without pay" for fifteen (15) days during any calendar month no annual leave accumulates. Employees may not borrow against future annual vacation nor transfer earned leave to another employee, *except as provided*.

Service in the Tennessee National Guard, State Militia Military Reserves may be charged as annual vacation at the option of the employee. Employees electing to coincide vacation time with military leave shall receive full pay for amount of specified vacation leave.

D. SICK LEAVE

Each regular employee will accrue sick leave at the rate of eight (8) hours per month, except Fire Department, with an unlimited accumulation rate. Sick leave benefits will commence on the first day of such absence and shall continue for as long as sick leave credit remains.

Fire Department shall accrue sick leave at the rate of sixteen (16) hours per month for each month of service with an unlimited accumulation.

No payment will be made for accrued sick leave upon separation from the City, except those employees meeting the conditions set forth in the "Pension Retirement Plan Regulations".

Generally, employees become eligible to use sick leave when:

1. Employees are incapacitated by sickness or non-job related injury or for medical, dental or optical diagnosis and treatment.
2. For necessary care and attendance of a member of the employee's household or the following immediate family members:

Father	Mother
Brother	Sister
Son	Daughter
Father-in-law	Mother-in-law
Grandfather	Grandmother
Legal Foster Parents & Children	

3. Additionally, employees may take sick time for the necessary care and attendance of other adults who had day-today responsibility for caring for the employee for a substantial portion of his or her childhood in place of his or her natural parents.

Employees must provide notification to department head and receive approval and doctor's note stating care is required for any individual classified as an immediate

family member or caregiver of the during the employee's childhood as defined in above.

4. After exposure to a contagious disease, when certified by a qualified doctor's certificate, that the employee may jeopardize the health of others.

To prevent abuse of the sick leave privilege, department heads are required to satisfy themselves that the employee is genuinely ill before paying sick leave. Any absence may require a doctor's certificate, any absence in excess of three (3) work days may also require a doctor's certificate to return to work (if, in the opinion of the immediate supervisor, such action is deemed appropriate).

Each day deducted from an employee's sick leave accumulation shall be for a regular work day and shall not include holidays and scheduled off days. Employees claiming sick leave while on annual leave must support their claim by a doctor's statement. When an employee is on "leave without pay" for fifteen (15) days during any calendar month no sick leave accumulates.

Eight (8) hours absence from work while sick will constitute a charge of one (1) day of sick leave for all employees except members of the Fire Department, Police Department, Emergency Communication Department and Sanitation Department. Firefighters working twenty-four (24) hours on and forty-eight (48) hours off will be charged twenty-four (24) hours of sick leave for each work shift they are absent from work due to illness, and Sanitation Workers who are charged ten (10) hours. Police and Communication Operators working twelve hour (12) hour shifts will be charged twelve (12) hours of sick time for each work shift they are absent from work due to illness.

After an employee has used all their accrued sick leave, he/she may be placed on special leave without pay or he/she may be terminated. Should he/she be able later to return to work, upon presentation of certification by a doctor, he/she shall be given preference for employment to a position for which he/she is qualified with the approval of the Department Head.

Employees may not borrow against future sick leave. An employee, upon exhausting all earned sick leave may use earned annual leave or take leave without pay. An employee may transfer eight hours of sick leave to another employee.

Claiming sick leave when physically fit shall be grounds for dismissal.

An employee, at the time of retirement, may use one-half (1/2) of accrued sick leave for early retirement or receive full service credit as allowed by TCRS. An employee using one-half (1/2) of accrued sick time must be eligible by completing twenty (20) consecutive years of service with the City or completing ten (10) years of consecutive years of service with the City and obtaining age sixty(60) years old.

Perfect Attendance – It shall be the policy of the City to award a \$100.00 bonus to employees who have not been absent due to sickness or related reason during the year (December 1 - November 30). This bonus shall be added to the annual Christmas bonus given employees by the Board of Mayor and Aldermen. Any compensation time earned may be used

in place of taking sick leave. In such cases, all compensation time for sick leave must be approved by the City Administrator.

E. SPECIAL LEAVE WITH OR WITHOUT PAY

Special leave is defined as time off from regular work which can be granted with or without pay at the discretion of the employee's Department Head. Such leave with pay may be used for such occasions as jury duty, military leave, death or natural catastrophe in an employee's family requiring the employee's presence, and time granted for attendance at job related professional meetings.

Special leave without pay may be granted for a period not to exceed ninety (90) days for good and sufficient reasons which are considered controllable. Such leave shall require the prior approval of the Department Head. An employee on special leave without pay shall not accrue sick leave or vacation credit while on leave status. Health insurance may be continued at the conclusion of the FMLA requirements, provided it is at the employee's expense with premiums paid in advance.

This provision shall not be construed to eliminate other possible needs for special leave; however, this leave will not be chargeable to either sick leave or vacation leave. Every application for special leave must be accompanied by a complete explanation of the reason for absence. Routine use of leave without pay status can result in termination.

F. FAMILY AND MEDICAL LEAVE ACT

Employees are entitled to a total of twelve (12) weeks of leave during a twelve (12) months period commencing with the first day of leave period for birth of a child, placement of a child for adoption or foster care, serious health condition of employees that makes him/her unable to perform the essential functions of their job, serious health condition of a spouse, son, daughter or parent.

Accrued vacation leave or sick leave with pay (if the condition qualifies for sick leave) shall be used prior to any unpaid leave. Vacation and sick leave time is countable toward the twelve (12) weeks leave.

A thirty (30) day notice is required for foreseeable occurrences.

G. MILITARY LEAVE

Any regular employee who has completed six (6) months of satisfactory employment, and who enters the Armed Forces of the United States will be placed on military leave. The official shall approve military leave without pay when the employee presents his/her official orders. The employee must apply for reinstatement within ninety (90) days after release from active military duty.

The employee will be reinstated to a position in the current classification plan at least equivalent to his/her former position. His/her salary will be the salary provided under the

position classification and compensation plan prevailing at the time of reinstatement or reemployment for the position to which he/she is assigned.

If no position is available at the time of the employee's return, the employee will be reinstated into the first available position. No current full-time employee will be terminated or laid-off to allow for the reinstatement.

H. MILITARY RESERVE DUTY LEAVE

Any regular employee who is a member of the United States Army Reserve, Navy Reserve, Air Force Reserve, or any of the Armed Forces of the United States, will be granted military leave for any field training or active duty required (excluding extended active duty). Such leave will be granted upon presentation of the employee's official order to his/her jurisdictional official. Compensation for such leave will be paid pursuant to TCA, Section 8-33-109. It will be the responsibility of the employee to arrange with the department supervisor to attend monthly meetings or with the department supervisor to attend monthly meetings or training other than regular off-time with pay being applicable to twenty (20) working days during any one (1) calendar year.

I. JURY SERVICE LEAVE

Employees selected for jury service shall be excused from their assigned duties for the actual duration of the jury duty. In the event of release from jury duty during the employee's normal working hours, he/she shall be expected to return to his/her department. An employee will receive full pay from the city during jury service.

J. EDUCATIONAL LEAVE

An educational leave of absence with or without pay may be granted to an employee not to exceed twelve (12) months. This leave must be approved by the Department Head. Request shall be submitted in writing, stating reason for the request, the date the requested leave will begin, and the probable date of return.

K. MATERNITY LEAVE

A female employee, who has been employed full-time for at least one (1) year with the city of Fayetteville and who gives at least three (3) months advance notice of her anticipated date of departure, length of maternity leave and intentions to return to full-employment, may be granted maternity leave for a period not to exceed twelve (12) weeks for the purpose of pregnancy, childbirth, and the nursing of an infant. Sick leave may be granted for maternity purposes; otherwise, the employee will be granted a leave of absence without pay.

An employee desiring maternity leave shall notify her Department Head so a temporary replacement may be secured. Return to duty must be accompanied by a release statement from the employee's attending physician.

L. DEATH AND BEREAVEMENT LEAVE

Death - Upon the death of a full-time regular employee, his/her beneficiary shall receive his/her next due payroll check, plus vacation and one-half of accrued sick leave. Further, his/her beneficiary shall be given complete assistance by the City office in settling pension, life and hospital insurance benefits.

Bereavement - Immediate Family (see page 7 of definitions). An employee may be absent and continue to be paid for death in the immediate family. Bereavement time off is charged to the employee's sick leave or annual leave allowance after the first three (3) days with pay (3 8-hour days). Bereavement leave, however, shall not prevent an employee from receiving perfect attendance pay.

