



**City of Hendersonville
Tennessee**

**PERSONNEL
RULES AND REGULATIONS**

Table of Contents

RULE I – General Provisions	6
Section 1. Purpose.....	6
Section 2. Motivation and Knowledge of Employees	6
Section 3. Positions Covered	6
Section 4. Administration	6
RULE II – Definitions	7
RULE III – Classification Plan	13
Section 1. Purpose.....	13
Section 2. Composition of the Classification Plan	13
Section 3. Use of Class Titles	13
Section 4. Use of Class Specifications.....	13
Section 5. Use of the Classification Plan	13
Section 6. Administration of the Classification Plan	13
Section 7. Allocation of Positions.....	14
Section 8. Request for Reclassification	14
RULE IV – Pay Plan	15
Section 1. Composition.....	15
Section 2. Maintenance of the Pay Plan	15
Section 3. Use of Salary Ranges	15
Section 4. Additional Pay Benefits for Public Safety	16
Section 5. Call Back Pay.....	17
Section 6. Longevity	17
Section 7. Overtime and Compensatory Time.....	17
Section 8. Rescheduling Work Hours.....	18
Section 9. Education Attainment Pay	19
Section 10. State Salary Supplemental Pay for Public Safety	20
RULE V – Recruitment and Employment	21
Section 1. Recruitment.....	21
Section 2. Minimum Qualifications.....	21
Section 3. Notification	21
Section 4. Rejection of Applicants	21
Section 5. Notification to Applicants.....	22
Section 6. Review of Applicants.....	22
Section 7. Interviews.....	22
Section 8. Reference Checks	22
Section 9. Job Offer	22
Section 10. Outside Recruiting Agencies	23
RULE VI – Examinations	24
Section 1. Recruitment by Examination	24
Section 2. Admission to Examination.....	24

Section 3. Types of Examinations	24
Section 4. Medical Examinations	24
RULE VII – Eligibility Lists	26
Section 1. Establishment of Lists.....	26
Section 2. Supplementing Lists	26
Section 3. Duration of Lists	26
Section 4. Removal from Lists	27
RULE VIII – Appointments	28
Section 1. Procedure	28
Section 2. Certification	28
Section 3. Temporary Appointments	29
Section 4. Emergency Appointments.....	29
Section 5. Student Appointments.....	29
Section 6. Seasonal or Temporary Part-Time Employees	29
Section 7. Regular Part-Time Employees and School Patrol Officers	30
Section 8. New Hire Onboarding.....	31
Section 9. Probationary Period for New Hires	32
RULE IX – Promotions, Demotions, and Transfers	33
Section 1. Consideration	33
Section 2. Probationary Periods for Promotions, Demotions, and Transfers	33
Section 3. Start Dates.....	33
Section 4. Promotions	33
Section 5. Demotions	35
Section 6. Transfers	37
RULE X – Re-Employment	39
Section 1. Involuntarily Separated.....	39
Section 2. Voluntarily Separated	40
RULE XI – Separation, Disciplinary Action, and Suspension Pending Investigation and/or Hearing	42
Section 1. Types of Separation	42
Section 2. Resignation	42
Section 3. Layoffs and/or Abolishment of Position.....	42
Section 4. Disability.....	43
Section 5. Death.....	44
Section 6. Retirement.....	44
Section 7. Types of Disciplinary Action.....	44
Section 8. Dismissal (Result of Disciplinary Action).....	44
Section 9. Written Reprimand	46
Section 10-A. Suspension Pending Investigation and/or Hearing	46
Section 10-B. Departmental Hearing.....	47
Section 11. Suspension	47

Section 12. Appeal Procedures	47
RULE XII – Grievance Procedure	50
Section 1. Policy	50
Section 2. Definition	50
Section 3. Procedures.....	50
RULE XIII - Employee Evaluations	54
Section 1. Probationary Evaluation for New Hires.....	54
Section 2. Annual Performance Evaluations	54
Section 3. Appeals on Evaluation	54
RULE XIV - Employee Development and Training	55
Section 1. Employee Development and Training	55
Section 2. Administration of Employee Development Program	55
Section 3. Safety Education and Training	55
Section 4. Specialized Training	55
RULE XV - Holidays, Vacations, Leaves and Absences	57
Section 1. Holidays	57
Section 2. Vacation Leave	58
Section 3. Sick Leave.....	60
Section 4. Maternity Leave	63
Section 5. Military Leave.....	64
Section 6. Voting Leave.....	64
Section 7. Workers’ Compensation Light Duty.....	64
Section 8. Family Medical Leave (FMLA)	66
Section 9. Leave Without Pay.....	73
Section 10. Absence Without Pay.....	74
Section 11. Leave With Pay.....	74
Section 12. Absence Without Leave.....	75
RULE XVI - General Policies and Procedures	76
Section 1. Employee Conduct and Working Relationships.....	76
Section 2. Corrective Action.....	76
Section 3. Political Activity	76
Section 4. Hours of Work	77
Section 5. Attendance	77
Section 6. Outside Employment	77
Section 7. Solicitation	77
Section 8. Obstruction of Rights.....	78
Section 9. Impartiality.....	78
Section 10. Pecuniary interests and Gratuities.....	78
Section 11. Use of Municipal Time and Facilities.....	78
Section 12. Misuse of Position	79
Section 13. Place of Residence	79

Section 14. Garnishments, Wages, Assignments, and Levies	79
Section 15. Records and Reports	81
Section 16. Service Recognition	82
Section 17. Nepotism	82
Section 18. Strikes	83
Section 19. Prohibitions	83
Section 20. Harassment and/or Discrimination	84
Section 21. Substance Abuse Policy	85
Section 22. Employee Assistance Program (EAP)	90
Section 23. DOT CDL Substance Abuse Policy	91
Section 24. Severe Weather Policy	92
Section 25. Electronic Devices Policy	94
Section 26. Violence in the Workplace	99
Section 27. Working Hours	102
Section 28. Smoking and Tobacco Use Policy	104
Section 29. Active Shooter Policy	106
Section 30. Barry Brady Act	109
Section 31. Title VI Compliance of the Civil Rights Act	111
Section 32. City Hall Fire Procedure	118
RULE XVII - Miscellaneous Provisions	120
Section 1. Availability of Rules and Regulations	120
Section 2. Amending or Changing Rules and Regulations	120
Section 3. Effective Date of These Rules and Regulations	120
Section 4. All Prior Rules Superseded	120
Section 5. Department Rules	120

RULE I – General Provisions

Section 1. Purpose

These Rules establish uniform policies and procedures for employees of the City of Hendersonville, Tennessee. Rules are based on the following general standards:

- 1.1 Employment and promotions based on proven merit and ability to perform duties of the job as determined by fair and practical methods without regard to race, religion, age, sex, political affiliation, national origin, disability or genetic information.
- 1.2 Employee conduct deserving of the trust accorded to public service.
- 1.3 A system of competitive and equitable compensation based on job duties, requirements, responsibilities, and seniority.
- 1.4 Encouragement of career service through training and opportunities for personal growth.
- 1.5 Uniformity in application of rules and procedures.
- 1.6 A safe working environment.
- 1.7 Review by the Personnel Board of the personnel system on an annual or as needed basis of the personnel system, to be reported to the Board of Mayor and Aldermen.

Section 2. Motivation and Knowledge of Employees

Every employee in the Classified Service of the City of Hendersonville is working for the same public. It must be the aim of all personnel of the Classified Service of the City of Hendersonville to constantly develop a better Municipal Government. In so doing all will benefit, but much depends upon each individual employee of the service. Each employee should have a thorough knowledge of their own job and should possess a profound respect for their work. He or she should have knowledge of the relation of their job to that of the other employees and to the entire municipal organization. Employment in a position, either regular or temporary, is not recognized as a vested right to be retained primarily because of appointment or possession, but only when the standard of performance justifies the continuance.

Section 3. Positions Covered

These rules and regulations shall apply to all employees of the Municipal Government of the City of Hendersonville except those employees who are specifically excluded in accordance with the Personnel Ordinance which includes Elected Officials, Appointed positions, the Chief of Operations, and Department Heads. For more, see Title 4, Chapter 2, Section 4-203 of the Personnel Ordinance.

Section 4. Administration

These Rules shall be administered by the Human Resources Director under the direction of the Chief of Operations.

RULE II – Definitions

Absence with Pay – Absence approved by the supervisor and for which compensation is received.

Absence without Pay – Absence known, unknown, approved, unapproved, resulting in suspension, abandonment of position or leave without pay.

Absence without Leave – Unauthorized absence.

Acting – Assumption of duties and responsibilities of another position not to exceed one year.

Allocation – The assignment of a position to its appropriate class in relation to job duties.

Annual Leave – Paid vacation or personal leave.

Appeal – Request for review by the Personnel Board of disciplinary action or review of an examination rating or procedure.

Application – A form or forms used in applying for positions with the Municipal Government of the City of Hendersonville.

Appointing Authority – For the purposes of these Rules, the appointing authority is the department head.

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

Assembled Examination – An examination for which applicants are required to appear at a specific place at a specific time.

Certification – Endorsement as meeting required minimum standards for a vacant position.

Chief Executive – Shall mean Mayor of the City of Hendersonville.

Class – A group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title class specification and pay range.

Class Series – A number of classes of positions which are substantially similar as to the types of work involved and differ only in rank as determined by the importance of the duties and degree of responsibility involved and the amount of training and experience required. Such classes constitute a series.

Class specifications – A written description of a class consisting of a class title, a general statement of the level of work and of the distinguishing features of work, examples of duties, and minimum of desirable qualifications for the class; the types of knowledge and abilities required.

Classification – The act of grouping positions in classes with regard to: (1) duties and responsibilities; (2) requirements as to education, knowledge, experience, and ability, (3) tests of fitness. Classification allows an arrangement of positions whereby equal pay is given for substantially equal responsibility and authority.

Classification Plan – The resultant system of positions that have been grouped into appropriate classes according to 1 and 3 under Classification above reflecting the hierarchical structure of the organization, and consisting of: (1) an index to the class specifications; (2) the class specifications; and (3) rules for administering the classification plan.

Classified Service – All offices and positions in the services of the City as defined in the Personnel Ordinance.

Compensation Plan – The official schedule of pay approved by the Board of Mayor and Aldermen assigning one or more rates of pay to each class title.

Compensation – The standard rates of pay which have been established for the respective classes of work, as set forth in the compensation plan.

Compensatory Time – Time off from work in lieu of monetary payment for overtime worked.

Demotion – Assignment of an employee from one class to another which has a lower maximum rate of pay.

Department – A primary organizational unit as designated in the budget document, the head of which reports directly to the Chief of Operations.

Departmental Policy – Those administrative policies set out by the Department Head and approved by the Chief of Operations; peculiar to the operation of the individual department; shall be consistent with but may not be synonymous with these Rules and Regulations.

Departmental Procedure – Standard operating procedure specifics to department, not necessarily approved by the Chief of Operations.

Department Head – A person responsible for administering the functions of a department who is not covered by these rules and regulations.

Disciplinary Action – An action which may be taken by the employee's appointing authority or the designated representative in the event of failure to comply with rules and regulations. Types of disciplinary action are verbal and written reprimand, suspension, and/or dismissal.

Disability – A condition of impairment, partial, complete, permanent or temporary which prevents, hinders or adversely affects an individual's performance of his/her normal routine of work.

Dismissal – A type of disciplinary action which separates an employee from the Municipal Government payroll for cause.

Eligible – A person who has successfully met required qualifications for a particular class.

Eligibility List – The ranking of eligible candidates for a vacancy in order of overall qualifications as predetermined by an officially approved requisition.

Employee – An individual whose position is budgeted and is legally employed by the government of the City and is compensated through the City payroll for his services. Individuals or groups compensated on a fee basis are not included.

Employee Development – Training programs for the purpose of improving the quality of service of the employee and improving the employee's advancement.

Evaluation – The system which has been established for evaluating an employee's performance by his or her supervisor.

Examination – The process of testing, evaluating, or investigating the efficiency, fitness and qualifications of applicants.

Gender – Words importing the masculine gender include the feminine and neuter.

Genetic Information - includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services."

Grievance – a non-pay related dispute relative to some aspect of employment.

Grievance Fact Finding Committee – A panel of three selected to determine without prejudice, all the facts pertinent to the grievance. This committee shall have no authority to make decisions or recommendations as to the disposition of the alleged grievance.

Immediate Family – Includes spouse, in-laws, (refers to mother, father, sister, brother, son, and daughter), parents, children, brother or sister of employee, and employee grandparents and grandchildren. For sick leave only, this definition is same as the above except the term "in-laws" refers to mother and father only.

Job Description – A written document covering a group of duties and responsibilities assigned to an employee.

Layoff – the non-disciplinary separation of an employee from a position due to a shortage of funds or work, the abolition of a position or for related reasons out of the employee's control and which does not reflect discredit upon the service of the employee.

Leave – An approved type of absence from work as provided for by these rules.

Maternity Benefits – To be treated the same as other causes of disability under fringe benefit plans. To be provided for spouses of insured employees who elect family medical coverage.

Maternity Leave – Leave in accordance with applicable provisions of state law for pregnancy, childbirth, adoption and nursing of an infant.

Merit Pay Increases – An increase in compensation established in the compensation plan which may be granted to an employee for meritorious service and completion of minimum prescribed periods of employment in the class.

Military Training Leave – The period of 20 working days or less per calendar year granted to employees who are members of a Military Component. Military Training Leave is not charged to vacation leave. Employees may use up to 5 additional days of Sick Leave for Military Training each calendar year.

Nepotism – Favoritism shown to relatives by reason of relationship rather than merit or employment of immediate family by blood or marriage within same department.

Non-Classified – Those positions not included in the Classified Service as defined in the Personnel Ordinance.

On Call – Being available for a designated period of time.

Overtime – Authorized time worked by an employee in excess of his work period.

Overtime Pay – Compensation paid to an employee for overtime worked performed in accordance with these rules.

Part-time Employee – An employee who, on a regular basis, works less than the established hours of employment for a day, week, month or year.

Pay Range – One or more specific pay rates having a percentage relationship to one another, assigned to a class of positions as the compensation for that class.

Pay Rate – A specific dollar amount, expressed as an annual rate, monthly rate, weekly rate, or hourly rate, as shown in the pay plan.

Pension – The monthly compensation received due to retirement from a municipal position based on service, age or disability in accordance with the applicable “retirement” rules of the Tennessee Consolidated Retirement System.

Personnel Files - The files which are maintained in the Personnel Office for each employee and consists of such items as application for employment, records of transfers, promotions, demotions, reemployment, reclassifications, changes in pay, benefits, all materials relating to performance evaluations, and disciplinary actions, Worker’s Comp and medical files are to be kept in separate confidential files.

Probationary Employee – A new employee appointed who is required to successfully serve a probationary period of six (6) months.

Probationary Period – The designated six (6) month period of employment or full-time equivalent in the case of a part-time regular employee.

Promotion – Assignment of an employee from one class to another which has a higher maximum rate of pay.

Rank – The order in which applicants' names appear on an eligibility list based on the individual's composite qualifications. Composite qualifications mean written or oral examination scores, interview scores, physical test results, or other qualifications required by position.

Reclassification – A classification action of a position by classifying it upward, downward, or to a different classification on the basis of sufficient changes in the kind, difficulty, or responsibility of work assigned to the position.

Reduction in Force – Layoffs due to decrease in budgeted positions.

Re-employment – Rehire of former employee within one (1) year of involuntary layoff or rehire of employee on military leave.

Regular Appointment – Appointment within time limitation, or special restrictions as to continued employment.

Regular Employee – An employee who was appointed under these regulations and who has satisfactorily completed his/her probationary period.

Regular Part-Time Employee – An employee who typically works a more regular part time schedule and is entitled to some pro-rated employee benefits.

Removal – Separation.

Reorganization – Adjustment of department structure exclusive of promotions, demotions, transfers and/or reclassification.

Reprimand (oral) – Reprimand administered orally.

Reprimand (written) – More serious of the two types (oral and written) to become part of personnel file along with any answer which may be supplied by the employee.

Requisition – A request by the appointing authority to secure a list of eligible applicants from the Personnel Office.

Resignation – Separation from the employment of the Municipal Government at the request of the employee.

Retirement – Separation from municipal employment when employee reaches the age or serves the number of years required by Tennessee Consolidated retirement system to draw benefits.

Seasonal Part-Time employee – Employee paid from Salary Schedule C and is not entitled to any employment benefits.

Seniority – The status of an employee acquired by continuous service with the government, which may be considered in promotion layoff, etc.

Service Anniversary Date - the date of hire; adjusted to account for any unpaid periods of employment. Service anniversary dates for part-time employees will reflect one year's annual equivalence.

Service Awards – That award presented to an employee in recognition of faithful service rendered to the citizens of the City of Hendersonville or an award given for a period of continued service.

Severance Pay – Pay awarded to employee leaving as a result of layoff only.

Sick Leave – An absence approved by the departmental head, and in some instances confirmed by the Human Resources Director and the Chief of Operations, due to non-occupational illness or injury or health maintenance with a licensed health care provider.

Standard Working Days – Refers to standard City work week Monday-Friday as used in these rules to calculate response periods for grievance appeals.

Supervisory Employee – A supervisory employee is an individual having authority to perform one or more of the following: hire, transfer, suspend, lay-off, recall, promote, demote, discharge, assign, reward, or discipline employees or responsibility to direct them or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not a merely routine or clerical nature, but requires the use of independent judgment. It is the intent that this definition apply to those individuals compensated as supervisory personnel.

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

Temporary Employee – Employee appointed to fill a position prior to establishment of eligibility list or one who fills in for an employee on leave. These employees are not entitled to any employment benefits.

Transfer – Assignment of an employee from one position to another position. Transfers can take place within a department between departments, between positions of the same pay range, between positions of the same class.

Unassembled Examination – An examination for which applicants are not required to appear at a specific time and place but is administered over a set period of time for the establishment of an eligibility list.

Vacancy – The unoccupied budgeted position within the Municipal Government.

Work Week – The number of compensable hours regularly scheduled to be worked during any seven (7) consecutive days, usually for forty (40) hours with special provisions made in those departments requiring additional work shifts or work hours.

RULE III – Classification Plan

Section 1. Purpose

In accordance with the Personnel Ordinance, the classification plan provides a complete inventory of all positions in the City's service and an accurate description and specification for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the Classified Service.

Section 2. Composition of the Classification Plan

The classification plan shall consist of:

- 2.1 A grouping in classes of positions which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions, reflecting the hierarchical structure of the organization.
- 2.2 Class titles, descriptive of the work of the class, which identify the class.
- 2.3 Written specifications for each class of positions.

Section 3. Use of Class Titles

Class titles are to be used in personnel, accounting, budget appropriation, and financial records. The City can use a working title different from the class title.

Section 4. Use of Class Specifications

Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Specifications are to be descriptive and explanatory of the kind of work performed and not inclusive of all duties performed. The minimum qualification standards on class specifications should serve as norms for applicants coming into the class.

Section 5. Use of the Classification Plan

The classification plan is to be used:

- 5.1 As a recruiting guide for employment;
- 5.2 In determining lines of promotion and in developing employee training programs.
- 5.3 In determining salaries; and
- 5.4 In providing uniform, understandable job terminology.

Section 6. Administration of the Classification Plan

The Chief of Operations or their delegated representative is charged with maintenance of the classification plan to ensure equity and fairness and to make necessary changes in the plan if there are changes in the duties and responsibilities of existing positions and periodically to review the entire classification plan.

Section 7. Allocation of Positions

Whenever a new position is established or the duties of an old position change, department heads shall submit in writing a comprehensive job description describing in detail the duties of such a position or change. The Human Resources Director or designated representative shall thereupon investigate the actual or suggested duties and the appropriate class allocations shall be recommended.

The Human Resources Director shall determine the appropriate classification for the revised or new position, subject to the approval of the Chief of Operations. The Human Resources Director shall consult with the appropriate department head in making all such classifications. Prior to submitting a recommendation to the Board of Mayor and Aldermen, the General Committee of the Board of Mayor and Aldermen shall review the request and recommendation for the presentation to the Board of Mayor and Aldermen.

Section 8. Request for Reclassification

In the event any employee considers their position improperly classified and it has not previously come to the attention of the Human Resources Director and Department Head, they shall first submit a written request to his Supervisor or Department Head who shall review such request as to its justification within 60 days. If the Department Head finds that there is merit in the request, they shall immediately transmit their recommendation to the Human Resources Director. If the Chief of Operations finds the request is not justified, the employee should immediately be so advised and also of the employee's right to have the action appealed through the grievance procedure.

RULE IV – Pay Plan

Section 1. Composition

The pay plan shall consist of minimum and maximum rates of pay and intermediate steps for each existing class of positions.

Section 2. Maintenance of the Pay Plan

The plan is based on general rates of pay for similar employment in private establishments and other public jurisdictions in the area, cost of living data, the financial condition of the City and other factors. To this end, the Human Resources Director, under the direction of the Chief of Operations, and in consultation with the Finance Director will from time to time make comparative studies of all factors affecting the level of salary ranges. The Chief of Operations shall then recommend to the Board of Mayor and Aldermen such changes in salary ranges as appear to be in order.

Section 3. Use of Salary Ranges

Salary ranges are intended to furnish administrative flexibility in recognizing individual differences among positions allocated to the same class, in providing employee incentive, and in rewarding employees for meritorious service. The following general provisions shall govern the granting of salary range increase.

- 3.1 **Hiring Rate** – The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances (such as inability to fill the position at the hiring rate or exceptional qualifications of an applicant) warrant employment of an employee at a higher rate in the pay range. The appointing authority desiring to appoint an applicant to start at a salary above the minimum must submit a written justification through the Human Resources Director to the Chief of Operations for approval. Such appointments shall be made only in exceptional cases as decided by the Chief of Operations.
- 3.2 **Merit Salary Increases** – Merit salary increases are not automatic and subject to budget appropriations. Movement through pay ranges shall be made on the basis of performance. To reward performance, the following for full and part-time regular employees shall apply: An increase of one pay step based on the employee's performance in which the incumbent receives a 'meets' or 'exceeds' performance standard on their annual performance evaluation conducted on their service anniversary date. No employee can be advanced beyond the maximum step in their respective pay range. Performance evaluations will be completed and forwarded to the HR office in the month of the employee's Service Anniversary Date. The pay increase will become effective on the first paycheck of the month following the employee's Service Anniversary Date.

- 3.3 Six Months Enrollment in TCRS (new hire) – At the conclusion of six months employment, all full-time new hire employees will be enrolled in the Tennessee Consolidated Retirement System. The City will pay all retirement contributions on behalf of the employee. After the employee completes their first 6 months of fulltime service, they should contact the Human Resources and inquiry about capturing this 6-month period back through TCRS’s Application for Additional Retirement Credit process. This enrollment in TCRS is not intended to be considered as recognition of the end of probation.
- 3.4 Acting Capacity – In the event an acting appointment is made, the following shall apply: the appointment is limited to one year; the Chief of Operations may waive a probationary period should the acting appointee be promoted to the position. Any one in Classified Service appointed to a position in non-Classified Service on an acting basis shall retain rights as a classified employee during his tenure as acting. The employee should be paid at the step in the range which is closest to his/her current pay which results in a pay increase of at least 5%.
- 3.5 Assignment to a Higher Rated Position – In the event of a vacancy in a position which is anticipated to exceed a month’s duration, an employee may be temporarily assigned to that position (not to exceed one year) and paid at the step in the range which is closest to his/her current pay which results in a pay increase of at least 5%.
- 3.6 Reclassification Pay Rate – The salary of an employee whose position is reclassified and allocated to another class in the same or higher level shall be determined by the rules for transfer and promotion. The salary of an employee whose position is reclassified and allocated to another class at a lower level shall not be changed.

Section 4. Additional Pay Benefits for Public Safety

- 1.) Shift Differentials: Police employees shall receive additional pay while assigned on a regular, long-term basis to any of the following shifts in the following amounts:
- *1st (day) shift*: None
 - *2nd (evening) shift*: Plus \$0.30 per hour while so assigned.
 - *3rd (midnight) shift*: Plus \$0.40 per hour while so assigned.
 - *Rotating shifts*: Employees who rotate shifts on a regular basis shall receive additional pay in the amount of \$0.27 per hour.
- 2.) HEAT and Negotiator: Police employees who are members of the HEAT or Negotiator teams shall receive \$35 per month while so assigned.
- 3.) Motorcycle, Bicycle, K-9, Mounted Patrol: Police Department employees who operate these during their shifts shall receive an additional \$65 per month while so assigned.
- 4.) Emergency Medical Technician and Paramedic Certification: Employees who hold an EMT certification shall receive an additional \$125 per month. Employees who hold a paramedic certification shall receive an additional \$300 a month. An employee may receive either EMT or Paramedic pay, but not both.

- 5.) Court Time: Whenever a Non-Exempt employee is required to attend Court in connection with their official duties, that time counts toward their hours worked. If they are required to attend Court on scheduled time off, that time shall be compensated at the rate of 1 ½ times their regular rate and a minimum of two (2) hours credit given.
- 6.) Uniform Allowance: A uniform allowance of \$700 per fiscal year is established for Criminal Investigators. Receipts are required for reimbursements.
- 7.) Hazardous Materials (HazMat) Technician Certification: Firefighters who have or attain and maintain HazMat Technician Certification shall receive an additional \$75 per month.
- 8.) Dive Team: Fire Department employees who are certified Dive Team members shall receive \$30 per month while so assigned.
- 9.) Air Pack Technician: Fire Department employees who are certified Air Pack Technicians shall receive \$30 per month while so assigned.
- 10.) On Call: Fire Inspectors shall receive \$100 per month for on call pay while so assigned.

Section 5. Call Back Pay

Call Back occurs when Non-Exempt employees are called back to ‘non-scheduled’ work by their Department Head and/or Supervisor due to an emergency (accident, fire, flood, snow, civil disturbance, acts of God or related) after completing their scheduled tour of duty and have returned home. Employees called back will be credited with a minimum of 2.0 work hours or the hours actually worked (including up to 30 minutes of total travel time), whichever is greater. Credited hours will count toward the overtime threshold.

Section 6. Longevity

Subject to annual budget approval, starting with the second year of continuous full-time service, employees shall receive a bonus of \$95/year for employment to a maximum of 20 years of full-time service. If approved, the appropriate Longevity bonus is paid in the month of the service anniversary date. Longevity pay is specifically excluded from normal pay totals; however, it is included in overtime rate calculation per FLSA.

Section 7. Overtime and Compensatory Time

Overtime payment shall be made in accordance with the applicable FLSA and City ordinances. Overtime shall not be worked unless in the public interest or to preserve public health and safety.

Opportunities to work overtime shall be allocated as evenly as possible among all Non-Exempt employees within the classification qualified to do the work. Where such overtime is required, it will not be authorized except by prior approval of the Department Head, or their designated representative except in the case of an emergency. No employee shall work prior to or after their scheduled workday hours or during their lunch break without prior

authorization from their supervisor. Unauthorized work shall not lead to overtime since it is not pre-approved and could lead to disciplinary actions.

