

Personnel Policies and Procedures

of the City of Columbia, Tennessee

Adopted August 8, 2024 by City Council Resolution No. 24-60

Effective: September 1, 2024

Section 100: Introduction

101: Purpose & Objectives.....	7
102: Personnel Policy Statement.....	8
103: Coverage.....	10
104: Amendments, Severability, Conflict with the Charter.....	11

Section 200: Employment

201: Equal Employment Opportunity.....	13
202: Recruitment.....	16
203: Applications.....	18
204: Pre-employment Examinations.....	19
205: Categories of Employees.....	21
206: Minimum Age.....	22
207: Nepotism.....	23
208: Appointments, Selection, Promotions, Demotions and Transfers.....	24
209: Probationary Period.....	27
210: First Day of Employment.....	28
211: Residency.....	29
212: Attendance, Work Periods and Work Week.....	30
213: Outside Employment.....	32
214: Photo ID Cards.....	33
215: Performance Evaluations.....	34

Section 300: Compensation & Pay

301: Classification.....	36
302: Administration of the Classification Plan.....	37
303: Pay Ranges and Rates of Pay.....	38
304: Pay Periods and Paychecks.....	39
305: Overtime Pay and Compensatory Leave.....	40
306: Out-of-Rank Pay.....	41
307: Call-back.....	42
308: Payroll Deductions.....	43
309: Education Pay Incentive Program.....	44
310: Longevity Pay.....	46
311: Telework.....	47

Section 400: Benefits

401: Vacation Leave.....	52
402: Sick Leave.....	54
403: Sick Leave Donor Program.....	57
404: Light Duty Policy.....	61
405: Holiday Leave.....	64
406: Employee Assistance Program (EAP).....	66
407: Group Health Insurance Program.....	67
408: City Provided Additional Benefits.....	68
409: COBRA.....	69
410: Retirement Program.....	70
411: Wellness Program.....	71

412: Health Insurance Portability and Protection Act (HIPPA).....	72
---	----

Section 500: Family, Medical & Other Leave

501: Family and Medical Leave.....	74
502: Military Leave.....	79
503: Jury Duty Leave.....	83
504: Maternity/Paternity Leave.....	84
505: Bereavement and Funeral Leave.....	85
506: Inclement Weather Leave.....	86
507: Leave of Absence Without Pay.....	87
508: Return to work.....	89

Section 600: Safety

601: Workplace Safety.....	91
602: Workers' Compensation Program.....	92
603: Distracted Driving.....	93
604: Infections Disease.....	94
605: Driving Records.....	96
606: Seat Belts.....	97
607: Identity Theft Policy.....	98

Section 700: City Property

701: Use of City Time, Facilities and Authority.....	100
702: Use of City Vehicles, Machinery and Equipment.....	101
703: Use of City Provided Technology.....	103
704: Uniform Use and Responsibility.....	106

705: Personal Telephone Calls.....	107
706: Bulletin Boards.....	109
707: Parking.....	110
708: Travel.....	111
709: Social Media Use.....	112

Section 800: Substance Abuse Policy

801: Substance Abuse Policy.....	117
----------------------------------	-----

Section 900: Conduct

901: Professional Conduct.....	126
902: Ethics and Conflict of Interest.....	127
903: Personal Hygiene and Dress Code.....	129
904: Attendance.....	131
905: Personnel Records.....	132
906: Privacy and Workplace Searches.....	133
907: Suggestions for Improvement.....	134
908: Prohibition of Solicitations and Peddling.....	135
909: Gambling.....	136
910: Harassment Policy.....	137
911: Workplace Violence.....	142
912: Reporting of Arrest or Conviction.....	144
913: Criminal Investigation/Prosecution/Conviction.....	145
914: Political Activity.....	146
915: Union Activity.....	147
916: Tobacco and E cigarette.....	148

917: Discipline.....	149
918: Termination.....	155
919: Appeals and Grievance.....	156

101 - PURPOSE AND OBJECTIVES

The primary purpose of these policies is to establish a high degree of understanding, cooperation, efficiency, and unity among employees of the City of Columbia, fostered by a systematic application of good procedures in personnel management. Another purpose is to provide uniform policies for all employees with all the benefits such a program ensures, without regard to race, color, creed, religion, national origin, gender, age, disability, or political affiliation.

The fundamental objectives of these personnel management policies are to:

- Promote and increase effectiveness among employees of the City; and
- Provide fair and equal opportunity to all employees and qualified applicants on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection; and
- Develop a program of recruitment, advancement, and tenure that will make employment with the City attractive as a career and encourage each employee to render the best service; and
- Establish and promote high morale among employees by providing a good working environment, a uniform personnel policy, opportunities for advancement, and consideration for employee needs and desires.

102 - PERSONNEL POLICY STATEMENT

All qualified applicants will receive equal consideration for employment without regard to race, color, national origin, sexual orientation, religion, sex, pregnancy, marital status, age, physical or mental disability, or covered veteran status. The preceding statement will serve as the City's non-discrimination statement throughout this handbook.

Employment and Placement

- It is the policy of the City to apply and foster a sound program of personnel management. Specifically, it is the declared intent of the City to:
- Ensure eligibility and other terms and conditions of employment benefits at the City of Columbia are governed by laws and regulations of the State of Tennessee, and this non-discrimination statement is intended to be consistent with those laws and regulations.
- Act in accordance with the requirements of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.
- Investigate inquiries and charges in violation of Title VI (race, color, and national origin), Section 504 (disability), ADA (disability), Age Discrimination in Employment Act (age), or veteran status should be directed to the Human Resources Department. Requests for accommodation of a disability should be directed to the Human Resources Department.
- Establish programs for the promotion, transfer, demotion, dismissal, and reassignment of personnel in concert with applicable legislation.

Position Classification and Pay Administration

The City shall:

- Establish and maintain job descriptions for every position with the descriptions maintained on file with the Personnel Director and department head; and
- Review position descriptions periodically and systematically with the employee to ensure the descriptions remain accurate and reflect current job duties; and
- Establish appropriate minimum requirements and to group positions in classes with similar standards; and
- Measure competitiveness of wages and salaries by conducting periodic surveys of area wages and salaries.

Employee Relations and Services

The City will:

- Develop a system of job performance standards and evaluation, and inform each employee periodically and systematically of the status of his or her job performance; and
- Establish rules and standards governing employee conduct; and
- Administer a uniform leave program; and
- Provide employee grievance procedures; and
- Inform employees of their responsibilities, rights, and privileges; and
- Provide and maintain a safe and healthful work environment.

Employee Development and Training

- Establish training and performance standards and requirements for all positions; and
- Motivate and stimulate employees to achieve their highest potential.

Records

- Establish and maintain comprehensive and uniform personnel records.

103 - COVERAGE

These policies and procedures apply to all employees of the City, except as otherwise specified by this document, the Charter, and/or the Ordinances of the City.

All City offices and positions are divided into classified service and non-classified service. Classified service consists of all positions of employment in the City's service unless specifically placed in non-classified service. Non-classified service consists of the following positions:

- all elected officials; and
- members of appointed boards and commissions; and
- the City Manager; and
- the City Attorney; and
- the City Judge; and
- consultants, advisers, and legal counsel rendering professional service; and
- independent contractors.

Administration

These personnel policies and procedures shall be administered by the City Manager under the direction of the City Council and in conformity with the Charter and Municipal Code provisions establishing the City's personnel system.

104 - AMENDMENTS, SEVERABILITY, CONFLICT WITH CHARTER

Amendments

Amendments or revisions to these personnel policies and procedures shall become effective after being approved by a Resolution of the City Council.

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 policies, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted.

Conflict with Applicable Law

These personnel policies and procedures are believed to be written within the framework of the Charter of the City, State, and Federal law, but, in case of conflict, Federal and then State law takes precedence.

Policies Do Not Constitute a Contract

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

SECTION 200 EMPLOYMENT

201 – EQUAL EMPLOYMENT OPPORTUNITY

The City of Columbia is firmly committed to ensuring that equal opportunity and access are afforded to all its employees, as well as prospective employees. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. It is vital, therefore, that we are all reminded of these issues and reaffirm our commitment throughout the course of our employment.

The City strives to provide a work environment conducive to the personal and professional development of its employees. With a workforce that possesses the core competencies necessary for effective service, the City is dedicated to serving the citizens of Columbia through education, leadership development, research, and service.

The City of Columbia has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination, and retaliation. The City of Columbia will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Employees are protected against employment discrimination when it involves:

- Unfair treatment because of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, sexual orientation, gender identity or expression, genetic information, or any other characteristic protected by law.
- Denial of a reasonable workplace accommodation that the employee may need because of their religious beliefs or disability.
- Retaliation because the employee complained about job discrimination or assisted with a job discrimination investigation or lawsuit.

Complaints

The City of Columbia encourages reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor or any member of the Human Resources department. See the complaint procedure described below.

In addition, The City of Columbia encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. The City recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor or the personnel department.

The City encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

The City will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed. Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately.

If a party to a complaint does not agree with the resolution, that party may appeal as outlined in Policy 919 – Appeals and Grievance.

False and malicious complaints of harassment, discrimination, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

The Pregnant Workers Fairness Act

The Pregnant Workers Fairness Act (Pub. L. 117-328) (PWFA), as it appears in volume 42 of the United States Code, at section 2000gg. The PWFA, which is administered and enforced by the EEOC, requires covered employers to provide reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions unless the accommodation will cause the employer an undue hardship.

American Disabilities

The City of Columbia is committed to the fair and equal employment of individuals with disabilities under the ADA. It is the City of Columbia's policy to provide reasonable accommodation to qualified individuals with disabilities unless the accommodation would impose an undue hardship on the city. The City of Columbia prohibits any harassment of, or discriminatory treatment of, employees or applicants based on a disability or because an employee has requested a reasonable accommodation.

Commitment to Diversity

The City of Columbia is committed to creating and maintaining a workplace where all employees can participate and contribute to its success and are valued for their skills, experience, and unique perspectives. The commitment is embodied in City Policy and how we do business at the City of Columbia and is an essential principle of sound city management.

202 - RECRUITMENT

The foundations of staffing management encompass finding qualified employees, attracting them, employing them strategically in the organization, and keeping them for the long haul.

The City of Columbia is committed to employing the best qualified candidates for approved positions while engaging in recruitment and selection practices that are in compliance with all applicable employment laws. It is the policy of the City to provide equal employment to all applicants and employees. In addition, hiring decisions are based on the requirements of the job as outlined in the job description.

A personnel requisition form and the appropriate authorization is required to initiate any action for an open position including any recruitment efforts, advertising, interviewing and offers of employment.

All jobs require a job description. Among other things, job descriptions are important tools for maintaining compliance with the Fair Labor Standards Act and Americans with Disabilities Act, recruitment and selection, and assessing employee performance.

Position Announcements

The following standardized procedures for filling position vacancies are to be used:

A department head desiring to fill a vacancy for any position shall submit a personnel requisition form to the Human Resources Department. The requisition must be approved by the City Manager.

Upon receipt of the completed requisition, the position will be posted on the City's website internally for a minimum of five (5) business days, unless the position is to be filled from a current eligibility list. Only applications submitted directly via the website will be considered. Preliminary screening of candidates to determine whether minimum qualifications have been met will be done by Human Resources and the hiring authority. Only applicants meeting minimum requirements for the position will advance in the recruitment process.

To assist with determining the suitability or desirability of an applicant, written, oral or other tests may be used. Employment testing, including personality tests, intelligence tests, work samples, assessment centers and performance-based assessments may be used. However, Human Resources must approve all tests that are administered.

The hiring manager will identify member(s) to serve on the committee (3 – 5 members) consisting of:

- At least one individual who has a strong understanding of the role and its contribution to the department;
- A job specialist (technical or functional), if appropriate;
- An individual who will interact closely with the position (mentor);

- A HR staff member;
- The hiring authority.

After testing and interviews have been completed, the committee will recommend a candidate for the position. The hiring authority or designee will notify Human Resources of the selected finalist, pay rate, anticipated start date, complete the Applicant Pool form and forward it to Human Resources. The hiring authority or designee can then notify the candidate with the conditional offer and personnel will initiate an offer letter. After the selected candidate has accepted and completed the requirements of the conditional offer, a Personnel Action Form will be completed, whereby the City Manager confirms the hire.

The provisions of this policy will not apply to Department Head selection decisions. All communications with applicants at this level will be handled by the City Manager in consultation with the Human Resources Department.

Retirees Working for the City

In order to utilize the skills and experience of the City's retirees, all departments that have part-time and/or temporary/seasonal employment opportunities at various times throughout the year are encouraged to consider and, when there is a good match for employment, hire City retirees in filling these positions.

Retirees must meet the minimum requirements for any position they fill. If they meet the qualifications for the position, retirees earning retirement benefits from the City will be considered and allowed to return to work part-time and / or full-time. For those retirees under the old pre-2012 (rule of 80) retirement plan, their retired insurance benefits will be re-established after they leave the City's employment.

EXIT INTERVIEWS

The HR department will contact an employee who voluntarily resigns to schedule an exit interview appointment. The Department head may also conduct exit interviews if the employee prefers. The exit interview documents will be maintained and stored in the employee's personnel file, which is located in Human Resources.

203 - APPLICATIONS

A goal of the City is to attract qualified applicants for all City positions. In so doing, the Human Resources Department may utilize the following methods of recruitment: place ads in local and area newspapers, on the City's website, professional association list serves and websites, direct mail, tele-recruiting, and direct recruiting to ensure a qualified applicant pool can be obtained.

Most full and part time regular positions are filled from conducting local and regional searches. For Police and Fire, an eligibility list established as a result of competitive examinations and interviews is utilized. The examination may consist of a written exam, performance test, oral interviews, assessment center, or any combination of these as established.

All applicants must complete an employment application available on the City's website. Employment applications are accepted only for open and advertised positions and only during the period of time the City establishes for each announcement.

The City does give preference in the hiring process to military veterans who are qualified covered veterans. It will be necessary for applicants to be present at the time of filing the application discharge documents showing dates of entry, discharge, and honorable service. Proof of claimed service must be presented in the form of a DD 214 or a V.A. letter with appropriate orders, if necessary, and proof of disability related to the service.

The Human Resources Department will make reasonable accommodations in the application process to applicants with disabilities, who request such accommodation.

An applicant may be removed from consideration if he or she:

- declines an appointment when offered;
- cannot be located by the contact information provided in the application material;
- fails to undergo and pass a post-offer/pre-employment drug test that produces a negative drug screen result;
- fails to successfully complete a criminal background check;
- has made a false statement of material fact on, or has omitted material information from, his or her employment application;
- does not file the application within the period specified in the application/examination announcement or does not use the prescribed form or uses a different format than allowed as a reasonable accommodation; and/or does not possess the minimum qualifications as indicated by the job description.

204 -PRE-EMPLOYMENT EXAMINATIONS

All appointments in the City 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 efficiently execute the duties of the position to be filled.

The pre-employment examinations held to establish eligibility and fitness for any position may consist of one or more of the following parts as determined by the department in consultation with Human Resources. The Human Resources Department will make reasonable accommodations in the examination process to applicants with disabilities, who request such accommodation.

Written Test

When required, shall include a written demonstration designed to show the applicant's knowledge, skill and ability for the position to which he or she is seeking appointment.

Oral Test

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 test may also be used in examinations where a written test is unnecessary or impractical or as a reasonable accommodation to someone unable to take a written test due to a disability.

Performance Test

Shall involve performance tests to aid in determining the ability and manual skills of applicants to perform the essential function of the position.

Physical Ability Test

When required consists of job-related tests of bodily conditioning, muscular strength, agility, and physical fitness of job applicants for a specific position.

Mental Test

Includes any test to determine mental alertness, general capacity of the applicant to adjust his or her thinking to new problems, or to ascertain special character traits and attitudes.

Computerized Voice Stress Analysis (CVSA)

Uses only a microphone plugged into the computer to analyze the subject's responses. As the subject speaks, the computer displays each voice pattern, numbers it and saves each chart to file. Micro tremors are tiny frequency modulations in the human voice. When a test subject is lying, the automatic, or involuntary nervous system, causes an inaudible increase in the Micro tremor's frequency. The CVSA® detects, measures, and displays changes in the voice frequency.

Post-Offer Drug Test

Post-offer/pre-employment drug testing shall be required of all applicants to whom a conditional offer of employment is made, and such testing must produce a verified negative drug screen result before such applicant shall be permitted to begin employment with the City. Job applicants will be denied employment with the City and any conditional offer of employment will be rescinded if their pre-employment drug test results have been verified by the City's Medical Review Officer (MRO) as positive diluted, altered or if they refuse to submit to a pre-employment test for drug abuse.

Medical Examinations

Following a conditional offer of employment, every prospective regular employee may be required to undergo a medical and/or psychological examination if required, conducted by a licensed health care provider selected by the City. The Human Resources Department will schedule these medical examinations and related tests. The medical examination will focus on whether prospective employees can perform the essential functions of the position offered, and will provide baseline medical information about the prospective employee's general condition of health. The cost of this medical examination shall be borne by the City.

Post Offer Background Checks

Background screenings and verification of relevant information help protect the safety and security of the City's staff and guests, as well as City assets, by reducing the likelihood of crime, injury or loss, and increasing confidence in the City's workforce. Background checks will be performed post- offer prior to beginning work for the City for all positions.

Review of Background Screening Results

A criminal record, negative credit history, or other adverse results is not an automatic bar to employment at the City. The City will consider the passage of time and the severity, frequency, and nature of a conviction, as well as its relationship to the position in question. Other factors may include the candidate's full disclosure of the conviction during the application process (e.g., application, interview). Department heads may also consult with appropriate staff as part of that review (e.g., Human Resources, City Manager, City Attorney) to determine whether the finalist has passed the screening.

Motor Vehicle Records (MVR) Check

City employees who use or perform maintenance on City vehicles will undergo regular MVR searches (e.g. to ensure driver's license is in good standing). In addition, positions requiring a Commercial Driver's License will also be subject to MVR searches. Appropriate screenings may occur at other times, if circumstances warrant it or as required by law.

205 CATEGORIES OF EMPLOYEES

Active Employee – A current employee who receives recurring biweekly paychecks.

Exempt Employee – An employee exempt from the overtime provisions of the Federal Fair Labor Standards Act, generally including salaried executive, administrative, professional and specific other employees.

Non-Exempt Employee – An employee not exempt from the overtime provisions of the Federal Fair Labor Standards Act, generally hourly employees.

Full-time Regular Employee – An employee, who usually is and regularly scheduled to work 40 or more hours per workweek or, (and only) in the case of shift personnel of the Fire & Rescue Department, 216 or more hours per four-week work period in a full-time budgeted position.

Part-time Regular Employee – An employee who is usually and regularly scheduled to work no more than 28 hours per workweek (**1456 hours**). Part-time employees are eligible for benefits required by law.

Full-time Temporary Employee - Hired to work 40 hours per week for a specified, limited time period or hired to complete a specified project or assignment. Not eligible for benefits except as required by law.

Part-time Temporary Employee - Hired to work 30 hours per week or less for a specified, limited time period or hired to complete a specified project or assignment. Part-time employees are eligible for benefits required by law.

Volunteer Employee – An individual who works for the City for no compensation or remuneration of any kind. A Personnel Action Form will be initiated and an emergency contact form will be completed for anyone volunteering for the City.

206 - MINIMUM AGE

The City will not hire any individual less than sixteen (16) years of age. For sworn personnel of the Police Department employees must be at least twenty-one (21) years of age. Fire Suppression personnel are required to be at least eighteen (18) years of age.

207 - NEPOTISM

Decisions about hiring, promoting, evaluating, awarding salary increases, and terminating employees are based on qualifications for the position, knowledge, skill, ability, and performance. Every attempt is made to avoid favoritism. The policy is intended to ensure effective supervision, internal discipline, security, safety, and positive morale in the workplace. It also seeks to avoid the perception of favoritism, conflicts in loyalty, discrimination, the appearance of impropriety, and conflicts of interest.

Notwithstanding this policy, the City of Columbia retains the right to refuse to appoint a person to a position in the same department, division or facility, wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest. The department head shall have the authority and responsibility for determining if such a potential for adverse impact exists or does not exist. This policy applies to individuals who are related by blood, marriage, domestic partners or adoption.

If any two employees are in violation of this nepotism policy without the specific approval of the City Manager upon the favorable recommendation of the respective department head, then those employees shall be asked to determine which of them will transfer within ninety (90) days to any vacant position for which the employee is qualified and which would resolve the violation. An employee who is allowed to transfer under these circumstances must meet the minimum qualifications of a vacant, budgeted position and must have had an overall satisfactory rating on the last performance evaluation. If such a transfer cannot be arranged within ninety (90) days for either of the employees, then the employees shall be asked to determine which of them will leave City employment.

In the event the employees cannot decide between them who will leave, and if a transfer cannot be arranged, then the employee with the least seniority shall be terminated pursuant to Civil Service rules.

208 - APPOINTMENTS, SELECTION, PROMOTIONS, DEMOTIONS, AND TRANSFERS

Pursuant to the Charter, the City Manager has the authority to select, appoint, promote, demote, transfer, suspend, and remove all employees of the City. All vacancies in the City shall be filled by original selection or appointment, re-employment, promotion, provisional appointment, transfer, or demotion.

Candidate Selection and Appointments

To ensure adherence to applicable City policies, salary practices and Federal law, after the search has been completed, but before an offer is made, the department head is required to consult with the City Manager to determine the appropriate salary and obtain authorization to hire.

After the City Manager's approval, an offer to the candidate that specifies the terms of the employment arrangement may be extended. The Human Resources Department will issue an offer letter to the selected candidate. Applicants accepting offers must sign indicating acceptance and understanding of the conditions of the offer.

The offer letter should be sent immediately to the candidate following the verbal acceptance of the offer for the position. The prospective employee must sign the letter and return it to the Human Resources Department.

Provisional Appointments

Whenever there are urgent reasons for filling a vacancy by appointment or promotion, and there is not a current certified list of persons eligible for appointment, the City Manager may make or may authorize the respective department head to make a provisional appointment to such position. However, no provisional appointment may continue for a longer period than three months.

Promotions

A promotion is assigning an employee from one position to another that has a higher maximum pay rate and a higher rank and/or level of responsibility. Vacancies in positions above the lowest rank in any category in the salary ordinance shall be filled, as far as practical, by promoting employees. 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 classification is promoted to a position in another classification, then the rate of pay upon promotion shall be the minimum rate of pay for the higher position range or the employee's last rate of pay immediately prior to promotion multiplied by 107%, whichever is greater.

However, to maintain equity if an employee's current rate with the 7% increase, is above tenured incumbents in the new position, then the rate of pay upon promotion shall be based on the employee's percentile ranking of the current range. The percentile will then

be applied to the top of the range the employee is moving into. The City Manager may determine an appropriate rate of pay if there are extenuating circumstances. No employee will receive less than the minimum rate of pay, nor more than the maximum rate of pay for the pay range to which the new position is classified.

Demotions

A demotion is assigning an employee from one position to another that has a lower maximum pay rate and a lower rank and/or level of responsibility. An employee may be demoted for any of the following reasons:

- because his or her position is being abolished and he or she would otherwise be laid off;
- because his or her position is being reclassified to a higher grade, and the employee lacks the necessary skills to successfully perform the job;
- because there is a lack of work;
- because there is a lack of funding;
- 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;
- because the employee is not performing at a satisfactory level for the position he or she holds;
- because the employee voluntarily requests such and the position to which the employee seeks to be demoted is vacant;
- as a reasonable accommodation when an employee, due to a disability, becomes unable to perform the essential functions of the job; and/or
- as a form of disciplinary action.