M. RETIREMENT SYSTEM

Employees of the City of Fayetteville will be eligible for retirement benefits under the Tennessee Consolidated Retirement System/Social Security/other, if available.

N. HOSPITALIZATION INSURANCE

Employees of the City of Fayetteville are covered under the plan provided by the City. Rules are set by the Administrator of the plan.

O. LIFE INSURANCE

Municipal government employees are covered under the plan provided by the City. Rules are set by the Administrator of the plan.

P. OCCUPATIONAL DISABILITY

All injuries arising out of and in the course of one's employment shall be governed by the Tennessee Worker's Compensation Law. Employees on occupational disability leave shall receive full pay from the City, provided they have accrued sick leave to make up the difference between Worker's compensation and the employee's full pay.

Any monies received as a benefit under Worker's Compensation. These monies may be given directly to the employee or deposited with the City by the employee depending on which procedure is appropriate. The total amount of monies paid the employee each pay period shall not exceed the full pay the employee would have received for the period at his/her regular straight-time pay rate in effect as of the date of the injury.

Employees on occupational disability leave due to an on-the- job injury will be charged the difference between Worker's Compensation, sick leave, or vacation leave, together which equals his/her regular pay during the period of convalescence. Sick leave or vacation will be charged accordingly. The employee shall continue to accrue sick leave and vacation leave at the employee's regular rate while he/she is on occupational disability or injury leave.

Employees shall report immediately any injury incurred in the course of their employment, however minor, to their supervisor or Department Head and take such first aid or

medical treatment as may be necessary. Any employee determined to have been able, but who fails, to make such a report shall not be eligible for occupational disability or injury leave.

When an employee is injured on the job, the supervisor or Department Head shall immediately notify the designated OSHA Officer who shall submit an accident report to the City Administrator and retain a copy in the OSHA file. Where an accident causes serious bodily injury or death to an employee, the supervisor shall immediately notify the Department Head.

Any employee with lost work time exceeding twenty-four (24) hours due to on-the-job injury, must appear before the City's Worker's Compensation Evaluation Committee. Circumstances of the injury and methods of prevention will be discussed. Barring a medical conflict, the employee will make himself available at the scheduled Committee hearing. Failure to appear may subject the employee to separation.

In the cases where occupational disability to an employee occurs and the employee has been reported as occupationally disabled for a period of thirty (30) calendar days, the department head shall review the progress of the case and make recommendations to the City Administrator as they deem advisable.

Occupational disability leave shall not be extended beyond six (6) months unless authorized by the City Administrator. Extensions shall not be extended for any period in excess of three (3) months at any one (1) time and shall not exceed a total of twelve (12) months from the day following the injury.

In all cases of occupational disability the responsibility of determining the character, degree and potential duration of any injury shall rest with the licensed, practicing medical doctor(s) designated by the City. The medical doctor(s) may make periodic examinations, progress reports and recommendations as deemed necessary by the Board of Mayor and Aldermen.

Before an employee is returned to full duty, the employee must demonstrate his fitness for duty by passing the performance test administered by the City's assigned representatives. The test measures an employee's ability to perform routine tasks using those skills required for the position. Should any employee be unable to return to work within twelve (12) months from the day following the date of injury, the employee may be subject to separation.

Employees with no loss day work from December 1 through November 30 of each year shall receive a day off with pay to be scheduled with the approval of their department head to not interfere with the operation of each department.

1. The no loss work day holiday must be taken within six (6) months following the date earned.

SECTION VII - SEPARATIONS AND DISCIPLINARY ACTIONS

A. TYPE OF SEPARATIONS

All separations of employees from positions with the municipal government shall be designated as one (1) of the following types and shall be accomplished in the manner indicated: resignations, lay-offs, disability, death, retirement, and dismissal. At the time of separation and prior to final payment, all records, assets, and other items of city property in the employee's custody must be transferred to the department. Any amount due because of shortages shall be withheld from the employee's final compensation.

B. RESIGNATION

In the event an employee decides to leave the municipal government's employ, a minimum of one (1) week notice shall be given to his/her supervisor so that arrangements for a replacement can be made. In such a case, employees will be expected to return any/or all municipal government equipment assigned. An unauthorized absence from work for a period of three (3) consecutive working days may be considered by the department head as resignation.

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

C. LAY-OFF

The Department Head, upon approval from the City Administrator may lay-off an employee in the municipal government 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 service of the employee.

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

D. DISABILITY

An employee may be separated for disability when he/she cannot perform required duties because of physical or mental impairment. Action may be initiated by the employee or the municipality, but in all cases it must be supported by medical evidence acceptable to the City Attorney. The municipal government may require an examination or physical agility test at its expense and performed by a licensed physician or exercise physiologist of its choice.

E. RETIREMENT

Whenever an employee meets the conditions set forth in the retirement system's regulations, he/she may elect to retire and receive all benefits earned under the appropriate retirement system. (See SECTION VI - D. SICK LEAVE for accrued credits).

F. DEATH

Separation shall be effective as of the date of death of an employee. All compensation due in accordance with these rules shall be paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse. (Also See SECTION VI - L. DEATH).

G. DISCIPLINARY ACTION

Whenever an employee's 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. The types of disciplinary actions are:

1. Oral Reprimand.
2. Written Reprimand.
3. Suspension.
4. Dismissal.

H. ORAL REPRIMAND

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. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary actions.

I. WRITTEN REPRIMAND

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.

J. SUSPENSION

An employee may be suspended with or without pay by his/her department head with the approval of the City Administrator, not to exceed a total of thirty (30) days in any twelve (12) months period.

Pursuant to the Appeals Procedures, a written statement of the reason for suspension shall be submitted to the employee affected within 24 hours of the effective date of suspension. Employees may be suspended with pay for a longer period pending an investigation or hearing of any charges against them. An employee determined to be innocent of the charges shall be returned to duty with full pay for the period of suspension.

K. DISMISSAL

Department Heads, with the approval of the City Administrator, may dismiss an employee. Reasons for dismissal may include, but shall not be limited to: misconduct, negligence, incompetence, inefficiency, incapacity for non-performance of essential function of his/her job, insubordination, willfully creating discord within the department, unauthorized absences or abuse of leave privileges, abuse of overtime, falsification of records, conviction of a criminal offense, being under the influence of a non-prescribed drug, narcotic or alcohol while on duty, violation of any of the provisions of the Charter, ordinances, or these rules.

Pursuant to the Appeals Procedure, the employee shall be provided an advance written notice of the nature of the proposed action, the reasons therefore, the evidence supporting such action and the right to appeal the charges to the City Administrator. This notice shall be furnished to the affected employee at least seven (7) calendar days prior to the effective date of the action indicated. During this period, the employee may be retained on duty status, placed on leave, with or without pay, or suspended with or without pay at the discretion of the City Administrator. If the employee fails to respond to the hearing notice, the proposed action shall be effective on the date specified with no need for further action.

If the employee requests a hearing on the proposed action, the City Administrator shall promptly set a date and time for the hearing and shall carefully consider all evidence presented before making a decision.

L. GRIEVANCE PROCEDURES

A grievance is defined as an employee's feeling of dissatisfaction; any difference or disagreements or disputes arising between an employee and his supervisor and/or employer with some aspect of his employment, application or interpretation of regulations and policies, or some management decision affecting him. A grievance can be something real, alleged, or a misunderstanding concerning rules and regulations or an administrative order involving the employee's health, safety, physical facilities, equipment or material used, employee evaluation, promotion, transfer, layoff, recall and any other related items.

Employee(s) who have a complaint or grievance may discuss the grievance with their immediate supervisor, a higher-level supervisor, and/or the department head. Every employee

may present a complaint or grievance under the provisions of the grievance procedures free from fear, interference, restraint, discrimination, coercion, or reprisal.

Steps of the grievance procedure are as follows:

Step 1 - The employee makes an oral or written presentation of the complaint or grievance to the immediate supervisor. It shall be the supervisor's responsibility to promptly consider and take action. The supervisor shall inform the employee of the decision and any action taken shall be taken within seventy-two (72) hours if appropriate and if the supervisor has the authority. The supervisor shall prepare a written report of the complaint or grievance and provide a copy of it to the department head. Any supervisor in the chain of command shall attach his/her recommendation regarding the unresolved complaint or grievance if it proceeds to a higher level. No supervisor may hold a complaint longer than seventy-two (72) hours without forwarding it to the next supervisory level.