Overtime Thresholds

The following shall be the Overtime Thresholds recognized by the City of Hendersonville:

- 40 hours per week
- 42.5 hours per week – assigned uniformed Police personnel
- 204 hours in a 27-day period – assigned uniformed Fire personnel

The City of Hendersonville work week begins at 11:00 PM CST every Saturday night.

Non-exempt employees required to work hours that exceed their overtime threshold shall be compensated at time and a half. Employees who accumulate Compensatory Time balances during the fiscal year will have all but one week of Compensatory Time balances cashed out as of the final payroll of the fiscal year if not used.

- 4.1 With the exception of Firefighters whose work period is 27 days, the standard work week for Non-exempt employees is seven days. Supervisors may reschedule any working hours up to the applicable overtime threshold. However, once the overtime threshold is met, the Non-exempt employee receives either overtime payment or compensatory time computed at 1.5 time hours worked beyond the threshold. Vacation, holiday, and compensatory hours taken during the work period are counted towards the threshold, but sick hours are not.
- 4.2 When employees earn overtime pay, they will have the option of receiving Compensatory Time off at a later date or money as payment for overtime worked.
- 4.3 Upon termination of employment, all accumulated Compensatory Time will be paid to the employee at the employee's regular base pay rate at the time of termination.

Section 8. Rescheduling Work Hours

It is the City of Hendersonville's policy to reschedule work hours within a given work period to keep total work hours from exceeding the maximum hours (overtime threshold) to avoid incurring unnecessary overtime or compensatory time. See Resolution 1997-1 for examples.

The use of Vacation, Holidays, and Compensatory Time will count as hours worked toward the overtime threshold when overtime occurs after the Vacation, Holiday, and Compensatory Time has already been taken in the work period with two exceptions:

- They cannot be used on the same day to create an overtime benefit. Employees may not use a benefit to earn another benefit.
- Overtime acquired earlier in the work period cannot be added to Vacation, Holidays, or Compensatory Time taken later in the work period. These hours shall be rescheduled and equivalent leave benefit time returned to benefit balances.

Section 9. Education Attainment Pay

Employees who have or attain educational degrees where such degrees are not part of the minimum qualifications for their job class shall receive additional pay step increments regardless of their current placement on their respective pay grade /step as follows:

Required Education	Pertinent Possessed Education		
	Associates	Bachelor's	Master's
High School	2.5%	5%	7.5%
Associates Degree	-	2.5%	5%
Bachelor's Degree	-	-	2.5%
Master's Degree	-	-	-

Employees who have or attain educational degrees must submit to the Human Resources Department through their Department Head the following:

- Signed PAF requesting pay advancement the appropriate number of steps.
- Copy of transcript(s) for support their request.

Department Heads shall recommend, the Human Resources Director shall review, and the Chief of Operations shall approve all requests for Educational Attainment Pay.

For purposes of employee's salary, Educational Attainment Pay shall be added to the employee's base salary and that total shall be considered the employee's base salary. Regarding how Education Attainment Pay works related to a change in employment status, please see the City of Hendersonville 'Promotions, Demotions, and Transfers Policy'.

Only degrees issued by institutions accredited by one of the six regional accrediting agencies recognized by the Council for Higher Education Accreditation (CHEA), qualify for Educational Attainment Pay provided however than Information Technology employees may qualify for Educational Attainment Pay with degrees from schools not recognized by the CHEA so long as such schools are accredited by the Accrediting Commission of Career Schools and Colleges of Technology or a similar accrediting agency which is listed by the United States Department of Education as a nationally recognized accrediting agency.

The City of Hendersonville shall award Education Attainment Pay for any new employee who qualifies and provides the appropriate documentation. The hiring department shall help navigate the new employee on what documentation is needed to support the approval of Educational Attainment Pay and submit it to the Human Resources Department as soon as possible.

If approved, changes in pay status will be made on the soonest effective payroll date after approval is granted and submitted to the Human Resources Department.

Section 10. State Salary Supplemental Pay for Public Safety

Any police and fire employee that meet qualifications for State Salary Supplemental pay (as defined by Tennessee Codes) are eligible to receive a state-defined amount of pay during the pay period following receipt of check from the State of Tennessee. Supplemental pay will not be paid to employees terminated for cause during the calendar year, even after meeting the qualifications. Former Police and Fire personnel that no longer work for the City and have transferred agencies, shall be paid by the agency that they were employed with on December 31st of the appropriate year.

RULE V – Recruitment and Employment

Section 1. Recruitment

The Human Resources Director shall make every effort to attract qualified applicants for vacant positions in the Classified Service. Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified applicants for various types of employment positions.

Section 2. Minimum Qualifications

The Department Head and the Human Resources Director (or designee) shall review the existing job description for determination of minimum qualifications and other necessary duties and requirements. Once a job description is agreed on, the Department Head shall develop and submit an appropriate Personnel Requisition and Recruitment Plan to the Human Resources Director.

Section 3. Notification

The Human Resources Director shall prepare recruiting documents to publicize vacancies to secure applicants for vacant positions. Public notice of all external recruitments shall be given at least two (2) weeks in advance of the closing date for receipt of applications. Once the Human Resources Department posts the recruitment, the Human Resources Director and Department Head (or designee) shall determine the appropriate websites and organizations to assist with and post the recruitment.

Due to the unique nature of their work and the anticipated large number of applicants, Police Officer and Firefighter recruitments are subject to different types of recruitment processes.

Section 4. Rejection of Applicants

The Human Resources Director shall propose rejections of any application or applicant for the following reason(s):

1. The application was not submitted within the time specified in the announcement or was incomplete in the majority of areas.
2. The applicant does not possess the minimum qualifications.
3. The applicant has established an unsatisfactory employment record of such nature as to demonstrate unsuitability for employment.
4. The applicant has made false statement of any material fact or has practiced deception in his/her application.
5. The applicant is afflicted with any mental or physical disqualifying disease or defect that would prevent satisfactory performance of essential functions of the job description and no reasonable accommodation can be made.
6. The applicant has a habitual use of drugs or intoxicants or has been convicted of a misdemeanor involving moral turpitude or of a felony or a misdemeanor that would reflect upon ability to perform public service.

7. The applicant does not reply to a telephone or email inquiry within five (5) calendar days or fails to accept appointment within the time prescribed in the offer.
8. The applicant was previously in City service and was removed for cause or resigned employment and considered 'not in good standing'.
9. The applicant is no longer interested in being considered for the position.
10. For Police, applicants must meet requirements as stated in TCA 38-8-106.

Section 5. Notification to Applicants

The Human Resources Department shall notify all applicants of their status as soon as reasonably possible except for any applicant who fails to show for any part of the test or interview procedures.

Section 6. Review of Applicants

Once the deadline for the recruitment has closed, the Human Resources Director and the Department Head (or designee) shall review all application materials and determine which candidates meet all of the requirements for the position and submitted all of the required documentation and information prior to the posted deadline.

Section 7. Interviews

The Department Head (or designee) shall be responsible for organizing and communicating interviews with appropriate applicants they feel are the best suited for the position.

Section 8. Reference Checks

Prior to a job offer being made, the Department Head (or designee) shall make every reasonable effort to contact the professional references submitted by the candidate. The intent is to find out more information as to the candidate's work ethic, character, and any other information the Department Head (or designee) feels necessary for the job. Department Heads or designees are also encouraged to consider checking the candidate's social media pages, google searches, etc. to confirm there are no concerning issues with hiring this individual.

Section 9. Job Offer

Once references have been contacted and the Department Head feels strongly enough to proceed with the job offer, the the Chief of Operations should be consulted, and a job offer package discussed and agreed upon. This may include starting pay, start date, funding, benefits and more.

Once the job offer package has been mutually agreed upon, the Department Head (or designee) shall make a job offer to the qualified candidate. If accepted, the Department Head (or designee) shall notify the Human Resources Director immediately. The Human Resources Department will contact the candidate to schedule a time and date to begin their pre-employment process and paperwork.

Once a job offer is made and accepted, all Classified Service job candidates shall successfully complete and pass all mandated pre-employment, post-job offer testing requirements. This may differ depending on the job and any specific requirements of that position.

Section 10. Outside Recruiting Agencies

If necessary and determined to be in the best interest of the organization and the citizens, the City of Hendersonville, in conjunction with the Human Resources Department, may utilize outside recruiting agencies to help screen and place qualified candidates into vacant positions.

RULE VI – Examinations

Section 1. Recruitment by Examination

In accordance with the Personnel Ordinance, all appointments in the Classified Service shall be made according to merit and fitness and may be subject to competitive exam. If conducted, exams shall fairly and impartially test those matters relative to the capacity and fitness of the applicants to discharge efficiently the duties of the position to be filled.

Section 2. Admission to Examination

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

Section 3. Types of Examinations

The fitness test(s) held to establish a list of eligible candidates for any class may consist of but shall not be limited to one or more of the following parts:

- Written Examination
- Oral Interview
- Performance Test
- Physical Agility Test
- Drug Test
- Medical, psychological, vision, polygraph, functional capacity, and only required of certain candidates

Section 4. Medical Examinations

The following provisions shall apply to medical examinations:

Applicants for certain positions in the City Service may be required to undergo a medical examination to determine physical fitness to perform work in the position to which appointment is to be made. A psychological fitness examination may also be required. No applicant shall be employed in a regular position in which a physical exam is required without certification by the examining physician that the applicant meets at least the minimum standard of physical and /or mental fitness required. The examining physician shall be licensed, practicing Medical Doctor designated by the Human Resources Director and the cost of such examination shall be borne by the Municipal Government.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of

employees or their family members. All medical and other providers involved in this section are to be notified that they are not to provide any genetic information when responding to a request for medical information. 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services."

1. All employees including uniform fire and police employees of the City during their period of employment may be required by their department head, with the approval of the Human Resources Director, to undergo periodic medical examinations which may include drug tests to determine their physical and mental fitness to perform the work of the position in which they are employed. Such periodic medical examinations shall be at no expense to the employee. Determination of physical or mental fitness will be by a licensed, practicing Medical Doctor or licensed psychologist(s) designated by the Human Resources Director.
2. When an employee of the City is reported by the examining physician to be physically or mentally fit or unfit to perform the essential functions of work for the position in which he or she is employed, such employee may, within five (5) days from the date of his notification of such determination by the examining physician, indicate in writing to the Human Resources Director his intention to submit the question of his physical or mental fitness or unfitness to the Medical Examination Board. An employee may request that a second opinion be obtained. The employee may have input in the selection of the second physician or appropriate medical provider, but this choice must be approved by the Human Resources Director. Should there be disagreement between the physicians and /or medical provider, a third physician or medical provider will be selected with input from the employee, but with the approval of the Human Resources Director. The majority opinion will be final and binding. The City of Hendersonville shall pay the reasonable fee or fees levied by the panel.
3. Applicants and eligible candidates determined to be physically or mentally unfit for service shall not be considered for appointment. An employee finally determined to be physically or mentally unfit to continue in the position in which he or she is employed may be demoted in accordance with these Rules or separated from the City Service.

RULE VII – Eligibility Lists

Section 1. Establishment of Lists

The Human Resources Director shall establish and maintain such employment lists of the various classes of positions in the City service as are necessary. Qualified applicants shall be placed upon the appropriate eligible list.

Eligible Lists shall be of two (2) kinds:

- Entrance Lists from which original appointments shall be made.
- Promotional Lists from which promotional appointments shall be made.

Promotional lists shall be established as required and shall be established for single departmental units or may be established for the entire Classified Service at the discretion of the Human Resources Director.

Section 2. Supplementing Lists

The Human Resources Director shall make a review of existing employment or promotional lists to determine whether there are an adequate number of eligible candidates remaining. When it is determined a list is inadequate, the Human Resources Director may conduct a new recruitment to supplement the current list. In such instances, each eligible shall be notified the list is to be supplemented.

For supplementing a Police Officer and Firefighter list, once an eligible is notified that the current list is to be supplemented, he or she may, without examination, retain their present score or may take the supplemental examination. An eligible who takes the supplemental examination shall waive all rights to his original score and standing upon the establishment of the supplemental list. A list shall only be supplemented once.

Section 3. Duration of Lists

Eligible lists and the names appearing thereon shall remain in force for not longer than one (1) year from the date of establishment. In some special circumstances, a list may be extended up to one (1) additional year upon approval of the Chief of Operations, Human Resources Director, and the Department Head.

- Any such list may be canceled by the Human Resources Director if fewer than three (3) available eligible candidates remain on the Entrance List or if the list is determined to be inadequate.
- If the Human Resources Director reduces the life of or cancels a list, he or she shall notify the Department Head, the Chief of Operations and each eligible remaining on the list.

Section 4. Removal from Lists

The Human Resources Director may at any time remove the name of an eligible applicant from a list for any one or more of the following causes:

1. At the request of the eligible candidate.
2. Failure to respond to notice to appear for an interview or any other qualifying exam with the time limit specified in such notice.
3. Failure to notify the Human Resources Director of a change of address or contact information and the eligible cannot be located or communicated. It shall be deemed impossible to locate an eligible when communication emailed to the last known email address or a phone call to the last known phone number is not replied to within three business days.
4. In the case of promotional lists, upon separation other than lay-off from the City service.
5. The eligible declines regular appointment when offered to him/her under such conditions as he or she has previously indicated he or she would accept or the eligible fails to accept appointment within the time prescribed in the offer.
6. The Human Resources Director determines that the eligible has ceased to have the minimum qualifications for the class of position(s) in which he seeks employment.
7. The eligible is addicted to the habitual use of narcotics or intoxicants or has been convicted of a misdemeanor involving moral turpitude or of a felony or a misdemeanor that would reflect upon ability to perform public service or for which a jail sentence is imposed.
8. The eligible has made false statement of any material fact or has practiced deception in his application.
9. The eligible has established an unsatisfactory employment or personnel record (as evidenced by reference check) of such nature as to demonstrate unsuitability for employment.
10. He or she has used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment.
11. The eligible has directly or indirectly obtained information regarding examinations to which, as an applicant, he or she was not entitled.
12. Any case where the Human Resources Director finds that an eligible is or has in any manner become disqualified for the class in accordance with these Rules and the Ordinance.

RULE VIII – Appointments

Section 1. Procedure

- 1.1 Appointments of all employees shall be based on merit and fitness for the position to be ascertained as far as practicable by competitive and other evaluations.
- 1.2 In accordance with the Personnel Ordinance, all vacancies in the Classified Service shall be filled by promotional appointment, original appointment, provisional appointment, transfer or demotion.
- 1.3 Whenever the Department Head wishes to fill a vacancy(ies), a requisition for each position shall be submitted to the Human Resources Director on the form prescribed by the Human Resources Director. The requisition shall state the class, title, pay grade, entrance salary, and location of the position(s) and any other pertinent requirements of the position(s) that the Human Resources Director may deem necessary.
- 1.4 Upon receipt of a valid requisition(s), the Human Resources Director shall either certify to the appointing authority the names and personnel records of those qualified candidates on the eligibility list for the class; begin the recruitment process or authorize some other kind of appointment as provided in these Rules. No appointment, except a temporary appointment, shall be made without such certification or prior authorization.
- 1.5 Upon receipt of the certified list and the application of relevant records, the appointing authority shall select an employee(s) to fill the position(s) in accordance with Section 2 of this rule. The appointing authority shall immediately certify to the Human Resources Director the name of the person(s) appointed to the vacancy or vacancies.
- 1.6 In the absence of a certified eligibility list, a temporary appointment may be made.
- 1.7 During the period of suspension of an employee or pending final action on proceedings to review suspension, demotion, or discharge of an employee, such position(s) left vacant by any such action(s) may be filled on a temporary basis only.

Section 2. Certification

In accordance with the Personnel Ordinance, certification shall be made from existing lists in the following order of preference:

- Promotional lists
- Employment lists

Upon receipt of a valid requisition(s) and the completion of the recruitment process, the Human Resources Director shall certify and submit in writing to the Department Head, or

their designee, the names and personnel records of all qualified candidates who applied successfully and within the time period of the recruitment.

In the absence of an appropriate certified employment list of qualified candidates a temporary appointment may be made by the appointing authority.

The appointing authority shall immediately certify to the Human Resources Director the name(s) of the person(s) appointed to the vacancy or vacancies.

Section 3. Temporary Appointments

When the Human Resources Director is unable to certify an eligible candidate or a vacancy, a temporary appointment may be made provided that employment lists shall be established for such position within six (6) months, and the position then shall be filled in accordance with the Rules.

A temporary employee may serve only until the Human Resources Director shall certify to the appointment authority a qualified candidate(s), and may be removed at any time without charges, right of appeal and hearing.

Temporary employees are not entitled to fringe benefits.

Section 4. Emergency Appointments

In an emergency, the appointing authority with approval of the Chief of Operations and Human Resources Director may appoint any qualified person to a position to prevent stoppage of public business or loss or serious inconvenience to the public. However, a vacancy of which the department head has had reasonable notice, or an employment condition of which he or she had, or might with due diligence have had previous knowledge, shall not be considered an emergency under this section. Emergency appointments shall be limited to period not to exceed thirty (30) days in any twelve (12) month fiscal year.

Section 5. Student Appointments

Upon the authorization of the Chief of Operations, students majoring in fields of value to the City, from qualified, accredited, educational institutions, may be appointed on an 'internship' basis for a specified period of time. They shall not be entitled to become members of the retirement fund, or to accumulate seniority, vacation time, sick leave or other benefits that are allowed regular employees.

Section 6. Seasonal or Temporary Part-Time Employees

The following provisions shall apply to seasonal part-time employment.

- 6.1 Persons who are employed to do seasonal or occasional work, as in the Parks and Road departments shall be designated seasonal employees only. They shall be appointed for a specific period(s) of time. Seasonal employees with a satisfactory

- work record may return the following season without having to compete for their position, provided they notify Personnel of their intent by an announced closing date.
- 6.2 Seasonal employees are not eligible for benefits except for longevity pay which can be paid for a full year's equivalent service (2,080 work hours).
 - 6.3 Temporary employees, such as clerical, are maintained on a roster for use as occasional replacements or assistance as needed. These individuals are not eligible for any benefits. A roster of these employees is maintained in Personnel. Qualified applicants may be added to the roster as the need requires; however only those individuals who will be available on a temporary or on call basis will be considered for this roster.
 - 6.4 All temporary employees or seasonal shall not be entitled to become members of the Retirement Fund or to accumulate vacation time, sick leave, or other benefits.
 - 6.5 Any temporary employees, who pass the appropriate examination, attain a place on the eligibility list, and are subsequently appointed to a regular position shall be required to satisfactorily complete a six (6) month probationary period and meet the acceptable work standards for the position during the period as provided in these Rules. This period shall be computed from the date of appointment to the regular position.
 - 6.6 All temporary employees are required to be processed by the HR Department.

Section 7. Regular Part-Time Employees and School Patrol Officers

Any employee certified and appointed from an appropriate eligibility list to work in a regular part-time budgeted position at less than 2,080 hours per year shall be classified as Regular Part-Time. He or she shall be allowed to accumulate seniority, holiday pay, vacation time, sick leave, and other benefits at a proportionate rate based on the amount of pay and time worked. Regular Part-Time employees shall be required to satisfactorily complete a probationary period, meet the acceptable work standards for the position during the period, and satisfy all other requirements of employment as is required of all other regular employees. The probationary period shall be computed from date of appointment or employment on a proportionate rate based on the amount of time worked equivalent to six (6) months.

- 7.1 School Patrol Officers shall be paid for School-scheduled breaks per the Sumner County School calendar. These 'breaks' shall be paid at 4.0 hours per working day. School-scheduled Christmas 'breaks' taken during late December and early January, Spring Break, Fall Break, Snow Days (those are days in which school is scheduled and later canceled due to adverse weather), and parent/teacher conferences will be paid at 4.0 hours per working day. If school is cancelled after a School Patrol employee has started their work shift, the employee shall be paid for the balance of the day to total 4.0 work hours. In order to receive pay for these 'breaks', employees must be in a 'paid status' the working day immediately preceding and following the School-scheduled 'break'.

- 7.2 Each School Patrol Officer is authorized to be paid two (2) annual Vacation days (4 shifts) and two (2) Sick days (4 shifts), per school worked, per school year. One half of the allowed annual Vacation and Sick days shall be earned after three (3) months of employment, and the second half will be earned after six (6) months of employment in the first year. These Vacation and Sick days may be accumulated and carried forward from school year to school year; however, maximum Vacation Carryover shall not exceed the equivalent of what the employee earns in that school year. Accrued Vacation days will be paid upon termination of employment.
- 7.3 Each School Patrol Officer must obtain a licensed doctor's certificate for all sick absences in excess of three (3) continuous work days (six shifts per school). At least seven days' notice must be given in order to use Vacation leave.
- 7.4 School Patrol officers shall be paid mileage between schools in the event multiple schools are worked. It shall be the responsibility of the Support Services Lieutenant to monitor mileage requests. It is the responsibility of the employee to track and submit all mileage reimbursement forms as appropriate.
- 7.5 School Patrol employees who hit their 2,080 threshold work hour equivalency during a fiscal year that Merit Increases are not awarded, and have met the expectations to be qualified to receive a Merit Increase, shall be eligible to receive their appropriate Merit Increase during the next fiscal year that Merit Increases are awarded. This Merit Increase shall be given to qualifying employees on their next Service Anniversary Date as established from the most recent 2,080 threshold equivalency. These Merit Increases shall be awarded consistent with our policy and practice of our Full-Time employees.

Section 8. New Hire Onboarding

Once a job offer is made and accepted by a qualified candidate, the Department Head (or designee) should notify the Human Resources Director as soon as possible. The Human Resources Department will contact the candidate and schedule a time to meet with the candidate to begin their pre-employment process and testing.

Once a qualified candidate successfully completes their pre-employment process, the Human Resources Department will notify the Department Head. The Department Head (or designee) shall contact the candidate to finalize any details, finalize a start date, first day logistics (where to be, what to wear, who to report to, etc.) and any other necessary department-specific items that will be helpful for the candidate to begin their employment.

New Hire Orientation will be scheduled and conducted by the Human Resources Department. Once a date and time is set for orientation, the Human Resources Department will notify the appropriate department, supervisor, and new employee.

Section 9. Probationary Period for New Hires

The probationary period shall be regarded as an integral part of the examination process for close observing and evaluating work performance, and for rejecting an employee whose performance does not meet the required standards.

- 9.1 All new hire appointments shall be for a probationary period of six (6) months. The period shall be computed from the date of appointment or employment.
- 9.2 The new hire's status shall not be changed to regular until the appointing authority, or his authorized representative(s) certifies (within the time period prescribed) the employee has successfully completed the probationary period and has met the acceptable work standard.
- 9.3 Each employee serving a probationary period shall have his performance evaluated in writing, personally discussed with him by his immediate supervisor and reviewed by the Department Head as of the 2nd month, 4th month, and 6th month of their probationary period.
- 9.4 The Human Resources Director should be notified prior to the expiration of an employee's probationary period of their decision as to whether the employee should be placed in regular Classified Service status, rejected, or terminated. Failure of action will not constitute acceptance on non-probationary status.
- 9.5 During the probationary period, the employee may be rejected at any time without charges, right of appeal and hearing, when the judgment of the appointing authority, or his authorized representatives(s), the quality of the employee's work is not such as to merit continuation in the service. The appointing authority shall retain only those employees, who meet the acceptable standard of work for the position during the probationary period.
- 9.6 An additional probationary period of up to six (6) months beyond the end of the normal probationary period may be requested by the Department Head. This request for extension must be reviewed by the Human Resources Director and approved by the Chief of Operations.

RULE IX – Promotions, Demotions, and Transfers

Section 1. Consideration

When making any employment decisions, the Department Head, in consultation with the Human Resources Director and Finance Director, shall ensure budget integrity as well as internal City equity consistent with equal opportunity principles and applicable laws.

A Department Head should consider the following factors to justify their request: budget and financial issues; applicant knowledge, skills, abilities and competencies; recruiting and turnover factors; internal salary equity; business needs; duties and responsibilities; training and education; related certificates or licensures; total related work experience and other relevant criteria. Request for exceptions to above entry minimum must be approved by the Chief of Operations.

Section 2. Probationary Periods for Promotions, Demotions, and Transfers

An employee who is promoted, demoted, or transferred to a new position shall be required to serve a six (6) month probationary period in their new position from the date of the promotion, demotion, or transfer. Performance Evaluations shall be conducted on the 2nd, 4th, and 6th months of their new probationary period. This probationary period does not impact their ability to utilize their accrued leave in accordance with City and departmental policies.

If the Department Head feels that the Probationary Period shall be extended, they may specify the additional period needed not to exceed one (1) year date of appointment. This Probationary Period extension shall be made in writing by the Department Head to the employee and the Human Resources Director prior to the end of their 6-month probationary period.

Section 3. Start Dates

In the event that an employee accepts a Promotion, Demotion, or Transfer from one department to another per this policy, both Department Heads and the Human Resources Director shall mutually agree on a reasonable start date in the new department.

Section 4. Promotions

It is the policy of the City of Hendersonville to provide promotional opportunities whenever possible to qualified and interested employees. A promotion is the change of an employee to a position in a classification at a higher salary grade. Employees are encouraged to take advantage of those opportunities by developing themselves for advancement through further education and study. The employee's exceptional job performance, service, interest, and loyalty will also be strongly considered.

Promotions shall be determined based on qualifications, merit and fitness. It is the intent of the City that vacant positions, above the lowest rank in any category in the Classified Service, will first be attempted to be filled by the promotion of qualified employees. City of

Hendersonville full-time employees, who meet the minimum qualifications of the vacant position, regardless of their current department/position worked, shall be eligible to compete in the promotional process, subject to meeting the minimum qualifications/requirements for the position. In order to select well qualified candidates, however, recruitment may also be made from outside the City of Hendersonville.

Promotion Procedures

The Human Resources Director shall certify the names of the eligible candidates. If possible, the Department Head shall fill the position from these candidates.

- Promotions shall involve an increase in duties and responsibilities and shall not be made merely for affecting an increase in compensation.
- The Human Resources Director, in consultation with the Department Head and/or their designee, shall determine the method of selection and process to be used when a promotional vacancy is being filled.
- The Human Resources Director, after consultation with the Department Head and/or their designee, shall determine whether it is necessary to seek outside applicants in the recruitment for a promotional position.
- When only 1-2 employees meet the qualifications for a vacant (or soon to be vacant) promotional position, the Department Head, with the approval of the Human Resources Director and Chief of Operations, may promote one of the qualified employees after the process is conducted; otherwise an outside recruitment must be launched.

Eligible to Apply and Compete

No new hire probationary employee is eligible to compete for a promotion. Any employee seeking to apply for the promotional vacancy shall possess at least the minimum qualifications for the position and the employee's most recent Performance Evaluation must justify consideration for promotion. For succession planning within a department, if agreed upon by the Department Head and Human Resources Director, a candidate(s) may test for the promotion without meeting the minimum qualifications or service length requirements; however, the candidate(s) shall not be promoted until they meet all minimum qualifications for the position, to include length of service or rank within a department. No candidate shall be allowed to apply/compete for a promotion unless it is determined by the Department Head and Human Resources Director that the candidate is reasonably close to meeting all of the minimum qualifications (i.e. the interested candidate is a couple of months shy of the length of service requirements for instance).