When an employee in one classification is demoted to a position in a lower classification, then the rate of pay upon demotion shall be based on the employee's percentile ranking of the current range. The percentile will then be applied to the top of the range the employee is moving into, or shall be a rate of pay specified by the City Manager, but in either case shall be neither less than the minimum rate of pay, nor more than the maximum rate of pay for the pay range to which the lower position is classified.

Transfers

If an employee requests to transfer from one department to another, then both department heads involved, and/or the City Manager must approve of the request before it is processed. Transferring an employee from one position to another without significant change in the responsibility level may be effective:

- when the employee meets the qualification requirements for the new position;
- if it is in the best interest of the City;
- if it meets the personal needs of the employee and is consistent with the other requirements of this rule; and/or
- as a reasonable accommodation when an employee is unable, due to a disability, to continue to perform the essential functions of the job.

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

209 - PROBATIONARY PERIOD

The probationary period, is an integral part of the examination process and shall be used for:

- closely observing the employee's work; and
- securing the most effective adjustment of a new employee to his or her position; and
- rejecting any employee whose performance does not meet work standards.

The probationary period follows original appointments other than for Police officers and temporary/seasonal employees and is for a period of twelve (12) months. For Police Officers, the 12 month probationary period will begin after graduation from the Police Academy. An employee's probationary period may be extended at the request of the employee's department head in situations where there has not been adequate time to review the employee through no fault of their own. In no event may a probationary period be extended beyond twelve (12) additional months. Probationary periods are neither re-established by promotions, demotions or transfers, nor as a means of discipline in response to unacceptable employee behavior or job performance. During a work period, an employee is required to demonstrate fitness for the position by actual performance. At any time during a probationary period the employee may be dismissed.

During the probationary period, the supervisor will inform the employee when his or her performance is unsatisfactory and not meeting established requirements.

Department heads will report to the City Manager before the employee completes twelve (12) months of probationary employment, as to whether the employee's service has been satisfactory and whether the City should continue to employ the individual.

210 - FIRST DAY OF EMPLOYMENT

After an applicant has been chosen to fill a job vacancy by the department head and has been approved by the City Manager, the new employee shall provide any identifying documents necessary to begin work. Failure to supply the needed information may result in termination of employment.

Employee Orientation

In order for new employees to be successful, it is imperative that they understand the overall environment in which they will be operating. Employees who understand the organization's history, scope of operation, economic goals, and future prospects will identify more readily with the entire organization, and they will develop a sense of belonging more quickly than employees who are left to search out needed information on their own.

Orientation provided by the City for new employees is an opportunity for the City to convey information about the City's philosophy, and style. All new hires are required to attend orientation for new employees provided by their own department and any orientation for new employees provided by the Human Resource Department.

Citizenship and Immigration Status Verification

The City will not knowingly employ any person who is or becomes an illegal immigrant. In compliance with the Immigration Reform and Control Act, all employees originally appointed after November 6, 1986, regardless of national origin, or citizenship, must provide suitable documentation to verify identity and employability. The required documentation must be provided to the City or the individual's offer of employment may be withdrawn and if the employee has begun working, employment will be terminated.

211 - RESIDENCY

Individuals shall be recruited from a geographic area as wide as necessary to ensure that well-qualified applicants for the various types of employment positions are obtained. Recruitment, therefore, shall not be limited to residents of Columbia.

There is no residency requirement for the City's employee workforce as a whole. Residency within the City of Columbia is encouraged. However, employees should check with their department head to see if there is a residency requirement for employees of their department in order to provide adequate response time in emergency situations.

212 - ATTENDANCE, WORK PERIODS and WORKWEEK

Attendance

Punctual and regular attendance is necessary for the City to operate efficiently. Employees unavoidably late or absent from work due to illness or other causes must notify their supervisor within the time frame established by each department, unless unusual circumstances prevent the employee from making proper notification. Employees must explain the reason for the absence and, if possible, the anticipated time and date they will return to work. Failure to notify one's supervisor of absences may result in disciplinary action. An unauthorized absence from work for a period of three (3) consecutive working days may be considered by the department head as a resignation.

Excessive tardiness is regarded as sufficient reason for dismissal.

Employees found to be intentionally cheating on their time records shall be subject to disciplinary action up to and including dismissal.

Meal Breaks

Meal breaks are scheduled by the employee's supervisor. Meal breaks are unpaid for all employees except for the following employees for whom mealtime is paid:

- shift personnel of the Fire and Police Departments and
- Wastewater Treatment Plant Operation Personnel; and
- employees who, as determined by the department head, are working at remote job sites without practical access to non-City-provided transportation.

Employees should check with their department head or supervisor for more information about and to schedule their unpaid meal break or paid mealtime.

Work Period/Workweek

Employees, except shift personnel of Fire and Police Departments, receive overtime pay for hours worked over 40 in a workweek at a rate not less than time and one-half their regular rate of pay. Overtime pay is not required for work on Saturdays, Sundays, holidays, or regular days of rest, unless overtime is worked on such days.

A work period is the regular and recurring period of time during which compensated time is counted for purposes of determining overtime eligibility. Except for shift personnel of the Fire and Police Departments, the work period for employees of the City is a workweek. Pursuant to the FLSA, a workweek is a regular and recurring period of 168 hours consisting of seven (7) consecutive 24-hour periods and, in the case of the City, begins at 12:00 a.m. on Sunday and ends at 11:59 a.m. on the following Saturday.

For shift personnel of the Fire Department, a work period is 672 hours in duration, consisting of 28 consecutive 24-hour periods, and beginning and ending according to the Fire Department's official schedule for each shift employee. For the City of Columbia, overtime is calculated after an employee exceeds 212 actual hours worked.

For sworn shift personnel of the Police Department, a work period is 336 hours in duration, consisting of fourteen (14) consecutive 24-hour periods, and beginning and ending

according to the Police Department's official schedule for each shift employee. Overtime is calculated after sworn personnel exceed 86 actual hours worked.

Upon recommendation of the City Manager and approved by the City Council, employees may be placed on administrative leave at full, partial, or no pay for a variety of purposes, including, but not limited to the fact that it is in the best interest of the City of Columbia, the public at large, public health, control of infectious disease, or other appropriate circumstance as defined by the City Council.

213 - OUTSIDE EMPLOYMENT

Full-time regular employees are not permitted to work outside the City's employ if the outside employment:

- is likely to interfere with the employee's satisfactory performance of his or her duties and responsibilities;
- is incompatible with City employment in any way, including the appearance of any conflict of interest; and
- is likely to cast discredit upon or create embarrassment for the City.

A full-time regular employee who desires to work outside the City's employ is required first to obtain written authorization from his or her department head. Such authorization shall be specific to a certain job with a certain second employer. In the event of conflict between City employment and outside employment, City employment is considered primary and outside employment is considered subordinate.

214 - PHOTO ID CARDS

Upon employment, employees will be issued a photo identification card. In addition, ID cards may be required to gain access to City facilities and buildings. ID cards may be replaced if lost or stolen and must be turned in to the Human Resources Department upon termination of employment with the City.

215 - PERFORMANCE EVALUATIONS

Managing employee performance is an integral part of the work that all managers and supervisors perform throughout the year. Performance management is designed to document the expectations of individual and organizational performance, provide a meaningful process and mechanism to improve individual/organizational performance as necessary.

To accomplish these objectives, managers need to identify organizational goals to be accomplished, communicate individual and organizational goals to employees that support the overall strategic mission of the City. The performance of employees will be evaluated and reviewed annually by their immediate supervisors. Evaluations will be discussed with the employees so they will know how they are progressing and what they may do to improve their performance. It is intended that employees will have adequate opportunity to correct any weakness that may interfere with their progress.

Performance evaluations give employees feedback on performance; identify employee training needs, document criteria used to allocate organizational rewards, form a basis for personnel decision such as salary increases, promotions, disciplinary actions, bonuses, etc. They also provide the opportunity for organizational diagnosis and development, facilitate communication between employee and administration and improve performance through counseling, coaching and development.

Evaluations of job-related performance will be conducted according to the following schedule:

New Hire Evaluations

Each employee is to have his or her job-related performance evaluated by his or her respective supervisor and/or department head before completion of six (6) months employment.

Annual Evaluations

Supervisors should document employee performance, both good and when improvement is needed, throughout the year. Doing this will allow the supervisor to provide specific examples to the employee during progress reviews, or at other times throughout the year. The employee is to have his or her job-related performance evaluated by his or her respective supervisor and/or department head annually.

Special Evaluations

Any employee may have his or her job-related performance evaluated by his or her respective supervisor and/or department head outside the normal evaluation schedule whenever, in the judgment of the employee's department head, such an evaluation is necessary.

As important as these performance evaluations are, they are not meant to substitute for ongoing communication between employees and their supervisors and department heads about performance.

SECTION 300

COMPENSATION and PAY

301 - CLASSIFICATION

Purpose

The Classification Plan, as approved by the City Council, provides a complete inventory of all positions in the City's service and an accurate description for each employment class. 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.

Composition of the Classification Plan

The Classification Plan shall consist of:

- a grouping of classes of positions that are approximately equal in difficulty and responsibility that call for the same general qualification, and that can be equitably compensated within the same range of pay under similar working conditions;
- class titles descriptive of the work of the class that identifies the class;
- written job descriptions for each position; and
- physical standards for performance of the duties of the position.

Use of Class Titles

Class titles will be used in all personnel, accounting, budget appropriation, and financial records of the City. No person will be appointed or employed in a classified position under a title not included in the Classification Plan.

Use of Job Descriptions

Job descriptions will 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. Job descriptions are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.

Use of the Classification Plan

The Classification Plan is to be used:

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

302 - ADMINISTRATION OF THE CLASSIFICATION PLAN

The City Manager is charged with maintaining the Classification Plan of the City 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 Manager to examine the nature of the position classes, make such changes in the Classification Plan as are deemed necessary by changes in the duties and responsibilities of existing positions, and periodically review the entire Classification Plan and recommend to the City Council appropriate changes in allocations or in the Classification Plan itself. The City Manager may delegate any or all of these duties and responsibilities to the Human Resource Director.

Allocation of Positions

Whenever a previously unbudgeted position is established the respective department head shall submit in writing a comprehensive job description listing in detail the duties of such a position. The City Manager shall investigate, or shall cause the Human Resource Director to investigate, the actual or suggested duties, and shall recommend to the City Council the appropriate class allocation or the establishment of a new class. The City Council will then consider approving such recommendations.

Request for Reclassification

Any employee who considers his or her position to be improperly classified shall submit his or 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 or she shall immediately transmit his or her recommendation to the City Manager. If the department head/supervisor finds the request is not justified, he or she shall advise the employee of his or her decision and also the employee's right to forward the request to the City Manager. The City Manager's decision regarding a request for reclassification shall be final and binding and may not be appealed.

303 - PAY RANGES AND RATES OF PAY

Use of Pay Ranges

Pay ranges are intended to furnish administrative flexibility in recognizing individual differences among positions allocated to the same class and to provide employee incentives.

The minimum rate established in a class is the normal hiring rate except in those cases where unusual circumstances (such as inability to fill the positions at the hiring rate or exceptional qualifications of an applicant) appear to warrant employing an individual at a higher rate in the pay range. Any department head desiring to start an employee above the minimum must submit justification to the City Manager for approval.

Rates of Pay

The City Manager shall establish all rates of pay paid by the City within the Classification and Pay Plan approved by the City Council. Due consideration shall be given to duties performed, responsibilities, technical knowledge and skills required to perform the work satisfactorily, the labor market, and availability of people having the desired qualifications.

Minimum Wages

In accordance with the Fair Labor Standards Act (FLSA), no employee shall be paid less than the federal minimum wage unless they are expressly exempt from the minimum wage requirement by FLSA regulations.

304 - PAY PERIODS AND PAYCHECKS

The City is on a biweekly pay cycle which begins and ends at 12:00 a.m. on designated Sundays. If employees have questions about their work time, wage or salary, or paycheck, they should bring it to the attention of their department head within the pay period in question or as soon as possible thereafter.

All current employees hired on or after January 3, 1997 are required to have their payroll checks deposited via direct deposit into the financial institution of their choice. Current employees hired prior to January 3, 1997 may choose and are encouraged to participate in the City's payroll direct deposit program.

A separating employee will be issued his or her final paycheck on the regular pay day for the pay period that includes the employee's separation date or the pay period thereafter.

Overpayments and Collections

In the event of an overpayment, notice is sent to the employee by the Finance Department. If the employee is still working for the City and has regularly scheduled pay they may authorize payroll to deduct it from future pay or they can pay it back directly. If the employee is no longer working at the City, a letter will be sent requesting repayment. If payroll is unsuccessful in recouping the overpayment, further collections options may be pursued.

Underpayments/No Payments

Employees should notify their supervisor if they believe an underpayment occurred, or they did not receive a paycheck for monies due them. The payroll office will research the issue. If it is determined that an actual error has occurred, correction will be made.

305 - OVERTIME PAY AND COMPENSATORY LEAVE

Employees who are not exempt from the overtime pay provisions of the FLSA shall be compensated at a rate of one and one-half ($1\frac{1}{2}$) times the employee's regular rate of pay for any overtime work.

- Overtime work for non-exempt employees of the City is any time worked for the City over and above the FLSA overtime threshold. Except for shift personnel of the Fire and Police Departments, overtime is paid for any time worked over 40 hours during the seven-day workweek. Shift personnel of the Fire Department are paid overtime for any time worked in excess of 212 hours per 28-day work period. Shift personnel of the Police Department are paid overtime for any time worked in excess of 86 hours per 14-day work period.
- All leave with pay including workers compensation leave during a particular work period is not included in time worked during the same work period for the purpose of computing overtime.
- Overtime work must be authorized in advance by the employee's supervisor or department head or the City Manager.
- Overtime worked may alternatively be paid with compensatory leave, accrued at a rate of one and one-half ($1\frac{1}{2}$) times the overtime hours worked, according to the employee's preference expressed to his or her supervisor prior to working the overtime and subject to the supervisor's approval. No more than 40 hours (with the exception of 48 hours for fire suppression) of unused compensatory leave may be accumulated by any non-exempt employee.
- Non-exempt employees who perform work after their scheduled work day has ended are required to record the time worked the next day, or as soon as practical.

306 - OUT-OF-RANK PAY

Out-of-rank pay is not paid except under the following circumstances and even then must be authorized in advance by the City Manager and is to discontinue upon resumption of the duties to which the employee was previously appointed and assigned:

If the City Manager chooses to promote an employee on a temporary basis for at least twenty (20) complete and consecutive workdays or shifts, or and only in the case of shift personnel of the Fire Department for nine (9) or more complete and consecutive shifts, to a position with higher rank and status than the position to which employee currently holds and is normally assigned, then the employee will be compensated at a higher rate of pay. Payment will be calculated from the first day of the temporary assignment and will continue through the last day the employee performs work at the higher level. The pay will be equal to the minimum rate of pay for the pay range to which the temporary assignment is classified or his or her current rate of pay multiplied by 107%, whichever is greater, but not to exceed the maximum rate of pay for the temporary position. Any certification and education pay incentives will be added after the acting/temporary rate has been established.

Employees may also be placed in a position that is rated below the current position they are assigned to. When an employee is required to be placed in a lower ranking position for at least twenty (20) complete and consecutive workdays or shifts, or in the case of shift personnel of the Fire Department for nine (9) or more complete and consecutive shifts the employee will be compensated, beginning with the first day of the reassignment, at a rate of pay commensurate with the duties performed and equal to his or her current rate of pay divided by 107%, but not less than the minimum rate of pay for the pay range to which the employee is being assigned. Any certification and education pay incentives will be added after the temporary promotion rate has been established.

307 - CALL-BACK

Non-exempt employees who are called back to work after the normal work shift has ended and after having left the work premises shall be guaranteed a minimum of four (4) hours pay. However, only the actual hours worked will be counted as time worked for purposes of calculating overtime. If the call back occurs less than four (4) hours prior to the start of the normal shift, the employee will be paid for the actual hours worked. No such guaranteed minimum shall be provided to employees who are exempt from the overtime provisions of the FLSA and who are called back to work. Non-exempt employees, who are called and can perform the work remotely, will be paid for actual time worked.

On-Call Time

On-call service is necessary for the proper maintenance and functioning of certain City services. It is the duty and responsibility of each on-call employee to be available by some reliable means of communication at all times. The supervisor or department head shall be responsible for scheduling in advance which employees are designated for on-call duty at any given time, and for determining the maximum permitted time for the on-call employee to reply and/or respond to an emergency call-out.

On-call employees will receive \$100.00 per week of stand-by pay. In addition, when an on-call employee is called out, he or she shall receive four (4) hours minimum pay with only the actual hours worked being used for the calculation of overtime.

Non-exempt sworn police officers receive a minimum of two (2) hours pay if they are required to appear in court when they are not regularly scheduled to work (off duty). Only the actual hours worked will count as time worked for the purposes of calculating overtime.

An employee who is on-call and who fails to report for duty at the specified City job site within 60 minutes of receiving notice may be subject to disciplinary action up to and including dismissal.

308 - PAYROLL DEDUCTIONS

By law the City is required to deduct, where applicable, Federal income and payroll tax withholdings, and any duly authorized garnishments. The City will not allow improper pay deductions. Specifically, the following deductions may be made:

Federal Income Tax

Federal income tax withholdings are deducted from employees' paychecks based on the number of exemptions claimed by the employee. Employees are required to file a completed copy of the Federal Internal Revenue Service form W-4 ("Employee's Withholding Allowance Certificate"), and to file a replacement form W-4 if and whenever any employee-supplied information becomes out-of-date. In the event of changes in the employee exemption status or in the number of allowances claimed or additional amounts, if any, to be withheld from each paycheck, a revised form W-4 must be filed before payroll deduction adjustments will be made.

Social Security

Social Security payroll tax withholdings will be deducted from employees' paychecks according to the Social Security Act. The Finance Department shall keep such records and make such reports as may be required by applicable State and Federal laws or regulations.

Medicare

Medicare payroll tax withholdings will be deducted from employees' paychecks in accordance with law.

Other Deductions

Other deductions may be authorized from pay only with the employee's signed consent:

Direct deposit is required by all employees hired after January 3, 1997.

309 - EDUCATION PAY INCENTIVE PROGRAM

Any employee who has or obtains an under graduate or a graduate degree that is not required in the job description for the employee's current position is eligible for education pay incentive. Only regular, full-time active employees qualify to participate in this program. The education pay incentive program is intended to reward employees who enhance their value to the City by developing their knowledge, skills and abilities.

Education pay incentives are paid and combined with a qualifying employee's base pay following achievement of the degree and submitting a copy of transcripts to the Human Resource Department. To receive education pay, employees must obtain the education from a college or university accredited by an agency recognized by the United States Secretary of Education.

Education pay incentives are paid according to the following table:

Educational Degree Earned	Education Pay Incentive
Associate's (2-year) degree	4% increase in base pay
Bachelor's (4-year) degree	Additional 4% increase in base pay or, if 2-year degree not previously awarded, 8% increase in base pay
Post-bachelor's graduate degree (Masters)	Additional 5% increase in base pay

No more than one same-level advanced education degree per employee will be recognized by the City at any particular time.

Certifications

Employees upon achieving certification from the State of Tennessee will receive the following:

Certification Earned	Pay Incentive
Plant Operator 2	3% increase in base pay
Plant Operator 3	4% increase in base pay
Plant Operator 4	5% increase in base pay
Collection Grade 1	3% increase in base pay
Collection Grade 2	5% increase in base pay
Paramedic	\$4500 per year increase in base pay
Bomb Certification	\$1500 per year increase in base pay
Building Inspector	4% increase in base pay

Traffic Signal Technician	2% increase in base pay
Certified Pool Operator	3% increase in base pay
Certified Playground Safety Inspector	3% increase in base pay
Certified Park Recreation Professional	5% increase in pay

Employees will only receive pay for one certification if the employee has obtained multiple certifications.

The City Manager may authorize payment for other job related certifications. Depending on the certification involved, employees will receive an increase between 2% and 5%.

310 – LONGEVITY PAY

The City has a longevity pay plan that provides annual payments to active, full-time employees as a reward for their service to the City. Longevity pay is paid annually and is calculated at the rate of \$100 for each year of eligible service (\$50 for each year of eligible service before July 1, 2021). To be eligible, an employee must complete two full years of service and be in their third year of employment. Employees receive longevity payment when reaching their third year of employment. At that time, they will receive payment for their three years of service. Employees who were hired prior to July 1, 2021 will receive the \$100 beginning in the calendar year 2022 and subsequent years thereafter. Time of service before July 2021 will be calculated at \$50 for each year of eligible service. Employees who were hired by the City before January 1, 1990, for whom longevity pay after years of 30 through 39 will be paid at \$3,000. The cap for longevity pay is \$3,000.

Longevity payments are made by a separate payroll check and are distributed by the end of the January each year. The dollar value of longevity pay is considered wage or salary compensation for purposes of calculating income taxes and retirement.

311 – TELEWORK

For some positions at the City, working from home or telecommuting may be possible. Telecommuting can be a privilege, or a necessity, or a combination of both, depending upon the circumstances. No particular positions have been designated as "telecommuting positions;" rather, certain positions may from time to time be suitable for performance outside the workplace, and in such a case, management may allow all or part of the duties of the position to be performed away from the office on a temporary or ongoing basis. However, no such arrangement is promised or guaranteed, and no particular duration of telecommuting is guaranteed.

If telecommuting is allowed for a position, it will last as long as it is appropriate. Such arrangements must be set forth in writing and signed by both the employee and the supervisor. Supervisors may terminate the telecommuting agreement or policy at its discretion. Sound telework agreement should include language requiring remote workers to maintain a safe work environment and ask them to specify an area whether it's a room or a space within a room, such as a dining room table that is their designated workspace. It is highly recommended that telecommuting sites not be used as meeting venues nor for deliveries.

If granted, the supervisor and the employee will work out the arrangement as it pertains to when an employee should check in for voice-mail and email messages, come in to attend meetings in person, or attend meetings via conference call. Supervisors may require employees to report to their regular workplace as needed for work-related meetings or other events or may meet with employee in the alternate work location as required to discuss work progress or other work related issues.

It is the City's desire that telecommuting be seamless for other employees at the office and to the public; therefore it will be mandatory that the telecommuting employee forward their desk phone to a phone accessible at the telecommuting site. Work performance with telecommuting will be reviewed and addressed as issues arise.

Telecommuting assignments do not change the conditions of employment or required compliance with policies, including policies in relation to what files may be removed from City premises for telecommuting purposes and what measures should be taken to protect those documents. Workers' Compensation will only be responsible for injuries that happen in the home office and is restricted to times when the employee is performing authorized work.

Telecommuting is not intended to serve as a substitute or replacement for child or adult care. If children or adults in need of primary care are in the alternate work location during employees' work hours, some other individual must be present to provide the care. Telecommuting is also not intended to be used in place of Paid Time Off.

Telework will be approved on a case-by-case basis for the following:

- Inclement weather;
- Doctor appointment;

- Special work assignments;
- An employee has a short-term need for uninterrupted time to complete work on a complex project or report;
- Employee is recovering from illness or an injury and is temporarily unable to physically report to the traditional office.