Step 2 - If the grievance cannot be resolved on an informal basis between the employee and supervisor, the employee may proceed to the second procedural step. Before proceeding, an employee must place the complaint or grievance to writing and request that the written statement be delivered to the department head. If an employee wishes a hearing, the department head will accommodate the employee. Upon hearing the grievance the department head must provide a written response to the employee and the immediate supervisor within three (3) days of the hearing (seventy-two (72) hours.)

Step 3 - If the grievance is not resolved with the department head, or if the grievance is against the department head or supervisor, the employee may request in writing a hearing with the City Administrator. The City Administrator shall have ten (10) calendar days to schedule the hearing after which, the City Administrator shall provide a written response to the employee with copies to the department head and immediate supervisor. Every attempt will be made to resolve the employee's grievance.

M. APPEALS PROCESS

Any City employee reprimanded, suspended, or dismissed may, by submitting a written request to the City Administrator, have the action reviewed. An employee must submit the request for an appeal within seven (7) calendar days of receipt of notification of the disciplinary action and must also state his/her intent to have representation and name the representatives. The City Administrator shall schedule a hearing within ten (10) days of the receipt of the employee's request for appeal. The action of the City Administrator shall be final and binding on all parties involved unless appealed to Chancery Court by the employee.

SECTION VIII - MISCELLANEOUS POLICIES

A. SOLICITATION

The City believes that its employees should not be exposed to frequent solicitations for charitable purposes; therefore, solicitation shall be limited to as few visits as necessary during the course of the year.

B. PERSONAL TELEPHONE CALLS

The use of office and cellular telephones for personal local and/or long distant calls, except in emergency cases, is discouraged.

C. NARCOTICS AND INTOXICATING LIQUORS

*Please refer to the "Drug and Alcohol Testing Policy", adopted October 3, 1995; see Addendum 1.

D. FIGHTING, HORSEPLAY, DAMAGING MUNICIPAL GOVERNMENT PROPERTY

Fighting, horseplay, and intentionally defacing or damaging city property is not permitted. Employees engaging in these activities will be subject to disciplinary action which could include discharge.

E. PARKING

Parking is generally provided for municipal government employees. Employees working in congested areas, where parking is scarce, should try to pool their transportation. The municipality does not assume responsibility for loss of damage at any time to employees' vehicles or their contents.

F. COMPUTER USE AND MONITORING GUIDELINES

Information Technology Department (IT) is committed to supporting staff as they enhance their administrative duties with new technology. In order to ensure that individuals and departments avoid some common problems in utilizing software and gain the most benefit, IT has established guidelines that departments shall follow while using the internet and before they purchase or install software. The Guidelines shall be used whether the software will be used locally on any computer or on the City of Fayetteville networks.

The Internet represents a value-added working tool that offers great benefits to its users and to the City. Unfortunately, Internet access can also divert attention from productive work practices and heighten security risks. Inappropriate use of Internet resources can also increase the City's exposure to liability and render the City network more vulnerable to hackers, virus infections, and other dangers. It is every employee's duty to use the City's technology resources and communication devices responsibly, professionally, ethically and lawfully. This policy is

not intended to, and does not grant users any contractual rights. The term "Computer Resources" refers to the City's computers, electronic equipment, and its entire computer network.

1. COMPUTER USE POLICY OVERVIEW

The Computer Resources are the property of the City of Fayetteville and shall be used for legitimate business purposes. While personal use of City computer resources, including Internet and electronic mail is not forbidden; it is discouraged during working hours. Personal use shall be minimal and shall not interfere with the performance of job duties and responsibilities. Users are permitted access to the Computer Resources to assist them in performing their jobs. Use of the Computer Resources is a privilege that may be restricted or revoked at any time. All information contained in the Computer Resources and all documents generated there from are for the exclusive use of the City of Fayetteville in connection with the conduct of its business and are the sole property of the City. Under no circumstances shall employees be permitted to use City equipment and Internet access for illegal activities, profit-making ventures or political endeavors. Departments shall also prohibit use of City resources for playing games against opponents over the Internet. The Information and Technology Management department of the City, if requested, can assist departments in monitoring employee use of Internet resources with tracking software.

2. CITY PROPERTY

All Internet transmissions sent from or received through City computers are considered City property. City and departmental management reserve the right to examine, at any time and without prior notice, all directories, downloaded text, image, audio and video files, and other information (business-related or personnel) stored on data disks, computers, and/or other media.

3. WAIVER OF PRIVACY RIGHTS

Users expressly waive any right of privacy in anything they create, store, send or receive using the Computer Resources. Users consent to allow the City to access and review all materials users create, store, send or receive using the Computer Resources.

4. INAPPROPRIATE OR UNLAWFUL MATERIAL

Material that is, or could reasonably be regarded as derogatory or discriminatory on the basis of race, sex, religion, national origin, age, or disability, or is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful, **may not** be viewed on the internet, sent, by e-mail or other forms of electronic communication (such as bulletin board systems, news groups and chat groups) or displayed on or stored in the Computer Resources. Any such material

received by electronic transmission from a source outside of the City shall be deleted immediately.

No emails shall be forwarded or printed that contain inappropriate or unlawful material.

5. CONSULT IT BEFORE SOFTWARE IS PURCHASED

To ensure compatibility, engage IT early in the process of acquiring new technology for use on City of Fayetteville systems and equipment. The IT Department will be involved in the evaluation and also begin the process of determining if the software will be compatible with the City system. All software shall be approved by the IT department prior to installation.

6. MISUSE OF SOFTWARE

Without prior authorization and proper licensing, users may not do any of the following:

- a. Copy software for use on their home computers;
- b. Provide copies of software to any third person;
- c. Install software or hardware on any Computer Resources;
- d. Download any software from the Internet or other online service to any Computer Resources;
- e. Modify, revise, transform, recast or adapt any software on any Computer Resource.

7. SOCIAL NETWORKING

Under the regulation of the IT Director and the City Administrator, the use of social media will be permitted for the promotion of the City of Fayetteville and the Departments. Use of social media will be limited to those employees designated by the Department Director's with the approval of the City Administrator.

8. COMPLIANCE WITH LAWS AND LICENSES

In their use of Computer Resources, users must comply with all software licenses and copyrights and all State, Federal and International laws governing intellectual property and online activities.

9. COMMUNICATION OF TRADE SECRETS

Unless expressly authorized by the City, sending, transmitting or otherwise disseminating proprietary data, trade secrets or other confidential information of the City is strictly prohibited.

10. USE OF ENCRYPTION SOFTWARE

Users may not install or use encryption software on any computers without first obtaining written permission from the City.

11. MONITORING USAGE

The City has the right, but not the duty, to monitor any and all aspects of the Computer Resources, including monitoring sites visited by employees on the Internet, monitoring chat groups and news-groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by others.

12. PUBLIC RECORDS/INTERNET/EMAIL

All employee correspondence in the form of electronic mail may be considered a public record and may be subject to public inspection under the Tennessee Public Records Law and the City's E-mail Policy. Email and Internet access is provided by the City of Fayetteville, and is the property of the City. Email or Internet surfing for personal use shall be done before or after work hours, or during lunch periods. Email and Internet access is for City business purposes. However, the City does reserve the right to monitor email on any computer that utilizes the City network on public property under the following conditions:

- a. Suspicion of any unlawful act or violation of any City policy
- b. Investigation of an employee's conduct
- c. Excessive use of internet as determined by Department Head.
- d. Random inspection.

The City of Fayetteville must abide by Tennessee Public Records Law (TCA 10-7-503); email is a public record and subject to inspection

G. CELL PHONE POLICY

Cellular telephones, smart phones, to conduct City business may be obtained through the Purchasing Clerk. The best price for the City is the objective. Only certain personnel are authorized to have a city phone – Mayor, City Administrator, Department Heads, Department Directors, Superintendents, Police Officers (SGT's and above), Detectives and Code Department.