Notification

Once a Requisition is submitted by the Department Head and approved by all necessary parties, the Human Resources Director shall ensure that each eligible employee is notified of a promotional opportunity. Notices of promotional opportunities need to be circulated throughout the appropriate department/job classes within the City.

Intent to Compete

Each eligible employee who has satisfactorily completed their Probationary Period, meets the minimum qualifications of the position, and desires to compete for the promotion must fill out the required materials prior to the posted deadline. Materials may be different for each position/department.

Promotion Pay Rate

When an employee is promoted to a higher classification position, subject to budgetary limitations, the employee's salary shall be advanced only to the step rate in the new pay range which provides a rate of pay closest to a 7.5% increase over the employee's previous pay rate. No promoted employee shall be paid above the maximum rate of pay allowed in the new pay range. If the employee's pay is below the minimum pay rate in the new range, the employee's pay rate shall be increased to the minimum pay rate in the range.

Promotional pay rates should include an employee's Educational Attainment Pay (E-Pay) when calculating their 7.5% pay increase. Education Pay is added to Base Pay and thereafter all pay adjustment calculations would be based on the new 'total' adjusted salary. Other supplemental pays should not be included in this calculation and should be considered extra if applicable (heat pay, shift diff, EMT pay, etc.); however, once the new pay grade/step is determined to provide the employee with the closest pay grade/step to a 7.5% pay increase, the employee's dollar amount should not change, but the pay step and Educational Attainment Pay (E-Pay) should be re-calculated appropriately. E-Pay may be removed altogether if the employee's new position requires the same education level the employee currently holds.

As an example, if an employee holds a position that requires a High School education and the employee has a Bachelor's Degree and was receiving E-2 pay, if their new promotional position requires a Bachelor's Degree, the employee will achieve a 7.5% pay increase, but will no longer have an E-Pay designation in the new position as it is now a requirement of their new job. Once the final pay grade/step are determined, if applicable, the employee's Educational Attainment Pay should reflect their education level as it relates to the new position's educational requirement(s) per the City's Educational Attainment Pay policy.

Section 5. Demotions

The Department Head may demote an employee in the Classified Service to a position of lower grade for which the employee is qualified. Any employee may be demoted, at the discretion of management or at the request of the employee, upon the approval of the Chief of Operations for any of the following reasons:

- The employee voluntarily requests such demotion.
- The employee's position is being re-classified to a higher grade and the employee does not meet the qualifications for the higher-grade position.
- The employee does not possess the necessary qualifications or skill set to render satisfactory service in the position held or he/she is removed during probation.
- The demotion is for corrective or disciplinary action for an employee's misconduct. If a demotion is for disciplinary action, the rules of notification and due process are to be followed and the employee has the right to appeal such action.

Voluntary Demotion

A 'voluntary demotion' occurs when an employee requests assignment to a lower job classification than their current position that is vacant and may only occur when:

- The requesting employee meets the minimum qualifications for the new position.
- The requesting employee has demonstrated their ability to perform the job.
- When it can be shown that the move is in the best interest of the City.

Voluntary demotions are subject to the employee requesting the demotion's salary being compared with other employees in comparable positions in order to maintain the morale, equity, integrity and budgetary constraints of the pay structure within a department and the City as a whole.

A Department Head has the right to not accept a voluntary demotion request of an employee, if by doing so, the employee will be making a salary equal to or greater than other qualified personnel in their department with comparable rank and service. If the Department Head of the department the employee desires to voluntarily demote to and the employee desiring to make the voluntary demotion can agree on a lower salary without compromising the integrity of their department's morale, equity and budgetary constraints, then the employee, with approval of the Chief of Operations, may be allowed to accept the position at this agreed upon rate.

In the case of a voluntary demotion, an employee will be required to demonstrate their ability to perform the essential functions of the job as well as meet the minimum qualifications of the position. The employee shall not be required to compete for the position, if it is within their same department rank structure or for a position he/she previously held. In the event an employee desires to take a voluntary demotion to another department and meets the minimum qualifications for the new position, that employee shall be required to apply and compete for the position. If an employee wishes to return to the higher classification, they must apply and compete in the recruitment/promotional process with no guarantee of rights to the prior classification.

Demotion Pay Rate

When an employee is demoted to a position (voluntary or involuntary) for which the employee is qualified, their new pay rate shall be set at the step rate in the lower pay range that will result in at least a 7.5% pay reduction or the equivalent amount equal to their most recent promotion, if applicable, and be consistent with the rate of pay of other incumbents in the new job class who possess similar education, skills, and tenure to avoid creating pay inequities.

Any employee getting or voluntarily accepting a demotion shall lose at least 7.5% pay or the equivalent amount equal to their most recent promotion, if applicable. In no case shall the employee's pay rate be set to lower than the minimum rate of the new salary range.

Demotion pay rates should include an employee's Educational Attainment Pay (E-Pay) when calculating their minimum of 7.5% pay decrease. Education Pay is added to Base Pay and thereafter all pay adjustment calculations would be based on the new 'total' adjusted salary. Other supplemental pays should not be included in this calculation and should be considered extra if applicable (heat pay, shift diff, EMT pay, etc.); however, once the new pay grade/step is determined to provide the employee with a minimum of a 7.5% pay decrease, the employee's dollar amount should not change, but the pay step and Educational Attainment Pay (E-Pay) should be re-calculated and reinstated appropriately. E-Pay may be added if the employee's new demotion position requires an education level lower than what the employee currently holds.

As an example, if an employee holds a position that requires a Bachelor's Degree and the employee has a Bachelor's Degree, if their new promotional position requires a High School education, the employee will achieve at least a 7.5% pay decrease (or possible more), but will

now have an E-Pay designation in the new position as the employee holds a higher education than the job requires. Once the final pay grade/step are determined, if applicable, the employee's Educational Attainment Pay should reflect their education level as it relates to the new position's educational requirement(s) per the City's Educational Attainment Pay policy.

A Department Head may not accept a demotion of an employee, if by doing so, this employee will be making a salary equal to or greater than other qualified personnel in their department with comparable rank and service. If the Department Head of the department the employee desires to demote to and the employee desiring to make the voluntary demotion can agree on a lower salary without compromising the integrity of their department's morale, equity and budgetary constraints, then the employee may, with approval of the Chief of Operations, be allowed to demote to this position at this agreed upon rate.

Demotion Benefit Level

If an employee receives a demotion (voluntary or involuntary) to a position that has a lower benefit level than their previous position, the employee's benefits will be reduced to the lower benefit level associated with the new position.

Section 6. Transfers

Any employee in the Classified Service who has successfully completed their New Hire Probationary Period may be transferred, at the discretion of Management or at the request of the employee, upon the approval of the Chief of Operations to the same or a similar position in a different department.

Transfers may be made only when there is a vacancy and as a result of, but not be limited to:

- lay-offs
- the abolishment of a position
- to provide further training and development of an employee in another position that would be beneficial to the future staffing potential of the City
- to reasonably accommodate a disability
- other good and sufficient reasons

The employee must meet the minimum qualifications for the new position and shall demonstrate their ability to perform the job and when it can be shown that the move is in the best interest of the City. If applicable, an employee wishing to transfer to another position must follow the application procedures for the posted recruitment and submit required materials prior to the posted deadline.

Transfer Procedures

If there is a vacancy, a recruitment process has been conducted, and the employee has applied and meets all of the minimum qualifications for the position, a job transfer may be made at any time at the discretion of management, upon the approval by the Chief of Operations and as provided in these Rules.

After the recruitment process, if an employee is offered the position and a transfer is warranted and approved, the transfer should be considered and not halted at the level of the current Department Head.

No employee shall be deemed eligible for transfer whose most recent Performance Evaluation was not satisfactory.

Transfer Pay Rate

If an employee transfers to a different job class, pay may be subject to a reduction in order to be consistent with rates of pay of other incumbents in the new job class who possess similar education, skills and tenure to avoid creating pay inequities and moral issues. An employee transferring from one job class to another may be subject to a different Educational Attainment Pay based upon position requirements.

A Department Head may not accept a transfer of an employee, if by doing so, this employee will be making a salary equal to or greater than other qualified personnel in their department with comparable rank and service. If the Department Head of the department the employee desires to transfer to and the employee desiring to make the transfer can agree on a lower salary without compromising the integrity of their department's morale, equity and budgetary constraints, then the employee may, with approval of the Chief of Operations, be allowed to transfer to this position at this agreed upon rate.

If the transfer is related to a layoff or the abolishment of a position, a change in pay may still be appropriate to maintain internal equity even if the change is outside the control of the employee.

Pay adjustments must be approved by the Chief of Operations.

RULE X – Re-Employment

This policy shall provide guidelines and lay out the employment of any person who was Voluntary Separated from the City of Hendersonville for less than one (1) calendar year and who is re-hired by the City of Hendersonville on a full-time basis.

For items not listed or addressed in this policy, it shall be the responsibility of the Department Head, Human Resources Director, and Chief of Operations to collectively make a determination based on previous experiences and other factors that would be considered fair, equitable, and in the best interest of the City of Hendersonville.

All candidates who are re-hired by the City of Hendersonville on a Full-Time basis must have left employment in ‘good standing’. To be considered ‘in good standing’ with the City of Hendersonville, the employee is regarded as having complied with all employment and separation obligations per City and departmental policies and has followed the terms and conditions of their employment and general City rules (i.e. adequate notice provided, re-payment of training cost, re-payment of POST certified signing bonus, no recent disciplinary actions, adequate performance evaluations, etc.)

Section 1. Involuntarily Separated

The following provisions shall apply to re-employment:

- 1.1 Any regular or probationary employee who has been involuntarily separated from the City Service without fault or delinquency on their part shall, at the request of said employee, may be re-employed, in accordance with these Rules, to the same class of position he or she held at the time of separation, which require basically the same qualifications, duties, and responsibilities as those of the class of positions from which lay off was made provided:
 - There is a budgeted position open.
 - He/she makes application for re-employment in writing to the Human Resources Director within 90 days from the official date of separation of said employee.
 - He or she is qualified to perform the duties of the position.
- 1.2 A re-employed individual who has been involuntarily separated from the City Service will be paid at a salary rate within the approved salary range for the position in which he or she is re-employed and shall be at a step comparable to the one previously held, provided separation was no discredit to the employee.
- 1.3 A re-employed employee who has been involuntarily separated from the City without fault or delinquency on their part shall be credited with prior accumulated service. Sick leave accumulated prior to their separation may be credited to regular employees 90 days after he or she is re-employed. For vacation purposes, he or she shall be considered a new employee. For purposes of a longevity bonus, the prior service will be included in the length of service calculations (i.e., adjusted Service Anniversary Date). The City has the right to verify if an employee bought or cashed out any previous Sick leave through TCRS. In the event this occurred, the employee would be re-hired with no Sick leave.

Section 2. Voluntarily Separated

Any person that has voluntarily separated from full-time employment with the City of Hendersonville for more than one (1) calendar year will have no re-hire rights and will be considered a new employee. These individuals must also come from a valid Eligibility List for the vacant position. In some instances, the Eligibility List requirements may be waived.

The following shall be for any person who ‘voluntarily separated’ from full-time employment with the City of Hendersonville for less than one (1) calendar year.

Pay Rate: A re-employed employee will be paid at a base salary rate within the approved salary range for the position in which he or she is re-employed. If employees are re-hired in the same job class as they were when they voluntarily separated, their new base salary shall be set at the grade/step that gives them the closest base salary to what it was when they left employment.

If employees are re-hired to a different job class or department, the employee should have to ascertain their fitness and ability to do the job prior to hire. Regarding pay in the event an employee is re-hired to a different job class or department, the Department Head, Human Resources Director, and the Chief of Operations shall determine and agree on a reasonable pay grade/step that will be fair and equitable to other employees in that same job class and department.

Education Attainment Pay: Employees may be eligible to receive the appropriate Education Pay if they meet all of the requirements of the City’s Education Attainment Pay policy. Appropriate factors shall be considered when calculating the appropriate Education Pay for a re-hired employee.

Vacation Leave: The Vacation accrual rate shall be set at the same accrual rate when the employee was separated and shall be earned moving forward by the newly adjusted Service Anniversary Date. Vacation balances must start over as a new employee.

Sick Leave: Sick Leave shall be reinstated at whatever the balance of leave was when the employee left originally and shall continue being earned at one day per month. Un-used Sick Leave accumulated prior to separation will be credited back. For employees who retired from fulltime City service and are re-hired to a fulltime position, since all un-used Sick leave hours were either paid out or credited to their TCRS account upon original retirement, these employees would start over with a 0.0 Sick leave balance.

The City has the right to verify if an employee bought or cashed out any previous Sick leave through TCRS. In the event this occurred, the employee would be re-hired with no Sick leave.

Service Anniversary Date: Prior accumulated service will be credited back, and the re-hired employee will receive an adjusted Service Anniversary Date based on how many days they were not employed by the City. This adjusted date will be used when determining the Longevity Bonus, Merit Raise (if applicable), annual Performance Evaluation, and benefit accruals (Vacation and Sick leave).

Probationary Period: If the employee had completed their probationary period prior to separation, these employees shall not be required to serve another new hire Probationary Period upon re-employment. If the employee separated prior to the successful completion of their Probationary Period, any previous probationary time would not be considered, and the re-employed individual would be required to complete the entire new hire probationary period.

TCRS: Re-hired employees shall be reported to TCRS immediately as a regular Full-Time Participating employee.

Longevity Bonus: Shall include prior full-time service and will be based on the new Service Anniversary Date after adjusted.

Post-Offer Pre-Employment process: The Human Resources Director shall make the final determination regarding the pre-employment testing the employee shall complete prior to returning to work. The Human Resources Director shall take into consideration anything necessary such as, but not limited to: how long the person was away from employment, what they were doing, other factors, etc..

FMLA Rights: Eligibility may depend on different variables.

Public Safety: Certified or Commissioned Public Safety employees who voluntary separate and are re-hired in the same or similar public safety position may be allowed to waive the Eligibility List requirements. Requirements mandated by the TN POST and TN Fire Commission should be verified prior to re-employment.

Voluntarily Separated for more than one (1) year

Any person that has been voluntarily separated from Full-Time employment with the City of Hendersonville for more than one (1) calendar year will have no rehire rights and will be considered a new employee.

RULE XI – Separation, Disciplinary Action, and Suspension Pending Investigation and/or Hearing

Section 1. Types of Separation

All separations of employees from positions in the Classified Service shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, layoff, disability, death, retirement or dismissal. At the time of separation and prior to final payment, all records, assets, and other items of City property in the employee's custody shall be transferred to the department head who shall certify this. Any amount due because of a shortage in the above shall be withheld from the employee's final pay.

Section 2. Resignation

An employee may resign by submitting in writing the reasons and the effective date to his department head as far in advance as possible, but a minimum of two (2) weeks' notice is required. A minimum notice of one (1) month is required to those employees classified as supervisory. Failure to comply with this requirement may be cause for denying future recommendation and/or employment with the City.

Unauthorized absences from work for a period of three (3) consecutive working days may be considered by the Department Head as abandonment of the position and a resignation (in the case of firemen, two (2) consecutive work shifts).

Department Heads shall forward all notices of resignation to the Human Resources Director immediately upon receipt.

Section 3. Layoffs and/or Abolishment of Position

An employee in the Classified Service may be laid off when necessary due to a shortage of funds or work, abolishment of a position, reorganization, or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

- 3.1 Layoff shall be made within classes of positions. Temporary or Seasonal employees in the affected class(es) shall be laid off prior to the layoff of any probationary or regular employee.
- 3.2 Seniority shall be observed, and the order of layoff shall be in the reverse order of total cumulative time served in the Classified Service. Total cumulative time shall include time served on Military Leave of absence or FMLA protected leave while in the City Service.
- 3.3 If an employee is in good standing at the time they are laid off and are eligible for re-hire, all considerations should be given by the City to the former employee(s) for positions he/she are qualified for and interested in applying. These former employees must apply for any position they feel they are qualified for and interested in pursuing.

- 3.4 Whenever the layoff of one (1) or more employees is necessary, the Department Head shall notify the Human Resources Director via a layoff plan, in writing, at least 30 calendar days in advance of the intended action and state the reasons, therefore. The layoff plan must contain: (1) A list of all employees in the department by classification and by class series, starting with the most senior employees and ending with the least senior employee; (2) A list of all employees to be laid off or rolled back, including the proposed effective date; (3) Waiver of seniority justifications to be submitted to the Human Resources Director and Chief of Operations.
- 3.5 Employees should not be notified of any layoff action until approval has been granted by the Human Resources Director and Chief of Operations. The Human Resources Director shall then, upon approval of the Chief of Operations, furnish to the Department Head, in writing, approval of the layoff plan and shall include the names and the layoff order of the employees. Upon receiving written approval of the layoff plan, the Department Head must immediately notify each affected employee, in writing, of the action to be taken and the effective date. Such notification must be served personally to the employee at least two (2) weeks prior to the effective date.
- 3.6 A waiver of seniority provision may be requested by the Department Head, to retain an employee who is vital to the operation of the department. The request will be submitted to the Human Resources Director and Chief of Operations for approval. The Department Head must present facts which show the employee has specialized training or skills in an area which is vital to the department, and that no other employee in the department can adequately perform the work required by the position within a 3-month time period.
- 3.7 The duties previously performed by an employee laid off may be reassigned to other employees.
- 3.8 In the case of determining the layoff of employees with the same service anniversary date, layoff shall be made in order of priority as follows: (1) time in classification; (2) disciplinary actions; (3) performance evaluation; and (4) training.
- 3.9 Severance Pay – Employees being laid off in what is expected to be a long-term or permanent reduction in force (one year or greater than one year) shall be awarded severance pay according to the following formula: 5 days per each year's service with a cap of 65 days. Employees will also be entitled to the paid for any accrued vacation time and compensatory time earned.

Section 4. Disability

An employee may be separated from City Service or demoted when he or she cannot continue to perform the essential functions or required duties of his position because of physical or mental impairment. Action may be initiated by the employee or the City, but in all cases determination of physical or mental fitness or unfitness will be by a licensed, practicing medical doctor or medical doctors, designated by the Human Resources Director. The City shall pay the fee(s). Provisions in these rules shall be strictly adhered to in all respects as provided in these Rules and in determining disability, and the provisions of this

Rule shall apply to all positions in the City Government referred to as the 'Classified Service' as set out under the Personnel Ordinance, upon approval by the Human Resources Director and confirmed by the Chief of Operations.

Section 5. Death

Separation shall be effective as of the date death. All compensation due shall be paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse/heirs.

Section 6. Retirement

An employee may elect to retire when they meet the conditions as set forth in the TCRS Pension Retirement Plan regulations. Any employee hired before September 1, 1997 who takes regular retirement may be paid for one-half of his accumulated unused sick leave allowance at the employee's regular straight time rate. Unused and unpaid sick leave may be applied towards establishing additional service years with the TCRS. Twenty (20) days sick leave equals one (1) month service credit. Employees hired after September 1, 1997 will not receive payment for any unused sick leave, but will have all unused, unpaid sick leave applied to TCRS service credits.

Section 7. Types of Disciplinary Action

Following is a list of the types of disciplinary action that can be initiated by the appointing authority in the preferred order of progression; however, the type of action to be taken and the order in which it is to be taken depends upon the seriousness of the incident and the whole pattern of the employee's past performance and conduct;

- Oral reprimand
- Written reprimand
- Departmental hearing
- Suspension
- Dismissal

Section 8. Dismissal (Result of Disciplinary Action)

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

In some instances, however, a specific incident in and of itself may justify severe initial disciplinary action. The action to be taken, therefore, depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct. If disciplinary action greater than an oral reprimand is to be taken, the appointing authority should conduct a hearing during which the employee may present testimony and proof. After such hearing, the appointing authority may demote, recommend dismissal, reduce in pay or

suspend without pay, an employee in the Classified Service. Notice of disciplinary action must be in writing and served personally on the employee and copies provided to the Chief of Operations and Human Resources Director. Such notice shall specify the penalty and contain a statement of the charges and reasons for the action taken.

Disciplinary action can be taken for, but not limited to, any of the following:

- 8.1 Incompetency or inefficiency in the performance of duties.
- 8.2 Addiction to the habitual use of narcotics or intoxicants; public intoxication or drinking of any intoxicating beverages while on duty, or being under the influence of a drug or narcotic while on duty.
- 8.3 The employee has made false statement of any material fact or has practiced deception in his application.
- 8.4 He or she has used or attempted to use political pressure or bribery to secure an advantage in an examination or appointment.
- 8.5 He or she has directly or indirectly obtained information regarding examinations to which as an applicant he was not entitled.
- 8.6 Theft, destruction, carelessness or negligence in the use of property of the City.
- 8.7 Disgraceful personal conduct or language toward the public or supervisors or fellow employees, or abusive public criticism of his supervisor or other public officials.
- 8.8 Unauthorized absences or abuse of leave privileges.
- 8.9 Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of his duties.
- 8.10 Falsification of records or use of official position for personal advantage.
- 8.11 Loss of an employee's driver's license and driving privileges by due process of law when the employee's position makes the operation of a motor vehicle necessary in the performance of his duties.
- 8.12 Violation of any lawful and reasonable regulation, order or direction made or given by a superior officer; or insubordination that constitutes a serious breach of discipline.
- 8.13 Fighting on the job, engaging in threatening or harassing behavior towards the public or coworker.
- 8.14 Dishonesty, intemperance, immoral conduct, insubordination, unsatisfactory performance of duties, failure to adhere to rules and regulations or other written instructions, or any other act of omission or commission tending to injure the public service, any other willful failure on the part of the employee to conduct himself

properly, or any willful violation of the provisions of the Rules or the Personnel Ordinance.

- 8.15 Conviction of a felony, a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon ability to perform public service or for which a jail sentence is imposed.
- 8.16 Any other act or failure to act, which in the judgment of the appointing authority is sufficient to show that the person is an unsuitable and unfit employee.
- 8.17 Action taken for violations as set out in this Rule should be initiated as soon after the incident as is reasonably possible. Any and all disciplinary action taken by the appointing authority shall be supported by evidence strong enough to bear the burden of proof of just cause for such disciplinary action upon review by the Chief of Operations.

Section 9. Written Reprimand

In situations where an oral warning has not resulted in the expected improvement, or when more severe initial action is warranted or for other just cause, the Department Head or their designee shall issue an official written reprimand. Notifications, contents of the reprimand, method of delivery, and time limitations shall be strictly adhered to as set out in Section 10-B of this Rule. A copy shall be forwarded to the Human Resources Director, and a copy placed in the employee's personnel file. The reprimand should be initiated as soon after the incident as is reasonably possible.

Section 10-A. Suspension Pending Investigation and/or Hearing

Suspension pending investigation and/or hearing is an action taken by the supervisor or appointing authority when they find, without a hearing, that immediate removal from work is in the public interest. Upon completion of investigation, a hearing before the appointing authority as provided for herein shall be held. Such suspension shall not exceed thirty (30) days. The employee shall be suspended with pay until hearing is held.

- 10-A.1 When an employee is so suspended by the appointing authority or the supervisor, it shall be effective until the disposition of his hearing by the appointing authority as provided for herein.
- 10-A.2 See Section 12 of this Rule for appeals on recommended dismissals, demotions, reductions in pay, and suspensions without pay.

Section 10-B. Departmental Hearing

Except for suspension pending investigation and/or hearing, all disciplinary actions greater than an oral reprimand shall be taken only after hearing by the appointing authority. Notice of such hearing must be in writing on forms provided by the Human Resources Director and served personally on such employee at least five (5) calendar days before the date set for hearing. Such notice shall contain a statement of the charges, including the Rule and/or Rules and Regulations alleged to have been violated, and specify time, date, and location of hearing.

At the hearing the employee may present evidence, examine, and cross-examine witnesses, and appointing authority, the decision of the appointing authority shall be made in writing to the employee with copies to Chief of Operations and Human Resources Director no later than five (5) calendar days after the conclusion of the hearing. The provisions of this section shall not apply to reductions in pay which are a part of a general plan to reduce salaries/wages or to eliminate positions.

Section 11. Suspension

In the interest of good discipline, when alternate actions such as the Written Reprimand have not resulted in expected improvement, or when more severe initial action is warranted, or for other justified reasons, the Department Head may suspend an employee in the Classified Service without pay for any length of time considered appropriate, up to, but not to exceed an accumulation of thirty (30) calendar days during a twelve (12) month period. The suspension should be initiated as soon after the incident as is reasonably possible. A copy shall be forwarded to the Human Resources Director, and a copy placed in the employee's personnel file.

Notification, contents of the written suspension, method of delivery, and time limitations shall be strictly adhered to as set out in Section 10-B of this Rule.

Section 12. Appeal Procedures

Any employee in the Classified Service shall have the right to appeal to the Personnel Board for review of any of the disciplinary actions involving written reprimand, suspension, demotions, reduction in pay, transfer, and dismissal except in those instances where the right of appeal is specifically denied by the Ordinance and these Rules. An employee may appeal by making a written request to the Board, through the Human Resources Director within five (5) calendar days after official notification by the appointing authority of the disciplinary action.

- 12.1 Upon receipt of such notification, the Human Resources Director, shall immediately secure from the appointing authority and forward all relevant paperwork to the Chairman of the Personnel Board.
- 12.2 Any employee who has requested that the action taken by the appointing authority be reviewed by the Personnel Board, shall be furnished a written specification of charges not less than five (5) calendar days prior to the Personnel Board hearing. Charges

- must be in writing and may be amended at any time prior to the date of the hearing. If amendments are made within five (5) calendar days of the hearing date, however, a continuance shall be granted by the Personnel Board on written request by the employee.
- 12.3 The appealing employee, the appointing authority and others involved shall have the right to be heard publicly, to be represented by a person of their choice, and to present testimony and exhibits.
- 12.4 During such review, the Personnel Board shall have the right of subpoena, the power to examine witnesses under oath, the power to compel the attendance of witnesses, and the power to require the production of evidence by subpoena. Refusal to answer subpoena by classified employees may result in disciplinary action.
- 12.5 Time limits for submissions to the Personnel Board for review are as follows:
- Names of individuals to be subpoenaed are to be provided to the Human Resources Director not less than ten (10) working days prior to the meeting date of the appeal.
 - All documents, including transcripts, which are intended for review by the Personnel Board are to be provided to the Human Resources Director no less than ten (10) working days to the meeting date of the appeal.
 - The Human Resources Director shall ensure that this information is sent to the Personnel Board within five (5) working days of the appeal meeting date.
 - The Human Resources Director shall ensure that subpoenas are issued no less than seven (7) working days prior to the meeting date of the appeal.
- 12.6 At the hearing of such appeals or grievances, technical rules of evidence shall not apply. All appeals shall be considered administrative and concluded as expeditiously as possible and in accordance with the requirements and procedures as set forth in the rules.
- 12.7 The Personnel Board shall consider all facts concerning the action being appealed, and shall make its decision known in writing within ten (10) calendar days after the conclusion of the review and/or hearing with copies to the Appointing Authority, the Chief of Operations, the Human Resources Director, and all parties involved for permanent file.
- 12.8 The Personnel Board may revoke, modify, or sustain the action being appealed.
- 12.9 If the disposition of the Personnel Board of the action being appealed is not satisfactory to either party, they may resubmit the case to the Personnel Board for reconsideration and final disposition by written request within five (5) calendar days after notification by the Personnel Board of its decision.