EQUIPMENT

Employees will be provided office supplies limited to basic supplies taken from the supply-room such as paper, pencils/pens, highlighters, post-it notes, paperclips and folders. Otherwise employees are expected to furnish their own office space and other supplies. Included in the telework agreement will be requirements for connectivity, equipment (e.g. computers, scanners, phones, etc.) the City will provide commensurate with the needs of the employee to perform the essential functions of their position and telework successfully. The City WILL reimburse employees for business-related long distance calls or faxes made from their personal telephone lines/cell phones. The City of Columbia will not assume responsibility for the cost of personal equipment, repair, or service. Nor will the City assume responsibility for operating costs, home maintenance, or other costs incurred by employees for the use of their homes as telecommuting work locations.

Except in instances of cloud-based applications, employees approved for the telework program shall only use city-issued and approved computers and associated equipment via the city's VPN (Virtual Private Network) for safety and security of city systems. It is advised that the practice of forwarding phone calls to personal phones is highly discouraged as they then become subject to public records laws. An employee forwarding their work phone to a personal phone accepts responsibility for the potential consequences of that action.

SUPERVISORS

When implementing the telework program, managers should keep in mind that performance standards for teleworking employees must be the same as performance standards for non-teleworking employees. Also, management expectations for performance should be clearly addressed in an employee's telework plan. When an employee participates in telework, expectations related to accountability do not differ by virtue of the telework arrangement. Following clear and consistent performance management principles and techniques should result in a seamless transition for managers and their employees moving to telework arrangements. Supervisors will need to determine how employees who telework will communicate with one another and with management to accomplish work and how time and attendance will be maintained.

Employee should be asked to describe what their work space will be like (spare bedroom, kitchen table, etc.) and whether they have any concerns or special requests.

Any additional equipment that is required for an employee to telework will need to be budgeted in the department's budget. Reimbursement for office furniture and supplies; items such as desks, chairs, computer hardware and other durables that the City buys for employees' home office areas are City property. They should be marked with asset tags,

and employees must agree to surrender them if they are terminated or when they return to their City office.

In making decisions about which positions are appropriate to designate or approve for telecommuting, supervisors will analyze the duties of positions and how the work is performed. Employees must also have and maintain a minimum of “Exceeds Expectations” or higher in their annual review when applying for telecommuting and to continue telecommuting.

Generally, the following types of positions may be appropriate for telecommuting:

- Require independent work;
- Require little face-to-face interaction with staff or the public;
- Require concentration;
- Result in specific, measurable work products;
- Can be monitored by output.

In making decisions about which employees are designated or approved for telecommuting, Supervisors will review the work qualities of employees, in addition to ensuring that their positions are appropriate for telecommuting. Generally, employees who are successful in telecommuting:

- Are able to work productively on their own;
- Are self-motivated and flexible;
- Are knowledgeable about the job;
- Have a low need for social interaction;
- Are dependable and trustworthy;
- Have above average performance records;
- Are organized;
- Have good communication skills

ADA CONSIDERATIONS

Supervisors should contact Human Resources in cases where telecommuting may be an accommodation for an employee who qualifies under the Americans with Disabilities Act. Some considerations might include:

- The employer's ability to supervise the employee away from the workplace;
- If the essential functions of the position can be performed from home;
- Whether any duties require use of certain equipment or tools that cannot be replicated at home;
- Whether there is a need for face-to-face interaction and coordination of work with other employees;
- The employee deals with sensitive data that must remain at the worksite;
- Whether in-person frequent interaction with outside colleagues, clients, or citizens is necessary and cannot be done remotely;
- Whether the position in question requires the employee to have immediate access to documents or other information located only in the workplace.
-

EMPLOYEE RESPONSIBILITIES:

- Employees must maintain a current telework agreement detailing any emergency telework;
- Employees must keep accurate time records by logging in and out electronically.
- Employees must maintain an internet provider with enough broad band to accommodate all software, programs, modules, etc. that the employee would use not telecommunicating;
- Responsibilities specified for a continuity and/or pandemic event, as appropriate;
- Employees may be assigned other duties and be willing to perform all duties assigned to them by management even if outside your usual or customary duties;
- Employees must take responsibility for the security of the data and other information they handle while teleworking;
- Noncompliance with OSHA regulations may result in the discontinuation of the telecommuting agreement

Note: The City encourages telecommuting employees to notify their homeowners insurance carrier of their telecommuting arrangement. They may want to have the carrier issue an endorsement allowing for limited use of the home for commercial purposes. Any additional cost incurred for the insurance rider or endorsement will be at the expense of the employee.

SECTION 400 BENEFITS

401 - VACATION LEAVE

The following vacation leave program is a benefit provided to active employees that are full-time and regular. Regular, full-time employees start earning vacation upon hire.

Years of Employment	Full Time Regular Employees (2080 hours)		Police 12 hour shift Based on 2236 hours		Fire Suppression Based on 2764 hours	
	Annual Maximum	Bi-weekly Accrual	Annual Maximum	Bi-Weekly Accrual	Annual Maximum	Bi-weekly Accrual
0-5	80	3.08	94.33	3.63	120	4.62
6	88	3.38	102.33	3.94	129.6	4.98
7	96	3.69	110.33	4.24	139.2	5.35
8	104	4	118.3	4.55	148.8	5.72
9	112	4.31	126.33	4.86	158.4	6.09
10 and 11	120	4.62	134.33	5.17	168	6.46
12 and 13	128	4.92	142.33	5.47	177.6	6.83
14 and 15	136	5.23	150.33	5.7	187.2	7.2
16 and 17	144	5.54	158.33	6.09	196.8	7.57
18 and 19	152	5.85	166.33	6.4	206.4	7.94
20 and 21	160	6.15	174.33	6.71	216	8.31
22 and 23	168	6.46	182.33	7.01	230.4	8.86
24 and 25	176	6.77	190.33	7.32	244.8	9.42
26 and 27	184	7.08	198.33	7.63	259.2	9.997
28 and 29	192	7.38	206.33	7.94	276.6	10.52
30 and above	200	7.69	214.33	8.24	288	11.08

Vacation leave is accrued bi-weekly. Accrued vacation leave may not be used until after the pay period during which it is accrued. Employees may not borrow against future vacation leave.

Employees who accrue vacation leave may not carry over from one calendar year to the next an accumulated balance of unused vacation leave greater than 240 hours (257.33 sworn police, 341.15 for Fire Suppression employees) unless specifically authorized by

the City Manager in writing upon and the favorable recommendation from the department head.

Shift personnel of the Fire& Rescue Department may not utilize vacation leave in less than 12 hour increments, and shift personnel of the Police and Wastewater Departments may not utilize vacation leave in less than half-shift increments, unless specifically authorized to do so by their respective supervisor or department head.

The use of vacation leave is to be scheduled as far in advance as possible for the mutual convenience of the employee and the City for planning purposes, and may not be taken unless authorized by the employee's supervisor or department head.

Department heads and supervisors preparing vacation leave schedules shall give choice of dates according to seniority of the personnel in their respective departments, in a manner approved by the department head.

An employee who accrues vacation leave and who is separating employment from the City shall be paid for any accrued but unused vacation leave.

Employees will not receive payment in lieu of vacation leave, except when there is a permanent separation from employment.

Employees in un-paid leave status will not accrue vacation when they have not been at work for at least 30 calendar days.

An employee who accrues vacation leave may not transfer earned vacation leave to another employee.

Any service in the Tennessee National Guard, State Militia, or Military Reserves in excess of the State mandated allowance in any calendar year may be charged as vacation leave at the option of the employee.

402 - SICK LEAVE

The following sick leave program is a benefit made available to active full-time regular employees. Such employees shall accrue sick leave in accordance with the following table:

Active, full-time regular employees	Amount of sick leave accrued per year	Hours of sick leave accrued per 2-week pay period (rounded)
OTHER THAN shift personnel of the Police, Fire and Plant Operators of Wastewater.	12 days (96 hours)	3.692
Plant Operators	12 days (120 hours)	4.62
Sworn Personnel of the Police Dept.	12 days (144 hours)	5.538
Shift Personnel of the Fire Dept.	6 shifts (144 hours)	5.538

Employees who have accrued sick leave become eligible to utilize sick leave under any of the following circumstances:

- The employee is incapacitated by a non-City-job-related sickness, illness or injury;
- The employee may jeopardize the health of others because he or she has been exposed to a contagious disease;
- The employee (other than shift personnel of the Fire Department not on duty), seeking non-emergency medical, dental, or optical diagnosis and/or treatment;
- The employee is providing necessary care and attendance of a member of the employee's immediate family. Immediate family is defined as an employee's spouse, children (son or daughter), and parents or any other individual who stood in loco parentis to the employee when the employee was a child. In Loco, Parentis includes those in the role of a parent with day-to-day responsibilities to care for or financially support a child. The term "parent" does not include a parent "in-law." The terms son or daughter do not include individuals age 18 or over unless they are "incapable of self-care" because of a mental or physical disability that limits one or more of the "major life activities" as those terms are defined in regulations issued by the Equal Employment Opportunity Commission (EEOC) under the Americans With Disabilities Act (ADA). The employee also must provide written documentation from a health care provider to his /her supervisor or department

head and the Human Resource Department when the absence is more than five (5) days or when there is a pattern of abuse; or

- Immediate family member can be a partnership in which two people live together and are in a committed relationship without being legally married
- The employee, with the advance permission of his or her department head chooses to supplement bereavement leave or funeral leave.
- Sick leave shall be accrued on a weekly basis. Sick leave may not be used until after the pay period during which it is accrued. Employees may not borrow against future sick leave.
- Employees who accrue sick leave may accumulate unused sick leave only up to the maximum permitted accrual shown in the table above.
- An employee cannot receive sick leave pay from the City if employed and working for another employer or if self-employed performing work for the employee's business at the time sick leave is requested; unless approval for an exception to this policy is granted by the City Manager.
- Employees who accrue sick leave and have been off work for at least 30 days will stop accruing sick leave at the end of the pay period in which all paid time off has been exhausted
- Employees who accrue sick leave may not transfer accrued sick leave to another employee, except by means of the City's sick leave donor program (See Sick Leave Donation Policy).
- In order to use sick leave, employees must notify their supervisor or department head as soon as possible of their intended absence. The employee also must provide his /her supervisor or department head and the Human Resource Department that the requested use of sick leave is legitimate when the absence is more than five (5) days or when there is a pattern of abuse. In addition, a return to work document stating that he/she is medically able to return to work without undue risk to him/herself or others may be required.
- Each day deducted from an employee's sick leave accumulation shall be for a regular workday and shall not include holidays and scheduled days off.
- Sick leave days for which compensation is due and payable under this section are defined as those days that an employee is regularly scheduled to work.
- No sick leave shall be paid for time lost due to the use of alcohol or to drug abuse except when an employee is receiving treatment in an approved substance abuse treatment facility.

Employees are **encouraged** to think of sick leave as earned-income insurance for occasions when they are unable to report for work for one of the reasons listed above rather than for relatively minor medical conditions. Effective January 1, 2004, as an incentive not to use sick leave and a reward for attendance on the job, an employee separating from the City by means of any type of retirement under the City's retirement plan shall have all then-accrued-and-unused sick leave, up to the maximum permitted accrual shown in the table above, credited as additional time worked (what is called "credited service" in the City's Employees' Retirement Plan) when calculating the employee's retirement benefits.

Employees hired after July 1, 2012, and vested in the defined contribution plan upon separation from employment shall receive 50% of accrued sick leave paid into the 401(a).

Should it become apparent to the City Manager that an employee on sick leave will be unable to return to unrestricted duty by the time he or she has exhausted all forms of leave for which he or she qualifies, and no comparable position for which the employee is qualified is available, then the City may be forced to dismiss the employee but only under either of the following conditions:

- if he or she cannot perform the essential functions due to a disability that cannot reasonably be accommodated; or
- if he or she poses a direct threat to himself or herself an

403 - SICK LEAVE DONOR PROGRAM

Leave donation programs, are a popular method of addressing the medium-to-long term financial needs of employees who are seriously ill or injured off the job.

The purpose of this policy is to establish criteria and standards for the donation of accrued sick leave to a sick leave pool in order to cover absence of a qualifying employee necessitated by illness or injury of the eligible employee.

Participation in the sick leave donor program is open to all employees who accrue sick leave and have donated the required hours to be eligible. The purpose of the program is to assist those employees who have a long-term, terminal, mental, and/or non-City-job-related accidental illness or injury that results in the exhaustion of their own accrued leave with pay by providing them with additional sick leave.

For a plan to be considered what the IRS characterizes as a “bona-fide employer-sponsored (medical) leave-sharing arrangement,” the plan should:

1. Be in writing and be administered by the employer.
2. Be created as a leave bank or pool for employees to deposit donated leave, and from which, leave will be distributed to recipients who have a **personal medical** emergency.
3. State that employees should be eligible to receive leave only after their request has been approved and all other available paid leave has been exhausted.
4. Specify that leave is to be used only for medical emergencies. The plan should restrict these medical emergencies to major illnesses or medical conditions of employees that require extended absences. Under IRS regulations, employer plans may also include extended time off following the loss of a spouse, child or parent.
5. Outline and specify limits on the amount of leave that may be donated by an individual in any given year.
6. Have a detailed procedure in place for employees to submit a written request for leave that describes the specific medical emergency or medical condition.
7. Have processes in place to confirm that all leave transferred under the plan is actually being used for medical leave by the recipient.

Becoming A Member

An initial donation of eight (8) hours, twelve (12) for fire suppression employees of sick leave hours is required to establish membership in the pool. A member must have a minimum of forty (40), sixty (60) for suppression fire employees remaining after their donation at the time of enrollment. The donation of sick leave is strictly voluntary; however, in order to receive donated sick leave an employee must be a member of the pool. Employees will be given the opportunity to become members annually during open enrollment for benefits. Any participating employee may request to withdraw from the pool during open enrollment. All requests for withdrawal

from the Sick Leave Pool must be made in advance of anticipated use of leave. New benefit eligible participants will be eligible to become a member and may join the pool at the next open enrollment after they have accumulated at least forty eight (48) hours, 72 hours for fire suppression employees of Sick Leave. Members of the pool may not specify who will receive donated leave. At the end of any fiscal year, all Sick Leave Pool balances are carried forward to the next year.

Recipient Eligibility

Members may utilize donated leave when they have exhausted all available accrued paid time off and their care requires continuing treatment or supervision by a licensed health care provider, and also requires absence from work of at least five days per illness or episode.

- . The employee or immediate family member must:
 - Provide a completed Family Medical Leave Act Certification of Health Care Provider for Employee's Serious Health Condition form from a licensed physician for a serious medical condition; or
 - Be in quarantine due to exposure to a contagious disease.

Application to Receive Donated Sick Leave

An eligible employee may request donated leave by submitting a written request form and physician's certification to the Human Resources Department. If an employee is incapacitated, a family member or designee may request leave from the Sick Leave Pool on the employee's behalf.

The Human Resources Department, will be responsible for guarding the privacy of sick leave pool recipients. Communications will be kept confidential between all parties. The administration of the policy and approval of Sick Leave Pool withdrawals are the responsibility of the Personnel Department and are based on the information provided on the Family Medical Leave Act Certification of Health Care Provider for Employee's Serious Health Condition form.

The hours allocated to an employee will be determined by the FMLA form completed by the physician, with a 1,000 maximum, 1,350 for suppression employees' amount of hours available during a calendar year.

In the event of a chronic illness or injury requiring episodic treatment (dialysis, chemotherapy, radiation therapy and physical therapy), the recipient may use donated leave in non-consecutive increments.

A participating employee receiving sick leave days from the pool will not accrue additional leave of any kind or be paid for any holiday for those days.

Review Process

The Personnel Director will review the FMLA physician's response within 5 business days of receipt of request.

Notification of Approval/Denial

The Personnel Director will notify the applicant and then Payroll if request is approved. Donated sick leave will be paid at 100% of the receiving employee's current rate of pay.

If the request is denied, the Director will notify the applicant with reason for denial. An appeal may be made to the City Manager if the reason for denial was not based on the 12 month period being exhausted. In the case of an appeal, all information will be submitted to the City Manager who will then make a final decision. The decisions of the City Manager shall be final and binding and will not be subject to the City's grievance procedure or litigation.

If the member is released to return to work prior to the expected date, the unused days will remain in the pool.

Donor employees may not claim an expense, a tax deduction or a charitable contribution for any of the leave donated under the pool. All paid leave granted to the recipient is considered wages and is subject to appropriate tax withholding.

Conditions or Circumstances that do not Qualify for Receipt of Donated Sick Leave

Employees may not receive donated sick leave in the following circumstances:

- Any occupationally related accident or illness which is compensable under Workers' Compensation benefits;
- Disability incurred in the course of the commission of a crime;
- During the period of any disciplinary suspension;
- While receiving the City's Long Term Disability, or Social Security Income (SSDI),
- While serving in the United States military services.

Policy Definitions:

Incapable of self-care: Requiring active assistance or supervision to provide daily self-care in three or more basic or instrumental "activities of daily living." Such as grooming, and hygiene, bathing, dressing, eating, cooking, taking public transportation, etc.

Physical or mental disability: One that substantially limits one or more major life functions as defined under the American with Disabilities Act as Amended.

Serious medical condition: A health condition involving a serious illness, injury, impairment, or condition that is likely to require the employee's absence from work for an extended period of time longer than the amount of paid time available to the employee, and the

health condition is such that it is not medically appropriate for the employee to delay the absence in order to accrue additional paid time off prior to the absence. Some examples of such conditions include: advanced or rapidly growing cancers, acute serious illnesses, chronic life threatening conditions involving failure of bodily organs or system (e.g., heart attack) or chronic conditions requiring extended rehabilitation such as back surgery. The absence may be continuous, as in hospitalization following surgery or an accident, or intermittent, as in period absences for chemotherapy or other procedures.

404 - LIGHT, LIMITED OR MODIFIED DUTY ASSIGNMENTS

To help reduce workers' compensation and other related costs, and to assist employees who are incapacitated in their return to work, the City may, at its sole discretion, offer temporary light-duty job assignments for employees with temporary work-related restrictions due to an illness or injury. Employees who wish to return to work with temporary restrictions due to injuries or illnesses should, if desired, contact their supervisors about light-duty assignments.

Light-duty assignments under this policy are temporary job assignments for employees injured or otherwise incapacitated. Such light-duty assignments are temporary assignments only, are not vacant or permanent positions within the City's workforce, and are not available to employees on a permanent basis under any circumstances. The availability of such light-duty assignments depends on the employee's restrictions and the business needs of the City. The existence of this light duty policy does not in any way guarantee that light duty will be available at any given time, or for any particular employee who requests it.

In most cases, some temporary modification of duties can be made for an employee that would allow them to return to work in a limited capacity, subject to his/her medical restrictions. Temporary restructuring may include modification of essential or non-essential functions of the job, limitation of working hours, changes in working conditions, or physical modification of the work place. Non Workers Compensation temporary assignments are limited in duration to 45 days.

If at any point an employee is medically determined to have sustained permanent restrictions, the creation or continuation of a temporary light duty assignment will not be considered. In that event, the City will review the employee's situation separately, to determine the appropriate steps to be taken, if any, under the Americans with Disabilities Act, other applicable law, and other relevant City policies.

Reasonable Accommodation

Reasonable accommodation is the modification or adjustment to a job, the work environment, or the way things are usually done that enables a qualified person with a disability or injury to enjoy equal employment opportunity.

It is expected that most requests for reasonable accommodation will involve existing employees who have become disabled, through an injury or illness. The most common request will include the restructuring of jobs or tasks within a job, reassignment to a vacant position in another classification, modification of the existing work site, or acquisitions of special equipment and devices.

A common request of a worker upon return to work after an extended absence may be for a complete job reassignment. While it is preferable to consider other accommodations that will enable the employee to return to his/her customary job, if this is not feasible, the City may seek to move the employee into another job classification for which the

employee is qualified. This position may be at the same rate of pay, or a lower rate of pay.

Americans With Disabilities Act (ADA)

The ADA protects qualified individuals with disabilities from employment discrimination. The ADA has a three-part definition of "disability." This definition reflects the specific types of discrimination experienced by people with disabilities. Therefore, it is not the same as the definition of disability in other laws, such as workers compensation. Under the ADA, a person with a disability is a person who has (a) a physical or mental impairment that substantially limits one or more major life activities, or (b) a record of such impairment, or (c) is regarded as having such impairment.

A physical impairment is defined by the ADA as "any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine."

A mental impairment is defined by the ADA as "any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities."

To be a disability covered by the ADA, impairment must substantially limit one or more major life activities. These are activities that an average person can perform with little or no difficulty, such as walking, breathing, seeing, hearing, working, etc.

Whether an injured worker is protected by the ADA depends on whether or not the person meets the ADA definitions of an "individual with a disability." Work related injuries do not always cause physical or mental impairments severe enough to "substantially limit" a major life activity.

Also, many on-the-job injuries cause non-chronic impairments which heal with little or no long-term or permanent impact. Such injuries, in most cases, are not considered disabilities under the ADA. The fact that an employee is awarded workers' compensation benefits, or is assigned a high disability rating, does not automatically establish that this individual is protected under the ADA.

What the Law Requires

To be protected by the ADA, an individual with a disability or an injury must be qualified for the job that he/she is seeking. Qualified means that the person "satisfies the requisite skill, experience, education and other job-related requirement of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such a position."

The key component of the definition, with regard to injured workers, is the ability to perform the essential functions of the position, with or without reasonable

accommodation. Therefore, an injured worker may be protected under the law, if he/she can continue to perform the essential functions of the job with some type of reasonable accommodation.

What the Law Does Not Require

The ADA does not require that the City accommodate an injured employee by reassigning the essential functions of his/her job to another employee -- even if the injured worker requests such an accommodation. The ADA also does not require that an employee be reassigned to another position in order to provide him/her with a job, especially if the employee is not qualified to perform the new job.

The ADA and Workers' Compensation Laws have totally different purposes. Sometimes those purposes intersect, but they are by no means congruent. In some cases, the laws may conflict.

405 - HOLIDAY LEAVE

For full-time regular employees, the City recognizes the following twelve (12) fixed holidays:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Friday after the fourth Thursday in November
Christmas Eve	December 24
Christmas	December 25

Whenever a holiday recognized by the City falls on a Saturday, it shall then be observed by the City on the preceding Friday. Further, when a holiday recognized by the City falls on a Sunday, it shall then be observed by the City on the following Monday. Whenever December 24 (Christmas Eve) falls on a Friday and December 25 (Christmas Day) falls on a Saturday, and whenever December 24 (Christmas Eve) falls on a Sunday and December 25 (Christmas Day) falls on a Monday, then in both cases the City shall observe these two holidays on the Friday and Monday closest thereto.

Active employees, except shift personnel of the Fire, Police and Wastewater Departments, shall be excused from work-related duties whenever holidays recognized by the City are observed.

Active shift personnel of the Police and Wastewater Departments, who are full-time regular, may be scheduled to work pay periods that include the observation of fixed holidays recognized by the City in accordance with departmental policies, procedures and practices. If such an employee is authorized and directed to work a routine shift that overlaps any time the City observes as a fixed holiday, then he or she shall be paid for that shift, and shall either be assigned during the same calendar year, in lieu of the fixed holiday, an alternate shift off with pay, or be paid, in lieu of the fixed holiday, with the appropriate number of hours worked 10 Wastewater and 12 Police) hours of holiday pay during the same work period in which the holiday is observed, also in accordance with departmental policies, procedures and practices.