1. All service and equipment must be procured in a manner described below:

- a. The City is responsible for establishing a process for providing equipment and technology allowances.
- b. Wireless communication device usage is subject to audit.
- c. Departments are responsible for ensuring that all cell phone users have read and understand this policy and the City's ACCEPTABLE USE OF INFORMATION TECHNOLOGY POLICY which apply not only to City's devices but also to personal devices used to store, process or transmit City information or that are otherwise connected to City's information exchange network.
- d. Confidential or sensitive City information shall not be stored on personal wireless devices, unless password protected. Also, while using these devices employees shall exercise caution if discussing sensitive information, such as City information considered confidential or proprietary.
- e. Employees shall not use wireless devices where prohibited by law, regulation, or by the management of a facility (e.g. driving in states where prohibited, in medical facilities, or in airplanes.)
- f. Violations of this policy may result in disciplinary action up to and including termination of employment. See separate POLICY and PERSONNEL POLICY for more information on disciplinary action.
- g. Under the Tennessee Public Records Act, any record made or received in connection with the transaction of City business is a public record, unless confidential under federal or state law, regardless of whether the record was made or received on or through City provided resources or personal resources. Public records are subject to inspection by any citizens of Tennessee, including a representative of the media. Billing records or any other record of communications (such as e-mails) made or received on a City provided or personal wireless device in connection with the transaction of City business are subject to inspection unless confidential under federal or state law.
- h. Employees shall never loan their City wireless equipment to anyone other than another employee. Employees remain responsible for all use of their wireless device.
- i. Employees are responsible for coordinating the repair of City wireless device through Purchasing Clerk and shall immediately report any theft or loss of the City's phone.
- j. Upon separation from the City of Fayetteville, employees must return the City's wireless devices to their department. When phone is returned and/or reassigned, the Purchasing Clerk must be notified.
- k. In the event of a disaster or emergency affecting the City of Fayetteville, the

City's wireless devices may be retrieved and redistributed to predefined areas.

1. If the wireless phone is provided by the City, under Internal Revenue Service regulations, personnel use on City owned phone represents taxable income and will be reported on the Wages and Tax Statement (W-2). The amount of these taxes will be determined yearly by the Financial Director.
2. Technology Allowance
 - a. An employee may obtain a technology allowance to offset the business use of personal wireless devices. The allowance will be paid once a month to the employee as a stipend. The employee is then responsible for purchasing their own device, plan and/or service. The allowance is intended to offset the business use of this devices/service and not as a reimbursement for the total cost of them.
 - b. An employee who will be utilizing voice/texting will be allowed \$30.00 per month, Additionally, an employee who can justify to the Administrator the need for internet for emails will be allow an additional \$25.00 to offset these plan charges.

H. LOCKERS

Locker rooms and lockers are provided as needed so employees may change their clothing before and after work, if desired. Employees are expected to furnish their own lock and key so they will have control over access to the locker. Liability for loss or damages to contents of lockers cannot be assumed by the municipal government. Employees may be requested to open their locker for periodic housekeeping, inspections, or other occasions when it is appropriate and/or necessary. Those who use the locker rooms are expected to assist in keeping them clean and orderly.

I. BULLETIN BOARDS

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

J. LOST AND FOUND ARTICLES

The department office acts as a clearing house for lost and found personal property. Lost articles shall be turned in and/or reported as soon as possible.

K. TRIP REIMBURSEMENT

All trips that involve reimbursement and/or municipal government expense shall not be undertaken without prior approval of the Department Head. Mileage shall be reimbursed at a

rate per mile, as allowed by Internal Revenue deduction. Food reimbursement shall have receipts to accompany the expense. Per diem rates for food may be used requiring no receipts.

*Employees must follow the "Travel Policy" of the City; see Addendum 2.

L. USE OF CITY VEHICLES AND EQUIPMENT

All city vehicles and equipment are for official use only. Drivers and/or operators must have a valid Tennessee Driver's License and be approved by the department head or supervisors.

*Employees must follow the "Vehicle Policy" of the City; see Addendum 3.

M. SEXUAL HARASSMENT

*****NOTE*****

The definition of 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 Fayetteville, 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 regulations of the municipal government, and employees working under contract for the municipality.

1. DEFINITION

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 municipal government.

2. MAKING SEXUAL HARASSMENT COMPLAINTS

The municipality may be held liable for the actions of all employees with regard to sexual harassment and therefore, will not tolerate the sexual harassment of its employees. The City will take immediate, positive steps to stop it when it occurs.

By law, the City is responsible for acts of sexual harassment in the workplace where 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 non-employees, with respect to the sexual harassment of employees in the work place, 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.

Prevention is the best tool for the elimination of sexual harassment. Therefore, the following rules shall be strictly enforced. An employee who feels he/she is being subjected to sexual harassment should immediately contact one of the persons below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- a. The employee's immediate supervisor.
- b. The employee's department head.
- c. Assistant City Administrator
- d. The City Administrator

Employees have the right to circumvent the employee chain of command in selecting which person to whom to make a complaint of sexual harassment. Regardless of which of the above persons the employee makes a complaint of sexual harassment, the employee should be prepared to provide the following information:

- a. Official's or employee's name, department, and position title.
- b. The name of the person or persons committing the sexual harassment, including their title/s, if known.
- c. The specific nature of the sexual harassment, how long it has gone on, and 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).
- d. Witnesses to the harassment.
- e. Whether the employee has previously reported the harassment and, if so, when and to whom.

3. REPORTING AND INVESTIGATING OF SEXUAL HARASSMENT COMPLAINTS

An employee designated by the City Administrator is the person designated by the municipal government to be the investigator of complaints of sexual harassment against employees. In the event the sexual harassment complaint is against the employee

designated by the City Administrator, the investigator shall be a municipal employee appointed by the City Administrator.

When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the Administrative Assistant.

The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of sexual harassment, witnesses interviewed during the investigation, the person against whom the complaint of sexual harassment was made, and any other person contacted by the investigator in connection with the investigation. The notes shall be made at the time the verbal interview is in progress.

Upon conclusion of the investigation, the investigator shall prepare a report of the findings and present them to the City Administrator. The report shall include the written statement for the person complaining of sexual harassment, the written statement of witnesses, the written statement of the person against whom the complaint of sexual harassment was made, and all the investigator's notes connected to the investigation.

4. ACTION ON COMPLAINTS OF SEXUAL HARASSMENT

Upon receipt of a report of the investigation of a complaint of sexual harassment the City Administrator shall immediately review the report. If the City Administrator determines that the report is not complete in some respect, he/she may question the person complaining of sexual harassment, the person against whom the complaint has been made, witnesses to the conduct in question or any other person who may have knowledge about the harassment.

Based upon the report and his/her own investigation, where one is made, the City Administrator shall, within a reasonable time, determine whether the conduct of the person against whom a complaint of harassment has been made constitutes sexual harassment. In making that determination, the City Administrator shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person complaining. The determination of whether sexual harassment occurred will be made on a case-by-case basis.

If the City Administrator determines that the complaint of harassment is founded, he/she shall take immediate and appropriate disciplinary action against the employee guilty of sexual harassment, consistent with his authority under the municipal charter, ordinances or rules governing his authority to discipline employees.

The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee, and any other factors relating to fair and efficient administration of the municipal government, including, but not limited to, the effect of the offense on employee morale and public perception of the offense, and the light in which it casts the

municipality. 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 actions taken shall be kept, including verbal reprimands. In all events, an employee found guilty of sexual harassment shall be warned not to retaliate in any way against the person making the complaint of sexual harassment, witnesses or any other person connected with the investigation of the complaint of sexual harassment.

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

5. OBLIGATION OF EMPLOYEE

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

Disciplinary action may also be taken against any employee who fails to report instances of sexual harassment, or who fails or refuses to cooperate in the investigation of a complaint of sexual harassment, or who files a complaint of sexual harassment in bad faith.

N. POLITICAL ACTIVITY

*****NOTE*****

Nothing in this section is intended to prohibit any municipal government employee from privately expressing his/her political views or from casting his/her vote in all elections.

Municipal government employees are prohibited from participating in the following political activities:

1. No City employee shall become a candidate for elective municipal government office.
2. In elections for municipal offices - No city employee, while on duty, or in uniform, and whether on or off municipal government property:

- a. Directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for a candidate for municipal government office.
 - b. Organize, sell tickets to, promote or actively participate in a fund-raising activity of a candidate for municipal government office.
 - c. Take an active part in managing the political campaign for a candidate for municipal government office.
 - d. Solicit votes in support of or in opposition to a candidate for municipal government office.
 - e. Act as a recorder, watcher, challenger or similar officer at the polls on behalf of a candidate for municipal government office.
 - f. Drive voters to the polls on behalf of a candidate for municipal government office.
 - g. Endorse or oppose a candidate for municipal government office or a political advertisement, broadcast, campaign literature or similar material.
 - h. Address a rally or similar gathering of the supporters of opponents of a candidate for municipal government office.
 - i. Initiate or circulate a nominating petition for a candidate for municipal government office.
 - j. Wear campaign buttons, pins, hats or other similar attachment, or distribute campaign literature in support or opposition to a candidate for municipal government office.
3. In all other elections for public office - No municipal government employee, while on duty, or in uniform, and whether on or off municipal government property:
- a. Campaign for any elective public office.
 - b. Take an active part in managing the political campaign of a candidate for public office.
 - c. Directly or indirectly solicit, receive or collect contributions or other funds for a candidate for public office.
 - d. Sell tickets to a fund raising activity of a candidate for public office.
 - e. Engage in any of the other political activities enumerated in the aforementioned Section 1 except while they are either off duty or on their own

time, and while they are not in a city uniform, and while they are in places other than on city-owned property.