- 12.10 If the action resulting in said discriminatory appeal was taken for any political or discriminatory reasons, as determined by the Personnel Board, then the action shall be immediately revoked, and the employee returned to work.
- 12.11 The action being appealed may be resolved at any step in the above-mentioned procedure by mutual concurrence of both parties confirmed in writing. Copies of all settlement action shall be provided by the appointing authority to the Personnel Board, the Human Resources Director, and all parties involved for permanent file.
- 12.12 All time limits shall be strictly adhered to, unless extended by mutual agreement, confirmed in writing. Failure on the part of an employee or his representative to present or pursue an appeal within the time limitations or to comply with procedure shall be a complete bar to further consideration of such appeal and shall render the appeal null and void. Failure by the Personnel Board to act within the times specified and in compliance with established procedures herein shall be considered a confirmation of the action taken by the appointing authority. If the appointing authority fails to pursue the appeal of a disciplined employee, the Board can act in favor of the disciplined employees.
- 12.13 Evidence of discussion with any member of the Personnel Board of an action being appealed or involvement of any member of the Personnel Board in any way by the employee or management before or after the action has been formally submitted shall render the decision on the action being appealed in favor of the opposing party to the decision.
- 12.14 The judgment and findings of the Personnel Board on all questions of fact and the disposition by the Personnel Board of the action being appealed shall, in all cases, be final and binding on all parties except for dismissals in which case final decision is to be made by the Chief of Operations.

RULE XII – Grievance Procedure

Section 1. Policy

It shall be the policy of the City of Hendersonville to provide a procedure for the presentation and mutual adjustment of points of misunderstanding or disagreement which arise and to assure employees that their problems and complaints will be considered fairly, rapidly, and without reprisal.

A grievance is not to be confused with an appeal. Appeals (as detailed in Rule XI) are direct actions to the Personnel Board for review of serious disciplinary matters resulting in dismissal, demotion, or suspension.

Section 2. Definition

An employee's feeling of difference, or disagreement, something either real or alleged; a misunderstanding, a complaint, point of view or an opinion pertaining to: some aspect of employment, relationship between an employee and his supervisor and/or employer, relationship with other employees; application or interpretation of policies, management or administrative decisions or orders affecting employment or working conditions. Excluded from grievances are those issues involving pay. Employees must also state on their grievance forms a resolution or solution that if granted will nullify the grievance at that point. Grievances submitted without a proposal resolution will not be considered valid and the Human Resources Director is to return them to the grieving party with no further action to be taken.

Section 3. Procedures

The employee, upon feeling that a grievance has occurred shall immediately discuss the matter with his immediate supervisor. If the employee is not satisfied with the outcome of that discussion, the following steps shall be followed:

Step One (Supervisor)

NOTE: If supervisor not involved, skip Step One and file directly with Department Head within five (5) days of date of occurrence.

- I. The employee shall, within five (5) working days from the date of occurrence of the alleged grievance, submit in writing to the immediate supervisor, on forms furnished by the Human Resources Director, a complete statement of what he feels the grievance to be and the relief requested.
- II. The supervisor shall then make a decision and advise the employee of his decision in writing within five (5) working days after receipt of the alleged grievance. Copies of the alleged grievance and the answer shall be forwarded to the Human Resources Director by the supervisor at this time. The alleged grievance may be resolved at any step in the above mentioned procedure by mutual concurrence of both parties. Notation of any settlement shall be signed by both parties and forwarded to the Human Resources Director for the permanent file.

Step Two (Department Head)

If Step One procedures do not resolve the grievance to the satisfaction of the employee, or if the supervisor fails to reduce his decision to writing within the five (5) working days period aforementioned or if the supervisor is not involved in the issue and Step Two begins the process, the alleged grievance may then be submitted by the employee to his Department Head. The same procedure shall be followed for submitting the grievance to the Department Head as outlined in Step One above, except that the employee shall submit the grievance in a written statement to the Department Head three (3) working days after the receipt of the answer from the immediate supervisor of the expiration date of the supervisor's aforementioned answer period (of five days after occurrence, if supervisor is not involved). At this time, copies of the grievance and statement shall be forwarded by the Department Head to the supervisor and the Human Resources Director. The Department Head shall then have the responsibility of settling the grievance at his level.

They shall have the authority to revoke, modify, or sustain the decision of the immediate supervisor (if supervisor is involved), but in any case, they shall notify the employee, in writing, of their decision within five (5) working days after receipt of the alleged grievance from the employee. Copies of the grievance and the decision by the Department Head shall be forwarded to the immediate supervisor and the Human Resources Director. The alleged grievance may be resolved at any step in the above-mentioned procedure by mutual concurrence of both parties. Notations of any settlement shall be signed by both parties and forwarded to the Human Resources Director and the immediate supervisor for the permanent file.

Step Three (Chief of Operations)

If the disposition of the grievance by the department head is not satisfactory to the employee, the employee may then formally request in writing within three (3) working days after receipt of the department head's decision that his grievance be presented to the Chief of Operations for a ruling. The department head shall then have three (3) working days from receipt of such formal notification to forward the grievance in its entirety to the Chief of Operations through the Human Resources Director. Confirmation that such material has been received will immediately be made in writing by the Chief of Operations to the employee, the immediate supervisor, and the department head.

Step Four (Fact Finding Committee)

The Human Resources Director being so notified shall within three (3) working days after receipt of such notification supervise the assembly of a Grievance Fact Finding Committee to be composed of three members. This committee shall have no authority to make decisions or recommendations as to the disposition of the alleged grievance, but will assemble for the purposes of determining, without prejudice, all facts on both sides pertinent to the grievance.

1. The Fact Finding Committee shall be composed as follows:
2. Two (2) members shall be members of the Classified Service chosen by random selection by the grieved employee in the presence of the Human Resources Director and the Department Head from a sealed box containing the names of all full-time

classified employees. No member of grievated employee's department shall serve on the committee.

3. The third member to serve on the committee shall be a department head or his representative selected at random, but cannot be the Department Head of the grievant nor the Human Resources Director.
4. The committee shall elect a chairman.
5. The Chairman of the Grievance Fact Finding Committee shall schedule a fact-finding meeting to be held within three (3) standard working days. Within ten (10) working days following the appointment of the Fact Finding Committee, the committee shall have met the number of times necessary to establish the facts pertinent to the alleged grievance and the committee chairman shall have submitted a report to the Chief of Operations along with copies to the Department Head, the immediate supervisor, the Human Resources Director and the grievated employee.

Upon receipt of the Fact Finding report from the Committee, the Chief of Operations shall review such facts and make his decision on the disposition of the grievance, in writing, to the employee within ten (10) working days after receipt of the report from the Committee with copies to the immediate supervisor, the Department Head and the Human Resources Director. The Chief of Operations may revoke, modify, or sustain the decision of the Department Head.

Step Five (Personnel Board)

If the disposition of the alleged grievance in steps three and four is not satisfactory, the employee may submit his alleged grievance to the Personnel Board for consideration and final disposition within five (5) working days after notification by the Chief of Operations.

The employee may do so by written notification to the Human Resources Director. Upon receipt of such notification, the Human Resources Director shall immediately forward all relevant paperwork to the Personnel Board. All materials submitted to the Board shall be given to the employee also.

The Board shall consider all facts concerning the grievance and make its decision on the disposition of the grievance, in writing, to the employee within twenty (20) working days after receipt of the notification. All paperwork shall be copied to the immediate supervisor, the Department Head, Chief of Operations, Human Resources Director, and all parties involved for permanent file.

The Personnel Board may revoke, modify, or sustain the decision of the Chief of Operations. Only one (1) hearing may be granted by the Personnel Board. The grievated employee and/or witnesses shall be responsible for their own legal expenses in connection therewith. The disposition of the alleged grievance by the Personnel Board in such cases shall be final and binding on all parties.

1. Evidence of discussion of a grievance with any member of the Personnel Board or involvement of any member of the Personnel Board in any way by the employee or

management prior to disposition of the grievance shall render the decision on the action being grieved in favor of the opposing party.

2. All time limits shall be strictly adhered to unless extended by mutual agreement and confirmed by letter. Failure on the part of an employee (or a representative on his behalf) to present or pursue a grievance within the time limitations or to comply with procedures established shall be a complete bar to further consideration of such grievance and shall render the grievance null and void. Failure by the Chief of Operations and/or the Personnel Board to act within the times specified and in compliance with established procedures herein shall be considered a confirmation of the action taken by the appointing authority.
3. The grievance may be resolved at any step by mutual agreement of both parties, confirmed in writing. Copies of all settlement action taken shall be provided by the appointing authority to the Chief of Operations, the Human Resources Director, and all parties involved for permanent file.
4. If the Chief of Operations and/or Personnel Board find that any action resulting in a grievance was taken for any political or discriminatory reasons, as determined by the Personnel Board, then the action shall be immediately revoked and the employee returned to work.

RULE XIII - Employee Evaluations

Section 1. Probationary Evaluation for New Hires

Each employee serving a probationary period shall have his performance evaluated in writing, personally discussed with him by his immediate supervisor, and reviewed by the department head at the end of the 2nd, 4th, and 6th months of employment. Copies of evaluation reports shall be submitted to the Human Resources Director or his/her designee.

If the employee is not performing satisfactorily during the probationary period, they should be notified by the Department Head, in writing, and copies provided to the HR office. Such notice should outline what action is expected to be taken by the employee to improve; the time expected for such improvement, and the potential consequences if the employee's performance continues to not meet expectations.

During the probationary period, the employee may be rejected at any time without charges, right of appeal, and hearing.

Section 2. Annual Performance Evaluations

Each full-time employee shall have their performance evaluated in writing, personally discussed with them by their immediate supervisor and reviewed by the department head on an annual basis. Regular part-time employees shall have their performance evaluated as well once they hit their 2,080 work hours equivalent. Temporary or Seasonal employees do not have to be evaluated formally.

The annual evaluation shall be used in such a way so as to determine whether the employee has qualified for a merit pay increment.

Merit increases are not automatic and will be granted only in recognition of performance meeting or exceeding expectations or outstanding performance by written recommendation of the Department Head and approval of the Chief of Operations.

After an evaluation has been completed, the employee and the supervisor will sign the form. The employee's signature means only that he or she has seen the rating, it has been explained to him/her, and he/she understands the areas in which his performance has been strongest and/or weakest and what improvement is expected of him/her, if any.

A copy of the appropriate evaluation forms shall be given to the employee at the time of appointment so the employee knows what is expected and how he or she will be evaluated.

Section 3. Appeals on Evaluation

Unless the issue involves pay, an employee may challenge an evaluation through the Grievance procedure. Employees may also submit a written statement to be attached to their evaluation for retention in their personnel file.

RULE XIV - Employee Development and Training

Section 1. Employee Development and Training

The Municipal Government recognizes the importance of training employees within each departmental unit. This can be accomplished in most cases by the utilization of on-the-job training.

Section 2. Administration of Employee Development Program

The Human Resources Director shall:

- 2.1 Recommend policies and procedures for training.
- 2.2 Have prepared certificates or other forms of recognition for persons who satisfactorily complete approved courses and programs.
- 2.3 Keep records of all non-departmental training (departments are to keep their own training records on training unique to the department).
- 2.4 Assist Department Heads in developing and conducting training.
- 2.5 Develop and conduct supervisory and management training and other types of training and employee development programs common to all departments.
- 2.6 Make available information concerning job requirements and training opportunities.

Section 3. Safety Education and Training

The Department Heads shall have responsibility for coordinating and cooperating with the Human Resources Director in implementing a program of safety education and training. All employees are required to take every precaution in the prevention of accidents.

Section 4. Specialized Training

Employees should be encouraged to attend classes at recognized educational and professional institutions and facilities to receive specialized training which will meet specific departmental needs.

- 4.1 All regular full-time employees are eligible for job-related specialized training assignments as determined by their Department Head. Such approval must be obtained before attending such training assignment. Any training taken for college credit must be pre-approved by the Department Head, Human Resources Director, and the Chief of Operations prior to any reimbursements being granted.

- 4.2 Each employee on assignment to specialized training shall maintain satisfactory performance in the prescribed course of study.
- 4.3 Upon satisfactory completion of a college training course, the employee may be reimbursed for tuition expense only at the following rates: Grade of A = full reimbursement; Grade of B = full reimbursement; Grade of C = fifty (50%) percent reimbursement; Grade of D or F = no reimbursement. This section shall not apply to repeat courses. The rate of reimbursement shall be calculated based on comparable courses given by state institutions.

Reimbursement shall be limited to tuition charges only with the exception of payment allowed for the testing costs for credit-by- examination programs. However, this type of testing will only be reimbursed for successful tests in which college credit is granted. Only degrees issued by institutions accredited by the Council for Higher Education Accreditation (CHEA), qualify for Education Attainment Pay or Tuition Reimbursement; provided, however, that Information Technology personnel may qualify for education attainment with degrees from schools not recognized by CHEA as long as such schools are accredited by the Accrediting Commission of Career Schools and Colleges of Technology or a similar accrediting agency which is listed by the US Department of Education as a nationally recognized accrediting agency.

- 4.4 Employees in certain positions involving considerable investment of equipment and training expense will be required upon hire to sign a training reimbursement agreement contract which will specify terms and conditions for repayment should an employee voluntarily leave employment prior to the terms of the agreement. Other City employees not covered specifically by such an agreement shall generally be held to the following:

The employee is expected to remain in employment with the City for three (3) years beyond completion of any specialized training or completion of any college course work for which the employee receives tuition reimbursement. If an employee has received any tuition reimbursements in the three (3) years prior to voluntary separation from City service, the employee shall agree to reimburse the City the amount paid on a prorated basis according to the amount of time the employee has worked subsequent to receipt of the tuition benefit. .

- 4.5 Requests for specialized training will be approved by the Chief of Operations in accordance with the following criteria:
- The need cannot be met on an in-service basis.
 - The employee cannot be expected to meet the need himself.
 - The benefit to the Municipal Government exceeds the cost.
 - The training is directly applicable to job situations.
 - The requesting department has fully complied with the policy, procedures, and regulations.
 - The training is mandated by state, local or federal law.
- 4.6 'Job related' shall be determined by the Chief of Operations in consultation with the Department Head.

RULE XV - Holidays, Vacations, Leaves and Absences

Section 1. Holidays

The following days shall be declared official holidays for the Municipal Government employees, and other such days as may be designated by the Chief of Operations and confirmed by the Board of Mayor and Aldermen.

- New Year's Day
- Martin Luther King, Jr.'s Birthday
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve
- Christmas Day
- Employee's Birthday (flexible)

All employees will be excused without charge to leave, except those required to maintain necessary operations.

- 1.1 If the holiday falls on Saturday, it will be observed on Friday before the holiday. If it falls on Sunday, it will be observed on Monday following the holiday.
- 1.2 All employees not working due to the observance of an official holiday as outlined above shall be compensated on an eight (8) hour basis (or 8.5 hours for certain police employees or 12 hours for fire employees on 24-48 hour shifts) at their regular straight time pay rate in effect as of that date. Employees may choose to take a holiday 30 days before or 30 days after at a time agreed upon by the City in lieu of holiday pay.
- 1.3 All employees required to work on the day set aside for observance of a holiday, including those employees whose working hours specifically include holiday work time, will be compensated for an additional 8 hours (or 8.5 for certain police employees or 12 hours for fire employees on 24-48 hour shifts) at the regular straight time pay rate in effect as of that date.
- 1.4 All employees required to work portions of days set aside for observance of holidays (example: one-half day Monday), shall thereafter be compensated in accordance with Section 1.3 above except that compensation shall be on a proportionate rate commensurate with the time worked.

- 1.5 Any employee who is on a leave without pay status or an unauthorized leave on the working day immediately preceding or following the day set aside in observance by the city of a holiday shall lose pay for the holiday.
- 1.6 Official holidays occurring during any paid leave shall not be charged to the time the employee is on paid leave.
- 1.7 All eligible employee's (all FT and Regular PT employees) Birthday holidays will be available for use as of January 1st each year. Birthday holidays must be taken in whole day increments as other holidays and are still subject to departmental approval due to staffing concerns. These days must be taken on or before December 31st each year and are not subject to carryover. If not taken, employees will lose this benefit.
- 1.8 An eligible new hire will receive their Birthday holiday for that calendar year if their birthday falls on or after their hire date.

Section 2. Vacation Leave

All regular Full-Time employees shall be allowed to accumulate Vacation Leave time as earned up to the following:

Years of Service (completed)	Annual Accrual (maximum)
0 - 5	1 day per month
6 - 9	15 working days
10 - 14	18 working days
15 +	21 working days

The above schedule and credits are for uninterrupted service with the Municipal Government (exclusive of any leave without pay periods) computed from the date of employment or appointment.

For Vacation Leave purposes, the term 'workday', as it applies in this section shall be computed either on an eight (8) hour, an 8.5 hour (certain Police), or 12 hour basis (Fire personnel on 24-48 hour shifts).

- 2.1 Vacation Leave time will be accounted for and controlled on a calendar year basis.
- 2.2 The date of service to be used in determining Vacation Leave time accrual rate is the beginning date of the employee's current period of continuous service.

- 2.3 Vacation Leave shall be earned on the 21st day of each month. An employee starting to work at any time after the first day of the month shall not begin to accumulate Vacation Leave until the 21st of the following calendar month. Should the employee resign or be terminated prior to completion of the probationary period, no Vacation Leave time or pay shall be allowed since the employee is deemed to have been a temporary employee.
- 2.4 Temporary and student employees are not eligible for Vacation Leave. Prior service as a temporary or student employee does not count in the years of service computation. Only the employee's current continuous period of service (exclusive of any official leave without pay periods) may be counted for Vacation Leave accrual purposes. If a temporary or student employee is subsequently hired as a regular employee, the accrual of Vacation Leave time begins with the date of regular hire.
- 2.5 Regular Part-Time employees (other than school patrol officers) shall be allowed to accrue annual vacation leave time at a proportionate rate based on amount of time worked. If a part time employee is subsequently reclassified as a regular full-time employee, only the equated full years of service may be counted for Vacation Leave carryover and accrual purposes.
- 2.6 Vacation Leave may not be taken before it is earned. If it is necessary that an employee be absent from work in excess of accrued Vacation Leave time, the proper deduction must be authorized from the employee's pay. Vacation accrual is considered earned as of the 21st of each month in conjunction with the second payroll of the month.
- 2.7 Any Vacation Leave of four (4) working days or less may be scheduled with proper approval on a first-come, first-served basis. Department seniority shall be given consideration when scheduling any vacation leave of five (5) consecutive workdays or more.
- 2.8 Any one vacation or compensatory leave should generally not exceed ten (10) consecutive working days. However, under special circumstances, approval of the employee's department head may be obtained for a longer vacation. In approving requests for more than ten (10) consecutive days of vacation, department heads should be guided by the following considerations:
- The effect of the employee's absence on the organization.
 - The time needed by the employee to complete a special trip or project.
 - The recentness of the employee's last vacation.
- 2.9 Regular full and part-time employees may accumulate and carry forward from one calendar year to the next up to a year's allowed accumulation. In the event an employee has a greater accumulation than his maximum entitlement at the end of any calendar year, the carry-forward amount will be reduced to the maximum. In extenuating circumstances, the Mayor may waive carryover limitation and any excess carryover hours must be taken by March 31st of the following year. Request for this waiver must be made prior to the close of the calendar year. The Mayor may waive carryover limitation and any excess carryover hours must be taken by December 31st

of the following year for employees called to active military duty by the President of the United States. Any vacation carryover accrual hours lost shall go into the City's Sick Bank for use of employees meeting the Sick Bank eligibility requirements. Vacation Carryover hours lost to Sick Bank shall not be considered a donation or enrollment into the Sick Bank eligibility.

- 2.10 The increased accrual rates based on length of continuous service become effective the first day of the calendar month following the completion of the required service period.
- 2.11 Official holidays falling within a period of Vacation Leave are charged as Holiday Leave rather than Vacation Leave.
- 2.12 An employee moving from one department to another retains all accrued, unused Vacation Leave.

Section 3. Sick Leave

All employees (except temporary and student) shall accumulate Sick Leave with pay at the rate of one (1) working day for each full calendar month of service completed. Upon retirement, unused sick leave (in accordance with the provisions of Rule XI, Section 6) will be applied toward service credits granted by the Tennessee Consolidated Retirement System (TCRS) in computing monthly benefits granted upon retirement.

Sick Leave shall be considered a benefit and privilege and not a right. Employees shall, therefore, utilize their accumulated Sick Leave allowance for themselves or for immediate family members for absences due to such reasons as follows: personal illness or physical incapacity resulting from causes beyond the employee's control; exposure to a contagious disease thereby endangering the health of the other employees; enforced quarantine of the employee in accordance with community health regulations; or to keep an appointment with a licensed medical doctor, dentist or other recognized practitioner.

- 3.1 For purposes of this policy only, the definition of immediate family shall mean spouse, father-in-law, mother-in-law, parents, children, brother or sister of employee, and employee's grandparents and grandchildren.
- 3.2 For sick leave purposes the term workday as it applies in this section shall be computed on an eight (8) hour basis (except in the case of fire department personnel on 24-48 hour shifts which shall be computed on a twelve (12) hour basis and certain police employees which shall be computed on an 8.5 hour basis.)
- 3.3 The date of service to be used in determining sick leave time accrual rate is the beginning date of the employee's current period of continuous service, or the date on which the employee was initially employed or appointed (exclusive of any leave periods), whichever is more recent.

- 3.4 Sick Leave shall be earned on the 21st day of each month. An employee starting to work at any time after the first workday of the month shall not accumulate a day of sick leave until the 21st day of the following calendar month.
- 3.5 Temporary and student employees are not eligible for the accrual of sick leave. If a temporary or student employee is subsequently hired as a regular employee, the accrual of sick leave time begins with that date of hire.
- 3.6 Regular part-time employees shall be allowed to accrue sick leave at a proportionate rate based on amount of time worked. If a regular part-time employee is subsequently hired as a regular full-time employee, only the equated full years of service may be counted for sick leave carry over and accrual purposes.
- 3.7 For sick leave purposes, reinstated employees shall be allowed to continue their prior accumulation of sick leave.
- 3.8 When an employee is absent due to reasons as provided in this section, in order to be granted Sick Leave with pay, he/she must meet the following conditions:
- Notification of the absence must be made by the employee personally to his immediate supervisor or department head not later than two (2) hours after the beginning of the work period (critical response personnel are to follow their departmental policies). Expected date of return to work shall also be provided at the time of notification by the employee.
 - If the employee is absent for three (3) consecutive working days, or longer (or two consecutive work shifts for firemen on the 48-hour shifts), he or she must present a written statement to the immediate supervisor or department head from a licensed, practicing medical doctor. The statement is to confirm that the employee has been incapacitated from work, the times involved and the reasons why and certifying if he or she is again physically able to perform his regular duties. The employee shall not be allowed to return to work nor shall any salary be approved unless this release is provided. If using sick leave for a qualified dependent, the same time limits shall apply for determining the necessity of providing medical documentation to verify the illness.
 - Medical certificates or other acceptable evidence may be required for a shorter period of absence at the discretion of the department head. Employees shall receive advance notice of this requirement or at time of employee notification to supervisor.
- 3.9 A regular employee in good standing who has used both his Sick and Vacation leave may be advanced additional Sick leave in the event of an extended illness. Such additional sick leave may not be advanced for a period in excess of thirty (30) working days at any one time. To be eligible for additional sick leave, the employee may be examined by one of the City doctors. Whether an employee will be required to be examined by a city selected physician will be determined as to the sufficiency of medical information on file per FMLA. The Human Resources Director shall

make this determination. Additional sick leave advanced beyond the employee's accumulation as provided in this section must be approved by the employee's department head and the Chief of Operations. Any advanced sick leave not re-accumulated at the time of termination shall constitute leave without pay and final payment for services shall be adjusted accordingly.

3.10 The Sick Bank is available to employees who, due to their own illness or disability, have exhausted all available leave benefits (Sick, Vacation and Comp) and are unable to return-to-work in any capacity as determined by their treating physician(s). These employees may apply to the Sick Bank for advanced leave given the following stipulations:

- Any employee having a sick leave balance of at least six (6) days and employed by the City for twelve (12) months is eligible to contribute to the Sick Leave Fund.
- Employees may voluntarily contribute up to five (5) days each calendar year, only in whole day increments.
- Each sick leave day donated is irrevocably donated to the fund.
- Only those employees who have worked for the City for at least (12) months and who have donated to the fund are eligible to request donations from the fund.
- Employees who are eligible to request donations from the fund may do so only after exhausting all accumulated sick, annual and compensatory leave and after having applied for advanced additional sick leave.
- In order for Sick Bank hours to be approved for use, the eligible employee must provide appropriate documentation (i.e. Fitness for Duty certification) to the Human Resources Director which states that they are medically unable to return to work as determined by their treating physician(s). Once the treating physician(s) determine that the employee is able to return to work in any capacity (light duty, full duty, etc.), Sick Bank usage shall cease.
- The maximum number of donated sick days an employee can receive is 60.
- Sick leave days awarded from the fund are expressly limited to the number of days available in the fund.

3.11 A full time employee hired prior to September 1, 1997 who takes regular retirement may be paid for one-half of their accumulated, unused sick leave allowance as of the effective date of retirement at the employee's regular straight-rate of pay in effect as of the date of retirement.

3.12 In no event shall employees be entitled to any compensation for unused sick leave, except those employees who are taking regular retirement.

- 3.13 Absences charged against sick leave must be reported via payroll by the Department Head to the Human Resources Director and accompanied by the doctor's certificates if required.
- 3.14 Employees who abuse sick leave or falsify their sick leave requests shall be subject to the loss of such benefits, dismissal from the service or other disciplinary action.
- 3.15 All supervisors confirming an absence as sick leave knowing the cause not to be justified or who fail to report the absence as stated above may be subject to disciplinary action.
- 3.16 Sick leave shall not accrue during the period an employee is on layoff status or leave of absence without pay (exception may be made by the Chief of Operations on exceptional military situations). This does not apply to situations involving leave without pay of less than five (5) consecutive days.
- 3.17 Employees who become ill during the period of their vacation may request that their vacation be temporarily terminated and that the time be charged to sick leave pending proof of a doctor's statement (if required).
- 3.18 Official holidays falling within a sick leave period shall not be charged as sick leave.

Section 4. Maternity Leave

Pregnancy, childbirth and related conditions are to be treated as any other illness. Employees are entitled to up to four months leave for pregnancy, childbirth, adoption and nursing of an infant.