Fire suppression employees who are scheduled to work a holiday recognized by the City will receive their regular pay for the scheduled shift. In addition, all fire suppression employees will be paid 12 hours holiday pay during the pay period in which the holiday occurs.

In addition to the twelve (12) fixed holidays recognized annually by the City as listed above, the City grants to full-time regular employees two (2) floating holidays annually. These two (2) floating holidays shall be credited to full time regular employees upon employment and at the beginning of each calendar year thereafter. Each floating holiday equals eight (8) hours of holiday leave for each qualifying employee, except for shift personnel of the Fire Department, Police Department and some Wastewater personnel. Firefighters and sworn Police who normally work a twelve (12) hour shift will receive twelve (12) hours, and Wastewater employees who are regularly scheduled a ten hour (10) hour work shift will receive ten (10) hours pay. Fire Suppression employees will need to request the time off, or specify on the timekeeping system that they are requesting pay for the floating holiday. Eligible employees may arrange to utilize their floating holidays in the same manner as vacation leave except that accrued unused floating holidays may not be carried over from one calendar year to the next nor taken in hourly increments. Accrued but unused floating holidays will be paid upon termination. Employees who terminate and are re-hired within the same calendar year will not receive more than two floating holidays in the year.

Based on operational and scheduling needs and requirements of the Police Department, sworn officers may be allowed to receive time off and pay for a holiday prior to the holiday occurring.

Full-time regular employees must be in paid status the day before the holiday and the day following the holiday to be eligible for holiday pay.

406 - EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City provides an employee assistance program where employees, spouses and dependents may choose to obtain confidential counseling and other services. An employee assistance program (EAP) is an employer-sponsored benefit that is designed to assist in the early identification and resolution of workplace productivity problems work/life balance, supervisor and employee training, substance abuse assessment and treatment services, management consultation and legal assistance. These include, but are not limited to: health, relationship issues, family problems, financial concerns, alcohol and drug issues, legal issues, emotional problems, grief and stress.

The employee's right to privacy, records and discussions regarding the nature of personal problems will be handled in a highly confidential manner. Client records will be kept at the offices of the EAP administrator and the contents will be released only upon the employee's written permission.

However, supervisors may make mandatory referrals when the employee's job performance is affected. If this occurs, the employee will sign an agreement that will allow the City to obtain information on treatment and progress to aid the supervisor in making decisions related to the employee's ability to perform the job and/or return to work.

Information about how to contact the City's EAP is available from supervisors, department heads and the Human Resources Department.

407 - GROUP HEALTH INSURANCE PROGRAM

Active employees who are full-time regular, elected officials of the City, the City Manager, the City Judge and the City Prosecutor, all are offered primary health insurance coverage through the City's group health insurance program. Vision and Dental coverage may also be provided. For all employees and officials eligible to participate, the City Council makes a determination during the budget process on funding.

Employees hired on or after July 1, 2019 who have a family member that also works for the City, will be enrolled based on the rate the City is charged for the appropriate tier the employee is being enrolled in. Employees will be credited the current amount the City is contributing for an employee and then based on the chosen enrolled status of dependents, they will also be credited the amount the City provides for the tier the employee is enrolled in. If there is a balance on the actual premium that the City is charged after the City contributions have been applied, the employee will be responsible for that balance. This payment method will ensure that the family is properly enrolled and that the employee will be charged the correct deductibles and out of pocket maximums based on the enrollment.

Eligible participants who continue working past the age of Medicare eligibility have the option of continuing coverage under the group plan or withdrawing from coverage under the group plan and choosing coverage under the Federal Medicare system, assuming all other Medicare eligibility conditions have been met.

Employees may choose to waive their Medical and/or Dental coverage if they can demonstrate that they have other group coverage. After signing a waiver, of the Medical Insurance coverage, the City will pay the employee a stipend determined by the City Manager, for each month the coverage is waived. This payment will be made in December of each year for the months the employee was not enrolled in the City's group medical plan(s).

For Employees hired prior to July 1, 2012, upon retirement a group sponsored Medicare plan is provided. However, if the employee does not enroll in the City sponsored plan, they will not be eligible to receive this benefit in the future.

408 - CITY PROVIDED ADDITIONAL BENEFITS

Active employees who are full-time regular are provided with basic Life/Accidental Death and Dismemberment (AD&D) insurance coverage through the City's group Life/AD&D Insurance Program.

Long-Term Care Insurance

Long-term care benefit is intended to provide care in the event of a long-term illness or a chronic condition. Long-term care insurance will help ensure financial resources are in place should an employee require extended care at home, in an assisted living facility or nursing home. Two years of full time employment is required to be eligible for this benefit.

Long-Term Disability Insurance

Long-term disability pays a full-time regular employee a percentage of their monthly earnings if they become disabled. The gross monthly benefit is 60% of base pay after 180-day elimination period and after sick leave is exhausted. The benefits are offset with other continuation benefits (see insurance certificate for details). The maximum benefit duration is to age 65 or to the age the employee reaches their full retirement age.

Other Optional Employee Benefits

The City offers other employee benefits that are optional to the employee and available at the employee's own expense. Employees may purchase from vendors additional insurance coverage and options. Premiums for optional coverage shall be deducted from the respective employees' paychecks.

409 – COBRA

Pursuant to Federal law the Consolidated Omnibus Budget Reconciliation Act (COBRA), the City offers eligible participants (including dependents) in the City's group health insurance programs the opportunity to extend, at their own expense, their health insurance coverages temporarily in certain instances, called "qualifying events," in which coverage under the group health plan would otherwise terminate. An administrative processing fee of up to two percent (2%) may be added to the premium by the COBRA administrator.

Qualifying Events for Employees

- Voluntary or involuntary termination of employment for reasons other than gross misconduct.
- Reduction in the number of hours of employment below plan eligibility requirements.

Qualifying Events for Spouses

- Voluntary or involuntary termination of the covered employee's employment for any reason other than gross misconduct.
- Reduction in the hours worked by the covered employee below plan eligibility requirements.
- Covered employee's becoming entitled to Medicare.
- Divorce or legal separation of the covered employee.
- Death of the covered employee.

Qualifying Events for Dependent Children

- Loss of dependent child status under the plan rules.
- Voluntary or involuntary termination of the covered employee's employment for any reason other than gross misconduct.
- Reduction in the hours worked by the covered employee below plan eligibility requirements.
- Covered employee's becoming entitled to Medicare.
- Divorce or legal separation of the covered employee.
- Death of the covered employee.

If separation or reduction in hours is the qualifying event that triggers continuation coverage, then it can be in effect for up to 18 months. All other qualifying events will trigger continuation coverage that lasts up to 36 months.

Employees and family members have the responsibility to inform the Plan Administrator about any change in status. Failure to do so may terminate rights to continued coverage. Those eligible for COBRA coverage have 60 days from the date they would normally lose coverage to elect to continue under the COBRA provision.

410 - RETIREMENT PROGRAM

Defined Benefit Plan (Pension)

Employees hired before July 1, 2012 participate in an employer-sponsored defined benefit retirement plan where benefits are allocated based on a formula using factors such as salary history and duration of employment. Investment risk and portfolio management are entirely under the control of the City.

It is 'defined' in the sense that the formula for computing the employer's contribution is known in advance. The formula used is based on the employee's final salary. Under this formula, benefits are based on a percentage of average earnings during a specified number of years at the end of a worker's career.

Defined Contribution Plan (401(a))

Employees hired on or after July 1, 2012 participate in a 401(a) defined contribution retirement plan. The amount of the City's annual contribution is specified by City Council. Individual accounts are set up for participants and benefits are based on the amounts credited into these accounts (through employer and employee contributions) plus any investment earnings. Only City contributions are guaranteed, not future benefits. Employees contribute a predetermined portion of his/her earnings to an individual account, a portion of which is matched by the City.

Vesting Provisions

Vesting is the conveying to an employee of unconditional entitlement to a share in a pension fund or defined contribution plan. Employees are vested when they have participated in the 401(a) plan for five years.

Elective Contributions

In addition, employees may participate in a 457 plan which is a non-qualified plan that provides a tax advantage on deferred compensation. Employees can elect substantial tax deferred contributions in addition to amounts contributed into the 401(a) plan. There is also a catch up provision for employees who are at least 50 years old.

Final Pay Contributions

Eligible vested employees in the 401(a) plan will have one half (1/2) of accumulated sick leave paid into the 401(a) plan upon retirement or termination of employment.

For additional information on how these plans work, employees can contact the Human Resources Department.

411 - WELLNESS PROGRAM

The wellness program, under the direction of the Wellness Committee and the Human Resources Department, promotes the physical and mental wellness of employees and their families. Participation in the annual health risk assessment and biometric screening program is strongly suggested for all current full-time regular employees; employees enrolled on the City's group medical plan(s) will need to participate in the HRA to participate in the incentive.

The City provides annual biometric screenings at no cost to employees enrolled in the group medical plan(s). Long term prevention programs are designed specifically to target chronic health problems. The City's Wellness Clinic was established to help employees and their dependents control and manage high risk factors. Wellness initiatives as well as health coaches are provided to better educate and re-energize employees to inspire them to take the appropriate steps toward leading a healthier lifestyle.

412 - HEALTH INSURANCE PORTABILITY AND PROTECTION ACT (HIPPA)

HIPAA's Title II requirements cover the privacy and security of individual health information used, transmitted, and retained by employer health plans and other covered entities, and the electronic transmission of certain health data. This information is known as protected health information (PHI). Under the Health Information Technology for Economic and Clinical Health Act (HITECH) The City of Columbia has the designation of a hybrid entity.

Health Plans Subject to HIPAA's Privacy Regulations

- Major medical, pharmacy, disease-specific policies (such as cancer coverage)
- Dental, vision, long-term care, mental health
- Some Employee Assistance Programs (EAPs)
- Health Flexible Spending Accounts (FSAs)

Privacy Regulations Apply to Covered Entities and Business Associates (the Plan Administrator) Health Plans

- Any plan that provides health benefits or pays for health care
- Includes insured and self-funded employer health plans, HMOs, and insurers.

Health Care Providers

- Applies if they transmit health data electronically
- Can include on site clinics and medical facilities.

Health Care Clearinghouses

- Billing agents and firms that process electronic health information

Typically employers, third party administrators (TPAs), disability plans and worker's compensation plans and agencies are not covered entities. However, HIPPA regulations make it clear that employers and the TPAs may be affected based on their roles as plan sponsors and business associates.

HIPPA regulations affect the City and any group health plan sponsored by the City, although employers are not directly regulated by the regulations. The Plan Administrator for a group health plan is responsible for ensuring the plan's compliance with regulations.

SECTION 500

FAMILY, MEDICAL and OTHER LEAVE

501 - FAMILY AND MEDICAL LEAVE

Purpose

The Family Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

Eligible employees are entitled to twelve workweeks of leave in a 12 month period for:

- The birth of a child and to care for the newborn child within one year of birth.
- The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement.
- To care for the employee's spouse, child or parent who has a serious health condition.
- A serious health condition that makes the employee unable to perform the essential functions of his/her job.
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on "covered active duty" **or** Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (military caregiver leave).
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is on (or has been notified of an impending call to) "covered active duty" in the Armed Forces.
- "Covered active duty" for members of a **regular** component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.
- "Covered active duty" for members of the **reserve** components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of title 10, United States Code.

The definition of "spouse" under FMLA has been expanded to include uniform treatment of same sex spouses married in a state where the "celebration" took place rather than the state of residence. Opposite sex couples who enter into a legal common law marriage will retain their FMLA eligibility rights when living in a state that does not recognize common law marriage. The Department of Labor does not consider a civil union to be a marriage for the purposes of defining a spouse under FMLA.

The definition of "son and daughter" under FMLA has been expanded to ensure that an employee who assumes the role of caring for a child receives parental rights to family leave regardless of the legal or biological relationship.

Employee Eligibility

To be eligible for FMLA benefits, an employee **must**:

- work for a covered employer; and
- have worked for the employer for a total of 12 months; and
- have worked at least 1,250 hours over the previous 12 months immediately preceding the date leave commences.

Guidelines

The twelve week period runs concurrently with any paid or unpaid leave available to the employee including leave for a work-related injury.

Employees requesting family and medical leave are required to exhaust any and all available accumulated leave with pay prior to taking any leave without pay during family and medical leave. The total amount of family and medical leave may not exceed twelve (12) weeks in a twelve-month (12-month) period.

If two employees are married to each other and wish to take family and medical leave for the care of a new child or a sick parent, their aggregate leave is limited to twelve (12) weeks. For example, if the mother takes eight weeks leave to care for a child, the father would be entitled to up to four weeks of leave, for a total of twelve (12) weeks.

Under some circumstances, employees may take FMLA leave intermittently – taking leave in separate blocks of time for a single qualifying reason – or on a reduced leave schedule – reducing the employee’s usual weekly or daily work schedule. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer’s operation. If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to the employer’s approval.

Military caregiver leave entitles an eligible employee who is the spouse, son, daughter, parent, or next of kin of a “covered service member” to take up to 26 workweeks of FMLA leave in a single 12-month period to care for a “covered service member” with a “serious injury or illness”.

The definition of “covered service member” is expanded to include a **veteran** “who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness” if the veteran was a member of the Armed Forces “at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

For a current member of the Armed Forces the definition of “serious injury or illness” is amended to include not only a serious injury or illness that was incurred by the member in line of duty on active duty but also a serious injury or illness that “existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces” that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating.

For a veteran, a serious injury or illness is defined as “a qualifying injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.”

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (*i.e.*, inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider, which includes:
 - (1) A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - a. Treatment two or more times by or under the supervision of a health care provider (*i.e.*, in-person visits, the first within 7 days and both within 30 days of the first day of incapacity; or
 - b. One treatment by a health care provider (*i.e.*, an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (*e.g.*, prescription medication, physical therapy); or
 - (2) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
 - (3) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
 - (4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
 - (5) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Right To Return To Work

On return from family medical leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is

entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence.

If the employee is unable to perform the essential functions of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the FMLA. However, the City's obligations may be governed by the American with Disabilities Act.

Notification and Scheduling

An eligible employee must provide the City at least 30 days advance notice of the need for family and medical leave for birth, adoption, or planned medical treatment when it is foreseeable. This 30-day advance notice is not required in cases of medical emergency or other unforeseen events, such as premature birth or sudden changes in a patient's condition that require altering scheduled medical treatment. Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this 30-day notice.

It is the City's responsibility to designate in writing leave as family and medical leave and to notify the employee.

Certification

The City reserves the right to verify an employee's request for family and medical leave. If an employee requests family and medical leave because of a serious health condition or to care for a family member with a serious health condition, the City requires that the request be supported by certification from the health care provider of either the eligible employee or the family member, as appropriate.

This certification must contain the date on which the serious health condition began, it's probable duration, and appropriate medical facts within the knowledge of the health care provider regarding the condition. For family members, the certification must state the employee's need to care for the son, daughter, spouse, or parent and must include an estimate of the amount of time the employee is needed to care for the family member. Medical certifications will be treated as confidential and privileged information.

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

Maintenance of Health and COBRA benefits during Family and Medical Leave

The City will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. Arrangements will need to be made for employees to pay their share of health insurance premiums while on leave if they are not

receiving pay from the City. The City may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

Reinstatement

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

The Twelve (12) Month Family and Medical Leave Period

The twelve-month (12-month) period during which an employee is entitled to twelve (12) workweeks of family and medical leave is determined on a calendar year basis.

If an employee fails to provide a requested fitness-for-duty certification to return to work, the City may choose to delay reinstatement until the employee submits the certificates.

502 - MILITARY LEAVE

City employees who are called to active military duty are entitled to military leave, reemployment rights and benefits under both State and Federal law upon their return from active duty. Employment discrimination because of past, current, or future military service is prohibited.

Reservists' Leave

All employees of the State who are or may become members of any reserve component of the Armed Forces of the United States, including members of the Tennessee Army and Air National Guard, shall be entitled to a leave of absence from their respective duties, without loss of time, pay, regular leave or vacation, impairment of efficiency rating, or any other rights or benefits to which otherwise entitled for all periods of military service during which they are engaged in the performance of duty or training in the service of this State, or of the United States, under competent orders. An employee while on such leave shall be paid salary or compensation for a period, or periods, not exceeding twenty (20) working days in any one (1) calendar year plus any additional days as may result from any call to Active State Duty. After the twenty (20) working days of full compensation, members of any component of the Armed Forces of the United States may use up to five (5) days of sick leave in lieu of annual leave for the purposes of not having to take leave without pay.

An employee called to active duty by the Governor to enforce the laws of the State shall be paid his/her regular salary for such time as he/she is engaged in the performance of his/her duty, and any time spent in Active State Duty shall not count against the twenty (20) day period of leave allowed for military service.

Employees on leave of absence for military service do not continue to accumulate vacation or sick leave. Employees on military leave of absence are entitled to elect continued health insurance benefits for up to eighteen (18) months and may be required to pay the employee cost of such benefits. And, an employee may be required to pay the employee cost of any other continued funded benefit to the extent other employees on furlough or leave of absence are required to do.

Employees returning from military service are entitled to restoration of employment with seniority, status, and pay rate as if continuously employed.

Reinstatement

Within the guidelines established by Federal and State laws, employees who take leave to serve in the Armed Services are entitled to reemployment with the City provided:

- Advance written or verbal notice of military service is provided to the City, unless such notice is precluded by military necessity or is otherwise impossible or unreasonable.
- Cumulative absence due to military reasons does not exceed five years.
- The employee reports to work or applies for reemployment on a timely basis as follows:
 - Employees with military service of thirty (30) days or less or absences for the purpose of an examination to determine fitness for service must report to the City no later than the beginning of the first regularly scheduled work day following completion of service and eight (8) hours after a period sufficient to allow safe transportation of the employee from the place of service to the employee's residence.
 - Employees with military service of more than thirty (30) days but not more than 180 days must submit an application for reemployment no later than fourteen (14) days following completion of service (or within the next calendar day that application becomes possible when application within that period is impossible or unreasonable through no fault of the employee).
 - Employees with military service of more than 180 days must submit an application for reemployment no later than ninety (90) days following completion of service.

An employee's failure to report within the time described above subjects the employee to the City's policy regarding authorized absence from work.

An employee disabled by injury or illness in connection with military service is afforded a period of recovery not to exceed two (2) years. The reemployment rights stated above apply provided the employee reports or applies for reemployment within the time limits set above. Employees returning from military leave who meet the criteria for reinstatement are entitled to be placed in certain positions as described below according to the following order of priority:

- 1) An employee whose period of service is 90 days or less must be reemployed in the position he or she would have held had his or her employment not been interrupted by service.

- 2) An employee whose period of service is more than 90 days must be reemployed in the position he or she would have held had his or her employment not been interrupted by service or in a position of like seniority, status, and pay for which the employee is qualified.
- 3) The City will make a reasonable effort to qualify a returning employee who is not qualified or is no longer qualified for positions that he or she was qualified for prior to Military Leave; however, the City is not required to place an individual in a position for which he or she is not qualified, if doing so would impose undue hardship on the City.
- 4) An employee returning with a service-related disability which renders the employee unqualified for his or her former position must be employed in a position of equivalent seniority, status, and pay which the employee is qualified to perform (or which the City can qualify to perform with reasonable efforts) or, if such equivalent position does not exist, in the nearest approximation to such position in terms of seniority, status, and pay.
- 5) When a position as described above does not exist, the returning employee must be employed in any other available position of lesser status and pay which the employee is qualified to perform, with full seniority.

A returning employee is entitled to the same seniority and other rights and benefits he or she would have had if the employee had remained continuously employed.

While in the service, an employee is entitled to the same benefits as other employees on leave of absence, including the use of paid sick and vacation leave at the employee's election. Accrued annual leave may be taken in lieu of leave without pay. Accrued sick leave may be taken if the employee provides proof to the City that he or she was sick while serving in the armed services. The employee is required to pay any benefit costs which are normally paid by other employees on leave.

A reemployed employee whose period of service is more than 30 days but not more than 180 days may not be discharged (except for cause) within 180 days of reemployment; an employee whose service is more than 180 days may not be discharged (except for cause) within one year following reemployment.

An employee may, while in the service, elect to continue City health plan coverage for a period of 18 months or, where the employee's leave is less than 18 months, until the day after the date on which the employee fails to apply for or return to City employment as required by the Act.

An employee in the service for 30 days or less is required to pay only the employee's portion of the insurance premium.

- An employee in the service for more than 30 days must pay both the employee and employer share of the premium.
- If coverage is terminated at the employee's option, a waiting period for reinstatement upon return to employment may not be imposed.

For retirement purposes, a returning employee is considered as not having incurred a break in service.

- Following the employee's return to City employment, the City must make the retirement plan contributions which would have been made in the absence of a break in service not to exceed five years.
- Employer and employee contributions are based on the rate of pay the employee would have received had he remained continuously employed.

Reemployment rights may be waived by an employee but such waiver may be relied on by the City only if the waiver is in writing and clearly states that the employee is aware of the rights guaranteed by the Act that are being surrendered.

503 - JURY DUTY LEAVE

Active employees selected for jury duty service shall be excused from regular duty, with pay, according to the guidelines set forth in TCA 22-4-108. An employee receiving compensation related to a summons for jury duty must submit the summons to their supervisor.

The employee shall be entitled to the employee's usual compensation received from such employment. Any jury duty pay or other compensation paid by the court for jury duty service is retained by the employee.

504 - MATERNITY/PATERNITY LEAVE

Pursuant to the Tennessee Maternity/Paternity Leave Act of 2005, TCA 4-21-408, any regular employee who has been employed full time by the City for at least one year shall be granted leave for a period not to exceed four (4) months for the purpose of pregnancy, childbirth, and nursing the infant, or for the adoption of a child.

An employee who gives the City at least three (3) months' advance notice (unless prevented from doing so because of emergency medical necessity) of their anticipated date of departure for maternity/paternity leave, length of leave, and their intention to return to employment after the leave, shall be restored to their previous or a similar position with the same pay status, pay, length of service credit and seniority, as applicable, as of the date of the leave.

The employee shall be required to exhaust any and all allowable accumulated leave with pay prior to taking any leave without pay during maternity/paternity leave. Any maternity/paternity leave (whether with or without pay) shall simultaneously be considered and treated as family and medical leave to the extent such leave is and remains available to that employee.

505 - BEREAVEMENT AND FUNERAL LEAVE

Bereavement Leave

Active full-time regular employees are granted 24 work hours of bereavement leave (which is defined as leave with pay) in the event of the death of any member of the employee's immediate family. Immediate family is defined as:

- the employee's current spouse;
- A mother/father; (Includes steps and in-laws)
- A brother/sister; (Includes steps or halves and in-laws)
- A child (step-child if the employee is directly responsible)
- Domestic partners and their children;
- Great Grandparents;
- Grandparents;
- Grandchildren;
- Daughter/son in-law;
- Other persons with whom the employee has a "loco parentis" relationship (In loco parentis" means the employee has the day-to-day responsibilities for the care and financial support of a child or persons who had such a responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.).

In cases requiring extensive travel time, time needed to settle an estate, or additional grief time, the employee may be granted additional leave. The additional time may be charged to the employee's accrued and unused sick leave, but only if authorized by the employee's department head.