A leave of absence will not be granted to a municipal government employee to engage in any of the political activities enumerated above.

O. PERSONNEL RECORDS

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

The Administrative office also maintains the life insurance, vacation, pension and retirement, health insurance, and sick leave records for each employee. The personnel section will advise employees through their supervisor of their eligibility so that they may take full advantage of all the benefits available.

P. ANNUAL LONGEVITY BONUS

1. QUALIFICATIONS FOR BONUS

- a. Date of employment shall mean the date the employee was hired on a permanent basis either full or part time without a break in service.
- b. Employees must have five (5) years completed service by December 31 before longevity is awarded. After the 5th year employees will receive bonus from the 1st year.

*Exception: Employees required to successfully complete a state training school to continue their employment shall receive the longevity bonus after successful completion of the training and one year service as of December 31 of that year.

- c. Permanent part-time employees averaging a minimum of twenty (20) hours per week. Bonus will be prorated based on the average hours worked per week.
- d. Any permanent part-time employee, who becomes full time, will be allowed the longevity bonus from the date of employment.
- e. In order for a qualified employee to receive the bonus, they must be employed by the City on the date longevity bonus checks are awarded to the employees, and meet expectations on last performance evaluation.

2. CALCULATIONS TIME FRAME

3/14/2017

- a. Longevity bonus of fifty dollars (\$50.00) shall be awarded for each year of service beginning on the 5th completed (or where exception applies).
- b. Employees will be paid longevity only on completed years of service as of December 31st of each year.
- c. Longevity checks for the year will be awarded during the month of January for the preceding year. Retirement, social security and tax withholdings will be deducted from gross pay.

Yearly continuance of the longevity bonus shall be based on budgetary appropriations by the Board of Mayor and Aldermen.

Effective Date - July 1, 1989.

SECTION IX - AMENDMENT OF PERSONNEL RULES

A. AMENDMENTS

Amendments or revisions of these rules may be recommended for adoption by the City Administrator. Such amendments or revisions of these rules shall become effective after approval by the Board of Mayor and Aldermen.

B. SEVERABILITY

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

C. SPECIAL NOTE

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

3/14/2017

SECTION X – ADDENDUMS

- A. **ADDENDUM 1 – DRUG AND ALCOHOL TESTING POLICY**

- B. **ADDENDUM 2 – TRAVEL POLICY**

- C. **ADDENDUM 3 – VEHICLE POLICY**

ADDENDUM 1
DRUG AND ALCOHOL TESTING
POLICY

3/14/2017

City of Fayetteville

**DRUG AND ALCOHOL
TESTING POLICY**

October 3, 1995

Developed with the Assistance of
Tennessee Municipal League
Municipal Technical Advisory Service
Institute of Public Service
The University of Tennessee

DRUG AND ALCOHOL TESTING POLICY

A. PURPOSE

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

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the city of Fayetteville has adopted this drug and alcohol testing policy effective October 10, 1995. This policy complies with the: Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol- and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. In the case of this policy, the Omnibus Transportation Employee Testing Act of 1991 or Pipeline and Safety Sensitive employees is most significant with its additional requirement of using the "split specimen" approach to drug testing, which provides an extra safeguard for employees. The types of tests that may be required are: pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up.

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

1. being on duty or performing work in or on city property while under the influence of drugs and/or alcohol;
2. engaging in the manufacture, sale, distribution, use, or unauthorized possession of drugs at any time and of alcohol while on duty or while in or on city property;
3. refusing or failing a drug and/or alcohol test administered under this policy;
4. providing an adulterated, altered, or substituted specimen for testing;
5. use of alcohol within four hours prior to reporting for duty on schedule or use of

alcohol while on-call for duty; and

6. use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties. It is the employee's responsibility to inform the proper supervisory personnel of his/her use of any legally prescribed medication before the employee goes on duty or performs any work.

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

All city of Fayetteville property is subject to inspection at any time without notice. There should be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers.

B. SCOPE

Certain aspects of this policy may apply to full-time, part-time, temporary, and volunteer employees of the city of Fayetteville. The policy also applies to applicants for positions requiring a CDL (Commercial Driver's License), pipeline workers and other safety sensitive positions who have been given a conditional offer of employment from the city of Fayetteville.

C. CONSENT FORM

Each employee shall grant consent for a drug test at the implementation date of the substance abuse policy of the city of Fayetteville or upon their hiring following the implementation date. Before a drug and/or alcohol test is administered, all employees and applicants for CDL, Pipeline, and Safety Sensitive Positions will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, medical review officer(s) (MRO(s)), City Administrator, or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the city's drug and alcohol testing policy. The consent form shall set forth

the following information:

1. the procedure for confirming and verifying an initial positive test result;
2. the consequences of a verified positive test result; and
3. the consequences of refusing to undergo a drug and/or alcohol test.

The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system.

D. COMPLIANCE WITH SUBSTANCE ABUSE POLICY

Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant (positions with a CDL, commercial driver's license, pipeline or safety sensitive) or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination.

E. GENERAL RULES

These are the general rules governing the city of Fayetteville's drug and alcohol testing program:

1. City employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician. Employees who are required to take prescription and/or over-the-counter medications shall notify the proper supervisory personnel before the employees go on duty.
2. City employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on city property.
3. All city of Fayetteville property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. City Property includes, but is not limited to, vehicles, desks, containers, files, and lockers.
4. Any employee convicted of violating a criminal drug statute (including pleas of guilty and *nolo contendere*) shall subject the employee to disciplinary action up to and including termination for the first offense. The city will notify the federal contracting officer pursuant to applicable provisions of the applicable federal grant or contract of the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act.

5. Prohibited Drugs

All drug results will be reported to the medical review officer(s) (MRO(s)) when required. If verified by the MRO(s), they will be reported to the City Administrator or designee . The following is a list of drugs for which tests will be routinely conducted (see Appendix A for cutoff levels):

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

The city may test for any additional substances listed under the Tennessee Drug Control Act of 1989.

F. DRUG TESTING

1. Type of Tests

An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under six separate conditions:

- a. Pre-employment (applies to CDL, Pipeline Workers, and Safety Sensitive)

All applicants for employee status for positions requiring a Commercial Driver's License (CDL), Pipeline Workers, Gas Departments, and Safety Sensitive employees who have received a conditional offer of employment with the city of Fayetteville, must take a drug test before receiving a final offer of employment.

- b. Transfer (applies to CDL, Pipeline Workers, and Safety Sensitive)

Employees transferring to a position that requires a Commercial Driver's License (CDL), Pipeline Workers, Gas Departments and Safety Sensitive employees shall undergo drug

testing.

c. Post-Accident/Post-Incident Testing (applies to all employees)

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

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

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

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

1. Post-Accident (Post-Incident) Testing for Ambulatory Employees

Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the city of Fayetteville to the designated urine specimen collection site within 32 hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the (testing site) within 32 hours. No employee shall consume drugs prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of the city of Fayetteville and shall result in administrative action up to and including termination of employment.

2. Post-Accident (Post-Incident) Testing for Injured Employees

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

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

d. Testing Based on Reasonable Suspicion (all employees)

A drug test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs and/or alcohol.

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

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

e. Random Testing (CDL, Pipeline, Safety Sensitive)

Pipeline Workers, Gas Departments and Safety Sensitive employees and all CDL's of the city of Fayetteville are subject to random urine drug testing. It is the policy of the city of Fayetteville to annually random test for drugs at least 50 percent of the total number of these

employees

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

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

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

f. Return-to-Duty and Follow-Up (CDL, Pipeline, Safety Sensitive, All Employees)

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

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

Testing will also be performed on any employee in a CDL (Commercial Driver's License), Pipeline or Safety Sensitive position returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

2. Drug Testing Collection Procedures

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

3. Drug Testing Laboratory Standards and Procedures

All collected urine samples will be sent to a laboratory that is certified and monitored by the federal Department of Health and Human Services (DHHS) (see Appendix C).