- 4.1 An employee who wishes to take leave must give at least 30 days advance notice. The notice must indicate the anticipated commencement date of the leave, the length of the leave, and the worker's intention to return to full-time employment upon expiration of the leave.
- 4.2 Benefits accrual continuation is a grant of leave which does not affect an employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length-of-service credit, benefits, plans or programs for which the worker was eligible at the date of leave or any other benefits or rights of employment incident to the employee's position. An employee who must take leave without pay (after exhausting all available sick leave) may be eligible to draw short-term disability insurance for the time period they are medically unable to perform their job duties.
- 4.3 Employers are not required to cover the cost of any benefits, plans, or programs during the maternity leave period, unless they provide for such costs for all employees on leaves of absence. The City of Hendersonville will pay for the City's share of employee benefits on any medically or maternity related leave regardless of whether it is leave without pay up to six months (four-month limit on maternity). If the employee does not return to work after leave of absence without pay, the City is

to be reimbursed the insurance premiums unless the employee is permanently disabled and unable to return to work.

- 4.4 Return to Work Provisions: Employees who provide three months advance notice of leave must be restored to their original job or to a similar position with the same status, pay length-of-service credit, and seniority. Return to work rights and benefits may not be denied if a medical emergency necessitates a leave earlier than was anticipated and prevents the employee from providing advance notice.
- 4.5 An employer is not liable for failure to reinstate an employee upon expiration of her leave if her job position is “so unique” that the employer cannot, after reasonable efforts, fill that position temporarily.
- 4.6 An employer is not liable for failure to reinstate an employee upon expiration of leave if the employer determines either that the worker used the leave period to actively pursue other employment opportunities or worked part-time or full-time for another employer during the leave period.
- 4.7 The employee must be notified that her employer has determined that she will not be reinstated for one of the reasons stated above.

Section 5. Military Leave

All employees of the Municipal Government who enlist in any reserve component of the Armed Forces or who are presently members of any military reserve component, shall be granted re-employment, leave of absence and other rights in accordance with Federal state and local laws governing such rights.

Section 6. Voting Leave

All employees entitled to vote in National, State or Municipal elections shall, when necessary, be allowed reasonable time off with pay to exercise their voting rights. If an employee’s work schedule begins three (3) hours or more after the polls open or ends three (3) hours or more before the polls close, they are not eligible for this leave.

Section 7. Workers’ Compensation Light Duty

The City of Hendersonville is committed to a return-to-work policy for work-related injuries/illness to help facilitate employee recovery, maintain department productivity, and reduce unnecessary expenditures of City funds.

- 7.1 Employees reporting a work-related injury and sent for medical evaluation/treatment are to abide by the work restrictions issued by their designated worker’s compensation medical provider(s).
- 7.2 If the medical provider indicates that the employee is able to return-to-work with limitations, that employee shall work in his or her own department in a light duty capacity in accordance with the restrictions issued by the designated worker’s compensation medical physician(s). Light duty employees shall only be allowed to

work light duty jobs outside of their department only under unusual circumstances and approved by the Human Resources Director and Chief of Operations.

- 7.3 Employees refusing light duty assignments due to a work-related injury/illness will be required to utilize their own Vacation leave, Sick leave, or Compensatory time. Leave Without Pay shall not be an option until all other forms of paid leave have been exhausted.
- 7.4 Light duty does not preclude an employee from being rescheduled in accordance with departmental needs and city policy. Overtime/Comp Time should only be earned by an employee working light duty in the event all other options have been exhausted, and it is deemed in the best interest of the City. Department Heads must approve any Overtime/Comp Time earned by an employee working light duty.
- 7.5 If an employee is on workers' comp light duty and a holiday occurs, they will NOT be granted extra holiday pay but will be granted time off without charge to their vacation balance, unless their restrictions specifically permit them the ability to work in such administrative work (such as serving as desk officer at Police Department) if necessary due to staffing.
- 7.6 Unless departmental policy and procedures can accommodate a schedule otherwise, all light duty shall be assigned, and employees shall work administrative schedules.
- 7.7 In instances where several employees are only available to work in a light-duty capacity at the same time, employees with work-related injuries/illnesses will be considered first.
- 7.8 Anyone supervising an employee on light duty will be required to either email an acknowledgement to the HR office or sign a statement that they are aware of the work restrictions assigned by the treating medical provider and will agree to abide by the restrictions. Employees on light duty will also be required to either email an acknowledgement to the HR office or sign a statement that they will abide by the work restrictions while on such assignment.
- 7.9 While on workers' compensation light duty assignment, employees shall receive their regular rate of pay, accruals, and benefits.
- 7.10 Employees who are injured on the job and are assigned light duty, and who are medically prohibited from performing their regularly assigned duties and on light duty, shall not engage in outside activities or any off-duty employment which may jeopardize their recovery process and/or return to full duty. Any employee found to be non-compliant with this rule will be subject to discipline, up to and including termination.
- 7.11 While on light duty, should an employee need to be absent from their assignment (other than for related medical treatment/therapy and/or reasonable travel time to and from scheduled appointments), earned benefit hours must be utilized for any time allowed off work.

Section 8. Family Medical Leave (FMLA)

The purpose of this policy is to provide a family and medical leave policy in compliance with Public Law 103-3, titled Family and Medical Leave Act (FMLA) of 1993. The policy also provides the changes to FMLA that come as part of the National Defense Authorization Acts as amended. It is the policy of the City of Hendersonville that eligible, qualifying employees shall take FMLA leave in accordance with the terms and provisions of this policy.

Eligibility

The Family and Medical leave policy is applicable to employees who have worked at least 12 months for the City and who have worked at least 1,250 hours during the preceding 12-month period, and work for an employer with 50 or more employees within 75 miles of the work site. Such employees are eligible for a maximum of 12-26 work weeks leave under the act, depending upon eligibility circumstances. Special rules apply for spouses employed by the same employer, for exempted key employees (top 10% of all wage earners, and who are paid on a salary basis), and for local educational agencies.

Not Eligible: Individuals who are *not* covered include elected officials, political appointees, volunteers, independent contractors, and legal advisors.

FMLA Circumstances

Employees may be eligible for Family and Medical Leave (FML) for one or more of the following reasons:

- For the birth and care of the newborn child of the employee
- For placement with the employee of a son or daughter for adoption or foster care
- To care for an immediate family member with a ‘serious health condition’ as defined by the FMLA
- Medical leave when the employee is unable to work because of a ‘serious health condition’
- To care for an ‘immediate family member’, as defined under the FMLA, who is injured while on active duty if that injury renders the service member unfit for military duty
- To handle a ‘qualifying exigency’ relating from an employee’s spouse or child being called to active duty

Paid and/or Unpaid Leave

It is the policy of the City of Hendersonville that FMLA leave shall be taken concurrently with other forms of leave (e.g., Sick, Vacation, Comp Time, Workers’ Compensation, Maternity). Family Medical Leave (FML) is not in place of but will work in conjunction with the City of Hendersonville’s current leave policies.

FML may be paid or unpaid; however, if the employee has available paid leave, that leave will run concurrently with FML. If the employee does not have paid leave available, or has exhausted all paid leave, while out on FML, the remainder of the approved FML will be unpaid unless the employee is eligible to utilize leave from the Sick Bank. Use of approved Sick Bank leave is FMLA protected. Employees must follow the Sick Bank rules.

Eligible employees designated on FML must first use all paid leave before being allowed to take Leave Without Pay, unless the employee is receiving temporary total disability benefits for workers' compensation injury. The combination of paid leave, and unpaid leave may not exceed the total allowable leave under the FMLA.

Employees are always encouraged to utilize their Sick Leave first (before Vacation and Comp) as exhausting Sick Leave allows the employee to become eligible for Short Term Disability; however, the City of Hendersonville does not dictate what order the employee uses their paid leave.

Dependent Sick Leave is limited to qualifying family members which includes parent, spouse, or children (see below for definitions of each).

Holidays on Unpaid FML

If an employee is on FML without pay for an entire workweek including the day before and the day after a Holiday, the employee shall not be paid for that Holiday and the Holiday shall be charged to the employee's FML balance.

Guidelines and Family Members

An eligible employee may take up to 12 weeks of FML in a 12-month period for the birth of a child or the placement of an adopted or foster care child. Leave may also be taken to care for one's self, a child, spouse, or parent who has a serious health condition. The right to take leave applies equally to male and female employees who are eligible. Eligible employees may take up to 12 work weeks of FML to deal with family issues resulting from a spouse, son, daughter or parent being called to active duty (including being notified of an impending call to active duty).

Eligible family members of military personnel defined as the spouse, son, daughter, parent or next of kin of a covered service member may take a maximum of 26 work weeks leave under FML to care for a wounded member of the armed forces. This includes family members of the National Guard or Reserves who are undergoing medical treatment, recuperation, therapy or other medical treatment for a serious injury or illness.

PARENT: The 'parent', as defined the Family and Medical Leave Act, need not be the employee's biological parent, provided that the individual 'stood in loco parentis' (acted as a parent), to the employee when the employee was a child. Benefits under FMLA are not extended to 'parent-in-laws'.

SPOUSE: FMLA defines the term 'spouse' to mean a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a same-sex marriage or common law marriage. 'Spouse' also includes a husband or wife in a marriage that was validly entered into outside of the United States if it could have been entered into in at least one state.

DOMESTIC PARTNER: The City of Hendersonville is not be required to grant an eligible employee FML to care for an unmarried domestic partner.

CHILDREN: ‘Children’ includes a biological child, as well as foster children, adopted children, stepchildren, or legal wards such as a niece, nephew or grandchild whom the employee is raising.

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Inpatient care in a hospital, hospice or residential medical care facility, including any period of incapacity or subsequent treatment.
- A period of incapacity of more than three (3) consecutive calendar days that also involves treatment two (2) or more times by a health care provider or treatment which results in a regimen of continuing treatment under the supervision of the health care provider.
- Any period of incapacity due to pregnancy or for prenatal care.
- A chronic condition that requires periodic treatments, continues over an extended period, and may cause episodic rather than a continuous period of incapacity.
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, requiring continuing supervision of a health care provider.
- Multiple treatments either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatments, such as cancer, severe arthritis, or kidney disease.

Serious Injury or Illness for an Injured Service member is defined as a covered service member’s injury or illness incurred in the line of duty on active duty in the Armed Forces that may render the service member medically unfit to perform the duties of the member’s office, grade, rank, or rating. This could include medical treatment, recuperation, therapy, outpatient care and other treatments for a serious injury or illness.

Seniority and other benefits

During periods of unpaid FML, an employee may not accrue any additional seniority or similar employment benefits (time off) during the leave period in which they take FMLA protected Leave Without Pay; or any right, benefit, or position of employment other than which the employee would have been entitled had the employee not taken leave.

Service Anniversary Dates shall not be adjusted for any FMLA-protected unpaid leave; however, will be adjusted for any non-FMLA-protected unpaid leave of 10 consecutive workdays or more.

Spouse / Same Employer

If spouses are employed by the same employer and eligible to take leave for the birth or adoption of a child, or care for a parent, their aggregate leave under FMLA is limited to 12 weeks. For example, if the father takes four (4) weeks of leave to care for a child, the mother would be entitled to eight (8) weeks of leave, for a total of 12 weeks. If, however, the spouses experience their own serious health condition, both employees are entitled to the full 12 weeks.

Right to Return to Work

On return from FML, 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/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. The City of Hendersonville, however, may be required by the Americans with Disabilities Act (ADA) to offer the employee an accommodation (i.e., additional leave, light duty, job restructuring, etc.).

Notice and Scheduling

An eligible employee must provide the City of Hendersonville at least 30 days advance notice of the need for 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 medical events.

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 of Hendersonville's responsibility to designate leave in writing as FMLA leave and to notify the employee. Employees may not retroactively claim that leave was for FMLA. Failure to provide notice of the need for FML may result in the leave not being designated as FML.

The City of Hendersonville will, if necessary, provide the notice of employee FMLA rights in alternate formats.

Once the employee has notified their immediate Supervisor, Department Head, or a staff member of the HR Department of the City of Hendersonville of their potential need or qualifying event for FML or the employee has given the City of Hendersonville enough information that the City of Hendersonville is aware that the leave may be covered by the FMLA, the City of Hendersonville may designate the leave as such.

The City of Hendersonville may place an employee on FMLA leave if the employee is eligible, or appears to be eligible, for FMLA leave and it appears the employee has a serious health condition even if the eligible employee has not applied for or requested FMLA leave. If an employee is placed on FML by the City of Hendersonville, the start date of the FML may be retroactive to the first workday missed due to the serious health condition.

Certification

The City of Hendersonville reserves the right to verify an employee's request for FML. If an eligible employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the City of Hendersonville MAY require that the request be supported by FMLA certification paperwork (provided by the City of Hendersonville) from the health care provider of either the eligible employee or the family

member, as appropriate. Failure to submit proper FMLA certification paperwork may result in a delay of FML approval. The City of Hendersonville is aware that some providers choose to charge their patients for completion of FMLA-related documents. Any expenses incurred to the completion of related FMLA documents shall be paid by the employee, unless a 2nd or 3rd medical opinion is required.

This FMLA certification paperwork 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. The FMLA certification paperwork must also state the employee's need to care for the family member. Medical certifications will be treated as confidential and privileged information under HIPAA and the State's Public Records laws as appropriate.

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

Failure to provide FMLA certification paperwork to the City of Hendersonville HR Department by the deadline provided may result in delay or denial of FML and all the rights afforded with it.

2nd and 3rd medical opinions

If the City of Hendersonville has received a complete and sufficient FMLA certification but has a reason to doubt that it is valid, the City of Hendersonville may, at the City of Hendersonville's expense, require a second opinion from a different health care provider chosen by the City of Hendersonville. The City of Hendersonville can choose the health care provider to provide the second opinion, but generally may not select a health care provider who it employs on a regular or routine basis. If the second opinion differs from the original certification, the City of Hendersonville may require the employee to obtain a third certification from a health care provider selected by both the employee and the City of Hendersonville. The opinion of the third health care provider is final and must be used by the City of Hendersonville. The City of Hendersonville is responsible for paying for the second and third opinions, including any reasonable travel expenses for the employee or family member. While waiting for the second (or third) opinion, the employee is provisionally entitled to FMLA leave.

Reduced and Intermittent Leave

Approved FML may be taken intermittently or on a reduced schedule when medically necessary as certified by the certified health care provider. Intermittent or reduced leave schedules for routine care of a new child can be taken only with the City of Hendersonville's approval. The schedule must be mutually agreed upon by the employee and the City of Hendersonville.

Employees on intermittent or reduced leave schedules may be temporarily transferred by the City of Hendersonville to an equivalent alternate position (possibly in another department) that may better accommodate the intermittent or reduced leave schedule.

Intermittent or reduced leave may be spread over a period of time longer than 12 weeks, but it will not exceed the equivalent of 12 work weeks total leave in a 12-month period.

Restoration

Employees who are granted leave under this FMLA 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 10% highest paid workers, may be denied restoration.

Restoration may be denied to key employees if:

- the City of Hendersonville shows that such denial is necessary to prevent substantial and grievous economic injury to the City of Hendersonville's operations;
- the City of Hendersonville notifies the employee that it intends to deny restoration on such basis at the time the City of Hendersonville determines that such injury would occur; and
- in any case in that the leave has commenced, the employee elects not to return to work within a reasonable period of time after receiving such notice.

Employees voluntarily accepting a Light Duty assignment in lieu of continuing FML shall maintain their right to restoration to the original or an equivalent job until the twelve (12) workweeks of FML has passed.

Return to Work / Fitness for Duty Certification

For any employee who is on FML due to their own serious health condition, a Fitness for Duty Certification must be completed by the employee's certified health care provider and submitted to the City of Hendersonville HR Department PRIOR to the employee returning to work in any capacity. This form should include if/when the employee may return to work, any restrictions that need to be observed, and for how long.

A Fitness for Duty Certification form will be provided to the employee by the HR Department along with a copy of the employee's current Job Description to provide to their certified health care provider.

Failure to Return to Work

According to the FMLA, "if an employee is unable to or does not return to work at the end of twelve (12) workweeks of FML, all entitlement and rights under the FMLA cease at that time; the employee is no longer entitled to any further restoration rights under the FMLA, and the employer is no longer required to maintain group health benefits pursuant to the FMLA."

Notification of Discharge

An employee may be discharged from employment at the end of the twelve (12) workweek entitlement period if the employee has not returned to work, has not supplied written notification of their intent to return to work, or is unable to perform his/her job duties. The City of Hendersonville, however, may be required by the Americans with Disabilities Act (ADA) to offer the employee an accommodation (i.e. light duty, job restructuring, etc.) prior to discharge.

The 12-Month FMLA Period

The 12-month period during which an employee is entitled to 12 workweeks of FML is measured forward from the date the employee's first FML begins. An employee is entitled to 12-26 workweeks of FML during the 12-month period after the leave begins. The next FML period will begin the first time the employee requests FML after the completion of the previous 12-month period.

Denial of FMLA Leave

If an employee fails to give timely or advanced notice when the need for FML is foreseeable, the City of Hendersonville may delay the taking of FML until 30 days after the date the employee provides notice to the City of Hendersonville of the need for FML.

If an employee fails to provide requested FMLA medical certification to substantiate the need for FML due to a serious health condition by the deadline provided, the City of Hendersonville may delay continuation of FML until an employee submits the medical certification paperwork. If the employee never produces the medical certification paperwork, the leave is not designated as FML.

If an employee fails to provide a requested Fitness for Duty Certification to return to work, the City of Hendersonville shall delay restoration until the employee submits the certification (see 'Return to Work / Fitness for Duty Certification' section above).

Employee Benefits While on FMLA

During a period of FML, the City will maintain insurance benefits for the employee with the same cost sharing provisions afforded other employees. Arrangements for payment of your employee cost share must be made through the Human Resources Department or benefits may be discontinued. Contact the Human Resources Department at City Hall to set up payment arrangements. You will be also be provided with a written notice of terms and conditions under which payments need to be made subsequent to receiving your Designation Notice.

When you are on FML, all or part of your leave may be 'paid' leave. In a paid status, all or your self-directed deductions (child support, bankruptcy, union dues, voluntary coverages, etc.) will continue to be taken from your paycheck per your prior directions. However, if you are in an 'unpaid' status for any period(s) during your FML, you will need to plan to direct-pay your payments to all your self-directed deduction recipients during your unpaid leave as applicable.

If you fail to return to work after the expiration of your FML, you will be required to reimburse the City of Hendersonville for payments of health insurance premiums during the leave, unless the City of Hendersonville determines that the reason you fail to return is the result of your own serious health condition a family member's serious health condition, or due to a serious injury or illness of a covered service member or other circumstances beyond your control. The City of Hendersonville may require a certification from a certified treating physician to confirm the medical facts necessary to make this determination. If applicable, the expense of obtaining such a certification will be paid by the employee.

Leave taken under this policy does not constitute a qualifying event that entitles an employee to COBRA insurance coverage. However, the qualifying event triggering COBRA coverage

may occur when it becomes clearly known that an employee will not be returning to work and therefore ceases to be entitled to leave under this policy.

You will be retained on the same health/dental/vision coverage that you selected and contributed towards at the time your FML was designated. If the City of Hendersonville provides a new health plan or if the benefits that the City of Hendersonville offers substantially change while you are on FML, you will be entitled to receive coverage under the new plan to the same extent had you not taken FML.

The HR Department, in conjunction with the Finance Department, will come up with a reasonable payment plan and such plan will be communicated to you as to your expectations. It is your responsibility to inform HR Department as to the best way to communicate with you while on leave of absence and you should be regularly communicating with both HR Department and your department as to your status.

Workers' Compensation while on FMLA

If a Workers' Compensation injury/illness meets the criteria for a serious health condition, the workers' compensation absence and the FML entitlement will run concurrently.

Section 9. Leave Without Pay

A regular employee who is in good standing may be granted a leave of absence without pay for a period not to exceed one (1) year for sickness, disability or for other good and sufficient reasons which are considered to be controlling or in the best interests of the City.

Leave Without Pay shall only be granted after an employee utilizes and exhausts all other forms of earned/paid leave balances (Sick, Vacation, Comp, etc.). In the event an employee is out on approved Leave Without Pay but has worked enough to earn leave (monthly Vacation and Sick accruals), any earned leave must be used immediately if the employee continues to be out of work. Employees shall not earn monthly Vacation/Sick accruals if they are in a non-paid status for 5+ consecutive workdays.

Any employee on approved Leave Without Pay for 10+ consecutive workdays shall have their Service Anniversary Date adjusted once the employee returns to work. Any FMLA-protected Leave Without Pay shall not be calculated into an employee's adjusted Service Anniversary Date.

- 9.1 Except under unusual circumstances, voluntary separation from the City Service in order to accept employment not in the City Service shall be considered as insufficient reason for approval of a request for leave of absence without pay.
- 9.2 If for any reason leave of absence without pay is given, such leave of absence may subsequently be withdrawn by the Chief of Operations and the employee recalled to service.
- 9.3 An employee shall not accrue sick leave and/or vacation leave credit while on any leave of absence without pay which exceeds 5+ consecutive workdays.

- 9.4 An employee who is granted a leave of absence without pay for medical reasons may remain under the City's pension and/or hospitalization plan subject to the provisions as set out by the carrier. If the leave exceeds six months the employee must pay both his own share of the cost plus the share of the cost normally paid by the City for his membership under the plan (for Maternity Leave, see Rule XV, Section 4.). If the employee does not return to work after a leave of absence without pay, the City is to be reimbursed the insurance premiums, unless the employee is permanently disabled and unable to return to work.
- 9.5 All employees on leave of absence without pay are subject to the applicable provisions of these rules. Those employees on military leave of absence without pay shall be governed in accordance with Rule XV of these rules.
- 9.6 Employees shall be restored to their previous position or to an equivalent position upon return from leave.

Section 10. Absence Without Pay

An absence without pay is an absence which may or may not have been known, and may have resulted from suspension, abandonment of position or leave without pay as provided in these Rules. Department heads shall be responsible for accurate reports of employees who are absent from duty for any reason and shall show in the appropriate space provided in the periodic reports, as required in these policies and procedures, absentees who are not entitled to pay under the prevailing working policy.

Section 11. Leave With Pay

Full time employees may be granted leave with pay in accordance with the following:

- 11.1 Leave with pay may be granted plus actual expenses incurred, to attend professional conferences, conventions, seminars and training schools of short duration or to visit other cities in the interest of the Municipal Government, upon prior recommendation by the Department Head and/or the Human Resources Director and approval by the Chief of Operations. Employees granted such leave shall properly complete and execute the Expense Allowance Form as prescribed by the Finance Director before reimbursement shall be made.
- 11.2 Jury Duty - Leave with full pay from the City, less any monies received for such services by the employee, may be granted by the Department Head in order that employees may serve required jury duty, provided that official notification is submitted to the Human Resources Director in advance of the required leave and provided the employee must deposit any monies received in original check or draft form with the Finance Director. The total amount of monies paid the employee each pay period shall not exceed the full pay which such employee would have received for such period, at his regular straight-time pay rate in effect as of the date the jury service began had he or she remained on the job. Since the City of Hendersonville commits to fully compensating any fulltime employee serving Jury Duty, any

compensation received for serving Jury Duty outside of the City of Hendersonville must be reimbursed to the City as soon as reasonably possible.

- 11.3 Court Pay - Any employee required to appear in any court as a result of employment with the City, other than during regular working hours, shall be compensated at 1.5 times their hourly rate of pay as of that date. No less than two (2) hours compensation shall be given for such appearance in a single day. If a court appearance is required by a former employee of the City due to an event that may have occurred while employed, the previous employee shall be compensated at 1.5 times their hourly rate of pay as of the last date of their employment for not less than two (2) hours for such appearance in a single day.
- 11.4 Funeral Leave - In the event of the death of an employee's Immediate Family member (see below definition), the City of Hendersonville shall grant three (3) paid working days known as 'Funeral Leave' per death occurrence. These days will not be charged against the employee's Vacation or Sick Leave.

In the event that the death of the Immediate Family member requires additional time off work such as out-of-town travel or other good and sufficient reasons, the department head may authorize additional days off, not to exceed three (3) working days, that must count against either the employee's Vacation or Sick accrual (employee's choice). The request for additional time off must be submitted to the department head in writing by the employee. The Human Resources office must be notified by the Department Head upon approval of any Funeral Leave or additional days taken.

Immediate Family member includes spouse, in-laws, (refers to mother, father, sister, brother, son, and daughter), parents, children, brother or sister of employee, and employee grandparents and grandchildren. For sick leave only, this definition is same as the above except the term "in-laws" refers to mother and father only.

Section 12. Absence Without Leave

An absence without leave (AWOL) is an absence from duty which was not authorized or approved.

Unauthorized absences from work for a period of three (3) consecutive working days may be considered by the Department Head as abandonment of the position and a resignation (in the case of firemen, two (2) consecutive work shifts).

RULE XVI - General Policies and Procedures

Section 1. Employee Conduct and Working Relationships

Each employee is expected to conduct themselves both on and off the job in such a manner as to reflect credit on both themselves and the Government.

It shall be the duty of each employee to maintain high standards of cooperation, efficiency and economy in his work for the Municipal Government. Department Heads and supervisors shall organize and direct the work of their units to achieve these objectives. When work habits, attitude, production or personal conduct of an employee falls below a desirable standard, supervisors should point out the deficiency at the time it is observed. Warning in sufficient time for improvement should precede formal disciplinary action but nothing in this section shall prevent immediate formal action whenever the interest of the Municipal Government requires it. The Chief of Operations shall review and approve policies written by Department Heads before they become official. After approval, these Rules must be made available to each employee.

Section 2. Corrective Action

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

Section 3. Political Activity

All employees in the Classified Service shall not, while in the employment of the Municipal Government:

- 3.1 Seek or accept election to any city office. Any employee who wishes to seek election or appointment to municipal political office shall resign from the service upon indicating such intention by formal declaration or other evidence of candidacy.
- 3.2 Any person elected to public office within the city shall not, during the term for which they were elected, be appointed to any other position in the Municipal Government unless otherwise specified in the Charter.
- 3.3 No person shall seek or attempt to use any political endorsement in connection with any appointment to a position or demotion or dismissal from a position in the Classified Service in accordance with state law.
- 3.4 Nothing shall preclude the employee's right to privately express their opinions and cast their vote, to prevent any such employee from becoming and/or continuing to be a member of a political meeting, or from attending any political meeting.
- 3.5 Any willful violation, or violation through negligence of any of the above prohibitions, shall be sufficient grounds for the discharge of any employee guilty of such violation.

3.6 No employee in the Classified Service shall engage in political activity, support for or opposition to any candidate, party or measure in any election when on duty or acting in an official capacity. When off duty and acting as a private citizen, no such employee shall be prohibited from engaging in political activity or denied the right to refrain from engaging in such activity.

Section 4. Hours of Work

The Chief of Operations shall establish hours of work during which offices shall be opened for business. See Rule XVI, Section 27 'Working Hours' for details.

Section 5. Attendance

An employee shall be in attendance at regular work and at his place of work in accordance with these Rules and with general departmental regulations. All departments shall keep daily attendance records of their employees, which shall be reported to the Human Resources Director on the dates and time he or she shall specify.