Funeral Leave

- Active employees who are full-time regular are allowed one regularly scheduled work day of funeral leave (which is defined as leave with pay) in the event of the death of any member of the employee's immediate family (as defined above) or extended family. For the purposes of this policy extended family is defined as:
- Step-child;
- Great Grandparent;
- Grandparent;
- Grandchild; (Include steps, halves and in-laws of the same relationship)
- Aunt/Uncle;
- Niece/Nephew;
- Son-in-law/Daughter-in-law;
- Legal dependent of the employee.

506 - INCLEMENT WEATHER LEAVE

Whenever it is determined that the health or safety of citizens or employees would be placed at risk or that conditions or events prevent performance of regular operations, services or responsibilities, City offices or a subsection thereof may be closed. The City Manager shall make decisions regarding the conditions affecting the closure. In situations regarding inclement weather, the Director of Public Works, Wastewater, Police and Fire will determine the requirements for their department's operation.

Regular employees will receive their regular pay if the City Manager announces that offices are closed. Part-time regular employees, who are scheduled to work when the City announces offices and facilities are closed, will be paid for the hours they were scheduled to work when the closure occurred. However, if City offices are not closed and the employee determines it is not safe to travel, they may use accumulated vacation or compensatory leave.

If inclement weather or other emergency conditions develop during the workday, employees will be notified by telephone and/or email of any authorized changes to normal work hours. If such conditions develop during the night and warrant delayed opening or official closing, official announcements will be made by posting notice on the City's website (www.columbiatn.gov) or employees may sign up for text alerts.

507 - LEAVE OF ABSENCE WITHOUT PAY

A leave of absence without pay is an authorized, temporary release of an employee from the payroll. Leaves of absence are granted either under the provisions of applicable federal or state laws or by the City at the discretion of the employing department with City Manager approval to protect employment and certain benefit rights for a specific period of time.

Leave of Absence Without Pay due to Illness, Injury or Pregnancy

Employees who do not meet the criteria for Family and Medical Leave, or who have expended their allowable leave, may apply for a leave without pay for their own illness, injury or pregnancy.

The employee must have exhausted all paid leave prior to leave without pay, unless the leave is due to a worker's compensation injury or illness. The employee must provide a health care provider's statement which advises on his/her physical inability to perform the job. The approval and duration of the leave is at the discretion of the department head who has the authority to approve leave and will be based on a health care provider's statement, the individual's ability to perform job duties, and the needs of the employing department. Leave granted under this provision will normally not exceed 26 weeks (6 months) duration, (less may be granted if the employee's continuing absence would substantially conflict with the needs of the department).

Leave of Absence Without Pay due to Personal Reasons

A leave of absence without pay may be granted to a regular employee for personal reasons only after eligible leave with pay (vacation, compensatory) has been exhausted. Consideration of a request for personal leave should be based upon the effect of such leave on the department's workload and the reason for the leave. Leave granted under this provision will normally not exceed 26 weeks duration.

Requests and Approvals for Leave of Absence Without Pay

All requests for leave of absence without pay must be submitted in writing. Such requests should be made in advance if possible and as soon as the employee determines leave is necessary. The employee should fully outline the purpose for the request, and attach any pertinent documentation such as a statement from the health care provider, etc. The leave of absence must be approved by the department head. Department heads are urged to consult with the Human Resources department if unsure whether a particular request qualifies for the type of leave requested.

Before an employing department may fill the position of an employee who is on leave without pay and not covered by FMLA with a regular replacement, written permission must be obtained from the City Manager and filed with the Human Resources department.

Benefits Administration

An employee due to go on a leave without pay for any reason should contact the Human Resources department immediately to discuss benefits during leave. If possible, this should be done in advance of the leave without pay.

Accrued leave benefits are to be handled as follows:

- Accrued vacation leave, sick leave, and compensatory time must be expended prior to taking leave without pay under the provisions of the Family and Medical Leave Act unless the leave is due to a worker's compensation injury or illness. The use of sick leave is strictly limited to those situations clearly falling within the definition of sick leave contained in the Sick Leave Policy.
- Leave taken under any of the provisions stated in this policy does not entitle the employee to receive the City contribution in any month in which no salary is paid.
- In all instances, the employee must pay the monthly employee's contribution, and the City's contribution, by specified deadlines each month to retain coverage. Coverage discontinued while on leave of absence without pay will not be automatically reinstated upon return to employment. Some coverage may be reinstated only with approval of the issuing company.

General Provisions

Failure to return to work upon expiration of approved leave will be considered a voluntary termination of employment. In such cases, an individual desiring to return to work will be treated as a new applicant.

An employee who returns to employment at the termination of a leave of absence without pay will normally be reinstated in the same position he/she formerly held, or in a position of similar status or pay.

Subject to fiscal constraints, approval of such leaves constitutes a guarantee of employment for a specified period of time.

508 - RETURN TO WORK

Employees returning to work after an absence of more than five (5) consecutive work days may be required to provide a statement from a physician. In such instances, the City also invokes the right to require employees to submit to an examination by a physician designated by the City at its discretion. Employees receiving any type of disability compensation or on medical leave of absence are considered to be unable to work. Employment conducted outside of the employee's regular job in these situations will result in disciplinary action.

SECTION 600

SAFETY

601- WORKPLACE SAFETY

It is the policy of the City to provide a safe and comfortable work environment for all employees. The City has established workplace safety procedures and regulations that comply with regulatory requirements and which are intended to increase safety consciousness among all employees. It is City policy to maintain a constant vigilance of all workplace safety programs, and where workplace safety standards are found to be deficient; the City shall take immediate action to correct the situation. The City adheres to the philosophy that the safety of the employees and the public is a high priority. The City Manager retains overall responsibility for oversight of the City's workplace safety program.

The City Manager shall appoint a Workplace Safety Coordinator who is responsible for the development and effective implementation of the City's Workplace Safety Program. The Workplace Safety Coordinator is charged with the responsibility of the preparation and promulgation of the City's Workplace Safety Manual, with amendments as necessary, for advance approval by the City Manager, to meet compliance with Federal and State workplace safety standards and laws. The plans and programs contained therein shall be at least as stringent as the Federal and State standards on the same issues and shall include the following:

The Workplace Safety Committee Members and/or the Workplace Safety Coordinator shall have the right to enter, at any reasonable time, any work area under the control of the City, and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment, and materials therein, and to question privately any supervisor or employee.

The Workplace Safety Coordinator or a Workplace Safety Committee Representative may require the attendance of employees, and may interview employees and require the presentation of evidence, for the purpose of confirming or supplementing findings.

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

All employees shall be informed of applicable procedures and standards set forth by the Tennessee Occupational Safety and Health Act. The Workplace Safety Coordinator is responsible for the administration of the City's Workplace Safety Program and serves as the primary liaison within the City organization for workplace safety purposes.

A Workplace Safety Committee comprised of representatives from seven (7) departments work with the Workplace Safety Coordinator to ensure the City is in compliance. The Workplace Safety Coordinator shall coordinate and direct the operations of the Workplace Safety Committee. The duties of the Workplace Safety Committee shall be prescribed in

the Workplace Safety Manual. Department heads will determine membership of the Workplace Safety Committee based on the groups' expertise in workplace safety matters

602 - WORKERS' COMPENSATION PROGRAM

All injuries arising out of and in the course of one's employment shall be governed by the Tennessee Workers' Compensation Law. Employees on work-related injury leave shall receive disability benefits in accordance with Tennessee Department of Labor regulations. The Human Resources Director, under the direction of the insurance carrier or its representatives, shall coordinate all workers' compensation claims. The employee shall be required to communicate to and coordinate all activities (i.e., medical care, restricted duty, return to work, etc.) through the Human Resources Department. Failure to follow proper procedure may result in disciplinary action and/or denial or loss of workers' compensation benefits.

The date of injury and the first seven (7) calendar days immediately following are a waiting period and no disability benefits are payable by the insurance carrier unless the disability period lasts at least fourteen (14) calendar days, in which case disability benefits shall be calculated beginning with the day following the injury. Disability benefits are based on two-thirds (2/3) of the employee's gross average weekly wage for the last 52 weeks worked prior to the injury, subject to the minimum and maximum benefits as provided by law.

On the day or shift of the work-related injury, and during the first seven (7) calendar days immediately following the date of injury of any work-related injury leave, the injured employee shall be paid in full by the City his or her wages or salary the same as if that employee had worked during that time as scheduled. After the first seven (7) calendar days immediately following the date of injury, the injured employee will not be paid wages or salary while on work-related injury leave but any workers' compensation disability benefits paid by the insurance carrier for that same period of time shall be credited to the injured employee. Accrued leave with pay may not be utilized at any time during work-related injury leave.

The City of Columbia will **NOT** be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City, unless the program has been approved by the City Manager.

603 - DISTRACTED DRIVING

There are three main types of distraction:

- Visual — taking your eyes off the road
- Manual — taking your hands off the wheel
- Cognitive — taking your mind off what you're doing

Distracted driving is any non-driving activity a person engages in while operating a motor vehicle. Such activities have the potential to distract the person from the primary task of driving and increase the risk of an accident.

“Hands Free Tennessee” – Public Chapter 412 makes it illegal for a driver to:

- Hold a cellphone or mobile device with any part of their body,
- Write, send or read any text-based communication
- Reach for a cellphone or any mobile device in a manner that requires the driver to no longer be in a seated driving position or properly restrained by a seatbelt
- Watch a video or movie on a cellphone or mobile device, and
- Record or broadcast video on a cellphone or mobile device.

A function or feature of a wireless telecommunication device or stand-alone electronic device is mounted on the vehicle's windshield, dashboard, or center console in a manner that does not hinder the driver's view of the road; and the driver's hand is used to activate or de-activate a feature or function of the wireless telecommunications device or stand-alone electronic device with the motion of one (1) swipe or tap of the driver's finger, and does not activate camera, video, or gaming features or functions for viewing, recording, amusement, or other non-navigational functions, other than features or functions related to the transportation of persons or property for compensation or payment of a fee.

Exemption for Public Safety – Fire and Police

- Officers of the state or of any county, city, or town charged with the enforcement of the laws of this state, or federal law enforcement officers when in the actual discharge of their official duties;
- Campus police officers and public safety officers, as defined by 49-7-118, when in the actual discharge of their official duties;
- Emergency medical technicians, emergency medical technician-paramedics, and firefighters, both volunteer and career, when in the actual discharge of their official duties;
- Emergency management agency officers of this state or of any county, city, or town, when in the actual discharge of their official duties.

604 - INFECTIOUS DISEASE CONTROL POLICY

In providing municipal services, employees may come in contact with life-threatening infectious diseases that can be transmitted through job-related activities. It is important that both citizens and employees be protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

Occupational exposures may occur in many ways, including needle sticks, cut injuries or blood spills. Some—employees are assumed to be at a higher risk for blood borne infections material from potentially infected individuals.

Personal Protective Equipment (PPE) is provided to high risk employees at no cost to them. Training in the use of the appropriate PPE for specific tasks or procedures is provided by the employee's supervisor.

The City implements various methods of exposure control including:

- Body substance isolation
- Engineering and work practice controls
- Personal protective equipment
- Hepatitis B vaccination
- Post-exposure evaluation and follow-up
- Communication of hazards to employees and training
- Recordkeeping
- Procedures for evaluating circumstances surrounding exposure incidents

Employees covered by the blood borne pathogens standard receive an explanation of the exposure control plan during their initial training. It will also be reviewed in their annual refresher training. Each department will provide, maintain and ensure adequate supplies of all necessary Personal Protective Equipment (PPE), engineering controls (e.g., sharps containers), labels, and red bags as required by the standard. Regulated waste is placed in containers which are closable, constructed to contain all contents and prevent leakage, appropriately labeled or color-coded, and closed prior to removal to prevent spillage or protrusion of contents during handling.

The Benefits/Safety Coordinator will:

- Make an exposure determination for all employee positions to determine a possible exposure to blood or other potentially infectious materials;
- Maintain records of all employees and incidents subject to the provisions of the policy;
- Conduct periodic inspections to determine compliance with the infection control policy by municipal employees;
- Coordinate and document all relevant training activities in support of the infection control policy;
- Identify any and all housekeeping operations involving substantial risk of direct exposure to potentially infectious materials and shall address the proper precautions to be taken while cleaning rooms and blood spills; and

- Perform such other duties and exercise such other authority as may be prescribed by the City Manager.

605- DRIVING RECORDS

Any employee who is required as an employment condition to possess and maintain a valid Tennessee driver's or commercial driver's license in order to perform functions of their City job must immediately, or at the latest upon reporting for duty the next workday, inform his or her supervisor should his or her license become denied, expired, restricted, suspended, or revoked any time during employment with the City.

An employee's driving record may be subject to periodic MVR checks. Any employee who is required as an employment condition to possess and maintain a valid Tennessee driver's or commercial driver's license in order to perform functions of their City job, whose license is not currently valid, and who has not so informed his or her supervisor of such invalidity, shall be subject to disciplinary measures.

606 - SEAT BELTS

All City employees must wear seat belts when they are driving or riding in a City vehicle. Seat belts must be fastened and remain fastened until the vehicle comes to a complete stop. This applies to both licensed and off the road, non-licensed vehicles whenever seat belts are provided.

607 - IDENTITY THEFT POLICY

The City of Columbia maintains accounts for its customers to pay tax bills. These accounts are covered accounts under the Red Flag Rules adopted by the Federal Trade Commission (FTC) in 16 C.F.R. § 681.2. The City adopts this Identity Theft Prevention Policy to comply with 16 C.F.R. § 681.2 which is designed to detect, prevent and mitigate identity theft in connection with these customer accounts. The accounts covered by this policy shall be referred to as customer accounts.

For purposes of this Policy, the term "Identity Theft" means a fraud committed or attempted using the identifying information of another person without authority. For purposes of this policy, the term "Red Flag" means a pattern, practice, or specific activity that indicates the possible existence of identity theft. Section II.C provides a specific description of which Red Flags are applicable to this policy.

The City allows access to account information using the following methods:

- In person at City Hall with proper identification;
- Over the telephone after providing certain identifying information;
- Over the internet using a secure password.

In identifying relevant Red Flags associated with customer accounts, the Council and management have considered the following categories of Red Flags for identity theft.

- Alerts, notifications and warnings from consumer reporting agencies;
- Presentation of suspicious personal identifying information;
- The unusual use of or other suspicious activity related to a customer account;
- Notices of potential identity theft including: notices from customers, law enforcement authorities, or other persons indicating that a customer may have been a victim of identity theft, notice to the City that a customer has provided information to someone fraudulently claiming to represent the City.

If a City employee detects a red flag, the City employee shall notify the City Recorder; if the City discovers that any of its customers have become victims of identity theft, the City will notify the police department.

The City will update the policy and procedures as necessary to reflect changes in risks, ways to prevent and mitigate identity theft, changes in services and changes in business arrangements involving joint ventures and third party service providers.

The City Recorder shall provide training for all new employees who will have access to sensitive customer information. Training shall discuss the identification of relevant red flags, detection of red flags, and the prevention and mitigation of identity theft.

The City has business relationships with third party service providers. Under these relationships, the third party service providers have access to customer identifying information covered under this policy. The City Recorder shall ensure that third party service providers' work for the City is consistent with this policy by amending contracts to be consistent with this policy and ensuring that third party providers have reasonable alternative safeguards that provide protection for customer information.

SECTION 700

CITY PROPERTY

701 - USE OF CITY TIME, FACILITIES AND AUTHORITY

An employee may not use City facilities, equipment, and supplies for personal needs either during or beyond normal working hours unless authorized by the City. In addition, officials or employees may not make or attempt to make private purchases using the City of Columbia's name or resources including cash and purchasing cards.

Employees of the City may not use or attempt to use their position to secure any privilege or exemption for themselves or others that is not authorized by the Charter, general law, ordinance or policy of the City. A City employee in his/her relationships with any person, may not use the power or authority of his/her office or position in a manner intended to induce or coerce another person to provide, directly or indirectly, anything of value that will provide an advantage, benefit, or economic gain of the employee, or any other person.

No employee may use his/her official influence to assist any person for compensation, other than as done in the course of assigned duties and responsibilities.

No City employee may have any financial interest in the profits of any contract, service, or their work performed by the City; or personally profit directly or indirectly from any contract, purchase, sale, or service between the City and any person or company; or personally, or as an agent, provide any surety, bail, or bond required by law or subject to approval by the City Manager. No employee may accept any free or preferred services, benefits, or concessions from any person or company that might reasonably be interpreted as an attempt to influence his/her actions with respect to City business.

702 - USE OF CITY VEHICLES, MACHINERY AND EQUIPMENT

City vehicles, machinery and equipment are for official use only, except as delineated below.

No person other than an employee authorized by his or her department head may operate a City vehicle or piece of machinery or equipment. Drivers of vehicles must have a valid and current Tennessee driver's license and shall obey all traffic laws.

Only current officials and employees of the City are permitted to ride in any City vehicle unless authorization is given by the supervisor of the employee operating that vehicle. For Police and Fire vehicles, a completed ride waiver, approved by the Chief of Police or Fire Chief, is required.

Additional authorized person(s) for police vehicles include:

- An employee of the Columbia Police Department;
- A person under arrest;
- A person on police-related business, such as prosecutors, witnesses, stranded motorists, etc., with supervisory approval;

No City vehicles, machinery or equipment may be operated outside of Columbia city limits by any employee unless so authorized by the supervisor or department head of that employee.

Employees are prohibited from using City owned vehicles for personal use, except as provided in this policy. Vehicles may be used for meal and break stops taken in the course of employment.

Employees are expected to use City vehicles, machinery and equipment in a safe manner, in accordance with manufacturers' specifications, and as directed by each employee's supervisor. In particular, employees are to wear seat belts whenever operating any vehicle or machinery so equipped. Under no circumstances shall the vehicle, machinery or equipment be operated while the operating employee is under the influence of alcohol or any drugs that could adversely affect the employee's ability to operate the same both safely and efficiently.

Employees who are issued City equipment and/or property shall be responsible for the safekeeping, serviceable condition, and proper care, of City property assigned or entrusted to them. Any damage to any City vehicle, machinery or equipment, including that from normal wear and tear, shall be reported to the employee's supervisor immediately except in cases of emergency then as soon as possible. Failure to do so on the part of the employee responsible for any such damage may result in disciplinary action up to and including dismissal.

Damaged or unserviceable City equipment and/or property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority. In

the event that any City equipment and/or property become damaged or unserviceable, no employee shall attempt to repair the equipment and/or property without prior approval of a supervisor (unless it is part of his/her job).

All employees who handle City equipment are responsible for its care and security while under their control. The loss, damage or waste of City property or equipment through negligence, carelessness, or improper care or use may be grounds for disciplinary action up to and including dismissal. The employee responsible for such loss, damage or waste may be charged for the property in question or any repair, recovery or replacement costs.

Employees who receive traffic citations while operating a City vehicle are responsible for the payment of any fines, fees and/or assessments.

At the time of separation of employment, and prior to receiving final monies due, the employee shall return to his or her department any and all assets, books, keys, manuals, records, uniforms, tools and other items of City property in the employee's care and custody. Certification to this effect shall be made by the employee's supervisor or department head, and all monies due the City because of any shortages or unreturned property shall require repayment arrangement at the time of termination.

The City Manager may authorize certain employees to drive their assigned city-owned vehicles to their place of residence after normal working hours, but the vehicle may be utilized only for commuting and not for personal purposes.

703 - USE OF CITY-PROVIDED TECHNOLOGY

Computing is an integral part of the business functions of the City of Columbia. Many City functions that an employee encounters in carrying out their job functions and duties will require that employee to interact with the computing infrastructure and available resources. The computing resources at the City are the property of the City of Columbia. The City of Columbia reserves the right to take all necessary measures either proactively or in reaction to an event or the possibility of an event to protect those computing resources.

Each employee is expected to conduct their computing needs in a manner that in no way jeopardizes the availability of the system or any connected system whether owned by the City or some other entity. Additionally, the City of Columbia strictly prohibits the use of its computing facilities to engage in, participate in, or be party to any illegal activity. The City will monitor its systems in order to protect against such activity. Additionally, City employees are exposed to and have access to sensitive data resources and information, it is expected that the employee will take every known action to protect the privacy and sensitivity of those resources and information.

Any violation of this policy will result in corresponding disciplinary action by the City. Employees suspected to be in violation of this policy will be reported to the appropriate investigative unit, including but not limited to the MIS Department, Human Resources Department or the Police Department.

All employees of the City of Columbia are expected to be familiar this policy and agree to adhere to it prior to using any computing related facilities. Acceptance will be considered as a condition of employment with the City.

Purpose

The purpose of this policy is to protect the MIS resources and the data that is contained in, or manipulated by those MIS resources as used in the daily employment duties of employees. The shift of computing resources from a centralized data center to the desktop has resulted in a corresponding shift of some of the responsibility for maintaining and safeguarding those resources to the individual employee. The equipment, software and data used by each employee are expensive and vital assets of the City; and are the duty of every employee to protect.

Policy

It is the policy of the City of Columbia that computing resources are the property of the City to be used for City-related business. Employees have no expectation of privacy when utilizing City computing resources, even if the use is for personal purposes. The City reserves the right to inspect, without notice, the contents of computer files, regardless of medium, the contents of electronic mailboxes and computer conferencing systems, systems output, such as printouts, and to monitor network communication when:

- It is considered reasonably necessary to maintain or protect the integrity, security or functionality of City or other computer resources or to protect the City from liability.
- There is reasonable cause to believe that the users have violated this policy or otherwise misused computing resources;
- An account appears to be engaged in unusual or unusually excessive activity; and
- It is otherwise required or permitted by law. Additionally, the username and computing services of the individuals involved may be suspended during any investigation of misuse of computing resources.

All employees will adhere to Federal and State laws concerning privacy. Official releases of data under Freedom of Information requests are to be routed through the City Recorder's office.

All City data, public or private, will be stored in such a manner as to reasonably protect it from loss due to equipment failure, fire, theft, sabotage or human error. The City MIS Director establishes data retention periods.

All employees will safeguard their computer usernames and passwords. No employee will allow unauthorized persons access to City data or computing or network resources by sharing their username and password.

No employee will knowingly create access into the computing network in such a way as to bypass City security systems. Employees will make reasonable efforts to ensure that no software or hardware under their control allows unauthorized access to City data.

No employee will attempt to use the City network to gain unauthorized access to other computing resources or data, nor will they knowingly attempt to disrupt the operation of any computer system or network.

No employee will knowingly violate software licenses or copyrights during the course of their job duties or at any time while using City equipment or software. Employees are required to have the MIS Department review, authorize, requisition, and install any software on their City-supplied computer. This includes programming and contractual work performed by consultants and vendors.

No employee will use City data, computing resources or the network for illegal activities or for personal gain.

No employee will attach or install equipment not owned by the City (i.e. personal devices) to any City computer, network device, or wireless device. Examples of such devices are laptops, tablets, smartphones, iPods, MP3 players, digital cameras, voice recorders, etc.

Any detection of a software virus will be reported immediately to the MIS department.

No employee will use the City electronic mail system to falsify the identity of the source of electronic mail messages; send harassing, obscene or other threatening electronic mail; attempt to read, delete, copy, or modify the electronic mail of others without their authorization; or send, without official City authorization, "for-profit" messages, chain letters, or other unsolicited "junk" mail.