3/14/2017

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

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

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO(s) has evaluated a positive test result, the employee will be notified, and the MRO(s) will notify the City Administrator or designee .

4. Drug Testing Reporting and Reviewing Procedures

The city of Fayetteville shall designate a medical review officer(s) (MRO(s)) to receive, report, and file testing information transmitted by the laboratory. This person shall be a licensed physician with knowledge of substance abuse disorders (see Appendix D).

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

attorney.

G. ALCOHOL TESTING

1. Type of Tests

An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to alcohol testing under five separate conditions:

a. Transfer

Employees transferring to a position requiring a CDL (Commercial Driver's License) shall undergo alcohol testing

b. Post-Accident/Post-Incident Testing

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

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

1. Post-Accident (Post-Incident) Testing for Ambulatory Employees

Following all workplace accidents (incidents) where alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the city of Fayetteville to the designated breath alcohol test site for a breath alcohol test within two hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the (testing site) within two hours. No employee shall consume alcohol prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the drug and alcohol testing policy and program of the city of Fayetteville and shall result in administrative action up to and including termination of employment.

2. **Post-Accident (Post-Incident) Testing for Injured Employees**

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer(s) (MRO(s)) of the city of Fayetteville appropriate and necessary information or records that would indicate only whether or not specified prohibited alcohol (and what amount) was found in the employee's system. Consent shall be granted by each employee at the implementation date of the drug and alcohol testing policy of the city of Fayetteville or upon hiring following the implementation date.

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

c. **Testing Based on Reasonable Suspicion**

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

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

Supervisory personnel of the city of Fayetteville making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the City Administrator or designee within eight hours of the decision to test and before the results of the tests are received by the department.

d. **Random Testing**

Only employees of the city of Fayetteville possessing or wishing to obtain a commercial driver's license (CDL), position shall be subject to an annual random test for alcohol. At

least 25 percent of the total number of employees in this group shall be tested annually.

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

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

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

e. **Return-to-Duty and Follow-Up**

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

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

CDL employees who are returning from leave or special assignment in excess of six months will be subject to return-to-duty and follow-up.

2. **Alcohol Testing Procedures**

All breath alcohol testing conducted for the city of Fayetteville shall be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA). The city's own public safety department cannot do this testing unless the test is required because of a traffic accident (incident).

Alcohol testing is to be performed by a qualified technician as follows:

a. **Step One:**

An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent breath alcohol level (BAL), the test shall be considered negative. If the result is greater or equal to 0.04 percent BAL, the result shall be recorded and witnessed, and the test shall proceed to Step Two.

b. **Step Two:**

Fifteen minutes shall be allowed to pass following the completion of Step One above. Before

the confirmation test or Step Two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician shall conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument. Then Step One shall be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

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

If the lower of the breath alcohol measurements in Step One and Step Two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test. Failure of the breath alcohol test shall result in administrative action by proper officials of the city of Fayetteville up to and including termination of employment.

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

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

The completed breath alcohol test form shall be submitted to the City Administrator or designee.

H. EDUCATION AND TRAINING

1. Supervisory Personnel Who Will Determine Reasonable Suspicion Testing

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

The city of Fayetteville will sponsor a drug-free awareness program for all employees.

2. Distribution of Information

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

- a. informational material on the effects of drug and alcohol abuse;
- b. an existing community services hotline number, available drug counseling, rehabilitation, and employee assistance programs for employee assistance;
- c. the city of Fayetteville policy regarding the use of prohibited drugs and/or alcohol; and
- d. the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

I. CONSEQUENCES OF A CONFIRMED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT AND/OR VERIFIED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT

Job applicants will be denied employment with the city of Fayetteville if their initial positive pre-employment drug test results have been confirmed/verified.

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

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through the city's Employee Assistance Program or other program sanctioned by the city, and thereafter refrain from violating the city's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of city personnel policy and regulations.

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

J. VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL USE

3/14/2017

In the event that an employee of the city of Fayetteville is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the respective department head in private.

Such voluntary desire for help with a substance abuse problem will be honored by the city of Fayetteville. If substance abuse treatment is required, the employee may be removed from active duty pending completion of the treatment.

Affected employees of the city of Fayetteville are entitled to up to 30 consecutive calendar days for initial substance abuse treatment as follows -- the employee must use all vacation, sick, and compensatory time available.

Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test, and before an employee has been arrested or convicted of criminal action related to drug and/or alcohol abuse.

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

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the city of Fayetteville. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to administrative action up to and including termination of employment as specified elsewhere in this policy.

K. EXCEPTIONS

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

L. MODIFICATION OF POLICY

3/14/2017

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

This employee drug and alcohol testing policy has been approved and adopted by the city of Fayetteville effective October 10, 1995

The city of Fayetteville

By: *J. R. Z. Leathers* *MAYOR*

By: *Lynn Wampler*

3/14/2017

M. DEFINITIONS

For purposes of the drug and alcohol testing policy, the following definitions are adopted:

Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

Alcohol Concentration - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.

Alcohol Use - The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Applicant - Any person who has on file an application for employment or any person who is otherwise being considered for employment or transfer to the police department, fire department, or to a position requiring a commercial driver's license (CDL) being processed for employment. For the purposes of this policy, an applicant may also be: a uniformed employee who has applied for and is offered a promotion or who has been selected for a special assignment; a non-uniformed employee who is offered a position as a uniformed employee; or an employee transferring to or applying for a position requiring a CDL.

Breath Alcohol Technician (BAT) - An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

Chain of Custody - The method of tracking each urine specimen to maintain control from initial collection to final disposition for such samples and accountability at each stage of handling, testing, storing, and reporting.

Collection Site - A place where applicants or employees present themselves to provide, under controlled conditions, a urine specimen that will be analyzed for the presence of alcohol and/or drugs. Collection site may also include a place for the administration of a breath analysis test.

Collection Site Personnel - A person who instructs donors at the collection site.

Commercial Driver's License (CDL) - A motor vehicle driver's license required to operate a commercial motor vehicle (CMV).

Commercial Motor Vehicle (CMV) - Any vehicle or combination of vehicles meeting the following criteria: weighing more than 26,000 pounds; designed to transport more than 15 passengers; transporting hazardous materials required by law to be placarded, regardless of weight; and/or classified as a school bus.

3/14/2017

Confirmation Test - In drug testing, a second analytical procedure that is independent of the initial test to identify the presence of a specific drug or metabolite that uses a different chemical principle from that of the initial test to ensure reliability and accuracy. In breath alcohol testing, a second test following an initial test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.

Confirmed Positive Result - The presence of an illicit substance in the pure form or its metabolites at or above the cutoff level specified by the National Institute of Drug Abuse identified in two consecutive tests that utilize different test methods and that was not determined by the appropriate medical, scientific, professional testing, or forensic authority to have been caused by an alternate medical explanation or technically insufficient data. An EBT result equal to or greater than 0.02 is considered a positive result.

Consortium - An entity, including a group or association of employers or contractors, which provides alcohol or controlled substances testing as required by this part or other DOT alcohol or drug testing rules and that acts on behalf of the employers.

Department Director - The director or chief of a city department or his/her designee. The designee may be an individual who acts on behalf of the director to implement and administer these procedures.

DHHS - The federal Department of Health and Human Services or any designee of the secretary, Department of Health and Human Services.

DOT Agency - An agency of the United States Department of Transportation administering regulations related to alcohol and/or drug testing. For the city of Fayetteville, the Federal Highway Administration (FHWA) is the DOT agency.

Driver - Any person who operates a commercial motor vehicle.

EAP - Employee Assistance Program.

Employee - An individual currently employed by the city of Fayetteville.

Evidential Breath Testing Device (EBT) - An instrument approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices."

FHWA - Federal Highway Administration.

Initial Test - In drug testing, an immunoassay test to eliminate negative urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

Medical review officer(s) (MRO(s)) - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other

3/14/2017

relevant biomedical information.

Negative Result - The absence of an illicit substance in the pure form or its metabolites in sufficient quantities to be identified by either an initial test or confirmation test.

NHTSA - National Highway and Traffic Safety Administration.

Refuse to Submit - Refusing to submit to an alcohol or controlled substances test means that a driver:
(1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part;
(2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or
(3) engages in conduct that clearly obstructs the testing process.

Safety-Sensitive Drivers - Employees in the aviation, motor carrier, railroad, and mass transit industries.