Section 6. Outside Employment

No regular, full-time appointed official or employee of the Municipal Government shall accept or engage in additional employment outside the official hours of duty which will cause or can cause a conflict of interest or is incompatible with the employee's position with the City, or interferes with the satisfactory performance of the employee duties or reflects discredit upon or creates embarrassment for the Municipal Government.

Prior to engaging in outside employment, any employee must immediately notify and obtain written approval from their Department Head. The employee shall notify the Department Head of the working hours, duties of such employment, contact and/or other information required by his/her Department Head.

Section 7. Solicitation

No employee of the Municipal Government shall directly or indirectly solicit any money, service, favor or other valuable consideration for carrying out his duties as an employee of the Municipal Government.

Solicitation of funds of any character or for any purpose whatsoever shall not be permitted by or of employees of the Municipal Government on the job without the express approval of the Chief of Operations.

No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment proposed appointment promotion or proposed promotion to, or any advantage in, a position in the Classified Service.

Section 8. Obstruction of Rights

No official or employee of the Municipal Government shall consciously and by overt act deprive any person of any rights to which such person is entitled under any law, ordinance, rule or regulation of the Municipal Government.

Section 9. Impartiality

Each official and employee of the Municipal Government shall discharge his duties fairly and impartially and his determinations and decisions shall be made without discrimination on account of race, religion, age, sex, disability, political or organizational affiliation or national origin.

Section 10. Pecuniary interests and Gratuities

Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any official or employee of the City to be privately interested in, have any financial interests in, or to profit, directly or indirectly from any business dealings with the Municipal Government; to have any financial interests in the profits of any contract service or other work performed by the City; or to 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.

No officer or employee shall accept, directly or indirectly any money, gift, gratuity or favor, or preferred services benefits, or concessions or considerations of any kind from any person or company other than the Municipal Government which might reasonably be interpreted as an attempt to influence actions with respect to City business.

Any official or employee who has violated the provisions of this Section shall be guilty of misconduct in his service.

Section 11. Use of Municipal Time and Facilities

No official or employee in the Classified Service shall use or authorize the use of municipal time, facilities, equipment or supplies for private gain or advantage to himself or any other private person or group. Such resources may be utilized only as provided by express authorization by the Chief of Operations and provided that the Municipality is paid for such utilization at such rate as are normally paid by private sources for comparable services. Any official or employee who violates the provisions of this section shall be guilty of misconduct in his service.

Section 12. Misuse of Position

No municipal official or employee shall make or attempt to make private purchases for cash or otherwise, in the name of the municipality, nor shall he or she otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. No person shall use or promise to use, directly or indirectly, any official authority or influence whether possessed or anticipated, to secure or to attempt to secure for any person an appointment to a position in the Classified Service or any increase in wages or other advantage in employment in such position for the purpose of influencing the vote or political action of any other person, or for any other consideration. Any official or employee who violates the provision of this section shall be guilty of misconduct in his service.

Section 13. Place of Residence

Employees of the Classified Service shall have no residency restrictions except:

- Employees of a department where response time or the availability of an employee is a factor affecting public safety or service to the City of Hendersonville.
- Employees allowed taking City-owned vehicles to their place of residence.

- 13.1 Department Heads who have employees in exception categories above shall issue their own policy statements addressing the issues of mandatory response time and the financial issues involved in City vehicles being driven outside the City. These department policies shall apply to all affected employees uniformly as of the date the policies adopted. All employees who obtained prior official approval of the Chief of Operations for a residency waiver shall be grandfathered.
- 13.2 Copies of department policies and any subsequent revisions must be forwarded to the Chief of Operations and Human Resources Director immediately upon adoption.
- 13.3 Employees are advised their choice of residence location should not interfere with their ability to report to work in a timely manner or to fulfill the obligations expected of any City employee in the course of his employment whether it be after hours meetings, call back, or overtime.

Section 14. Garnishments, Wages, Assignments, and Levies

It is the purpose of this policy to help those employees who find themselves in financial trouble. However, the employee should be advised that financial responsibility is a requirement for continued service with the Municipal Government, and it is the policy of the Government to discipline employees who, because of legitimate garnishments against their wages for a just debt, demonstrate irresponsibility in meeting financial obligations. Notice of all garnishments shall be sent to the Human Resources Director. The following procedures shall be as follows:

- 14.1 First Garnishment: The Human Resources Director shall send the employee a letter through channels advising him of the City's policy on garnishments; the different methods available to him in order to prevent further garnishments such as consolidation of debts; budget counseling through the Employee Assistance Program;

and consultation with his supervisors. A copy of the letter shall be forwarded to the department head and a copy placed in the employee's permanent record in the Human Resources office. The Human Resources Director shall send the employee's appointing authority a letter advising him that the employee has received a notice of garnishment. The supervisor shall counsel the employee stressing the importance of paying just debts in order to prevent embarrassment to the Municipal Government and again advise him of the City's policy on garnishments and the different methods available to him in order to prevent further garnishments. The supervisor shall send the Human Resources Director a memorandum stating the date and time when the interview was held and any comments he may have regarding the employee's situation. Prior to the interview, the supervisor may request that the Human Resources Director be present to help with counseling the employee. A copy of all correspondence shall be placed in the employee's permanent record.

- 14.2 Second, Third, and Fourth Garnishment within a 2-Year Period: Upon receipt of the second, third and/or fourth garnishment, the Human Resources Director shall personally deliver written notification to the employee's supervisor advising him that the employee has received such notice of garnishment within a two (2) year period.

The Department Head shall take disciplinary action in accordance with the provisions of Rule XI of these Rules, subject to the provisions as set out in Section 14.3 of this Rule, and in accordance with the following order of progression:

- 2nd Garnishment - Written Reprimand.
- 3rd Garnishment - Reprimand with notice that 4th garnishment will result in discharge.
- 4th Garnishment - Dismissal from service.

The Department Head and/or Chief of Operations shall notify the HR Director, in writing, should they apply one or more of the provisions of Section 14.3 of this Rule, and state the reasons therefore. Any and all correspondence and copies of any and all action taken shall be processed as provided in Section 14.6 of this rule.

- 14.3 All of the provisions of Section 14 of this Rule shall be subject to the application of the provisions of this section as follows:

- A garnishment may not be considered as evidence of a failure of responsibility when the employee is assuming someone else's debt (co-signer, assumption of a debt for a relative) or is attempting to pay off debts absolved by a bankruptcy procedure.
- Two or more levies or garnishment to collect a single delinquency or two or more proceedings brought for its collection shall be treated as one indebtedness.
- If several creditors combine their debts into a single garnishment action, the joint amount shall be considered as one indebtedness.

- If a creditor joins several debts in a court action and obtains a judgment and writ of garnishment, the judgment would be considered a single indebtedness.
 - When a one (1) year period of time has elapsed between the ‘as of’ dates (subjected to garnishments) of separate garnishments of an employee’s earnings, the older garnishment or garnishments shall no longer be material consideration in the discharge of an employee from the Classified Service.
 - Each specific court order for the payment of child support or alimony obligations that are in arrears is considered as a separate indebtedness.
 - The protection against discharge for ‘one indebtedness’ is renewed with each employment.
- 14.4 If an employee obtains a release from the creditor before the garnishment order is issued his earnings have not in fact been ‘subjected to garnishment’. For purposes of this rule and the law, the employee’s earnings are ‘subjected to garnishment’ when the employer is bound to withhold earnings and would be liable to the judgment creditor if he disregards the court order.
- 14.5 First-time garnishments, as it applies in this rule, shall not be considered either wholly or in part when discharging employees based on any/or other actions of violations unrelated to garnishments as provided in these rules.
- 14.6 A copy of any and all correspondence relating to any and all activities and action taken as provided in this rule shall be forwarded to the Human Resources Director to be placed in the employee’s permanent record in the Human Resources office. A copy of any and all disciplinary action taken as provided in this Rule and a copy of any and all correspondence related thereto shall be forwarded to the Chief of Operations by the Human Resources Director.
- 14.7 Any regular employee may appeal and have reviewed by the Personnel Board a disciplinary action taken under this rule.

Section 15. Records and Reports

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

- 15.1 Employee’s personnel file to include:
- Application for Employment
 - Approval for hiring
 - Record of transfers, promotions and changes in pay scale
 - Record of position performance evaluation by supervisor, a least annually
 - Record of attendance
 - Record of reprimands, suspensions, demotions, and dismissals
 - Current home address and phone number
 - Record of garnishments

- 15.2 Departmental records shall include:
- The number of employees in each department by position and classification
 - A list of employees recommended for promotion, based on outstanding performance and ability
 - A list of employees considered as surplus, temporary casual and provisional by position classification
 - Counseling records
- 15.3 Other records and reports as needed and as provided for in these Rules and by law, but not duplication of records and reports maintained elsewhere.
- 15.4 Personnel records shall be public records and shall be open for public inspection during office hours and at reasonable times in accordance with such procedures as the Human Resources Director may prescribe except such information as deemed confidential and protected by law.

Section 16. Service Recognition

Each year during the month of April all employees who have completed 5, 10, 15, 20, 25, and 5-year additional periods of service with the Municipal Government shall be awarded a Service Emblem engraved with the number of years of service. The Service Emblem will be presented by the Mayor, accompanied by the department head.

Employees eligible for awards will be notified of the time and place of the presentation.

Employees completing twenty-five (25) years of continuous service will be given a specially designed Service Emblem and receive three (3) entire days off at their choosing. Such time off shall not be deducted from vacation, or sick leave.

Section 17. Nepotism

It is the policy of the City of Hendersonville to not employ more than one member of an immediate family in the same work location or in the same department on the same shift, whichever is less restrictive, or in a situation where a direct or indirect supervisory relationship would exist.

- 17.1 As used in this subsection, ‘work location’ means a municipal building with a particular street address (e.g., 101 Maple Drive North or 3 Executive Park Drive). ‘Whichever is less restrictive’ means immediate family members may be allowed to work in the same work location if in different departments, or in the same department if in different work locations or on different shifts. ‘Direct or indirect supervisory relationship’ means that it is prohibited for one (1) immediate family member to be responsible for supervising the job performance or work activities of another immediate family member on a regular basis.
- 17.2 Employment of more than one member of an immediate family in separate work locations or departments may be approved by the Chief of Operations only if all the following conditions can be met:

- There are no opportunities in which immediate family members would be involved in any transaction requiring approval or receipts. These transactions include but are not necessarily limited to: permits, cash, receipts for cash, purchase orders, employment transactions.
 - Work required contact between the family members would be of an infrequent nature.
 - Immediate family members shall not be allowed to serve on any review board, promotion board or any other committee that would hire, promote or discipline another family member.
- 17.3 Where two (2) or more individuals already in the employ of the Municipal Government become immediate family members, they have a period of sixty (60) days in which to come in compliance with the provisions of this section.
- 17.4 The provisions of this rule do not apply to part-time, seasonal, or temporary employees, which are exempt from the Classified Service.

Section 18. Strikes

No employee shall be a party to, participate in, or instigate any strike against the municipal government.

Section 19. Prohibitions

Prohibitions shall be as follows:

- 19.1 No person shall be appointed or promoted to, demoted or dismissed from any position in the Classified Service or in any way favored or discriminated against with respect to employment in the Classified Service because of race, religion, national origin, political affiliation, sex, age, disability or genetic information.
- 19.2 No person shall make any false statement, certification, mark rating or report with regard to any test, certification or appointment made under any provision of the Charter, Ordinance and these Rules, or in any manner commit any fraud preventing the impartial execution of the provisions of the Charter, Ordinance and these rules.
- 19.3 No employee, examiner or any other person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification or appointment under the Ordinance, the Charter and these Rules, or furnish to any person any special, secret or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the Classified Service.
- 19.4 Any officer or employee who violates any of the provisions of this Section shall forfeit his office or position.

Section 20. Harassment and/or Discrimination

The City of Hendersonville's intention is to provide a workplace free of harassment and/or discrimination, whether that is in the form of sexual, racial or religious in nature or is related to anyone's gender, national origin, age, disability or genetic information.

- 20.1 Employees are to refrain from any activity, verbal, visual or physical that would create an unwelcome or hostile environment towards any City employee or anyone with whom they come in contact as a result of their employment.
- 20.2 Employees are to refrain from any actions that would constitute harassment. Unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a harassing nature will constitute harassment when a person involved feels compelled to submit to that misconduct in order to keep his/her position, to receive appropriate pay, or to benefit from certain employment decisions. If this type of misconduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment, it may also be considered harassment.
- 20.3 If an employee feels he/she has been subjected to any form of harassment and/or discrimination, the employee should firmly and clearly tell the person engaging in the conduct that it is unwelcome, offensive and should stop at once. The employee should also report any discrimination and/or harassment complaints either to the Human Resources Director, Chief of Operations, or the City Attorney.
- 20.4 Supervisors who become aware of any situation that may be considered harassment or discrimination are responsible for reporting the situation to either the Human Resources Director, Chief of Operations, or the City Attorney. Failure to appropriately handle and/or report any situation that should be addressed may result in disciplinary action, including up to termination.
- 20.5 The City will conduct an investigation in as confidential a manner as possible. A timely resolution of each complaint will be reached and communicated to the complainant and other parties involved as appropriate. Appropriate disciplinary action, up to and including termination, will be taken, if warranted.
- 20.6 Retaliation against an employee for filing a complaint or participating in an investigation is strictly prohibited. Appropriate disciplinary action, up to and including termination will be taken if warranted.
- 20.7 Any employee who knowingly makes a false claim of harassment and/or discrimination will be subject to disciplinary action, up to and including termination.

Section 21. Substance Abuse Policy

It is the policy of the City of Hendersonville to maintain a workplace that is free from the effects of substance abuse and to follow the Tennessee Drug Free Workplace Program. Under the Tennessee Drug Free Workplace Program, the City of Hendersonville follows the US Department of Transportation guidelines for drug/alcohol testing.

To ensure that employees comply with this policy, the City of Hendersonville will pursue all reasonable and lawful means to enforce this policy. All employees are included under this general policy, although there are specific provisions which apply to certain employee groups in addition to the general rules.

The City encourages employees to voluntarily seek help with drug and/or alcohol problems and also offers the Employee Assistance Program (EAP) free of charge to the employee.

- It is prohibited for any employee to sell, distribute, use, manufacture or possess illegal controlled substances on or off duty. There is an exception granted for those involved in undercover or other law enforcement operations in which certain of the above activities may be a requirement of the performance of police duties. However, in no case are any police employees, including undercover agents, allowed to use illegal controlled substances.
- It is prohibited for any employee to report to work, be at work, or to engage in work activities under the influence or of impaired by alcohol.
- This policy authorizes random drug and/or alcohol testing of an employee who has been involved in a work-related accident/incident as defined by this policy or when there exists a 'reasonable suspicion' that the employee has engaged or is engaging in prohibited conduct under this policy.
- Any employee or job applicant found in violation of these provisions is subject to disciplinary action up to and including dismissal in accordance with the City of Hendersonville's Personnel Rules and Regulations.

Responsibility

All employees, but especially Supervisors and Department Heads, have the responsibility to know and follow this policy and may be tasked with making difficult decisions to comply with this policy to protect the City of Hendersonville and the citizens. In the event that a Supervisor and/or Department Head is found to have intentionally or unintentionally gone outside of this policy in their decision making, he or she may be subject to immediate disciplinary action, up to and including possible termination. Example: If there was suspicion that an employee had alcohol on their breath at work, instead following the Reasonable Suspicion protocol, the Supervisor simply drove the employee home to get some rest and sleep it off.

Drug Testing

The City of Hendersonville shall follow the TN Drug Free Workplace Program standards.

To ensure the accuracy and fairness of our drug testing program, all drug testing will be conducted according to Substance Abuse and Mental Health Services Administration guidelines where applicable and will include a screening test, a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation for the positive result and a documented chain of custody. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine and/or hair.

Testing may be requested for other illegally controlled substances (i.e. anabolic steroids) and their metabolites if there is reason to believe these are used. Without providing a prescription from a licensed physician, applicants or employees who have a positive test for THC due to the use of CBD oil(s) shall be subject to the same standards and disciplinary actions as illegal substances.

Items Tested	Testing Threshold
Cannabinoids/Marijuana/THC	50 ng/ml
Cocaine	300 ng/ml
Phencyclidine (PCP)	25 ng/ml
Amphetamine (Meth & MDA)	1,000 ng/ml
6-Monoacetylmorphine (6-MAM)	10 ng/ml
Opiates	300 ng/ml
Oxycodone/Oxymorphone/Noroxycodone	100 ng/ml
Barbiturates	200 ng/ml
Benzodiazepines	200 ng/ml
Methadone	150 ng/ml
Creatinine	20 ng/ml
Propoxyphene	300 ng/ml
Alcohol/Ethanol	.040 g/dl

Alcohol Testing

Testing for the presence of alcohol will be conducted by analysis of breath and/or blood as circumstances warrant. A screening test is conducted first and a result 0.040 g/dl or greater is considered positive and the employee shall not be allowed to drive city vehicles and be removed from safety sensitive functions immediately. While not considered a positive test, an employee shall be removed from driving city vehicles and/or performing safety sensitive functions for at least 24 hours with an alcohol concentration of 0.020 to 0.039 g/dL, is subject to retesting, and may be referred to the EAP and/or may be subject to disciplinary action. As a general guideline, employees in safety sensitive positions should refrain from alcohol use at least eight (8) hours prior to reporting to duty.

Fitness-for-Duty Testing

Employees must submit to a drug and/or alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination where the examinations are required by; law, regulation, are part of the City's established policy, or one that is scheduled routinely for all members of an employment classification group.

Follow-Up Testing

At least once per year for a two (2) year period following a positive drug or alcohol test, the covered employer shall conduct a follow-up drug test, alcohol test, or both, as appropriate. Advanced notice of a follow-up test shall not be given. In cases in which an employee voluntarily entered treatment not based on an employer-administered drug or alcohol test, the follow-up test is not required.

Post-Offer Pre-Employment Screening

Drug screening is part of the required post-offer, pre-employment evaluation process for all employees except for those classified as seasonal or temporary. No candidate, except for seasonal or temporary, shall be hired without passing the drug testing evaluation. Depending on the work assignment of a seasonal or temporary employee, the Department Head may request a post-offer, pre-employment drug test for a particular group of positions. Specifically, these positions could involve work near children or with machines or other potentially dangerous equipment. Specimen falsification or refusal to submit to drug screening will be grounds for permanent disqualification from employment with the City.

Opportunity to Contest or Explain Test Results

Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the Medical Review Officer (MRO) within five (5) working days after receiving written notification of the test result from the MRO. If an employee's or job applicant's explanation or challenge is unsatisfactory to the MRO, the MRO shall report a positive test result back to the City of Hendersonville Human Resources Director.

Property of City of Hendersonville Subject to Inspection

All City of Hendersonville property may be subject to inspection at any time without notice. There shall be no expectation of privacy in such property. Property includes, but is not limited to vehicles, desks, containers, equipment and lockers.

Prescription Drugs

Nothing in this policy prevents an employee from taking medication prescribed specifically for them by a licensed medical practitioner or using over the counter medications. However, employees are required to be aware of the side effects which may interfere with the employee's safe performance of duties and shall notify the proper supervisory personnel before going on duty if there are any concerns or questions.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to determine whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g. call in sick, use leave, request change of duty, and/or notify supervisor).

Notification of Convictions

A court conviction of a City employee for the use, manufacture and/or sale of illegal drugs may constitute grounds for dismissal. Employees are required to notify their Department Head of any criminal charges pending. Failure to do so, regardless of the outcome of the charges, may be grounds for disciplinary action which may include termination.

Reasonable Suspicion

An employee is subject to reasonable suspicion testing when a supervisor concludes that there exists a reasonable suspicion that an employee has engaged or is engaging in conduct prohibited under this policy. Supervisors must document these conclusions and obtain another supervisor or a management superior to witness and confirm reasonable suspicion. Should the supervisors agree the situation meets the standard of reasonable suspicion, the employee shall submit to a controlled substance(s) and/or alcohol test.

The Human Resources Director shall be notified as soon as possible, and copies of the documentation provided to him/her. No employee shall be allowed to drive or perform any health or safety function when suspected of being impaired until the required follow up drug and/or alcohol test reports that the employee is qualified to work.

Post-Accident/Incident Testing

Alcohol and controlled substance tests will be conducted in the following instances. Emergency medical care shall not be withheld or delayed for drug/alcohol collection.

- After work-related injuries that require medical evaluation and/or treatment by a licensed provider at the time the injury is reported. Judgement decisions shall be made for all non-reportable work-related injuries or situations where the injured employee refuses medical treatment. *
- Vehicle accidents involving a city-vehicle or piece of heavy equipment. The driver of the city-vehicle or heavy equipment shall be required to complete drug and/or alcohol testing as soon as possible following the vehicle accident. *
- Discharge of Firearm - Any employee commissioned to carry a firearm as part of official duties shall be required to submit to drug testing after any discharge of the firearm involving death, personal injury, or near miss and shall be required to report to the collection site as soon as possible following the incident or as directed by his supervisor.
- Use of Force - An employee may be ordered to test any time force is used that is reasonably calculated to produce death or serious bodily injury to someone else.

* It shall be the responsibility of the Department Head (or his/her Designee) to determine, in his/her best judgement, if the involved employee(s) shall immediately be required to take a post-accident/incident drug and/or alcohol test. Questionable circumstances shall be thoroughly considered and treated fairly and consistently throughout the City. It shall be the responsibility of the Human Resources Director to help Department Heads navigate questionable situations if needed.

Refusal to Submit a Test

If an employee or job applicant refuses to submit to a drug or alcohol test, the City has the right to discharge or discipline the employee or may refuse to hire the job applicant. Refusal to submit a required drug or alcohol test shall be considered misconduct and the potential forfeiture of workers' compensation benefits.

If an injured worker refuses to submit a required post-accident/incident drug or alcohol test, it shall be presumed in the absence of clear and convincing evidence to the contrary that the presence of drugs or alcohol was the proximate cause of the injury or accident.

The Federal Department of Transportation policies on ‘Shy Bladder’ and ‘Shy Lung’ shall be followed in the event an employee or applicant has a presumed positive test for failure to submit a drug or alcohol specimen and wishes to contest the finding.

Return-to-Work and Follow Up

Employees with a confirmed positive test for controlled substances or alcohol may be referred to the Employee Assistance Program (EAP) for evaluation. If allowed to return to work, the employee must complete the following requirements:

- Sign a Return-to-Work Agreement on a form approved by the City Attorney.
- Be recommended by the EAP or other appropriate counselor to return to work
- Submit to a return-to-work test with confirmed negative results prior to return to work
- Comply with the terms of the Return-to-Work Agreement

Failure to comply with the Return-to-Work Agreement may result in disciplinary action.

Operating a City Vehicle

No City employee shall be allowed to operate a City-owned vehicle following a positive test in violation of this policy for a minimum period of 90 calendar days after presenting a negative Return-to-Work test as required by a Return-to-Work Agreement.

Any employee whose driver's license is suspended due to a DUI or other conviction, even if the employee is granted a restricted license, shall not be allowed to operate a City owned vehicle for a minimum period of 90 calendar days, after presenting a negative Return-To-Work test. A Return-To-Work Agreement is also required in such cases. If the employee is required to hold a CDL, or if driving is an essential function of the position, or if the employee is in a Safety Sensitive position, nothing in this policy shall prevent appropriate disciplinary action from taking place.

Any employee who drives as an essential function of the job should be disciplined up to and including termination for receiving a suspended or revoked license, for any offense, to include an administrative suspension or revocation by the state.

Random Testing

Random testing pool shall consist of all current safety sensitive positions and CDL holders. Random testing will be administered by the Human Resources Director.

Safety Sensitive Positions

Non-CDL employees in safety sensitive positions are also subject to random testing for controlled substances and/or alcohol. A safety sensitive position is defined as one in which incapacity due to drug or alcohol impairment could result in direct or significant risk of injury to the employee, others or the environment. The positions include those listed on the current Public Safety Pay Tables. Any positions which are added or modified on the Pay Table subsequent to the adoption of this policy are specifically on the list of positions considered as ‘safety sensitive’.

CDL positions

Employees holding a current Commercial Driver’s License and using that CDL for their daily employment with the City are subject to random testing for controlled substances and alcohol.

Section 22. Employee Assistance Program (EAP)

The City of Hendersonville offers a helping hand to those who need it while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment here. We offer an Employee Assistance Program (EAP) benefit for employees and their dependents, free of charge. The EAP provides confidential assessment, referral and short-term counseling for employees and their dependents who need or request it. Confidentiality is assured. No information regarding the nature of the personal problem will be made available to supervisors, nor will it be included in your permanent personnel file.

It is the responsibility of the employee to seek assistance from the EAP *before* alcohol and/or drug problems lead to disciplinary actions. Once a violation of this policy occurs, subsequently seeking treatment through the EAP on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action.

The City of Hendersonville shall not take disciplinary action against any employee for the employee's first voluntary request to receive treatment for a drug or alcohol use disorder if the employee has not previously tested positive or where the employee is not being sent for drug/alcohol testing under reasonable suspicion or post-accident/incident.

The City of Hendersonville EAP will provide appropriate assessment, evaluation and counselling and/or referral for treatment of drug and/or alcohol abuse. Employees may be granted leave with a conditional Return-to-Work, contingent upon successful completion of the agreed-upon treatment regiment, which may include follow-up testing.

If an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by the employee's medical insurance, but the cost of such outside services are the employee's responsibility.

Participation in the EAP will not affect your career advancement or employment, nor will it protect any employee from disciplinary action if substandard job performance continues. The EAP is a process used in conjunction with discipline, not a substitute for discipline.

The EAP can be accessed by an employee voluntarily or through management referral.

Confidentiality

The confidentiality of any information received by the City of Hendersonville through this program shall be maintained as required by the rules adopted by the Drug Free Workplace Program of the Tennessee Bureau of Workers' Compensation.

Section 23. DOT CDL Substance Abuse Policy

The following shall supplement the City of Hendersonville Substance Abuse Policy.

The Federal Motor Carrier Administration (FMCSA) is establishing Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse which will take effect January 6, 2020. The Clearinghouse is a secure online database that will give employers real-time information about CDL driver drug/alcohol program violations.

The Clearinghouse rule requires FMCSA-regulated employers, Medical Review Officers (MROs), Substance Abuse Professionals (SAPs), consortia/third party administrators (C/TPAs), and other service agents to report to the Clearinghouse information related to violations of the drug and alcohol regulations in 49 Code of Federal Regulations, parts 40 and 382 by current and prospective employees.

The Clearinghouse will also require the following:

- Employers will be required to query the Clearinghouse for current and prospective employees' drug and alcohol violations before permitting those employees to operate a commercial motor vehicle (CMV) on public roads.
- Employers will be required to annually query the Clearinghouse for each driver they currently employ.