The MIS Policies and Procedures contain more detailed directions concerning City policies regarding information technology and can be found on the internal web site at <\\city\data\Misc\MIS>.

Disciplinary Action

The City will impose disciplinary sanctions on employees who violate the above policies. The severity of the imposed sanctions will be appropriate to the violation and/or any prior discipline issued to that employee.

705 - PERSONAL TELEPHONE CALLS

Using a City telephone during regular work hours for local and/or long-distance calls of a personal nature, except in emergency cases, is discouraged. Personal calls that must be made or received during business hours are permitted if they are held to a minimum and do not interfere with the employee's work.

The cost of any excessive long-distance personal telephone calls may require payment by the employee. Lengthy personal phone conversations on non-emergency matters may result in disciplinary action.

Telephone Courtesy

The telephone is often the only contact citizens have with the City. Telephone courtesy is essential. When employees answer general telephone lines, they should state "City of Columbia" and, if appropriate, the department's name. Employees who answer a direct line or a transferred call should identify the department's name if appropriate and state their own name. Employees should be pleasant, courteous, and professional to callers at all times.

Use of City-Provided Cell Phones

City employees are provided with all telecommunications equipment and services needed by or suitable for them to perform their essential job functions. City employees that require cellular telephones to perform their essential job functions will be enrolled in a "calling plan" considered to be appropriate for their City business needs.

Employees are required to turn their cell phones and personal digital devices off, turn them to silent mode, or ignore them while driving a City vehicle. The use of hands free devices or pulling off to the side of the road before speaking on the phone is required if electronic devices are not turned off. Under no circumstances should an employee text while operating a City vehicle. As with any policy, management staff is expected to serve as role models for proper compliance with the provisions of this policy and are encouraged to regularly remind employees of their responsibilities in complying with this policy. Supervisors need to refrain from calling or e-mailing employees when they know employees are on the road. Also refer to Policy 603 "Distracted Driving".

Under Internal Revenue Service regulations, occasional *de minimis* use of City provided telecommunications equipment and services does not give rise to taxable income to employees. Therefore, any City employee assigned access to telecommunications service or equipment that do not exceed their assigned "calling plan" minutes will not be considered to exceed the occasional *de minimis* rule. Any City employee who does not exceed their calling plan minutes in any month shall be deemed to be in compliance with the occasional *de minimis* rule and shall not be required to reimburse the City for any personal calls made during that month.

City cell phones should be password protected in the event that one is lost or stolen. If an employee loses or has a cell phone stolen, they should contact their supervisor

Use of Personal Cell Phones

Employee time is valuable, and work hours must be fully used for City business. However, reasonable "use of personal cell phones or telecommunications devices" policies can be imposed at the department level. City departments may limit or prohibit the use of personal cell phones, or other personal wireless devices during on-duty time and/or on City property by issuing departmental policies.

706 - BULLETIN BOARDS

At numerous locations, the City maintains bulletin boards on which important information connected with an employee's work and information required for public notice 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 department head before being posted.

707 - PARKING

The City provides employees space for parking personal vehicles. The City assumes no responsibility for loss or damage to employee vehicles or their contents, including any losses arising from fire, theft, or personal liability.

708 - TRAVEL POLICY

It is recognized that travel expenses will be incurred as a normal part of conducting City business. Furthermore, it is the policy of the City that all allowable expenses incurred on City business are reimbursed to the individual accordingly, when proper documentation is received by the employees' department head and audited by the Finance Department. Personal expenses incurred on City business remain the responsibility of the individual. An annual amount for travel, meals, transportation lodging, registration fees, and general out-of-pocket expenses may be budgeted for the City Council, Boards and Commissions, the City Manager, department heads, and other employees. This amount will be reviewed annually during the budget process and may be adjusted accordingly. Permissible functions are conferences and conventions, meetings, seminars and training sessions that are related to the operations of the City.

The City Council shall set the travel budget for the City Manager and the City Council. Travel budgets for boards, commissions, and management personnel shall be set by the City Manager subject to annual appropriations.

Submitting Expenses

Employees need to submit a request for authorization to travel to their supervisor prior to travel for approval. After travel is complete, an expense form is submitted to the Finance Department for reimbursement or reconciliation within two (2) weeks after completing the travel.

Eligible expenses include registration fees, lodging, meals, parking fees, transportation, telephone, tips, and other justifiable expenses that pertain directly to City business. Meals are not covered unless an overnight stay is involved. Meals and incidentals for in-state travel are covered at the current State rate; travel outside Tennessee will follow the Federal schedule.

Employees may request an advance of funds for travel expenses. Requests must be approved by the department head and Finance Director and requested 10 days prior to anticipated or scheduled travel. Lodging and registration fees will be paid directly to the hotel or organization but need to be noted on the approved travel expense form. At the time of booking in-state hotels, employees should provide a tax exempt form to the hotel.

The use of personal vehicles will be reimbursed at the current State mileage rate.

Expenses will be covered for the day preceding through the day following the event.

The City Manager must approve all Department Head travel in advance. All employee travel expenses must be reconciled against travel reimbursement. In order to reconcile travel expenses, a travel reconciliation form must be completed and submitted to Accounts Payable, with detailed receipts, within 14 days of return from travel.

709 - SOCIAL MEDIA USE

Social Media has changed the way in which we communicate and it continues to impact our lives on a daily basis. The City of Columbia embraces the use of Social Media as it can be a powerful tool to strengthen relationships with the public, our employees, and other important audiences. It is essential in building the City's brand for marketing, advertising and to distinguish the City of Columbia as a desired destination. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist employees in making responsible decisions about their use of social media, the City has established this policy.

This policy is meant to provide a framework for effective and acceptable use of social media. This policy applies to every employee currently employed by the City in any capacity who posts any material whether written, audio, video or otherwise on any social media outlet, website, blog, or any other medium accessible via the internet. Examples include: Facebook, Twitter, Instagram, TikTok, YouTube, LinkedIn, blogs, podcasts, etc. This policy also applies to all associates who work for the City of Columbia, or one of its subsidiaries.

Employees use social media to inform citizens; market the city as a destination and as an ideal place to live, work, and play; build professional credibility, and advocate on behalf of the City. Social media can be used by employees to build and maintain relationships and keep up with industry trends.

Employee privacy laws define the boundaries between an employee's rights to personal privacy while balancing the rights of the City to protect itself from risks or harm that may result from an employee's activities.

Employees are free to establish and maintain personal social media accounts. However, employees must ensure that their social media activities comply with the policies, standards and other applicable laws by which the City operates. When employees are on-duty, the City requires they use official time to perform official duties, and that employees use City property only to perform official duties, unless they are authorized for other purposes. This limits the extent to which employees may access and use their personal social media accounts while on duty.

Code of Conduct vs Personal Privacy

While employees have certain rights with respect to personal privacy, companies also have the right to expect a certain standard of conduct of their employees. With respect to employees and the right to freedom of speech, the meaning of the First Amendment only extends to the right to express yourself without interference or constraint by the United States government. The first amendment specifically extends to written, visual, and spoken expression posted on the internet, this does not mean that anything said online is protected by "free speech". The government can limit both the content of speech and the ability to engage in speech as long as the government has a "substantial justification".

Hate speech, advocating illegal activity, defamation, and copyright infringement are all examples of substantial justification.

In addition, the National Labor Relations Act (NLRA) protects employees in concerted activities as follow:

- Organizing co-workers,
- Complaints about working conditions and
- On-the-job protests, picketing and strikes.

Employees are protected by the NLRA if items posted are critical of the City's employment practices, subject to the posts being joined in by co-employees, or if the posts are for the purpose of urging, preparing for, or carrying out concerted complaints or actions.

Work-related complaints must be related to some type of group action, or "seek to initiate, induce or prepare for group action, or bring a group complaint to the attention of management." Activity is not protected if employees say things about their employer that are "egregiously offensive or knowingly and deliberately false", or if employees publicly disparage their employer's products or services without relating their complaints to any labor controversy.

Accounts, Passwords and Employee Privacy

Social media means an electronic service or account, or electronic content, including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or internet website profiles or locations. Employees are subject to the following guidelines:

- Disclose a username or password for the purpose of accessing personal social media.
- Access personal social media in the presence of the employer.
- Divulge any personal social media.
- Nothing shall affect the City's existing rights and obligations to request an employee to divulge personal social media reasonably believed to be relevant to an investigation of allegations of employee misconduct or employee violation of applicable laws and regulations, provided that the social media is used solely for purposes of that investigation or a related proceeding.
- Nothing precludes the City from requiring or requesting an employee to disclose a username, password, or other method for the purpose of accessing a City issued electronic device.
- The City shall not discharge, discipline, threaten to discharge or discipline, or otherwise retaliate against an employee or applicant for not complying with a request or demand by the City that violates protected activities. However, The City is not prohibited from terminating or otherwise taking an adverse action against an employee or applicant if otherwise permitted by law.
- Candidates and employees who are expressing personal opinions should never represent yourself as a spokesperson for the City.

- If the City is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the City of Columbia, fellow associates, members, customers, suppliers, or people working on behalf of the City of Columbia.
- Employees who publish a blog or post online related to the work they do or subjects associated with the City, must make it clear that you are not speaking on behalf of the City of Columbia.
- It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the City of Columbia."

Monitoring Employees' Social Media Use

In an effort to reduce risks of employees using social media at work for concerns such as, data or confidentiality breaches, social engineering and cyberattacks, the City of Columbia has granted limited access to employees unless there is a business reason for them to have access to social media and internet sites.

This policy is written to protect an employee's rights to privacy while balancing the City's need to monitor employee activities to protect the City from harm. The City of Columbia utilizes the following types of monitoring:

- Intentional Monitoring of Specific Networks: Allow and monitor employees' use of "approved" social networks while monitoring employees' personal and work-related use of social media;
- "Unofficial" Monitoring: Department Heads, and direct supervisors may connect with employees on LinkedIn or Facebook, "outside the office". This can be construed as "monitoring" their teams' personal social media activities. Department Heads and supervisors must make sure employees are aware of and consent to any monitoring that is taking place of their personal social media profiles. Intentional monitoring requires consent from employees, approvals of specific social networks for use by employees, and requires reporting to Human Resources to request an exception.
- The National Labor Relations Board protects the rights of employees to engage in certain "collective activities" (terms and conditions of employment) related to labor conditions. An employee's comments on social media are generally not protected if they are mere gripes not made in relation to group activity among employees.

Post only Appropriate and Respectful Content

- Always be fair and courteous to fellow employees, citizens, suppliers, and people who work on behalf of the City;
- Keep in mind that employees are more likely to resolve work-related complaints by speaking directly with co-workers or by utilizing our Open Door Policy than by posting complaints to a social media outlet.
- If an employee decides to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening, or intimidating, that disparage citizens, employees, members, associates, or suppliers, or that might constitute harassment or bullying.

- Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or City policy.
- Employees should make sure they are honest and accurate when posting information or news, and if a mistake is made, correct it quickly.
- Be open about any previous posts that have been altered.
- Remember that the internet archives almost everything; therefore, even deleted postings can be searched.
- Never post any information or rumors that you know to be false about the City, fellow employees, citizens, suppliers, or people working on behalf of the City.
- Maintain the confidentiality of the City's private or confidential information. Examples may include information regarding the development of an area, proposed industry, products, know-how, and technology.
- Do not post internal reports, policies, procedures, or other internal business-related confidential communications.
- Do not create a link from your blog, website, or other social networking site to a City of Columbia website.
- The City prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation.
- Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Employees should not speak to the media on the City's behalf without authorization from the City Manager's Office. All media inquiries should be directed to them.

A social media site is subject to Tennessee's Public Records Act (T.C.A. § 10-7-101, *et seq.*) and Open Meetings Act (T.C.A. § 8-44-101, *et seq.*) and no social media site shall be used to circumvent or otherwise be in violation of these laws. All information posted on a social media site shall be a public record and subject to public inspection. All lawful records requests for information contained on a social media site shall be fulfilled by the City Manager's Office and any employee whose assistance is necessitated. Every social media site shall contain a clear and conspicuous statement referencing the aforementioned state laws. All official postings on a social media site shall be preserved in accordance with the City's records retention schedule.

SECTION 800

SUBSTANCE ABUSE POLICY

801 - SUBSTANCE ABUSE POLICY

The City of Columbia is committed to providing a safe work environment and to fostering the well-being and health of its employees. Employees of the City must foster the public trust by earning and preserving a reputation for integrity, honesty, and responsibility. That commitment is jeopardized when any City employee illegally uses drugs on or off the job, comes to work under their influence, possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. Therefore, the City of Columbia has established the following policy, pursuant to the Tennessee Drug Free Workplace Act.

The word “abuse” means the use of illegal drugs, the use of prescription drugs without a legal prescription, the use of prescription drugs other than in accordance with a legal prescription, the use of non-prescription drugs other than for the manufacturer’s indicated symptoms and in accordance with the manufacturer’s recommended dosages unless otherwise directed by a licensed health care provider, the use of alcohol while acting within the scope and in the course of employment for the City, and/or being under the influence of alcohol while acting within the scope and in the course of employment for the City.

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, this policy is intended to comply with: (1) 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; (2) Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver’s license (CDL) in order to perform functions of their City job; and (3) the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees and related U.S. Department of Transportation (DOT) rules which specify procedures for urine drug testing and breath alcohol testing, and the Tennessee Drug Control Act of 1989 as amended to date or as amended in the future.

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

- Being on duty or performing work in or on City property while using or under the influence of any one or more of the following: illegal drugs, prescription drugs without a legal prescription, prescription drugs other than in accordance with a legal prescription, non-prescription drugs other than for the manufacturer’s indicated symptoms and in accordance with the manufacturer’s recommended dosages unless otherwise directed by a licensed health care provider, and/or alcohol;
- Engaging in the manufacture, sale, distribution, use, or possession of alcohol or illegal drugs or prescription drugs without a legal prescription at any time, whether or not on duty or while in or on City property;

- Refusing or failing a drug and/or alcohol test administered pursuant to this substance abuse policy;
- Providing an adulterated, altered, or substituted specimen for testing;
- Use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and
- Use of illegal drugs or prescription drugs without a valid prescription at any time within eight hours following an accident/incident if the employee's involvement has not been ruled out as a contributing factor in the accident/incident or until the employee has completed drug and/or alcohol testing procedures.

This substance abuse policy does not prohibit the appropriate use of either legally prescribed or non-prescription or over the counter medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his or her job-related duties. It is the employee's responsibility to inform the proper supervisory personnel of his or her use of any legally prescribed or over the counter non-prescription medication that may adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his or her job-related duties before the employee goes on duty or performs any work for the City.

Employees who are not in an official on-call status and who are called in to work outside their normal duty hours to perform emergency or otherwise unscheduled work are required to report any recent consumption of alcohol to the supervisor making the work request and, if any alcohol has been recently consumed, are to decline the request to report to work. The employee in this instance shall not be disciplined for failure to report to work. Employees who have been notified of the likelihood of being called back to perform emergency work, shall refrain from consuming alcohol.

In order to educate employees about the dangers of drug and/or alcohol abuse, the City shall sponsor a substance abuse policy information and education program for all employees and supervisors. Information will be provided on: (1) the signs and symptoms of drug and/or alcohol abuse; (2) the effects of drug and/or alcohol abuse on an individual's health, work, and personal life; (3) the City's policy regarding drugs and/or alcohol; and (4) the availability of counseling. The Human Resources Director has been designated as the City official responsible for so informing and educating the City workforce regarding this substance abuse policy and its implementation.

Scope

This substance abuse policy which is based on the FMCSA (Federal Motor Carrier Safety Administration) standards applies to all employees of the City, except that the random drug and alcohol testing referenced below shall be required only of certain categories of employees identified and listed below. Post-offer/pre-employment drug abuse testing policies and procedures of this substance abuse policy apply to applicants who have been given a conditional offer of employment from the City.

Prohibited Drugs

All drug abuse test results will be reported to the medical review officer (MRO). If positive results are verified by the MRO, they will be reported to the Human Resources Director. The following is a list of drugs for which tests will be routinely conducted:

- Marijuana metabolites,
- Phencyclidine (PCP),
- Amphetamines (includes Methamphetamines, MDA),
- Codeine/Morphine
- 6-AM (Heroin)
- Hydrocodone/Hydromorphone
- Oxycodone/Oxymorphone
- Alcohol

Drug-Abuse Testing Procedures

The City may test for any additional substances listed under the Tennessee Drug Control Act of 1989 as amended to date or as amended in the future. Drug-abuse testing will be accomplished as non-intrusively as possible. Affected employees will be taken by a supervisor or designated personnel of the City to a drug test collection facility selected by the City 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 process 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 to perform the analysis on collected urine samples.

Compliance with Substance Abuse Policy

Compliance with this substance abuse policy is a condition of employment. The failure or refusal by either an applicant for employment or a current employee to cooperate fully or the failure or refusal to submit to any test or any procedure under this policy in a timely manner, is cause for the City to rescind a conditional offer for employment or for the City to discipline a current employee. The submission by either such person of a urine specimen or sample that is not his or her own or is adulterated is also cause to rescind a conditional offer to hire or for disciplinary action up to and including dismissal.

Any employee convicted of violating a criminal drug or alcohol statute shall inform the head of his or her department and Human Resources of such conviction (including pleas of guilty and *nolo contendere*) within five calendar days of the conviction occurring. Failure to so inform the City subjects the employee to disciplinary action up to and including dismissal for the first offense.

Consequences of a Verified Positive Drug Test Result, A Confirmed Positive Alcohol Test Result, and/or Refusal to Test

Job applicants will be denied employment with the City and any conditional offer of employment will be rescinded if their pre-employment drug test results have been verified by the City's Medical Review Officer (MRO) as positive or if they refuse to submit to a pre-employment test for drug abuse.

If a current employee fails a test for alcohol (0.04 BAL or greater), or if a current employee's positive drug test result has been verified by the City's MRO, or if a current employee refuses to test for drugs and/or alcohol, then that employee must be referred to the substance abuse professional of the City. Prior to returning to work for the City, such an employee must be assessed by the City's SAP, must, to the satisfaction of the SAP, comply or be in the process of complying with all recommendations of the SAP, and must submit to return-to-duty substance abuse testing that produces a verified negative result.

If a current employee tests positive for alcohol (0.02 BAL or greater), or if a current employee's positive drug test result has been verified by the City's MRO, or if a current employee refuses to test for drugs and/or alcohol, then that employee is subject to immediate removal from any safety-sensitive function and will be subject to disciplinary action up to and including dismissal. 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. The City may choose to allow employees to participate in an education and/or treatment program approved by the City's 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. The employee will be required to authorize the Human Resource Director to obtain information regarding the treatment and progress of the employee as may be necessary.

Drug and Alcohol Abuse Testing

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

Post Offer/Pre-Employment Testing

All applicants who have received a conditional offer of employment with the City must undergo a drug test that produces a verified negative drug screen result before beginning work with the City.

Post-Accident/Post-Incident Testing

Immediately following any workplace accident/incident determined by the department head:

- to involve collision with any other vehicle.
- to involve behavior indicating impairment that could be the result of drug use or alcohol use; or
- which resulted in significant property damage; or
- in personal injury requiring treatment at a medical facility; or
- receives a traffic citation whether involved in a vehicle accident or not; or
- involves a member(s) of the public including vehicle accidents; the employee is required to undergo post accident/post incident drug and alcohol testing.

In cases where impairment is suspected, the supervisor will accompany the employee to the lab. The employee will remain **off the job pending a negative test result**.

Post-accident/post-incident drug and alcohol testing shall be carried out as soon as possible but within 32 hours following the accident/incident.

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.

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 to the designated urine specimen collection site as soon as possible but within 32 hours following the accident/incident.

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

If the City receives a verified positive drug test result, or a verified adulterated or substituted drug or alcohol result, the employee will immediately be removed from performing their job duties.

If the City receives an alcohol test result of 0.04 or higher, the employee will be immediately removed from performing their job duties. If the alcohol test result is 0.02—0.039, the employee will be temporarily removed from performing safety-sensitive functions, as provided in applicable DOT agency regulations.

When an employee has a verified positive, adulterated, or substituted test result, or has otherwise violated a DOT agency drug and alcohol regulation, they will not be permitted to perform their job functions until or unless the employee successfully completes the return-to-duty process.

If the City receives a drug test result indicating that the employee's urine specimen test was cancelled because it was invalid, a second collection must take place under direct observation.

Post-Accident/Post-Incident Testing For Non-Ambulatory 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 specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the MRO of the City appropriate and necessary information or records that would indicate only whether specified prohibited drugs (and what amounts) were found in the employee's body. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City or upon hiring following the implementation date.

Post-accident/post-incident urinary consent and 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 body. Only an accepted method for collecting specimens will be used. Any failure to perform post-accident/post-incident testing within 32 hours must be fully documented by the attending medical personnel.

Reasonable Suspicion Testing

Drug and alcohol abuse testing is required for each employee whenever there is reasonable suspicion to believe the employee is using or is under the influence. That employee must submit to a drug or alcohol abuse test that produces a verified negative drug screen result prior to continuing to work for the City.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or is under the influence of drugs or alcohol. This belief should be based on recent, physical, behavioral, or performance indicators of possible drug or alcohol use. Once a supervisor has received drug detection training that complies with DOT regulations, he/she must make the decision to test and must observe the employee's suspicious behavior, and shall take or may designate someone else to take the employee to the testing site.

Supervisory personnel of the City making a determination to subject an employee to drug or alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing and discuss the situation with the Personnel Director prior to the testing being performed.

Random Testing

The following employees of the City are subject to random drug and alcohol testing:

- those employees required to have a commercial driver's license (CDL) in order to perform any functions of their City job;
- suppression personnel of the Fire Department;
- sworn personnel of the Police Department; and
- employees who are otherwise considered by the Human Resources Director to work in a safety-sensitive position.

The City will perform random testing on fire suppression, sworn police and other safety sensitive personnel at the same percentage as required by the Department of Transportation for CDL testing.

Random drug abuse testing 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 upon the random selection.

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

Return to Duty and Follow-up Testing

Prior to returning to work for the City, any employee who has violated the prohibited drug and alcohol conduct standards:

- must submit to a return-to-duty drug or alcohol abuse test that produces a verified negative result;
- must be referred to the substance abuse professional (SAP) of the City;
- must be assessed by the SAP of the City; and
- must, to the satisfaction of the SAP, comply or be in the process of complying with all recommendations of the SAP.

Follow-up drug and alcohol abuse tests will be unannounced, and at least six drug and alcohol abuse tests will be conducted in the first twelve (12) months after such an employee returns to duty. Follow-up drug and alcohol abuse testing may be extended for up to 60 months following return to duty.

Drug-Abuse 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).

Each urine specimen is divided 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).

Neither the City, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected applicant/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 a legitimate right-to-know as determined by the City Attorney.

The City will not engage in “stand-down,” the practice of temporarily removing an employee from the performance of duty unless an initial report from a laboratory indicates a positive test for a drug or drug metabolite, an adulterated test, or a substituted test is submitted. In addition for alcohol, a result of 0.04 or higher will require “stand down”. In this situation an employee will be placed on un-paid administrative leave.