Safety Sensitive Positions - Any employee position involving emergency operations, safety of the public, or operating machinery that would involve the safety of fellow employees. These positions include but are not limited to Fire, Police, Emergency Dispatchers, and Utility Workers that drive trucks of one ton and larger, operators of on-street and highway construction equipment and sanitation workers involved in the operation of compaction units.

Split Specimen - Urine drug test sample will be divided into two parts. One part will be tested initially, the other will remain sealed in case a retest is required or requested.

Substance Abuse Professional - A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

ADDENDUM 2
TRAVEL POLICY

ORDINANCE NO. 2009-11

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, TENNESSEE, TO ESTABLISH TRAVEL REIMBURSEMENT REGULATIONS FOR CITY OFFICIALS AND CITY EMPLOYEES CONDUCTING OFFICIAL BUSINESS.

PURPOSE; The purpose of this ordinance and referenced regulations is to bring the city into compliance with *Tennessee Code Annotated* § 6-54-901–907. This law requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by “any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law.”

To provide consistent travel regulations and reimbursement, this ordinance is expanded to cover regular city employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense.

ENFORCEMENT; The chief administrative officer (CAO) of the city or his or her designee shall be responsible for the enforcement of these travel regulations.

TRAVEL POLICY

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

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

Travel advance requests are not 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 CAO to initiate action to recover any undocumented travel advances.

- D. Travel advances are available only for special travel and only after completion and approval of the travel authorization form.
- E. The travel expense reimbursement form will be used to document all expense claims.
- F. To qualify for reimbursement, travel expenses must be:
- Directly related to the conduct of the city business for which travel was authorized; and
 - Actual, reasonable and necessary under the circumstances. The CAO may make exceptions for unusual circumstances. Expenses considered excessive will not be allowed.
- G. Claims of \$5 or more for travel expense reimbursement must be supported by the *original* paid receipt for lodging, vehicle rental, phone calls, public carrier travel, conference fee and other reimbursable costs or per diem rates will be reimbursed.
- H. Any person attempting to defraud the city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances.
- I. Mileage and motel expenses incurred within the city are not ordinarily considered eligible expenses for reimbursement.

TRAVEL REIMBURSEMENT RATE SCHEDULES

Authorized travelers shall be reimbursed according to the Federal travel regulation rates. The city's travel reimbursement rates will automatically change when the Federal 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.

ADMINISTRATIVE PROCEDURES

TRAVEL REQUESTS

To ensure reimbursement for official travel, an approved travel authorization form is required. Lack of pre-approval does not prohibit reimbursement, but it does assure reimbursement within the limits of the city travel policy. All costs associated with the travel should be reasonably estimated and *shown* on the travel authorization form. An approved authorization form is needed before advanced expenses are paid or travel advances are authorized. This form must be submitted 1 week prior to the travel time. A copy of the conference program should be attached to the form. If the program is not available prior to the travel, submit it with the reimbursement form.

TRAVEL DOCUMENTATION

It is the responsibility of the authorized traveler to;

1. Prepare and accurately describe the travel;
2. Certify the accuracy of the reimbursement request;
3. Note on the reimbursement form all direct payments and travel advances made by the city; and
4. File the reimbursement form with the necessary supporting documents and original receipts.

The reimbursement form must be filed with the City Administrator within 10 days of return or at the end of the month, whichever comes first.

Transportation

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

If the traveler goes outside the state by means other than air, the reimbursement will be limited to air fare at tourist or economy class, ordinary expenses during the meeting dates, and one day's meals and motel before and after the meeting. The traveler will be required to take annual leave or comp time for any additional time taken beyond the day before and the day after the meeting dates.

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

1. Actual expenses incurred; or
2. Amount that would have been incurred for the business portion only. The calculations for the business portion of the trip must be made using the least expensive rates available.

A. Air Travel

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

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

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

The city will not reimburse travel by private aircraft unless authorized in advance by the CAO.

B. Rail or Bus

The city will pay for actual cost of ticket.

C. Vehicles

Automobile transportation may be used when a common carrier cannot be scheduled, when it is more economical, when a common carrier is not practical, or when expenses can be reduced by two or more city employees traveling together.

1. Personal Vehicle. Employees should use city vehicles when possible. Use of a private vehicle must be approved in advance by the CAO. The city will pay a mileage rate not to exceed the rate allowed by the federal schedule. The miles for reimbursement shall be paid from work office to destination and back by the most direct route or from employee's home if this distance is shorter. Necessary vicinity travel related to official city business may be reimbursed. However, mileage in excess of the Rand McNally (www.randmcnally.com) mileage must be documented as necessary and business-related. If an indirect route is taken, the Rand-McNally mileage table will be used to determine the mileage to be reimbursed.

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

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

Travelers will not be reimbursed for automotive repair or breakdowns when using their personal vehicle.

2. City Vehicle. The city may require the employee to drive a city vehicle. If a city vehicle is provided, the traveler is responsible for seeing that the vehicle is used properly and only for acceptable business. The employee will be reimbursed for expenses directly related to the actual and normal use of the city vehicle when proper documentation is provided. Fuelman is the City's preferred gas and diesel provider when out of town. Many service stations display the Fuelman sign. Check the internet for the Fuelman stations before leaving on the trip. The station attendant can be checked before refueling. The amount used is discounted and saves City budgets. Out-of-town repair costs to the city vehicle in excess of \$100 must be cleared with the CAO before the repair is authorized.

3. Rental Cars. Use of a rental car is not permitted unless it's less expensive or otherwise more practical than public transportation. Approval of car rental is generally required in advance by the CAO. Always request the government or weekend rate, whichever is cheaper. Anyone who uses a rental car for out-of-state travel must obtain liability coverage from the vendor.

- Fines for traffic or parking violations will not be reimbursed by the city.
- Reasonable tolls will be allowed when the most direct travel route requires them.

D. Taxi, Limousine and Other Transportation Fares

When an individual travels by common carrier, reasonable fares will be allowed for necessary ground transportation. Bus or limousine service to and from airports should be used when available and practical. The city will reimburse mileage for travel to and from the local airport and parking fees, provided such costs do not exceed normal taxi/limousine fares to and from the airport. Receipts are required.

For travel between lodging quarters and meetings, conferences, or meals, reasonable taxi fares will be allowed. Remember, *original* receipts are required for claims of \$5 or more or per diem rates will be paid.

Transportation to and from shopping, entertainment, or other personal trips is the choice of the traveler and not reimbursable.

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

Lodging

The amount allocated for lodging shall not ordinarily exceed the maximum per diem rates authorized by the federal rate schedule.

- A. If the city reimburses using the federal rates, the Government Services Administration provides guidelines for determining the maximum that can be reimbursed for lodging. These amounts are available on line at <http://www.gsa.gov>. The rates are the maximum reimbursable rates for hotel rooms plus appropriate taxes.
- B. Original lodging receipts must be submitted with the reimbursement form. Photocopies are not acceptable; however, fax copies will be accepted with approval of the CAO.
- C. If a traveler exceeds the maximum lodging per diem, excess costs are the responsibility of the traveler.
- D. If the best rate is secured, and it still exceeds the maximum lodging per diem, the CAO may authorize a higher reimbursement amount.

Even if it costs more, travelers may be allowed to stay at the officially designated hotel of the meeting; however, more moderately priced accommodations must be requested whenever possible. It will be the traveler's responsibility to provide documentation of the "officially designated meeting site" room rates, if these rates are higher than the normal reimbursable amounts.

- E. If two or more city employees travel together and share a room, the lodging reimbursement rate will be the maximum of two single rooms. If an employee shares a room with a non-employee, the actual cost will be allowed up to the maximum reimbursable amount. The receipt for the entire amount must be submitted with the expense form.

Meals and Incidentals

Receipts are not required for meals and incidentals under \$5. The authorized traveler may be reimbursed the daily amount based on the rate schedule and the authorized length of stay. The per diem meal amounts are expected to cover meals, and incidental expenses.

Whether meals may be claimed depends on when the traveler leaves and returns to the official station. The traveler's official station is home or work, whichever produces the least cost to the city. When partial day travel is involved, the current per diem allowance is determined as follows:

Meal	If departure before	If return after
Breakfast	7:00 a.m.	8:00a.m.
Lunch	11:00 a.m.	1:30 p.m.
Dinner	5:00 p.m.	6:30 p.m.

The hour and date of departure and return must be shown on the expense reimbursement form.

The excess cost of an official banquet may be allowed provided proper documentation or explanation is submitted with the expense reimbursement form. If a meal is included as part of a conference or seminar registration, or is included with the air fare, then the allowance for that meal should be subtracted from the total allowance for the day. For example, if a dinner is included as part of the conference fee, the maximum meal allowance for the day should be reduced by the allowed dinner amount.