The purpose of the Clearinghouse is to provide FMCSA and employers the necessary tools to identify drivers who are prohibited from operating a CMV based on DOT drug and alcohol program violations and ensure that such drivers receive the required evaluation and treatment before operating a CMV on public roads. Specifically, information maintained in the Clearinghouse will enable employers to identify drivers who commit a drug or alcohol program violation while working for one employer, but who fail to subsequently inform another employer (as required by current regulations). Records of drug and alcohol program violations will remain in the Clearinghouse for five (5) years, or until the driver has completed the return-to-duty process, whichever is later.

NEW HIRES

As of January 6, 2020, the City of Hendersonville will run a 'full' query on all new hires holding and using a CDL as part of their job duties for the City. The City of Hendersonville will obtain the CDL driver's electronic consent prior to the release of information from the full query. This means the driver must register on the Clearinghouse in order to grant consent.

CURRENT CDL HOLDERS

Once per year, the City of Hendersonville will run a 'limited' query on all CDL drivers employed. The City has the authority to run limited queries more frequently if needed. The City will also report any drug/alcohol violations, as well as any return-to-duty and follow-up testing. The City of Hendersonville must obtain and signed Consent Form for each eligible employee prior to running the limited query.

Prior January 5, 2021, the City of Hendersonville will run a 'limited' query on all current employees holding a CDL.

DEFINITIONS

Limited Query – Annual check on currently-employed CDL drivers. This can also be a periodic check more than once per year. You must have a limited consent form on file for each driver (the consent does not have to be electronic). A limited query allows the City to determine if a driver's Clearinghouse record has any drug and alcohol violations.

Full Query – Conducted for all new hires OR for those who had a record when doing a limited query. You must have a consent form on file. The full query allows the employer to see detailed information about any drug and alcohol program violations in a driver's Clearinghouse record.

Section 24. Severe Weather Policy

To clarify the policy of the City relating to closing of City Hall and other City facilities due to severe weather and the responsibility of employees to report to work under such conditions and to establish a uniform method for treating absences and lateness due to severe weather, the following policy is effective immediately:

In the event of severe weather, every City employee is to make every attempt to report to work as usual. Severe weather may be caused by rain, snow, ice, high winds, extreme heat/cold, or storms. It shall be the policy of the City to make every effort to maintain normal working hours during a severe weather event to continue to provide necessary services to the citizens of the City.

If local weather conditions make it impossible or dangerous for an employee to report to work, he/she is expected to notify his/her supervisor in the same manner used for any other absence. The day will be charged as an Annual Leave day, Compensatory Leave day or, if the employee has no accumulated leave, as a day Without Pay or, with approval of the supervisor, made up at some future date. (Supervisors must track this time to not create overtime and should be made up within the next 3 weeks)

If an employee is unavoidably late due to severe weather conditions, the employee will not lose paid time unless the delay is longer than one (1) hour. Delays of longer than one (1) hour but less than one-half (1/2) day may be charged to Annual or Compensatory Leave, taken Without Pay, or may be made up within the same pay period, with the approval of the department head. (Supervisors must track this time to not create overtime)

If weather conditions become progressively worse during the course of any workday, all employees will be expected to finish out their work schedule unless contrary instructions are received from the Chief of Operations. Employees can take approved paid leave if they feel like it is in their best interest to leave work due to inclement weather. We understand that some employees may have a longer commute, childcare, or other personal issues where weather conditions may be worse than in Hendersonville.

Determination to close City Offices and/or Operations:

The Chief of Operations will decide whether a City office or operation will open late, close early, or be closed for the entire business day due to inclement weather. If the Chief of Operations is unable to make the decision due to unforeseen circumstances, the Public Works Director shall make the necessary decision after consultation with the other Department Directors.

Communicating to employees:

The Chief of Operations has the responsibility of coordinating the communication of the status of City operations to all departments during inclement weather periods. Closing City Hall due to severe weather or the legitimate threat of severe weather shall be communicated as quickly as possible. A determination shall be made prior to 6:30 AM CST, if possible, to allow employees time to commute to work, make any necessary personal arrangements, or stay home. Appropriate announcements will be posted on City of Hendersonville social media sites (Website and Facebook) as well as Nashville Television Stations 2, 4, 5, 17 and Cable Channel 3. Notification can also be posted on Code Red. The City of Hendersonville is not responsible for reporting errors made by the media. Department heads and supervisors shall be responsible for communicating with each employee as quickly as possible.

Guidelines if City Hall opens late, closes early or is closed for entire business day:

The following guidelines should be used for employees during inclement weather conditions:

1. Essential Public Safety employees are required to be on duty during inclement weather conditions, other City emergencies, or disasters. This includes Non-Administrative Commissioned, Police, Fire, and Roads employees.
2. Essential employees, those City employees, who by their job descriptions provide services which are essential for the health, welfare and safety of the residents of Hendersonville, are expected to work their normal shift assignments or such assignments as are deemed necessary by the Department Director or Supervisor. Essential personnel will receive no premium pay for working in inclement weather, unless the number of hours worked in a work period exceeds the maximum authorized hours. Employees will have the option of compensatory time in lieu of overtime.
3. All Non-Essential employees will receive normal compensation and will not be charged leave during the period of closure for inclement weather. If City offices close after Non-Essential staff have begun their workday, those Non-Essential employees will be compensated for the rest of their respective workday and will not be charged leave. These employees shall not receive any additional time off or compensation due to City offices closing. If City offices open late due to inclement weather, Non-Essential employees shall report to work at the specified time for the balance of their respective work day (may be different in each department or divisions within each department) or use their earned Vacation or Compensatory Leave for the balance of that day.

City Offices Remaining Open:

Employees may have to bring children if they have no other childcare alternatives and schools are closed. Care should be used to not disrupt departmental services.

Regular part time employees who are scheduled to work during the emergency closing period, will be affected on a pro rata basis in each of the provisions above.

Temporary and Seasonal employees are only compensated for hours worked. These employees receive no compensation or time off for Inclement Weather unless physically worked.

Section 25. Electronic Devices Policy

The City of Hendersonville provides and maintains various electronic communication devices, computers, telephones, and websites to its employees for business use only. All the previously mentioned may contain information that may be considered ‘public record’ for the purposes of the Tennessee Public Records Act and may be subject to inspection at any time (Tennessee Code Annotated, Section 10-7-301, (6)). In addition, such communication involving the above mentioned may be subject to discovery under the Tennessee or Federal Rules of Civil Procedure. Any employee who violates this policy is subject to disciplinary action, including possible termination.

General Computer Use

Computers, computer files, software, internet, email systems, etc. which are purchased, owned, and/or maintained by the City of Hendersonville are intended solely for business purposes. Material that is private or secure shall not be considered personal or confidential. Documents, including emails, may be retrieved or recovered even after they have been deleted by the sender and/or the recipient.

Only persons presently employed by or serving in an official capacity with the City of Hendersonville are permitted to use computer resources owned, rented, leased or otherwise under the control of the City.

The City reserves the right to access computer data and emails for the following reasons:

- During an investigation.
- To locate substantive information relevant to a breach of security.
- When there is a system or hardware problem or troubleshooting a problem.
- When it is relevant to a lawsuit, EEOC complaint/other legal action involving the city.
- When there is suspicion of a crime or a violation of City policy.

The City reserves the right to ascertain whether or not an employee is misusing a City computer, electronic file, software, the internet, or email. Employees shall not install software or hardware that has not been authorized. Employees shall not use network resources to play or download games, music, or videos that are not in support of business functions. Use of a City computer or resource for gambling, obtaining or distributing pornographic materials, and any illegal activity is strictly prohibited. Lastly, the unlawful copying of any copyright protected software or other material is strictly prohibited.

Where individual computers workstations have been assigned to a specific employee, always obtain permission from that employee before using his/her computer. Be considerate and do not alter system settings on another employee's computer when using it. When logging on to the computer system, only use your designated Login ID and Password.

Cell Phone Policy

The following shall be the policy of the City of Hendersonville regarding cell phones provided to employees by the City of Hendersonville.

It is the policy of the City of Hendersonville to provide communication services and equipment to employees as necessary to conduct official City business in an efficient and professional manner. Employees that need to carry a cell phone due to the requirements of their job shall follow and adhere to the following policies and procedures.

Cell phones are only provided for conducting business related to one's job with the City of Hendersonville. City-provided cell phone usage, invoices, and records are subject to inspection and audit.

While personal use of a City-provided cell phone is not forbidden, it is discouraged. As such, any costs incurred as a result of personal use shall be reimbursed to the City of Hendersonville upon receipt of billing. Payment shall be made in the Finance Department. Invoices shall be approved and check requests completed and submitted to the Finance Department in a timely fashion such that payment can be made by the due date. All personal charges shall be highlighted and a copy of the receipt for payment of personal charges shall be attached to the invoice.

Failure to adhere to these policies and procedures may result in disciplinary action, up to and including termination of employment.

Determination of Personal Charges

There are primarily two (2) types of service contracts with cell providers. The first is a plan without any included minutes. All talk time incurs a charge. The second is a plan that includes a set amount of talk time per month. Any time used beyond the base is charged.

To calculate charges for personal use with the first plan, total the charges for all personal calls on the invoice.

To calculate charges for personal use with the second plan, total the charges for all personal calls that incur a charge beyond the base, including minutes, directory assistance, long distance, and other usage. Under no circumstances should a plan with additional minutes be purchased in order to accommodate personal calls. It is left up to the discretion of each department head to determine the usage requirements of his/her employees.

Examples based on a plan with 240 minutes included per month.

- 1.) You use 100 minutes for business and 50 minutes personally. Since the 150 minutes used is less than the base of 240, there are no charge for personal use.

- 2.) You use 250 minutes for business and 30 minutes personally. There will be departmental charges for any business minutes beyond the base (10 in this example) and personal charges for 30 minutes (since the base was exceeded).
- 3.) You use 200 minutes for business and 75 minutes personally. Since the business use is below the base, 40 of the personal minutes will be covered by the standard plan. There will be personal charges for the 35 personal minutes that exceeded the base.

Social Media Policy

Social Media should be used to further the goals of the City and provide a valuable means of assisting the City and its personnel in meeting community outreach, notifications, problem-solving, investigations, crime prevention, and other related objectives. Furthermore, social media should be used to help expand and enhance communication to a growing number of citizens and applicants who rely on social media for news and updates about Hendersonville.

The City also recognizes the role that social media plays in the personal lives of some City personnel. The personal use of social media can have bearing on City personnel in their official capacity. This policy establishes guidelines and prohibitions on the use of social media by City employees and representatives. Our goal is to communicate news and events to the public in a timely, professional, and efficient manner.

Administration

The City of Hendersonville's IT Department shall be the Administrator of the City's main social media accounts. In some cases, individual departments may have access and manage their own department's social media accounts. All departments shall monitor their social media sites for content or comments requesting responses from the City and for comments in violation of this policy. All social media content shall adhere to applicable laws, regulations, and policies.

Prohibited Content

City of Hendersonville social media accounts are prohibited from posting the following:

- Negative, offensive, or vulgar comments/pictures at any time.
- Promotion, demotion, or endorsement of any political campaign or candidate.
- Profane, obscene, violent, pornographic, or any other material that may be offensive to an individual or a group of people.
- Defamatory or personal attacks.
- Threats to any person or group of people.
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, gender, national origin, or physical or mental disability.
- Sexual content or links to sexual content.
- Solicitations of commerce, including but not limited to, advertising of any business or product for sale.
- Content in violation of any federal, state, or local laws.
- Encouragement of illegal activity.
- Information that may compromise the safety/security of the public or public systems.
- Content that violates a legal ownership interest, such as a copyright, of any party.

The City of Hendersonville has an overriding interest and expectation in deciding what is ‘spoken’ on behalf of the City on social media sites. The City reserves the right to restrict or remove any content that is deemed in violation of this social media policy or any applicable law. The City reserves the right to deny access to the City of Hendersonville social media accounts for any employee or City representative who violates this policy at any time without prior notice.

Personal Use of Social Media

The intent of this section is to provide guidelines to ensure that personal social media accounts are used properly by City employees and representatives and to address potential risks. Be aware of your association with the City and thoughtful of how you present yourself online as whatever you post or publish can be viewed by many different people, including your supervisors, co-workers, and customers. Do not post information such as addresses, phone numbers, and email addresses. We also encourage you to not post anything depicting that you may be out of town for an extended period of time.

City employees and representatives shall abide by the following when using a personal social media account. Violation of the following may result in disciplinary action, up to and including termination. City employees and representatives:

- Are free to express themselves as private citizens on their personal social media account to the degree that their speech does not impair working relationships, impede the performance of duties, impair discipline and harmony among co-workers, or negatively affect the public perception of the City.
- Should assume that their speech and related activity on social media sites will reflect upon their position and the City.
- Shall not post any City information that is considered confidential.
- Shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without the permission of their Department Head or the Mayor.
- Shall not post obscene or sexually explicit language, images, or acts and statements that ridicule, malign, disparage, or otherwise express bias against any race, creed, or any protected class of individuals.
- Shall not post threats, attacks, harassment, unlawful discrimination or hate language.

E-mail Policy

The City provides electronic mail (e-mail) to employees for their use in performing their duties for the City. All electronic mail is local government record and may be considered a public record for the purposes of the TN Public Records Act (TPRA) and in accordance with the TCA 10-7-301, (6). Under the TN Public Records Act, certain e-mail communications may be open to public access and inspection. In addition, such communications may be subject to discovery under the Tennessee or Federal Rules of Civil Procedure.

- Ownership
Employees should be aware that all electronic systems, computers and other hardware, software, temporary or permanent files and any related systems or devices used in the transmission, receipt or storage of e-mail are the property of the City of Hendersonville. E-mail messages are considered to be City property and may be monitored as deemed appropriate. Also, they may be retrieved from storage even after they have been deleted by the sender and the recipient.
- Employee Use of E-mail
Employees' use of e-mail should not violate City, state, or federal policy. Should employees make incidental use of e-mail to transmit personal messages, those messages will be treated no differently than other messages and may be accessed, reviewed, copied, deleted or disclosed. Employees are specifically prohibited from generating, distributing or forwarding any e-mail that contains racial, religious, or sexual slurs or jokes, or harassing, or abusive material to or about others. Furthermore, employees are prohibited from sending confidential material to an unauthorized recipient or sending or receiving communications that violate City policy.
- Privacy
Employees should be aware that their e-mail messages are public record.
- Public Requests
Requests by the public under the Tennessee Public Records Act (TPRA) for access to any e-mail communications shall be directed to the Mayor or his designated representative.

Internet Use Policy

Access to the Internet is intended for the exchange of information and research consistent with the vision, mission, goals, and activities of the City of Hendersonville and is provided as a tool to assist employees and officials in performing their duties on behalf of the City.

Internet access is provided to certain employees when necessary to complete the basic functions of their job and to assist them in performing the duties and responsibilities associated with their position. Internet access should be limited to job-related research and City of Hendersonville business. The Internet shall not be used for inappropriate or unlawful purposes including, but not limited to:

- Placing unauthorized information, computer viruses, or harmful programs on or through the computer system in either public or private files or message
- Using obscene or otherwise inappropriate language in communications
- Obtaining, viewing, or downloading information that is unlawful, obscene, indecent, vulgar, or pornographic.

Prohibited Usage

Hendersonville employees are prohibited from the following as it relates to internet usage:

- Using the internet to access non-City provided e-mail addresses.
- Using any type of instant messaging system.
- Altering security settings on any City-owned computer.
- Using the internet to violate any federal, state, or local law(s).

The Department Head is responsible for and shall control, manage, and oversee the City's computer and internet usage in his/her department and have the necessary authority to review any employee's computer and user settings at any time without reason. Internet access records and records of downloaded files are not private and are subject to monitoring as deemed necessary. Non-compliance or misuse of the internet shall result in immediate disciplinary action, up to termination of employment. User access may be terminated, and the user may be subject to subsequent review and disciplinary action as determined by the City.

Section 26. Violence in the Workplace

POLICY STATEMENT AND PURPOSE

To adopt a Zero Tolerance Policy for workplace violence with reference to City of Hendersonville employees including supervisors and executives. Consistent with the policy, acts or threats of physical violence including intimidation, harassment and/or coercion which may occur between City of Hendersonville employees and/or family members or citizens and which occur on City property or while acting in the capacity as a representative of the City of Hendersonville will not be tolerated.

DEFINITIONS

Internal: employee toward employee.

External: employee to non-employee/non-family member party or non-employee/non-family member/outside party toward employee.

Domestic: employee toward employee family member or family member toward employee

Harassment: behavior and/or any communication designed or intended to intimidate, menace or frighten another person.

- A. Physical harassment: any physical assault including, but not limited to hitting, pushing, pinching, kicking, holding, impeding or blocking the movement of another.
- B. Verbal harassment: verbal threats toward persons or property, the use of vulgar or profane language toward others, disparaging or derogatory comments or slurs, offensive sexual flirtations and propositions, verbal intimidation, exaggerated criticism, and name calling.

Threat: the verbal, physical or written expression of a present or future intent to cause physical or mental harm to an individual or his/her family, friends, associates or property and without regard to whether the expression is contingent, conditional or future.

Physical Attack: an unwanted and/or hostile physical contact such as, but not limited to hitting, fighting, pushing, shoving or the throwing of objects.

Property Damage: any behavior that contributes to the destruction and/or damage of private and/or City property.

Workplace Surveys: questionnaire or survey distributed to employees to identify the potential for violent incidents and to identify or confirm the need for improved security measures.

Workplace Violence: acts or threats of violence include conduct against persons or property that is sufficiently severe offensive or intimidating to alter the employment conditions at the City of Hendersonville or to create a hostile, abusive or intimidating work environment. These include all threats or acts of violence occurring on City of Hendersonville property, regardless of the relationship between the parties involved in the incident and all threats of acts of violence not occurring on City property but involving someone who is acting in the capacity as a representative of the City of Hendersonville.

APPLICATION OF PROHIBITION

The City of Hendersonville's prohibition against threats and acts of violence applies to all persons involved in the City's operations, including but not limited to City personnel, contract and temporary workers and anyone else on City property. Violations of this policy by any individual on City property will be followed by policy procedures or legal action as appropriate. Violations of this policy by a City employee may lead to disciplinary action (up to and including termination, as provided in the City Personnel Rules and Regulations).

CARRYING OF FIREARMS

See City's Administrative Policy #20, Carrying of Firearms

PROHIBITED ITEMS ON CITY PROPERTY

Under no circumstances, except as may be required by the job or other lawful means, are the following items permitted on City property:

- Switchblade knives or knives with a blade longer than four inches.
- Explosives (including blasting caps).
- Other objects or substances carried for the purpose of injuring or intimidating.

RESPONSIBILITY

- It is the responsibility of each department head of the City of Hendersonville to make their employees aware of the City's Violence in the Workplace Policy.
- It is the responsibility of each supervisor to ensure that all employees are allowed to work in an environment that is free from the threat of workplace violence.
- It is the responsibility of each employee to ensure that conduct is professional and to adhere to the guidelines in this policy.

EMPLOYEE OBLIGATIONS

Every employee of the City of Hendersonville is obligated to report incidents of threats or acts of physical violence which may affect anyone on City property. This report will be made to either a supervisor or department head who in turn will notify the Chief of Operations.

Employees involved in domestic situations which may lead to angry individuals visiting City property with the intent to do harm will notify their supervisor or department head. Any employee who obtains a restraining order against any individual will notify their supervisor or department head within 24 hours. Any employee who has had a police department respond to a domestic situation will notify their supervisor or department head within 24 hours. If the employee feels it necessary, the supervisor or department head will notify the Police Department.

Employees who know of individuals who are involved in any type of dispute with the City are to notify the Chief of Operations and the Chief of Operations shall disseminate the information to other City employees as appropriate.

Employees who are concerned about fellow employees who are exhibiting signs of unusual hostility or unusual resentment toward a supervisor, co-worker, City official or a City policy will advise their supervisor or department head.

Employees who make false and/or malicious allegations of workplace violence will be subject to disciplinary action and/or arrest. This violation is considered a violation of this policy.

NON-RETALIATION

This policy prohibits retaliation in any form against an employee who brings a valid complaint of violence, intimidation or harassment. Invalid complaints may be subject to disciplinary action.

CONFIDENTIALITY

Confidentiality shall be maintained on a need-to-know basis for any personal situation involving a City employee.

Confidentiality of records of domestic violence victims and witnesses with protection orders will follow TCA 10-7-504 and subsequent amendments to require utilities and allow municipalities to treat as confidential the home and work addresses, telephone numbers, Social Security number, and other information that could be used to locate an individual who has presented a valid protection order or document to the records custodian of the utility or municipality during regular business hours. The person must request that the information be treated as confidential. The protection order is presumed in effect if on its face it has not expired. The custodian must place the document in a file containing, in alphabetical order, all protection documents. Identifying information remains confidential until the person requesting confidentiality notifies the custodian in person that the information no longer needs to be confidential. After receiving this notification, the custodian must remove the protection document from the file. Before removing the document, however, the custodian must verify the identity of the requester.

TRAINING AND EDUCATION

The City of Hendersonville will provide on-going opportunities on an as needed basis for employees to be trained in the risk factors associated with workplace violence and proper handling of emergency situations in order to minimize the risks of violent incidents.

Employees, regardless of their level of risk, should be taught:

- Techniques for recognizing the potential for violence
- Procedures, policies and work environment arrangements developed to control risk to workers
- Proper use of security hardware etc.
- Appropriate response to incidents of violence, including emergency and hostage situations
- How to obtain medical assistance and follow-up
- Procedures for reporting, investigating and documenting incidents of violence

- Travel safety, off-site workers
- Cash handling procedures
- Workplace safety
- Conflict resolution

Effective training should:

- Be given on company time
- Use easily understood terminology
- Be given in language spoken by the employee
- Provide sufficient time for questions and answers
- Be conducted by trainers knowledgeable or qualified in their field of expertise
- Be conducted before taking a new job assignment, annually or when laws or procedure change

Workers with job tasks or locations that place them at higher risk for violent incidents should be provided specialized training in addition to above topics.

Department heads and supervisors should undergo training outlined above plus additional training enabling them to recognize potentially hazardous situations. They should also be trained to ensure that employees are not placed in assignments that compromise safety and in methods and procedures which will reduce the security hazards. They should be trained to behave compassionately towards co-workers when an incident does occur.

WORKPLACE SURVEY: Questionnaires should be reviewed, updated and distributed as needed or at least once within a 24-month period of time. Results should be analyzed and used to revise and improve the overall content and implementation of the Workplace Violence Program.

Section 27. Working Hours

The purpose of this policy is to define work hours for City Hall, as well as administrative employees in Police and Fire departments, and specify the practice for lunch and other breaks that comply with Tennessee law and the Fair Labor Standards Act (FLSA).

DEFINITIONS

- **Fair Labor Standards Act (FLSA):** The federal labor law that covers minimum wage provisions, overtime, the Equal Pay Act, child labor laws, and other employment laws.
- **Exempt Employee:** An employee paid on a salaried basis who is not subject to the overtime provisions of the FLSA.
- **Non-Exempt Employee:** An employee paid on a salaried basis who is subject to the overtime provisions of the FLSA.
- **Overtime:** Hours worked in excess of forty (40) per week for 8-hour employees.
- **Work Week:** Each work week begins 11:00 PM CST every Saturday night and ends at 10:59 PM CST the following Saturday night.

CORE HOURS

City Hall is open to the public from ***Monday – Friday, 8:00 AM – 4:30 PM CST*** except for city-observed holidays or other emergent needs as deemed appropriate by the Chief of Operations or his/her designee.

City Hall full-time employees are expected to work or be accountable for at least 8.0 hours each workday except for certain public safety employees. A full-time employee may not be expected to work or be accountable for 8.0 hours only in the event they have been approved by their Department Head to ‘reschedule’ their work hours to help eliminate/minimize Overtime and/or Compensatory Time per City policy. The term ‘be accountable for’ shall include using their own paid leave or leave without pay in the event all paid leave has been exhausted, to supplement a workweek if the employee does not physically work 40.0 hours.

WORK HOURS OPTIONS

Subject to Department Head approval and department operations, fulltime employees have the flexibility within their workday of clocking in between 6:00 AM – 9:00 AM CST and clocking out between 3:00 PM – 6:00 PM CST. It will be up to their Department Head or their designee to manage within each department as to make sure operations are efficient and employees are treated fairly. If an employee needs to work outside of these working hours, they must have prior approval by their Department Head or his/her designee.

An employee’s flexibility within their workday shall not lead to unnecessary or unauthorized Overtime or Compensatory Time. This shall be the responsibility of the employee and their Supervisor to make sure working hours are planned and scheduled accordingly. This option will not be available to all departments or personnel and must be approved by the Department Head on a case-by-case basis. This privilege may be removed or amended, with or without cause, by a Department Head at any time.

Department Heads should be cautious and cognizant when employees are working by themselves. It shall be the responsibility of the Department Head and employee to make sure work situations are well-planned and suitable for the employee and the department operations.

Exceptions

Due to departmental operation, certain employees may be scheduled by their Supervisor with the approval of their Department Head to work different hours other than the normal work schedule. Department Heads shall make every effort to make sure this is treated fairly and equitably throughout their department.

Workdays and schedules for Non-Exempt employees shall be relatively consistent in nature, however Supervisors and Department Heads have the right to schedule employees to suit the needs of the department and the general public.

Lunch Breaks

All city offices shall remain open and operational during the core hours of 8:00 AM – 4:30 PM unless approved by the Chief of Operations, including lunch hours. Employees shall work within their departments to stagger lunch breaks the best they can to maintain the operation of the department. Lunch breaks shall be 30 minutes and unpaid.

Breaks

Two (2) breaks of 15 minutes each may be taken, on a staggered basis, by each employee. One in the morning and one in the afternoon. These breaks shall be paid. With Department Head approval, breaks may be added to lunch that same day if an employee needs more time for lunch. Any break should be taken by an employee at a time that is least disruptive to operations of department.

Paid Leave vs. Lunch Breaks

Per the FLSA, an employee is only allowed a lunch break when he/she is scheduled to physically work 6.0+ hours in a day. If an employee is scheduled or takes paid leave of more than 2.0+ hours in a day, that employee shall not be entitled a lunch break that same day. For example, if an employee wishes to take 4.0 hours of Vacation Leave in a day, that employee shall not take a lunch break that same day. The employee shall physically work 4.0 hours and then take 4.0 hours of Vacation Leave. No lunch break is warranted per the FLSA.

Clocking In/Out

All Non-Exempt employees shall track their time using the department timekeeping system. No employee shall attempt to clock in/out for another employee. If computers and/or timeclock equipment is not functioning correctly, the employee shall notify their supervisor immediately. A manual log shall be maintained until the equipment is functioning and time can be input for the employee.

No employee shall clock in more than seven (7) minutes prior to their shift start time or clock out more than seven (7) minutes after their scheduled shift end time without the prior authorization of their immediate supervisor. Employees doing so may be subject to disciplinary action.

Tardiness

Employees are expected to faithfully observe their scheduled working hours and report to work on time. Regular tardiness shall not be tolerated, and employees may be subject to progressive discipline.