Voluntary Disclosure of Drug and/or Alcohol Use

In the event that an employee is either dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, then that employee should voluntarily discuss his or her problem with the respective department head or Human Resources in private. Such voluntary desire for help with a substance abuse problem will be accommodated by the City. If substance abuse treatment is required, the employee will be removed from duty and put on leave pending completion of the treatment. Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

Affected employees of the City are entitled to up to 30 consecutive calendar days for initial substance abuse treatment. However, the employee must use all vacation, sick, and compensatory leave available. In the event accumulated vacation leave, sick leave, and compensatory leave is insufficient to provide the medically prescribed and needed treatment for up to a maximum of 30 consecutive calendar days, the employee will be provided leave without pay for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum 30-day treatment period. Any leave used for this purpose shall be considered family and medical leave pursuant to the Family and Medical Leave Act.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall provide the Human Resources Director with a written statement from the substance abuse professional of the City that indicates satisfactory compliance, or satisfactory progress toward compliance, with the recommendations of the SAP. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty requirements. Random testing may be required for up to sixty months after the employee has returned to work. 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 dismissal.

Modification of Policy

This statement of policy may be revised by the City 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.

SECTION 900

EMPLOYEE CONDUCT

901 - PROFESSIONAL CONDUCT

Employees of the City of Columbia shall at all times conduct themselves in a manner which does not bring discredit to themselves or the City. It is the policy of the City to establish and maintain the highest standards of conduct and appearance.

Employees shall be courteous, civil, and respectful to all persons and shall make every effort to meet the needs of citizens requesting assistance. Employees shall not use abusive, indecent or profane language or gestures in the workplace, in the performance of their duties or in the presence of a member of the public. All employees shall perform their duties in a manner that is fair, impartial, and without prejudice toward any person or group. Employees shall not argue unnecessarily with any person or otherwise show a lack of self-control. Employees shall not ridicule, or defame any employee, elected official or any other person or any agency of the City of Columbia.

Any employee shall, without undue delay, report to their supervisor any custodial arrest or criminal charge taken against the employee. Such report shall include information relating to the alleged offense, date, time, location, and a copy of any relevant documents.

Ethical Standards

To avoid becoming involved or implicated in a conflict of interest or impropriety or an appearance of conflict of interest or impropriety, employees shall not use his/her office or confidential information received in an official capacity for any private purpose. Examples include: commercial purposes, financial gain, present or future employment or gain for himself or herself, a member of his or her immediate family, or business with which he or she is associated.

902 - ETHICS AND CONFLICT OF INTEREST

This policy applies to all full-time and part-time, elected and appointed officials, and employees. Officials and employees are required to disclose prior to voting or recuse themselves if they have any personal interest that may affect or would lead a reasonable person to infer that it would affect a vote.

Acceptance of Gratuities, Gifts, and Business Courtesies

The City of Columbia prohibits the acceptance of any item of value (remuneration) made directly or indirectly, in cash or in kind, that may induce or appear to induce the purchase or referral of any kind of goods, services, or items. Consequently, the acceptance of any gifts or business courtesies from vendors or others with whom we presently or potentially conduct business that would violate this is strictly prohibited.

Receiving Gifts

In all instances, the following criteria must be met in order to accept a gift:

- Acceptance of said gift must never be made conditioned on or related in any way to pre-existing or future business relationships with the individual, business or industry; and
- Promotional items such as pens, notepads, mugs or similar items may be accepted from a vendor or business associate as long as they are nominal in value (\$10 or less per instance and no more than \$50 in the aggregate annually); and
- Cash or cash equivalents such as gift certificates, stocks, bonds, etc. from outside entities or non-employed individuals are prohibited.

It is acceptable for a department to accept a modest perishable gift such as a floral arrangement, box of cookies, candy or similar food items to be shared by staff members.

Social Events and Business Courtesies

There may be times when it is permissible to accept a meal or other invitation offered by a current or potential business associate. However, the purpose must never be to induce or influence a business transaction. As a general rule, the cost must be reasonable. If the occasion appears extravagant or if the invitation could be perceived as intended to influence a business decision involving the City, attendance at such an occasion is prohibited.

To be acceptable, the occasion must conform to the following guidelines:

- The cost and location must be reasonable and not extravagant; and
- Paid expenses for any travel costs or overnight lodging for the individual or his/her family are prohibited; and
- The invitation is for an ordinary business meal or gathering during which the host is present and business is conducted; and
- Acceptance of such an invitation from an individual or entity is rare unless expenses are shared by both parties; and

- Business courtesies of personal benefit, such as a pair of tickets or invitations to sporting events, theatrical events, or golf outings may not be accepted.

Use of Information

An official or employee may not disclose any information obtained in his/her official capacity or position of employment that is made confidential under State or Federal law except as authorized by law. In addition, officials and employees of the City cannot use or disclose information obtained in their official capacity or position of employment that would result in financial gain for themselves or any other person or entity.

Except for the receipt of such compensation as may be lawfully provided for the performance of City duties, and as noted below, no City official or employee shall be privately interested in or profit, directly or indirectly, from business dealings with, of or by the City.

No City official or employee shall enter into a contract with the City or perform any work or function under any contract with the City if he or she has a direct or indirect financial interest in the contract, unless all of the following conditions are met:

- the contract is awarded through a process that complies with the City's purchasing requirements;
- the service performed must not be any service which the employee might provide in the normal scope of their regular duties for the City;
- the service performed must not present a conflict of interest nor a conflict of time with the employee's regular duties for the City; and
- the City Manager makes a formal finding that it is in the best financial interest of the City to do so after full disclosure on the part of the employee of his or her direct or indirect financial interest in the contract, and the City Manager's finding and the employee's full financial disclosure are recorded on the minutes of the City Council in open session.

903 - PERSONAL HYGIENE AND DRESS CODE

Employees shall maintain personal hygiene so as not to affect the health and safety of others or cause any disruption or distraction in the workplace. Employees shall not wear perfume, cologne, aftershave, etc. to an extent that is offensive or distracting, and must be mindful of others who may have health concerns, such as allergies and/or low tolerances, when exposed to fragrances.

Although the City has no formal dress code for non-uniformed employees, such employees are to wear clothing suitable to the type of work done and to the environment in which the employee works. Employees and their clothing should be neat, clean, and in good taste, and should not constitute a safety hazard. Employees are to consult with their supervisor or department head for guidance on and interpretation of this policy. Items of casual clothing that, in the opinion of the department head, are inappropriate for a work environment or disruptive to other employees will not be permitted. Employees arriving at work dressed inappropriately will be sent home to change, with no pay for time so spent, unless vacation leave is used.

TATTOOS, BODY ART AND BODY MODIFICATION

The purpose of the tattoo policy is to promote the uniformity of appearance, to maintain neutrality and the perception of neutrality amongst members of the public, to prevent discrimination or the perception of discrimination amongst members of the public, to encourage public confidence in City employees. Therefore, tattoos cannot be visible on an employee's face, neck or hands.

Employees of the City of Columbia are prohibited from publicly displaying offensive body art, tattoos, brands, intentional scarring and/or mutilations. Examples include, but are not limited to:

- **Extremist tattoos** - These are tattoos or brands "affiliated with, depicting, or symbolizing extremist philosophies, organizations, or activities." This would include tattoos that: feature philosophies, groups or activities that promote racial or gender intolerance; encourage discrimination based on numerous factors, including race, gender and religion; advocate violence or "other unlawful means of depriving individual rights under the U.S. Constitution, and Federal or State law."
- **Indecent tattoos** - These include tattoos or brands that are "grossly offensive to modesty, decency, propriety, or professionalism."
- **Sexist tattoos** - These include tattoos and brands that advocate a philosophy that degrades or demeans a person based on gender.
- **Racist tattoos.** Tattoos or brands that "advocate a philosophy that degrades or demeans a person based on race, ethnicity, or national origin".
- **Body Modification** - Extreme body modification, such as "tongue splitting" and branding; as well as permanent markings that are difficult to reverse.

Some departments may have more restrictive policies regarding tattoos, body art or modification based on the work performed. Check with the Department Head to get further clarification.

904 - ATTENDANCE

Absenteeism is a disruptive and costly problem in the workplace. Therefore, being at work each day and on time is important. The City expects all employees to display responsibility for their attendance and promptness.

It is the employee's responsibility to notify his or her supervisor as far in advance as possible when any absence from work is necessary. An employee absent without notice for three (3) consecutive days will be considered as having abandoned their position, unless justifiable reasons existed that prevented reporting the absence. After the third day of absence the supervisor will complete a personnel action form to terminate employment.

TARDINESS

Employees are to report to the work area on time. An employee is considered tardy if not at the workstation ready to perform work at the designated time for the shift to begin. If an emergency keeps an employee from reporting on time, he or she should contact his or her department head or supervisor immediately.

905 - EMPLOYEE RECORDS

Collection, Retention, and Use of Personal Information

The Human Resources Department shall serve as the official and central depository of all employee records of the City and shall maintain a separate file of each employee's employment records. Medical information about each employee shall be kept confidentially and separate from the employee HR files.

Each department head may maintain a separate employee file on each employee in his or her charge, including copies of performance evaluations (performance evaluation originals are to be placed in the Human Resources Department's HR file for that employee) plus attendance records, notes, memos, letters, or other information related to an employee's job performance. A department head's employee file shall be transferred to the Human Resources Department file when that employee separates from the City.

Access to Employee Records

The Human Resources Director will control, pursuant to law, access to the Human Resources Department's employee files. Department heads and supervisors may not divulge the contents of their respective employee files except to their superiors, on request, or to those who have a legitimate need to know the information, and then only pursuant to official procedure.

An employee may review any of his/her own files for himself or herself at any time during normal business hours of the City, but only in the presence of an authorized representative of the Human Resources Department. Employees may take notes or may request the Human Resources Department representative to copy any of the file's contents.

Any question about the information accuracy must be referred to the employee's department head or to the Human Resources Director. If the employee disagrees with any information found therein, the employee may place a written disagreement, which will be attached to the specific document, in the files.

Any external request for information from any employee files maintained by the City must be referred to the Human Resources Department. Only the Human Resources Director, the employee's department head and the City Manager are authorized to disclose information about employees to outside inquirers, and then only in compliance with the redacting provisions of T.C.A. § 10-7-504.

The City will disclose employee information to prospective employers of current or former employees as necessary. In most cases, such disclosures will be limited to confirming the dates of employment, title or position, job location, and wage and salary.

906 - PRIVACY AND WORKPLACE SEARCHES

The City of Columbia will balance an employee's expectation of privacy against the City's need for supervision, control, and the efficient operation of the workplace when performing a search.

All City property is subject to inspection and periodic searches by authorized personnel and officials at any time without notice. Employee's personal property kept at the workplace, is subject to inspection. There should be no expectation of privacy in or on such property. Property includes, but is not limited to, computers, phones, vehicles, desks, containers, files, and lockers.

Locked property assigned to individual employees is also subject to such inspection. Employees may be requested to open such property for periodic housekeeping, inspections, or other occasions when it is appropriate and/or necessary, as there is no expectation of privacy. Any suspicious activity around such property, as well as break-ins and thefts, should be reported to the employee's supervisor or department head as soon as possible. The City will not be responsible for loss or damage to any personal property.

907 – SUGGESTIONS FOR IMPROVEMENT

The City constantly seeks to improve its operating procedures and encourages its employees to make suggestions toward this end. Suggestions are welcome on such subjects as workplace safety, safety in interior and exterior areas controlled and/or maintained by the City that are accessible by and to the general public, and methods to improve operating efficiencies by saving labor, money, energy, time, and material. Employees may submit suggestions through their representative to the Workplace Safety Committee or Action Team.

908 – PROHIBITION OF SOLICITATIONS AND PEDDLING

Solicitations for donations or contributions and peddling of goods or services among employees in City work areas or during City work time, other than as authorized by the department head or City Manager is strictly prohibited. This prohibition applies both to employees and outsiders. Solicitation of gifts (for such occasions as resignations, retirements, weddings, and births) and the City's participation in the annual United Way campaign are considered authorized. Designated employee lunchrooms or rest areas are not considered work areas for the purposes of this policy. No pressure of any kind is to be placed on any employee to make any donations, contributions or purchases.

909 - GAMBLING

The City takes the position that gambling among its employees can lead to bad morale, hard feelings, and financial hardships. Therefore, gambling is prohibited on City property and/or during City-paid work time and will be a cause for discipline.

910 - HARASSMENT POLICY

The City of Columbia strictly forbids harassment of any employee, applicant for employment, vendor, contractor or volunteer, on the basis of an individual's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, sexual orientation, gender identity or expression, genetic information, or any other characteristic protected by law. The City has adopted this policy on harassment to try to prevent harassment from occurring in the workplace, and will take immediate, positive steps to stop such harassment when it occurs.

In addition, the City will not tolerate any form of retaliation directed against an employee or third party who either complains about harassment or who participates in any investigation concerning harassment.

This policy applies to all officers and employees of the City, including but not limited to all elected officials; all officers and appointees; all members of boards, commissions and committees; the City Manager and all categories of other employees identified and described in these personnel policies and procedures; and any other individuals while they are working under contract or other agreement, expressed or implied, for the City.

Prohibited Actions and Behaviors

Any unwelcome verbal, written or physical conduct that either denigrates or shows hostility or aversion towards a person.

Sexual Harassment

Any unwelcome sexual advance, request for sexual favors, or verbal, written or physical conduct of a sexual nature by a manager, supervisor, co-worker, or non-employee (third party who has business interactions with the City).

The following actions and behaviors constitute sexual harassment and, as such, are an unlawful employment practice and are absolutely prohibited by the City when they affect employment decisions, create a hostile job environment, cause distractions, or unreasonably interfere with work performance:

- sexual advances or requests for sexual favors;
- verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, or propositioning;
- explicit or implied job threats or promises in return for submission to sexual favors;
- sex-oriented comments on appearance;
- sex-oriented stories, jokes or other communication, whether spoken or written, verbal or non-verbal;
- displaying sexually explicit or pornographic material, no matter how the material is displayed; and/or
- sexual assault.

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

Making Harassment Complaints

Employees and third parties should report incidents of workplace harassment as soon as possible after the incident occurs.

Employees and applicants for employment seeking to remedy workplace harassment may file a complaint with the Human Resources Director, their supervisor(s), or the department head. **Under no circumstances shall the individual alleging harassment be required to file a complaint with the alleged harasser.**

Employees and third parties who make complaints of workplace harassment, or provide information related to such complaints, will be protected against retaliation. If retaliation occurs, the employee(s) should report the retaliation through the harassment complaint procedure.

An employee who believes he or she is or has been subjected to harassment should immediately contact a City official with whom the employee feels the most comfortable.

At the time of making a complaint, the employee should be prepared to provide the following information in writing, with the assistance if necessary of the person to whom the complaint is being made:

- his or her own name, department, and position title;
- the name of the person or people allegedly committing the harassment, including their title(s), if known;
- the specific nature of the alleged harassment, when and where it took place, and how long it has gone on;
- any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee that may be related to the alleged harassment, or any other threats made against the employee that may be related to the alleged harassment;
- any witnesses to the alleged harassment; and
- whether the employee has previously reported the alleged harassment and, if so, when and to whom.

Reporting and Investigating Harassment Complaints

The Human Resources Director is the person the City designates as the investigator of harassment complaints against employees. In the event the harassment complaint is against the Human Resources Director, the investigator shall be the City Attorney.

Throughout the harassment investigation, whenever a specific number of City business days are allowed to respond to a complaint of harassment or to an investigation report on a complaint of harassment, then the “City business days” in question shall be those worked days normal to the person responsible for the next action. For these purposes,

“City business days” do not include days on which that person is either on authorized leave or out of town on City business.

When an allegation of harassment is made by any employee, the person to whom the complaint is made shall immediately forward the information to the investigator.

The investigator then shall:

- conduct a thorough investigation of the complaint, including at a minimum interviewing the person complaining of harassment, the person against whom the complaint of –harassment was made, any witnesses to the alleged harassment, any other persons who may have information pertinent to the allegation(s) and make and keep a written record of the investigation, including notes on:
- responses made to the investigator by the person complaining of harassment;
- responses made to the investigator by the person against whom the complaint of -harassment was made;
- responses made to the investigator by witnesses interviewed during the investigation;
- responses made to the investigator by any other person contacted by the investigator in connection with the investigation;
- within five (5) City business days of receiving the complaint, prepare and present the findings of the investigation to the City Manager (or, if the complaint is against the City Manager, then to the City Attorney) in a report, which will include:
- the original complaint and any additional written statement of the person complaining of harassment,
- any written statement(s) of the person against whom the complaint of harassment was made,
- any written statements of witnesses,
- any written statements of any other person contacted by the investigator in connection with the investigation, and
- maintain all of the investigator’s notes connected to the investigation.

Action on Harassment Complaints

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

Based upon the report and his or her own investigation (if a separate investigation is made), the Human Resources Director and City Attorney shall, within five (5) City business days of receiving the investigation report, determine whether the conduct in question constitutes harassment. In making that determination, the Human Resources Director and City Attorney shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct, the context in which the alleged

actions occurred, and the behavior of the person complaining. Determination of harassment will be determined on a case-by-case basis.

If it is determined that the harassment complaint is founded, immediate and appropriate disciplinary action will be taken against the offending employee, consistent with his or her authority under the Charter, Ordinances, Resolutions, and these policies and procedures governing his or her authority to discipline employees.

In the event the complaint of harassment is against the City Manager, then the City Attorney shall review the report of the investigation, and shall advise the City Council on what if any disciplinary action should be taken against the City Manager.

The disciplinary action shall be consistent with the nature and severity of the offense, the employee's rank, and any other factors relevant to the fair and efficient administration of the City. This includes, but is not limited to, the effect of the offense on employee morale, public perception of the offense, and the impact on the City. The disciplinary action may include demotion, suspension, dismissal, warning, or reprimand. Determining the level of disciplinary action shall be made on a case-by-case basis. A written record shall be kept of imposed disciplinary actions, including reprimands.

In all events, an employee against whom a complaint of harassment has been made shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the investigation. Any employee who engages in conduct determined to be harassment, or who encourages such conduct by others, shall be subject to corrective action which may include discharge from employment.

Managers and/or supervisors who allow workplace harassment to continue or fail to take appropriate corrective action upon becoming aware of the harassment may be considered a party to the offense, even though they may not have engaged in such behavior.

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

Obligation of Employees

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

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

Obligation of Managers and Supervisors

The City Manager, department heads and supervisors are required to:

- Stop any workplace harassment of which they are aware, whether or not a complaint has been made;
- Express strong disapproval of all forms of workplace harassment;
- Stop any acts that are seen which may be considered workplace harassment, and take appropriate steps to intervene;
- Take immediate action to prevent retaliation towards the complaining party or any participant in the investigation; and
- Take immediate action to eliminate any hostile work environment where there has been a complaint of workplace harassment.

911 - WORKPLACE VIOLENCE

The City of Columbia is committed to providing a safe, healthful workplace that is free from violence or threats of violence. The City does not tolerate behavior, whether direct or through the use of City facilities, property or resources that:

- Is violent;
- Threatens violence;
- Harasses or intimidates others;
- Interferes with an individual's legal rights of movement or expression; or,
- Disrupts the workplace, or the City's ability to provide service to the public.

Violent or threatening behavior can include: physical acts, oral or written statements, harassing email messages, harassing telephone calls, gestures and expressions or behaviors such as stalking.

Individuals who engage in violent behavior may be removed from the premises, and may be subject to dismissal or other disciplinary action, arrest and/or criminal prosecution.

Violence in the workplace includes relationship violence that intrudes into the workplace, endangering a person in the relationship or others in the workplace. Relationship violence is physically, sexually, and/or psychologically abusive behavior that a household member or dating partner uses to establish and maintain control over another person.

This policy applies to all City work locations including offices, work sites, vehicles, and field locations.

Verbal or physical conduct that harasses disrupts or interferes with an employee's work performance or which creates an intimidating, offensive or hostile work environment is not permitted. In particular, violence of any kind (including fighting, horseplay, roughhousing and vandalism), verbal harassment, physical harassment, and visual harassment, or the threat thereof, whether in the workplace or during work time or both, is prohibited. Employees engaging in such activity will be subject to disciplinary action up to and including dismissal.

The following items are prohibited on City property, including City owned parking areas, except when issued or sanctioned by and carried and used within the scope of employment for the City or unless the individual possesses a valid permit:

The following items are prohibited on City property, including City owned parking areas, except when issued or sanctioned by and carried and used within the scope of employment for the City or unless the individual possesses a valid permit:

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

Reporting Requirements

The City has established procedures that employees must follow to report incidents of violence in the workplace, or to report concerns about situations that could become violent. These procedures have been created to ensure that incidents receive an appropriate and timely response.

Reporting Urgent Threats

An urgent threat is where there is actual violent behavior, or where it appears that violent behavior is likely to take place, such as a verbal altercation that appears to be escalating.

Call 911, after it is safe to do so, contact the supervisor.

Charges of violence and harassment shall be reported to any supervisor or the Human Resource Director. The Human Resources Director is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the City Manager may request that the Chief of Police provide assistance to the Human Resources Director or assume responsibility for the investigation. All employees are required to assist in the course of the investigation by providing testimony, statements, and evidence, as required. Failure to cooperate may result in disciplinary action.

If an employee has obtained an order for Victim Protection that includes City location(s) the employee should provide a copy of the order to the Human Resources Department. The Human Resources Department will notify the Police Chief.

Copies of the investigative report with recommendations for appropriate action will be turned over to the department head or City Manager as appropriate for further action. Disciplinary action up to and including dismissal may be taken against any employee who commits acts of workplace violence and harassment.

Orders of Victim Protection

Orders for Victim Protection include the following types of court orders:

- Protection Order
- No Contact Order
- Restraining Order
- Anti-Harassment Order

If an employee has obtained an Order for Victim Protection that includes City location(s) the employee should provide a copy of the order to the Human Resources Department. The Human Resources Department will notify the Police Chief.

912 – REPORTING OF ARREST OR CONVICTION

Pre-Employment Obligation

All candidates for employment shall have the duty to notify the City of any arrest or criminal conviction that occurs subsequent to being hired.

Ongoing Employee Obligation

All employees shall have the ongoing duty to notify the City in the event that any employee, whether full-time or part-time is arrested, charged or indicted for a criminal violation of any kind, whether misdemeanor or felony, with the exception of minor traffic infractions. He or she is required to report such arrest promptly to the department head within one (1) business day unless mitigating circumstances exist.

This reporting requirement applies regardless of whether such arrest has occurred on-duty or off-duty. Failure to comply with this reporting requirement shall be grounds for disciplinary action, up to and including termination.

The City reserves the right to determine appropriate disciplinary action in such cases, up to and including termination, depending upon the facts and circumstances surrounding the incident. However, if an employee is arrested, charged, indicted, or is convicted of one (1) or more felony offenses or made a material misrepresentation or omission on their job application they shall be immediately placed on administrative leave until an investigation can be completed.

913 - CRIMINAL INVESTIGATION/ PROSECUTION / CONVICTION

Criminal Investigation or Prosecution

Whenever the City becomes aware that an employee is the subject of a criminal investigation or prosecution, such employee may, prior to formal charges being filed, be suspended with or without pay pending the outcome of such investigation or prosecution where:

- (1) the employee is suspected of having committed a crime which violates a duty owed to the City (every employee has a duty not to commit a crime within the course and scope of his or her employment or on work premises), **or**
- (2) the employee is suspected of a crime or other offense which, upon conviction, would lessen the public's trust and confidence in the City and its employees.

Any investigation, criminal or otherwise, of a Police Officer employed by the City shall be subject to the provisions of Tennessee Code Annotated.