Miscellaneous Expenses

- A. Registration fees for approved conferences, conventions, seminars, meetings and other educational programs will be allowed and will generally include the cost of official banquets, meals, lodging and registration fees. Registration fees should be specified on the original travel request form and can include a request for pre-registration fee payment.
- B. A \$4 allowance will be reimbursable for hotel/motel check-in and baggage handling expenses.
- C. Laundry and valet service are considered personal expenses and are not reimbursable.
- D. Tips for meals, cab fares, and other transportation, must be documented on the Travel Form. Receipts are not mandatory; however, where practical, tip receipts should be requested. Tips may not exceed normal and customary for the area. (Generally 20% or less is standard)
- E. For travel outside the United States, all expenses claimed must be converted to U.S. dollars. The conversion rate and computation should be shown on each receipt.

Entertainment

The city may pay for certain entertainment expenses provided that this:

- A. Entertainment is appropriate in the conduct of city business;
- B. Entertainment is approved by the CAO;
- C. Group or individuals involved are identified; and
- D. Documentation is attached to the expense form to support the entertainment expense claims.

To request reimbursement for authorized entertainment expenses, be sure to include with the expense reimbursement form:

- A. Required receipts. All requests must be supported by original receipts from the vendor (restaurant, caterer, ticket office, etc.). Reasonable tips and gratuities included on the receipt by the vendor are reimbursable
- B. A disclosure and explanation statement, explaining the purpose of the entertainment and identifying the group and the number of people entertained (or individual names listed if not a recognized group).
- C. Excessive charges will be reviewed on a case-by-case bases.

If the CAO is the person filing the claim, then it must be approved by the Mayor before the finance officer authorizes payment.

TRAVEL RECONCILIATION

- A. Within 10 days of return from travel, or by the end of the month whichever is less, the traveler must complete and file the expense reimbursement form. It must be certified by the traveler that the amount due is true and accurate. Original lodging, travel, taxi, parking and other receipts must be attached.

If the city provided a travel advance or made advanced payment, the traveler should include that information on the expense form. In the case of advances, the form should have a reconciliation summary, reflecting total claimed expenses with advances and city pre-payments indicated. The balance due the traveler or the refund due the city should be clearly shown below the total claim on the form or in a cover memo attached to the front of the form.

- B. If the traveler received a travel advance and spent less than the advance, the traveler should attach a check made payable to the city for that difference.
- C. The CAO will address special circumstances and issues not covered in this ordinance on a case-by-case basis.

DISCIPLINARY ACTION

Violation of the travel rules can result in disciplinary action for employees. Travel fraud can result in criminal prosecution

3/14/2017

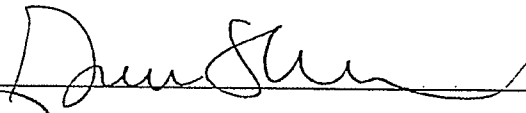
ADMINISTRATIVE PROCEDURES

The City adopts and incorporates by reference the administrative procedures submitted by MTAS to, and approved by letter by, the Comptroller of the Treasury, State of Tennessee. A copy of the administrative procedures is on file in the office of the City recorder.

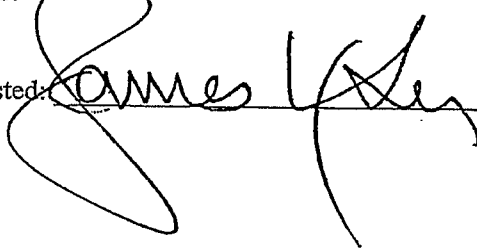
This ordinance shall take effect upon its final reading by the municipal governing body. It shall cover all travel and expenses occurring on or after the date of adoption.

THIS ORDINANCE IS ADOPTED THIS 8th DAY OF
December, 2009.

Signed:
Mayor



Attested:



ADDENDUM 3
VEHICLE POLICY

CITY OF FAYETTEVILLE
VEHICLE POLICY

REVISED 7/13/99

PURPOSE

Stated herein is the vehicle policy for employees of the City.

EMPLOYEE POLICY

I. Assignment of City-Owned Vehicles.

It shall be the official policy of the City of Fayetteville to limit the permanent assignment of city-owned vehicles for after hours, take-home use to those situations where such use is in the best interest and benefit to the public as determined by the Board of Mayor and Aldermen. When transportation by city-owned vehicles is necessary for Official City business, use shall be made of pool vehicles. The Board of Mayor and Aldermen shall determine which employees are to be assigned the use of a city-owned vehicle on a permanent, take-home basis based upon the following criteria:

- a) City Administrator, Department Heads and other employees whose regular duties and responsibilities require FREQUENT use of a vehicle after normal business hours and weekends.
- b) Employees, other than department heads, whose duties and responsibilities involve IMMEDIATE emergency response to an emergency and who are regularly and frequently subject to emergency calls.
- c) Captains of public safety personnel whose off-duty use of a city-owned vehicle will act as a deterrent to crime.
- d) Sergeants and patrolmen of public safety personnel who reside within the corporate city limits of the City of Fayetteville whose off-duty use of a city-owned vehicle will act as a deterrent to crime.

Temporary overnight assignment of City pool vehicles may be made to employees by department heads in emergency situations or for other official purposes where the best interest of the city will be served by such actions.

2. Citations, fines, etc.

All drivers of city-owned vehicles are expected to operate the vehicles in a lawful manner and to use the vehicle with the same care as they would their own.

Traffic citations, fines, or other actions taken by any police jurisdiction against any employee while driving a city-owned vehicle shall be the responsibility of the employee, and may also be cause for disciplinary action.

3. Driver's License Required.

Employees driving city-owned vehicles are required to have such driver's license as may be required by the State of Tennessee for the type of vehicle being operated irrespective of whether the employee drives the vehicle on a regular or occasional basis or whether the use of the vehicle is included in the employee's job description or not.

4. Regulations of use.

A. Personal use of a city vehicle is limited to commuting to and from work and occasional or sporadic errands with the exception of the following:

1. Because of the nature of their work and need for availability, the Chief of Police, Assistant Chief of Police, Police Detective, Fire Chief and Assistant Fire Chief are authorized to use a City vehicle for personal use within forty-five (45) mile radius of the Police Department.

2. Police Sergeants and patrolman are authorized to use a City vehicle for personal use within the City Limits of the City of Fayetteville.

B. Only passengers related to the operation of City business are permitted in City vehicles. The following exceptions apply:

1. Family Members of the Employee

a) No Family Members of Sergeants and Patrolman (Section 1,d)

2. Private Persons under Emergency Conditions.

3. Private Maintenance or Repair Facilities

4. Personnel repairing or testing vehicle.

C. Maintenance Responsibility.

1. All employees using city vehicles shall assume responsibility for their proper care and maintenance. Any problems should be reported to the maintenance garage, as soon as possible.

2. The employees are responsible for scheduling of preventive maintenance, such as oil changes, etc., with the maintenance garage.

D. Safety.

1. Where practical, employees shall wear seat belts while operating city vehicles.

3/14/2017

5. POOL VEHICLE

- A. The City maintains a pool vehicle, housed at the Street Department, which is intended for use by personnel, not otherwise assigned a City vehicle.
- B. It is the joint responsibility of the maintenance garage and employee using the vehicle to see that it is kept in good operating condition and kept clean.
- C. The employee shall fill out the log book and notify the garage of any problems.
- D. The inside of the car shall be kept clean by the operators.
- E. For extended trips, the vehicle shall be scheduled in advance, in order to insure availability.

6. DISCIPLINARY ACTION

- A. Violations of this vehicle policy shall result in disciplinary action, up to and including termination.

10/16/87

Policy for Police Department Take Home Cars

1. All Patrolmen residing in Lincoln County will be allowed to take their police vehicles home.
2. Vehicle usage will only be for travel to and from work and for emergency response. The City Administrator will have, at their discretion, the right to suspend the privileges of a certain person or the entire program if anyone is found using a vehicle for personal travel.
3. Response to calls outside the city limits will only be allowed through the standard channels used for mutual aid calls as specified in the governing agreement and departmental standard operating procedures in place at any given time.
4. Patrolman will reimburse the city, through payroll deduction, for the cost of fuel for travel to and from their residence. This calculation will be determined quarterly by the city's average cost of gas and the distance from their home to the Police Department Headquarters. The same standard calculation will apply as is used to calculate fringe benefits for department heads with take home vehicles.