Unauthorized Work

No employee shall work prior to or after their scheduled workday hours or during their lunch break without prior authorization from their supervisor. Unauthorized work shall not lead to overtime since it is not pre-approved and could lead to disciplinary actions.

Section 28. Smoking and Tobacco Use Policy

The 'Non-Smoker Protection Act' requires that smoking be prohibited in all enclosed public places within the State of Tennessee. Smoking cessation materials and treatment options are available to employees who want to quit tobacco usage from the Human Resources Department.

In no way should this policy support the use of smokeless tobacco products and encourages all employees to be tobacco-free; however, employees and Department Heads shall use best judgement practices and professionalism while using smokeless tobacco products in city vehicles or buildings and around coworkers and the general public.

The following regulations shall constitute the official policy regarding smoking in all City-owned or occupied buildings and vehicles:

- The use of tobacco products including but not limited to cigarettes, cigars, e-cigarettes and hookah pens are not allowed within the enclosed areas on the company premises, including buildings and vehicles owned, leased, or operated by the City of Hendersonville with no exception to common work areas, classrooms, conference, or meeting rooms, elevators, stairwells, hallways, restrooms, break rooms, garages, warehouses, or all other enclosed facilities.
- Smoking is prohibited in all outdoor places where employees are required for occupational duties, including work areas, construction sites, temporary offices, trailers, restrooms, vehicles, and parking lots.
- Smoking shall be in designated outdoor smoking areas at least 25 feet from the worksite entrances and building air intake ducts with appropriate disposal containers available. Disposal containers must be cleaned regularly.
- Per the City of Hendersonville Working Hours Policy and the Fair Labor Standards Act (FLSA), two (2) breaks of 15 minutes each may be taken, on a staggered basis, by each employee. One in the morning and one in the afternoon. These breaks shall be paid. Breaks may not be added together or to lunch and may not be saved to take at a later time. Any break should be taken by an employee at a time that is least disruptive to operations of department.
- Employees are to be informed of this policy and signs are to be clearly posted. No Smoking signs shall be posted at every entrance to every public facility where smoking is prohibited at a reasonable height, location, and in such size as to be easily seen by everyone.
- Department Heads shall enforce this policy accordingly and make sure their employees are aware of this policy.
- Any employee in violation of this policy will result in disciplinary action and possibly a monetary fine/penalty from law enforcement and the State of Tennessee.
- Any person wishing to file a complaint against another employee in violation of this policy may do so by contacting the Human Resources Director by phone or email.

In an effort to promote a tobacco-free workplace, the City of Hendersonville offers a \$10.00 per month credit for non-smokers/non-tobacco users that can be applied towards an employee's insurance premiums. Contact the Human Resources office for more information.

Any employee found to be untruthful when selecting that they are a non-smoker/non-tobacco user in order to receive this monthly credit shall be subject to disciplinary action and may result in a claim(s) denial if the life insurance company determines that the employee was a tobacco product user.

Section 29. Active Shooter Policy

INTRODUCTORY

An active shooter emergency involves one or more persons, using a firearm or weapon, engaging in a random or systematic shooting or killing spree. While the vast majority of shootings in this country are over in a matter of minutes, involving persons known to one another, and are confined to a particular area, the active shooter incident does not follow this template. This type of incident can last for minutes or hours, range over a large and constantly changing area, and threaten everyone within close proximity of the shooter(s).

Persons may or may not receive advance warning of an active shooter. A witness, personal observation or the sound of gunshots may be the only alert you receive, leaving little time to react. The sound of gunshots, unlike special effects in movies and television, may sound muffled and make a “pop, pop, pop” noise. It is reasonable to assume that a series of such noises are gunshots and you should begin to take necessary precautions.

Traditional response to this type of incident has been to shelter in place and wait for the police to arrive. While this type of response is not completely wrong, case studies of several active shooter incidents have shown that using only this response has resulted in an increase in casualties. City Hall has adopted the “ALICE” response plan to assist you in your response should this type of incident occur.

PURPOSE

The purpose of this policy is to assist employees in responding to active shooter events, to maximize survivability and to deal with the aftermath of the event. It is important to recognize that there is no definitive way to handle every situation that may arise; this policy should be used as an “in general” guide so that employees better understand their options.

POLICY

“ALICE” is an acronym for 5 steps you can utilize in order to increase your chances of surviving a surprise attack by an active shooter. It is important to remember that the “ALICE” response does not follow a set of actions you “shall, must, will” do when confronted with an active shooter. Your survival is paramount in this situation. You may use only one or two parts of the response plan or you may have to utilize all five.

ACTIONS TAKEN

1. **Alert** - Can be anything.
 - Gunfire
 - Witness
 - PA Announcement
 - Phone alert

2. **Lockdown** - This is a semi-secure starting point from which to make survival decisions. If you decide to not evacuate secure the room.
 - Lock the door.
 - Cover any windows in the door if possible.
 - Tie down the door, if possible, using belts, purse straps, shoe laces, etc.

- Barricade the door with anything available (desks, chairs, etc.)
- Look for alternate escape routes (windows, other doors).
- Call 911
- Move out of the doorway in case gunfire comes through it.
- Silence or place cell phones on vibrate.
- Once secured, do not open the door for anyone. Police will enter the room when the situation is over.
- Gather weapons (coffee cups, chairs, books, pens, etc.) and mentally prepare to defend yourself or others as a last resort.
- Be prepared to surprise the active shooter should they enter the room.

3. **Inform** - Using any means necessary to pass on real time information.

- Given in plain language.
- Can be derived from 911 calls, video surveillance, etc.
- Who, what, where, when and how information.
- Can be given by, PA Announcements or word of mouth.

Upon discovery of an active shooter, and once in a secure location, notify law enforcement by whatever means possible. Try your best to inform the officers of the following:

- a) Description of the individual(s)
- b) Number and types of weapons (if known)
- c) Suspect(s) location and direction of travel
- d) Location of any victims if known

4. **Counter** - This is the use of simple, proactive techniques should you be confronted by the active shooter. Above all else “use common sense”. If your only option is to confront the active shooter in order to stay alive, you have that right.

- Anything can be used as a weapon.
- Throw things at the shooters head to disrupt their aim.
- Grab the shooters limbs and head and take them to the ground.
- This is your decision to fight (bite, kick, scratch, gouge eyes, etc.)
- If you have control of the shooter call 911 and tell the police where you are and listen to their commands when officers arrive on scene.

5. **Evacuate** - Remove yourself from the danger zone as quickly as possible.

- Decide if you can safely evacuate.
- Run in a zigzag pattern as fast as you can.
- Do not stop running until you are far away from the area.
- Do not be concerned with personal belongings, move quickly.
- Break out windows and attempt to quickly clear glass from the frame
- Do not attempt to drive from the area.

Once you are clear of the scene, City Hall employees should gather in one of the following locations for further instructions and updates:

- Exit West side of building (Finance, Personnel, Codes) – Bradford Berry House, the old house across the field behind Pinnacle Bank
- Exit East side of building (PW, IT, Planning, Parks, Executive) – Hyatt Place lobby

Do not return to City Hall until advised to do so.

AFTERMATH

Once the crime scene has been released by law enforcement, clean up and safe removal of possible bio-hazards and substances including blood borne pathogens must take place. Public Works will be the responsible point of contact to coordinating the clean-up operations.

The Chief of Operations and the IT department shall be responsible for developing an action plan in order for the continued operation of City Hall during which time the building may be closed and/or considered a crime scene. This plan should be attached to this policy as an appendix at such time of its implementation. The specific location should be identified as a place where all departments of City Hall may be able to carry out their duties. Non-emergency functions of City Hall may be suspended at the direction of the Mayor during the time the building may be identified as a crime scene or for cleanup purposes.

Life Services EAP shall be brought in to assist with trauma debriefing or employee concerns.

SPECIFIC CONSIDERATIONS

- Responding police will have their weapons drawn and ready for use. They do not know exactly who the shooter is and will probably point weapons at you. Just remain calm and follow any directions they may give you. You may be asked questions, patted down, and given orders to exit certain ways.
- Responding police are there to stop the active shooter as soon as possible. They will bypass injured people and will not help you escape. Only after the shooter is stopped will they begin to provide other assistance.
- If you come into possession of a weapon, do NOT, carry or brandish it! Police may think you are the active shooter.
- Be prepared to provide basic first aid. Think outside the box. Tampons and other products can be used to stop blood loss. Shoes laces and belts can be used to secure tourniquets, etc. Remember it may be several minutes until you can safely move an injured person. The actions you take immediately to treat them may save their life.
- If you are in lockdown for a long period of time, give consideration to issues such as bathroom use, keeping people calm, etc.
- Discuss beforehand with staff in your office or workplace where you will meet up should you have to evacuate and make it a place easily accessible and far away from the scene.

- Talk to your co-workers beforehand to know if they have any special skills. You may have current or ex-military personnel, medically trained persons, or even people trained in martial arts that can provide assistance in this type of incident.
- Consider setting up offices to make it harder for an Active Shooter to enter and acquire targets.

REVIEW PROCESS

The Safety Committee shall conduct an annual review of this policy and shall make suggestions as needed regarding any necessary revisions.

Section 30. Barry Brady Act

The Barry Brady Act amends current State of Tennessee law by adding a subsection which outlines specific types of cancers that are presumed to have been acquired as the result of employment in the fire service and the eligibility requirements for firefighters seeking to be covered by the presumption. This public chapter outlines specific employment, pre-employment, and annual medical monitoring that a firefighter must undergo in order to be covered by the presumption.

There is a presumption that any condition or impairment of health of firefighters caused by all forms of cancers covered by this statute, that results in hospitalization, medical treatment or disability, has arisen out of employment, unless the contrary is shown by competent medical evidence.

Any such condition or impairment of health that results in death is presumed to be a loss of life in the line of duty, to have arisen out of employment, and to have been in the actual discharge of the duties of the firefighter's position, unless the contrary is shown by a board certified physician of oncology. Secondary employment and/or lifestyle habits may be considered when determining whether a firefighter is eligible for the presumption.

Cancers covered are all forms of the following:

- Non-Hodgkin's Lymphoma
- Colon cancer
- Skin cancer
- Multiple myeloma cancer

Eligibility Requirements

- An individual must be employed as a firefighter for the State of Tennessee, a municipality, or other political subdivision of the state that maintains a fire department that has established or establishes any form of compensation to be paid to a firefighter for any condition or impairment of health that results in loss of life or personal injury in the line of duty or course of employment.
- Must have been exposed to heat, smoke, and fumes, or carcinogenic, poisonous, toxic, or chemical substances, while performing the duties of a firefighter in the firefighter's capacity as an employee.

- Must have completed five (5) or more consecutive years in service with an eligible fire department.
- Must acquire one of the covered cancers.

If employed prior to July 1, 2019, an eligible employee must request to obtain a physical medical examination and cancer screenings, before July 1, 2020, that test for and fails to reveal any of the cancers covered by the Barry Brady Act.

If employed on or after July 1, 2019, an eligible employee must request to obtain a pre-employment physical medical examination and cancer screenings that test for and fails to reveal any of the cancers covered by the Barry Brady Act.

Consent or Declination Form

Every pre-employment firefighter candidate and current firefighter with the City of Hendersonville must complete the City of Hendersonville 'Physical Medical Examination Consent or Declination Form'.

Am I automatically covered?

An eligible employee is NOT automatically covered under this law. The presumption is rebuttable. A board-certified physician of oncology may consider lifestyle habits or secondary employment when making a determination of eligibility for the presumption.

Cost

The City of Hendersonville is responsible for all costs associated with any physical medical examinations and cancer screenings required. The eligible employee must request the physical medical examination and cancer screening tests from the City of Hendersonville.

Individuals that meet the eligibility requirements for the presumption are eligible for benefits for up to five (5) years from the date of the individual's last exposure to heat, smoke, and fumes, or carcinogenic, poisonous, toxic, or chemical substances, while performing the duties of a firefighter.

If an eligible employee is diagnosed with a cancer that is not listed in the law, the cancer will not be considered as having arisen out of employment under this law.

The City of Hendersonville encourages all employees to constantly make sure they have updated Beneficiary information on file with the Human Resources Department. This is the employee's responsibility.

Section 31. Title VI Compliance of the Civil Rights Act

The following shall be the policy of the City of Hendersonville in compliance with Title VI of the Civil Rights Act.

Title VI Policy Statement

No person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Applicability

Program or Activity defined: A program or activity implemented by the City of Hendersonville to facilitate a scope of work.

This policy applies to all activities of any department if any federal assistance is received.

Title VI Coordinator

The Chief of Operations shall appoint a Title VI Coordinator whose responsibilities shall include training, public information, and compliance with the provisions of Title VI. The Title VI Coordinator shall receive training in Title VI.

Training

It shall be the responsibility of the Title VI Coordinator to ensure that employees have received Title VI training.

Title VI information shall be disseminated to City employees at least once per year via the Employee Education Form (see Appendix). This form reminds employees of the City of Hendersonville's Policy Statement and of their Title VI responsibilities in their daily work and duties.

During New Hire Orientation, new employees shall be informed of the provisions of Title VI, and the City of Hendersonville's expectations to perform their duties accordingly.

Record Keeping

The Title VI Coordinator will maintain permanent records, submit required Title VI reports and complete all Title VI self-surveys. Records may include, but are not limited to, rosters of Non-Elected Boards and Commissions, copies of complaints and related documentation, records of correspondence to and from complainants, and self-surveys requested by a department of the State of Tennessee or any other government entity.

Title VI Information Dissemination

Title VI informational posters in Spanish and English shall be displayed in City of Hendersonville facilities frequented by the public. Title VI poster language shall be included on the City's website. These posters, including the name of the Title VI Coordinator and contact information, shall be prominently and publicly displayed in each City facility.

Title VI information shall be disseminated to citizens at least once per year by public service announcements over local broadcast media.

Whenever possible, the City of Hendersonville will take positive and specific actions to advise minorities of program availability by using such means of communication as local news media, mass media, internet messaging and public area postings.

Contracts

Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract. The City Attorney shall ensure that all City of Hendersonville contracts contain the following:

It is the policy of the City of Hendersonville not to discriminate on the basis of race, color, national origin, age, sex or disability in its hiring and employment practices, or in admission to, access to, or operation of its programs, services and activities. With regard to all aspects of this contract, contractor certifies and warrants it will comply with this policy.

Monitor ethnicity and gender on those who are awarded bid contracts

In addition to the above assurance language, all bid documents shall contain the following: *For Title VI compliance, we ask for voluntary disclosure of the following information:*

Gender: Male _____
 Female _____

Race: Black/African American _____
 American Indian and Alaskan Native _____
 Asian _____
 Caucasian _____
 Hispanic _____
 Native Hawaiian/other Pacific Islander _____
 Other (please specify) _____

This information, if provided, must be given to the Administrative Coordinator in the Executive Department who shall maintain records of those ethnic and gender groups who are awarded bids on projects.

Subcontracts and Vendors

All subcontractors and vendors who receive payments from the City of Hendersonville where funding originates from any federal assistance received by the involved department are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended. Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

Public Interaction

City facilities (such as restrooms, park facilities, sidewalks, streets, etc.) which are accessible to citizens shall be accessible without regard to race, color, or national origin.

The City of Hendersonville employees shall use courtesy titles (i.e., Mr., Mrs. Ms. or Miss) to address citizens without regard to race, color, sex, age, disability or national origin.

Governing Boards and Commissions

To the degree that it is possible, non-elected boards, councils and committees that are an integral part of planning or implementing the programs or activities of the City of Hendersonville shall reflect the racial/ethnic composition of the community.

Complaint Management

Any individual, group of individuals, or entity that believes that they have been subjected to discrimination prohibited by Title VI non-discrimination provisions may file a formal written complaint with the City of Hendersonville's Title VI Coordinator. A formal written complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complainant must meet the following requirements:

- Complaint shall be in writing, include the name, address, email address, and telephone number of the complainant(s) and must be signed by the complainant(s).
- Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination or the date on which the conduct was discontinued or the latest instance of the conduct).
- Present a detailed description of the issues including the names and job titles of the individuals perceived as parties in the complained-of-incident.
- Allegations received via email will be acknowledged and processed, once the identity(ies) of the complaint(s) and the intent to proceed with the complaint have been established. The complainant is required to mail a signed, original copy of the email transmittal for the City of Hendersonville to be able to process it.
- Allegations received by telephone will be reduced to writing and provided to the complainant(s) for confirmation or revision before processing.
- Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and needed additional information, as well as investigate the merit of the complaint if appropriate. The complainant will be informed that they have a right to have a witness or representative present during the interview and may submit any relevant documentation. Should the complainant wish to have legal representation during the interview, the City Attorney shall be present. Complaints against the City of Hendersonville will be referred to the appropriate State or Federal Agency for proper disposition pursuant to their procedures.

In order to be accepted, a Title VI complaint must meet the following criteria:

- The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
- The allegation(s) must involve a covered basis such as race, color, sex, age, disability or national origin.

- The allegation(s) must involve a program or activity of a Federal-aid recipient, City of Hendersonville, or contractor.

A Title VI complaint may be dismissed for the following reasons:

- The complainant requests the withdrawal of the complaint.
- The complainant fails to respond to repeated questions for additional information needed to process the complaint.
- The complainant cannot be located after reasonable attempts.

Once the City of Hendersonville decides to accept, reject or refer the complaint for investigation, the complainant and the respondent will be notified, in writing, of such determination within seven (7) calendar days. The complainant will receive a case number and will then be logged into the City of Hendersonville records identifying its basis and alleged harm.

In cases where the City of Hendersonville assumes the investigation of the complaint, the City of Hendersonville will provide the respondent (department, entity, or individual(s)) the opportunity to respond to the allegations, in writing. The respondent will have ten (10) calendar days from the date the City of Hendersonville written notification of acceptance of the complaint to furnish his/her response to the allegation. The investigating officer will determine which witnesses will be contacted and questioned.

Preliminary Report

Within thirty (30) calendar days, a preliminary investigative report shall be prepared and sent to the Chief of Operations, the City Attorney, the complainant and the department, entity or individual(s) against whom the complaint has been made with a copy provided to the TDOT Title VI Compliance Officer. All parties involved will have an opportunity to rebut. This rebuttal shall be made within fifteen (15) calendar days of the issuance of the preliminary report. Failure to submit a rebuttal within the 15-day deadline shall be deemed a waiver of right of future rebuttal.

Final Report

The City of Hendersonville's final investigative report and a copy of the complaint will be forwarded to the appropriate State and Federal Agency, TDOT Compliance Officer and affected parties (complainant, Chief of Operations, City Attorney, the department, entity or individual(s) against whom the complaint has been made with sixty (60) calendar days of the acceptance of the complaint.

The City of Hendersonville will notify the parties of its final decision. The final report will include a summary of the investigation, the recommended actions if warranted and a time frame for correction.

Appeal

Should the complainant disagree with the findings of the final report, they shall be advised of their right of appeal to the City of Hendersonville Board of Mayor and Aldermen.

If the complainant is not satisfied with the results of the investigation of the alleged discrimination and practices nor the appeal decision to the City of Hendersonville Board of Mayor and Aldermen, the complainant will be advised of the right to appeal to the appropriate State or Federal Agency.

Log of Complaints

The Title VI Coordinator will maintain a log of all complaints received. The log shall specify the date the complaint was received, name, address, email address, and phone number of complainant, a brief description of the complaint, whether the complaint was deemed to be a 'valid' complaint, date of preliminary report, date of final report, the resolution and deadline for compliance.

Public Involvement Plan – Capital Construction Projects

Introduction

This section of the plan lays the foundation for public involvement in planning for the City of Hendersonville Capital Construction Projects. Public participation is encouraged throughout the project and will be incorporated into the decision-making process.

Public involvement is critical to the planning process and serves to inform the public as well as solicit public response regarding the community's needs, values and evaluations of proposed solutions.

There may be many different types of solutions, each having advantages and disadvantages. These alternative solutions can be discussed with the public to receive input and ultimately reach a solution that will best meet the city's needs.

Situation Analysis

The City of Hendersonville will carefully identify the needs and interests of the constituency it serves focusing on human health and safety, protection of property values, the economic vitality of the area, and environmental considerations in the process of identifying, prioritizing, designing, and implementing capital construction projects.

Public Involvement Objectives

- To create an open and visible decision-making process to which stakeholders have equal access and input.
- To provide a mechanism by which stakeholders are informed and understand the process, issues, and possible solutions from the perspectives of various interests.
- To incorporate public comments throughout the decision-making process.

Public Involvement Tools and Tactics

The following provides a partial list of community outreach and media relation tools and tactics that may be used to disseminate information about the program and provide an

opportunity to solicit and incorporate public input throughout the process. These tools may be used singly or in combination, as each situation merits.

Community Outreach Media Relations

- Broadcast Coverage
- Calendar Releases
- Community Presentations
- Fact Sheets
- News Releases
- Newspaper Articles
- Public Meeting Comment Cards
- Public Meeting Notice Fliers
- Public Meetings
- Public Service Announcements
- Web Site

Example of Process

Public Notification

- Public meeting notice advertisements
- Notice on web site
- Media Coverage: news releases, calendar releases, articles, Radio PSAs

Solicitation of Comments from Stakeholders

- Public meetings
- Comment cards
- Web site
- Questionnaires/Surveys
- Incorporate Public Comments and Respond to Inquiries

Limited English Proficiency (LEP) Procedures

A Limited English Proficiency (LEP) person does not speak English as their primary language, and has a limited ability to read, speak, write or understand English.

In the event a person with LEP initiates any contact with city personnel regarding activities, projects, or communication items, the City strives to provide the best services, information, or response possible, as with persons who have no language barrier.

The sequence of attempts to communicate should be:

Ask if the person can speak English. In their excitement or confusion, it is not unusual for English as a second language person to revert to their native language when trying to communicate.

Use 'I Speak' cards to attempt to determine the primary language. Whether this works or not, contact the Language Translation Line to speak to the person either face-to-face or on the phone to communicate with them. 'I Speak' cards are available from internet listings in each department and/or from the Title VI Coordinator.

If the situation is an emergency, contact 911 and language assistance will be provided to the extent available.

Contracting and Minority Contractor Relationships

The City of Hendersonville is subject to Tennessee law governing the awarding of contracts. Most simply stated, contracts are to be let to the 'lowest and best bidder'. Other variables cannot be inserted into non-emergency purchasing decisions.

To ensure minority-owned and women-owned businesses are afforded opportunity to be considered for contracts, the City of Hendersonville has expanded the various means of publicizing bid announcements. While some funding agencies may require specific advertising activities, most procurement activities do not. In those cases, any or all of the following means of reaching potential vendors may be used:

- Advertising in local/state-wide news media
- Posting on the website and/or social media platforms
- All vendors who have completed a Vendor Application listing the service/commodity are sent a bid notice
- SBA website search may be conducted
- Former contract holders may be contacted
- Internet searches for potential vendors

On occasion, specific minority contractor participation goals may set by funding agencies. Large projects may result in the procurement of a prime contractor. During pre-bid and pre-construction conferences, potential prime contractors are advised of the minority contractor goals and the efforts required seeking sub-contract opportunities for the small contractor within the overall prime contract scope of work. This communication responsibility lies with the City's project director.

Section 32. City Hall Fire Procedure

To ensure the rapid, safe and effective evacuation of City Hall and the immediate notification of emergency response fire-fighting personnel in case of fire or suspected fire, the following policy and procedures are effective immediately.

1. Alarm System

The building is equipped with a fire suppression system along with both audible and visible alarms. If you suspect fire and the alarm has not already been activated, to activate the alarm system, pull one of the fire pull station boxes which are located at or near each designated exit door.

Locations of Pull Stations:

- Front door in Main Lobby
- Rear exit door in corridor outside court room
- Rear exit door in Finance Department
- Side exit door in Parks Department
- Side exit door in Codes Department
- Side exit door in Main Break Room
- Court Room

2. Checking all areas of the building

The building is equipped with an audible and visible alarm system that when activated will alert all people in the building of the need to evacuate. However, each department should still assign an individual to ensure that their department and surrounding areas have in fact been evacuated.

3. Evacuation Procedures

Evacuation maps are posted throughout the building and departmental personnel should be familiar with these maps. In the event of alarm activation, employees should quickly evacuate the building in the safest manner possible. All office doors should be shut. City Hall personnel should assume responsibility for assisting visitors from the building. Precautions should be taken to ensure that no visitors inadvertently enter the building during or after the evacuation process.

All individuals evacuating the building should meet in the East Side Parking Lot (Maple Drive North). Each department shall make a quick check of their personnel, and any unaccounted for person along with their last known location shall be reported to emergency response personnel.

Locations of Evacuation Maps:

- Each Department
- Court Room
- Main Lobby

4. The Buddy System

Since there are a number of employees at City Hall whose work assignments frequently take them away from the premises, departments will be assigned “buddy departments” who will be responsible for notifying each other and assisting with the assigned responsibilities as well as accounting for missing individuals. These “buddies” are assigned as follows:

- Executive Offices
- Parks / Codes
- Planning / Public Works / IT
- Human Resources / Finance

5. Fire Drills

Fire drills will be conducted by the Fire Department at least once a year.

6. Communicating the Plan

Supervisors are responsible for ensuring that new employees are given a copy of this policy and that they understand the locations and procedures described. Any temporary employees should also be briefed on the procedures.

7. Public Meetings

At every public meeting involving a large attendance (more than 50 individuals), an announcement shall be made as to the location of fire exits. Regardless of the size of the meeting, any staff members who are present shall assume responsibility for notification, building search and evacuation procedures.

8. Your Personal Safety First

If conditions are such that a building search and other procedures would compromise your immediate safety, leave the building at once.

9. Fire Extinguishers

Every supervisor should ensure that all employees are familiar with the locations and operation of the Fire Extinguishers in City Hall. Employees should receive periodic training in the operation of fire extinguishers on a bi-annual basis.

Fire Extinguishers Locations:

- Main Lobby
- Main Break Room
- Main Corridor (2)
- Codes, Finance, Parks, Personnel and Public Works Departments
- Exit Corridor outside Court Room

RULE XVII - Miscellaneous Provisions

Section 1. Availability of Rules and Regulations

These Rules and Regulations shall be made available to employees by displaying a copy in each department.

Section 2. Amending or Changing Rules and Regulations

The Board of Mayor and Aldermen may approve policy changes that amend these rules. After approval, the Human Resources Director shall distribute updates.

Section 3. Effective Date of These Rules and Regulations

These Rules and Regulations shall take effect from and after their adoption and as provided for in Section 1 of the Personnel Ordinance.

Section 4. All Prior Rules Superseded

These Rules and Regulations shall be the Personnel Rules and Regulations of the Municipal Government of the City of Hendersonville, Tennessee and shall supersede all prior Personnel Rules. Any rule or parts of rules in conflict with these Personnel Rules and Regulations or the Ordinance are, to the extent of such conflict, repealed.

Section 5. Department Rules

Department Heads may implement additional policies and procedures to govern their departments that are specific policies and procedures which would apply to their departments only, but such policies and procedures must not be inconsistent with these Rules and Regulations. If discretionary, the Chief of Operations shall review and approve policies and procedures written by Department Heads before they become official.