Criminal Conviction May Result in Termination

Except in case of minor traffic violations, conviction of any crime, whether a misdemeanor or felony, shall result in termination, when:

- (1) the employee is convicted of having committed a crime which violates a duty owed to the City (every employee has a duty not to commit a crime within the course and scope of his or her employment or on work premises), **or**
- (2) the employee is convicted of a crime or other offense which would lessen the public's trust and confidence in the City and its employees.

Conviction of any other crime, whether a misdemeanor or felony, may result in termination as follows: Any employee convicted of a crime committed outside the course and scope of employment and off work premises and sentenced to a term of imprisonment for any extended period, shall be terminated for absence without leave. However, in the event the execution of such sentence is suspended, the foregoing shall have no application.

If an employee is convicted of multiple minor traffic violations he/she may be subject to disciplinary action, including possible termination.

Should an employee be found not guilty in a trial or have a conviction overturned on appeal, such employee may be reinstated with back pay and other benefits to which he or she may be entitled.

Results from court proceedings on criminal charges do not preclude the City's right to terminate employment due to violation of the City's personnel policies and procedures.

914 - POLITICAL ACTIVITY

Except for the Mayor and City Council Members, no City employee shall engage in political activity or support of or opposition to any candidate, party, or measure in any election when on duty or off duty while in uniform or acting in employee's official capacity. When off duty and acting as a private citizen, no City employee shall be prohibited from engaging in political activity or denied the right to refrain from engaging in such activity. No elected official shall engage in political activity in support of or opposition to any candidate other than him/herself in any City election. No employee of the City shall serve on the City council.

No employee shall be coerced by any official, agent or employee of the City for contribution or assessment to any political organizations or member of any committee thereof, nor shall any employee give or promise any party, any office, employment benefit, or anything of value for the purpose of influencing or obtaining the political support, aid or votes of any person or persons. No employee shall appear at the polls while on duty or in uniform in any election, wearing a badge indicating support of any candidate, party, or ticket in such election nor hand out or distribute any literature concerning any candidate, party or ticket involved in such election; nor seek in any other manner to use his/her official position to influence any voter. Nothing herein contained shall be construed as abridging the constitutional and political rights of any City employee to express his/her opinions or to cast their vote.

915 - UNION ACTIVITY

Employees of the City of Columbia will have the right, freely and without fear of penalty or reprisal, to form, join and assist any lawful employee organization, or to refrain from any such activity.

The rights described in this section do not extend to participation in the management of an employee organization, or acting as a representative of any such organization, where such participation or activity would result in a conflict of interest or otherwise be incompatible with law or with the official duties of an employee.

No employee association, union or labor organization activities may be conducted during working hours. In addition, no such activities will be allowed on City premises, and the use of any type of City material or equipment is prohibited. Employees shall not be party to, participate in, or incite any strike and/or work slow down against the City of Columbia.

916 TOBACCO AND E-CIGARETTE USE

In order to provide a clean environment for all employees and visitors and to promote a positive impression of the City operations with the general public, the use of tobacco products, as well as smokeless tobacco and vaping products by employees while acting within the scope and in the course of their employment for the City shall be prohibited.

Department heads shall designate smoking areas outside of and in close proximity to City buildings and spaces where employees typically work; however, no employee shall be permitted to smoke, vape or use e-cigarettes directly in front of any City-controlled building or space including walkways and parking lots typically used by the public. This policy also applies to City vehicles. This policy does not apply to open-air facilities unless smoking therein is prohibited by other policies. Employees who violate this policy will be subject to disciplinary action. Visitors and other non-employees who violate this policy shall be advised by employees of the policy and requested to discontinue use of e-cigarettes, extinguish smoking materials or to move to a designated smoking area.

Designated smoking areas will be located at least 20 feet from the main entrance of City facilities. Supervisors will discuss the issue of taking breaks with their staff, both smokers and non-smokers. Together they will develop effective solutions that do not interfere with the productivity of the staff.

917 - DISCIPLINE

The City of Columbia may use disciplinary actions to assist supervisors and staff members in resolving unsatisfactory job performance, misconduct, or behavior that violates policies, procedures or practices. Disciplinary procedures will be administered consistently and in a manner that is intended to be corrective. This process is an important component of the City's goal of maximizing and sustaining the performance of its employees, and in maintaining a safe and productive work environment.

Disciplinary actions are usually corrective and progressive in nature; however, serious misconduct and work performance problems, or violation of laws or City policies, procedures and practices, may warrant disciplinary action outside of the progressive approach that is described below, including termination of employment.

The City of Columbia has adopted a progressive discipline policy. Progressive steps will be followed in employee disciplinary matters except in matters the City, its representatives, or its management determine need to be addressed outside of the progressive system.

Normally, the employee's immediate supervisor will administer any appropriate corrective or disciplinary action. Appropriate action will be determined based on factors such as severity, frequency, and degree of deviation from expectations and length of time involved. Because of the great variety of situations that may arise, the City may need to make decisions related to employment in a manner other than as provided in this section.

Disciplinary actions may take place in several forms. The forms of disciplinary actions are: verbal counseling; written counseling; suspensions and dismissals. The City's Human Resources Department should be consulted beforehand when disciplinary action with an employee is necessary.

Staff Dispute Resolution

It is the policy of the City of Columbia to provide a method of work-related dispute resolution to members of the City staff who believe that he or she is affected adversely by the application of a policy, procedure, or practice of the City or a City representative. Staff members have the right to have prompt consideration of the matter by appropriate administrators. (See Grievance Policy)

Behaviors that may Result in Disciplinary Action

Employees are prohibited from engaging in conduct listed below and may receive discipline up to and including dismissal for doing so. This list has been established to serve as examples of behavior that could warrant a range of disciplinary sanctions. Appropriate levels of discipline may be based on the severity of employee behavior. This list is not exhaustive.

- Displaying disrespectful and/or inappropriate behaviors toward an employee, supervisor or citizen;

- Refusing to do assigned work or failing to carry out the reasonable assignment of a manager, supervisor or department head;
- Being inattentive to duty, including sleeping on the job;
- Falsifying a time card or other City record or giving false information to anyone whose duty is to make such record;
- Being repeatedly or continuously absent or late, being absent without notice or reason satisfactory to the City or leaving one's work assignment without appropriate authorization;
- Failing to report an On the Job Injury (OJI);
- Using tobacco products within no-tobacco areas, operations or any area of the City that must be entered to conduct City business;
- Conducting oneself in any manner which is offensive, abusive or contrary to common decency or morality; carrying out any form of harassment including sexual harassment;
- Operating City-owned vehicles, equipment or private vehicles on City business without proper license or operating any vehicle on City property or on City business in an unsafe or improper manner;
- Having an unauthorized weapon, firearm or explosive on City property;
- Appropriating City equipment, time or resources for personal use or gain;
- Computer abuse, including but not limited to, plagiarism or misuse of computer accounts, unauthorized destruction of files, creating illegal accounts, possession of unauthorized passwords, disruptive or annoying behavior on the computer and non-work related utilization of computer software or hardware;
- Conviction of a felony;
- Misusing or willfully neglecting City property, funds, materials, equipment or supplies;
- Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty;
- Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence.
- Interfering in any way with the work of others;
- Stealing or possessing without authority any equipment, tools, materials or other property of the City or attempting to remove them from the premises without approval or permission from the appropriate authority;
- Marking or defacing walls, fixtures, equipment, tools, materials or other City property, or willfully damaging or destroying property in any way;
- Willful violation of safety rules or City policies.

Oral Reprimand/Counseling

The supervisor will issue a memorandum stating the date of the oral reprimand, what was said to the employee, and the employee's response. The memorandum is to be used for documentation that the counseling occurred. Such a memorandum documenting an oral reprimand is to be placed in the department head's personnel file for that employee and is not to be placed in the Human Resources Department's personnel file for that employee unless the matter is subsequently addressed by additional discipline.

Written Reprimand

In situations where an oral reprimand has not resulted in the expected improvement or when more severe action is warranted, a written reprimand may be given to the employee. The supervisor administering the written reprimand shall confer with and advise the employee that the action is a written reprimand and emphasize the seriousness of the problem; cite previous corrective actions and/or informal discussions relating to the offense; identify the problem and/or explain the offense; inform the employee of the consequences of continued undesirable behavior; detail corrective actions and identify dates by which the corrective actions shall be taken. The employee shall be asked to sign the written reprimand to indicate that he or she has seen the document and to acknowledge receipt of the employee's copy. Should the employee refuse to sign the written reprimand, the supervisor will obtain a witness to sign and date the form and so indicate the employee's refusal to sign.

At the conclusion of the conference with the employee, a copy of the written reprimand shall be placed in the Human Resources Department's personnel file for that employee, along with a copy of any memorandum documenting any oral counseling/reprimand issued previously to that employee on the same or any directly related subject.

Suspension

An employee may be suspended with or without pay by his or her department head with the approval of the City Manager. Employees may elect to use vacation paid time off for suspensions of up to five (5) days. In a suspension resulting in six (6) or more days, employees can only use five (5) days vacation paid time.

A written notice of any proposed suspension shall be provided to the employee. The written notice shall be specific as to times, places and other pertinent facts concerning the charges and shall be provided to the employee as soon as possible by the department head. The notice shall also provide for the employee to be allowed to choose to have a pre-determination hearing regarding the charges prior to a final decision being rendered by the City Manager. The purpose of the pre-determination hearing is to allow the employee to present information to the City Manager regarding the disciplinary action under consideration.

An employee's written request for a pre-determination hearing must be received by the Human Resources Department within three (3) City business days of the employee receiving the notice of proposed suspension. The employee shall be granted such a hearing, to be held within five (5) City business days of the Human Resources Department's receipt of the employee's request.

The pre-determination hearing shall include the employee, the employee's department head, the Human Resources Director and the City Manager. In the unavoidable absence of the employee's department head, the Human Resources Director or the City Manager within the permitted time-frame, the absent party may appoint a representative for themselves. The pre-determination hearing provides an informal opportunity for the

employee to challenge the proposed suspension before the final decision is made as to whether to suspend.

At the pre-determination hearing the employee will be allowed to present written statements of witnesses or any other information to the City Manager regarding the charges under consideration. Attendance and participation by persons other than the City Manager, the department head, the Human Resources Director and the employee is at the discretion of the City Manager. The City Manager shall render the final decision as to whether to suspend within five (5) City business days of the conclusion of the pre-determination hearing.

If the final decision following the pre-determination hearing is not to suspend, then the employee, if already on leave resulting from the suspension, shall be returned to regular duty and, if the suspension was to have been without pay, then the employee shall be paid in full for the length of that leave. If an employee fails to present him/herself at a scheduled pre-determination hearing or fails to request a pre-determination hearing within three (3) City business days of receiving the notice of proposed suspension, then the proposed suspension and its pay status shall become final. All records associated with either an unchallenged or a challenged but affirmed suspension shall become a permanent part of the Human Resources Department's personnel file for that employee.

Dismissal

At times a management-initiated action based on employee misconduct or performance deficiencies may be warranted. When this occurs, the employee will be informed in writing of the reason(s) for the proposed termination. A Human Resources Department representative must be present at all meetings in which involuntary termination occurs.

Reasons for dismissal may include, but shall not be limited to: misconduct, negligence, incompetence, insubordination, unauthorized absences, falsifying records, or violating any Charter provisions, Ordinances, or these policies. Examples include:

- incompetence or inefficiency in performing duties;
- conviction of a criminal offense or of a malfeasance involving moral turpitude;
- violating any lawful and reasonable regulation, order, or direction made or given by a superior, or insubordination that constitutes a serious breach of discipline;
- while acting within the scope and in the course of employment for the City, using or being under the influence of any alcoholic beverage;
- while acting within the scope and in the course of employment for the City, using or being under the influence of any illegal drug, prescription drug without a legal prescription, prescription drug other than in accordance with a legal prescription, or non-prescription drug other than for the manufacturer's indicated symptoms and in accordance with the manufacturer's recommended dosages unless otherwise directed by a licensed health care provider;
- theft, destruction, carelessness, or negligence of City property;
- disgraceful personal conduct or language toward the public, the City Council, the Civil Service Board, other officials of the City or fellow employees;

- verbal or physical conduct that harasses, disrupts or interferes with an employee's work performance or which creates an intimidating, offensive or hostile work environment, including violence of any kind, verbal harassment, physical harassment, and visual harassment, or the threat thereof, whether in the workplace or during work time or both;
- unauthorized absences or abuse of leave privileges;
- incapacity to perform the essential functions of a job because of a permanent or chronic physical or mental disability that cannot be reasonably accommodated;
- accepting any valuable consideration that was given with the expectation of influencing the employee in performing his or her duties;
- falsifying records and/or documents;
- materially falsifying a statement of fact on, or omitting material information from his or her employment application;
- using official position for personal advantage;
- loss of an employee's driver's license and driving privileges by due process of law in the case of an employee appointed to any position for which a driver's license is required to perform functions of the job;
- willful, egregious or persistent violation of any provisions of the Charter, the Municipal Code, or these personnel policies and procedures.
- falsifying time, is considered a very serious offense and cause for immediate dismissal regardless of an employee's prior work record. Falsifying time includes but is not limited to using any employees time/identification card to "clock in," in their absence, entering a punch at the time-clock for another employee in their absence, or editing an employee's time to add or remove hours or money to which they are not otherwise entitled.

A written notice of the proposed dismissal, shall be provided to the employee. The written notice shall be specific as to times, places and other pertinent facts concerning the charges and shall be provided to the employee as soon as possible by the department head. The notice shall also provide for the employee to be allowed to choose to have a pre-determination hearing regarding the charges prior to a final decision being rendered by the City Manager. The purpose of the pre-determination hearing is to allow the employee to present information to the City Manager regarding the disciplinary action under consideration.

An employee requesting a pre-determination shall request the hearing in writing to the Human Resources Department within three (3) City business days of the employee receiving the notice of proposed dismissal. The employee shall be granted such a hearing, to be held within five (5) City business days of the Human Resources Department's receipt of the employee's request.

The pre-determination hearing will include the employee, the employee's department head, the Human Resources Director and the City Manager. In the unavoidable absence of the employee's department head, the Human Resources Director or the City Manager

within the permitted time-frame, the absent party may appoint another to represent them. The pre-determination hearing provides an informal opportunity for the employee to challenge the proposed dismissal before the final decision is made as to whether to dismiss.

At the pre-determination hearing the employee will be allowed to present written statements of witnesses or any other information to the City Manager regarding the charges under consideration. Attendance and participation by persons other than the City Manager and the employee is at the discretion of the City Manager. The City Manager shall render the final decision as to whether to dismiss within five (5) City business days of the conclusion of the pre-determination hearing.

If the final decision following the pre-determination hearing is not to dismiss, then the employee, if already on leave pending the outcome of the pre-determination hearing, shall be returned to regular duty with full pay for the length of that leave.

If an employee fails to appear at a scheduled pre-determination hearing or fails to request a pre-determination hearing within three (3) City business days of receiving the notice of proposed dismissal, then the proposed dismissal will become final.

All records associated with either an unchallenged or a challenged but affirmed dismissal shall become a permanent part of the Human Resources Department's personnel file for that employee.

918 - TERMINATION

It is the City of Columbia's policy to ensure that employee terminations are handled in a professional manner with minimal disruption to ongoing work functions.

There are two types of terminations:

- Voluntary
- Involuntary

Voluntary Termination

Voluntary termination of employment occurs when an employee informs his/her supervisor of the employee's resignation, or termination is deemed to have occurred when an employee is absent from work for three consecutive workdays and fails to contact his/her supervisor (job abandonment).

Employees are expected to provide a minimum of two weeks' notice of their intention to separate from the City in order to allow a reasonable amount of time to transfer ongoing workloads. It is expected that written notification will be provided to the employee's supervisor. Upon receipt of an employee's resignation, the supervisor will notify the department head and Human Resources. The department will forward the resignation letter along with an employee action form to the Human Resources Department.

The Human Resources Department will coordinate with the employee any out-processing applicable to the employee. This could include the following:

- Returning all City property (i.e. keys, ID cards, credit cards and receipts, uniforms, computers, phones, etc.);
- Review of benefits status;
- Completion of an exit interview questionnaire. The exit interview provides employees the opportunity to freely express views about working at the City and will be held in strict confidence. The Human Resources Department will compile data from exit interviews to determine if feedback to an employee's supervisor or Department Head is necessary.

Involuntary Termination

An involuntary termination of employment including layoffs, is a management initiated dismissal. The inability of an employee to perform the essential function of the job with or without a reasonable accommodation may also result in an involuntary termination.

Discharge may be for cause - a legal reason, i.e. misconduct, tardiness, absenteeism, unsatisfactory performance, inability to perform, etc. In some cases progressive discipline may be used, prior to termination, to correct a performance problem. However,

certain types of employee misconduct are so severe that one incident of misconduct will result in immediate dismissal without prior use of progressive discipline.

Prior to an involuntary termination, consideration will be given to an employee's service and past contributions to the City. The possibility of transfer or demotion will be explored in all cases except those which involve gross misconduct. If the termination is for cause, the employee may request a pre-determination hearing as outlined in Policy 917; see the section on "Discipline".

919 - APPEALS AND GRIEVANCE

Appeals

Pursuant to section 7.09 of the charter, any employee, within ten (10) days after any disciplinary action, may appeal to the civil service board such action taken against him or her. Such appeal shall be made in writing and delivered to the Human Resources director serving in his or her capacity as clerk to the civil service board. Upon receipt of an appeal of disciplinary action, the civil service board shall, in accordance with section 7.09 of the charter, set a date and time for a hearing and shall carefully consider all evidence presented. The employee shall have the right to be represented at the hearing by an attorney, shall have the right to confront and examine all witnesses, and may introduce on his or her own behalf any evidence relevant to the charges specified against him or her. The civil service board shall then make a decision as to sustain, modify or overrule the disciplinary action. The decision of the civil service board shall be final and binding in all cases except that the civil service board's final decision may be appealed to a court of law of competent jurisdiction, pursuant to section 7.09 of the charter.

Grievance

It is the policy of the City to allow employees to submit grievances when circumstances of misunderstanding or disagreement arise involving employees in order to assure employees that their problems and complaints shall be considered fairly, rapidly, and without reprisal. The City's goal and intent is to determine what is fair and just more than who is right. The City encourages free and open discussion between employees and supervisors for effective communications and understanding pertaining to work-related matters.

A grievance is defined as an employee's complaint, or an employee's feeling of dissatisfaction or difference of opinion, disagreement, or dispute arising between employees or between an employee and his or her supervisor, department head and/or the City, regarding some aspect of his or her employment, application or interpretation of these personnel policies and procedures, or some management decision affecting the employee. A grievance can be something real or alleged, and may arise from an employee's complaint about, disagreement with, or misunderstanding concerning any of the following:

- some aspect of employment and/or employment conditions working relationship between the employee and the employee's supervisor and/or the employee's department head and/or the City;
- a working relationship between the employee and other employees;
- the results of performance evaluations of the employee;
- harassment of the employee in his or her capacity as an employee (except that in the case of sexual harassment, the process provided in the City's sexual harassment policy must first be utilized);
- the fairness, application or interpretation of these personnel policies and procedures, except those specifically listed below;

- management or administrative decisions or directives affecting the employee's health, safety, workplace, equipment or material used; and
- other related items, except those specifically listed below.

A grievance may not arise from any of the following:

- disciplinary actions involving the employee
- personnel actions pertaining to position classifications, or changes thereto;
- the pay plan and/or other forms of compensation including employee benefits, or changes thereto including reclassifications; and
- the abolishment of positions and any resulting demotions, transfers or lay-offs.

It is the City's desire to address grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be occasional grievances that will be resolved only by more formal means. Employees who have a grievance may discuss the grievance informally with their immediate supervisor, a higher-level supervisor, and/or the department head. Every employee may present a grievance free from fear, interference, restraint, discrimination, coercion, or reprisal.

An employee with a grievance has a right to:

- a grievance hearing as specified in this policy;
- grievance proceedings are considered informal hearings and legal counsel is not permitted to participate in the grievance process;
- present written notarized statements supporting employee's position;
- examine and copy all documents that will be used by the City as justification for its actions; and
- be free from threats, coercion, intimidation, or discrimination from other employees because he or she has made complaints, testified, or assisted in any manner in the above-stated grievance procedures.

The grievance may be resolved at any step in the procedure by mutual concurrence. Notation of any settlement shall be signed by all parties and forwarded to the Human Resources Director.

Throughout the grievance procedure, whenever a specific number of City business days are allowed to submit a grievance or to respond to a grievance finding, then the "City business days" in question shall be those normal to the person responsible for the next action. For these purposes, "City business days" do not include days on which that person is either on authorized leave or out of town on City business.

The following steps are to be followed to resolve an employee grievance:

- The employee should discuss the matter with his or her immediate supervisor as soon as the grievance develops or as soon as possible thereafter. The supervisor shall make every effort to resolve the matter informally.
- If the matter is not resolved, the employee shall, as soon as possible after the employee's effort to resolve the matter with the supervisor, submit in writing to the same supervisor a complete statement as to the nature of the grievance, and one or more suggested solutions.
- The supervisor shall then promptly investigate the circumstances surrounding the grievance, discuss the matter with the appropriate department head, and take any necessary action, if possible. The supervisor shall, within ten (10) City business days of receiving the written grievance, prepare a written report of the findings, conclusions, decisions and actions taken or to be taken, if any, resulting from his or her investigation of the grievance, and provide the employee and the department head each with a copy of the report.
- If the supervisor's action and/or written response is not satisfactory to the employee, the employee may continue the process through the chain of command within the employee's department.
- If the grievance process reaches the department head the department head shall, within ten (10) City business days of receiving the grievance from the employee, provide the employee with an opportunity to meet informally with the department head to discuss the grievance. The department head then, within ten (10) City business days of that informal meeting or of receiving the employee's written declination of an opportunity to meet informally, shall provide the employee with a written response to the grievance.
- If the department head's written response is not satisfactory to the employee, then the employee may submit the written grievance requesting a grievance hearing to the city manager within ten (10) City business days of receiving the department head's written response.
- The City Manager shall obtain all information in its entirety from the department head, including the supervisor's written report, the department head's written response and any other pertinent information gathered throughout the grievance process. The City Manager shall, within ten (10) City business days of receiving the written request for a grievance hearing, set the date, time and location for a grievance hearing, and shall notify the employee, the supervisor, the department head and the Human Resources Director of this information. It is the responsibility of the employee to appear at the scheduled grievance hearing. If the employee fails to appear and has no justifiable reason for failing to appear, then the matter shall be dismissed.
- In his or her capacity as grievance hearing officer, the City Manager shall have the authority to interview witnesses under oath, to compel the attendance of employees,

to require the production of information by employees and to request attendance and production of information by non-employees.

- The City Manager shall have ten (10) City business days from the conclusion of the hearing to render a decision. The decision shall be in writing and shall include the reasons for the decision. The City Manager's decision shall be final and binding in all cases except that it may be appealed to a court of competent jurisdiction. The City Manager's determination is not intended to substitute his or her judgment for that of the employee's supervisor and/or department head but, rather, is to declare whether the grievance procedures followed to date have been appropriate and whether the management decisions made to date are reasonable under the circumstances. The Human Resources Director shall place a copy of the grievance and all written responses thereto, including the City Manager's determination, into the human resources department's personnel file for that employee.
- All written correspondence throughout the grievance proceedings shall be copied to the Human Resources Department.