



CITY of
MARYVILLE
PEOPLE are the KEY

EMPLOYEE HANDBOOK

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INTRODUCTION

This Handbook has been prepared to provide general guidelines about City of Maryville policies and procedures. It does not, however, contain promises to any employee about how any particular situation will be handled. It is a guide to assist you in becoming familiar with some of the benefits and obligations of your employment, including our policy of at-will employment. None of the guidelines in this Handbook is intended to give rise to contractual rights or obligations, nor to be construed as a guarantee of employment for any specific period of time or any specific type of work. These guidelines are subject to modification, amendment or revocation by the City of Maryville at any time, without advance notice.

The handbook has been prepared for your personal use to answer some of the most frequently asked questions about employment in city government. If you have questions that are not answered here, please talk with your supervisor or the Human Resources Department. A complete copy of the Personnel Rules and Procedures is available for inspection in each department.

We expect this abbreviated manual will be helpful. You are obligated to read it and keep it in a convenient place for reference now and in the future. Insert pages will be forwarded as necessary to keep the handbook current.

Handbook restated 01/15/2013. All earlier handbook policies are hereby replaced with this version.

MISSION

Our mission is to achieve excellence through recognition by our customers as a leader of innovative and effective government.

EQUAL EMPLOYMENT OPPORTUNITY

The City of Maryville is an equal employment opportunity employer and does not discriminate against any person(s) in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspect of employment because of political affiliation, race, religion, national origin, sex, age, disability or veteran's status. The City of Maryville is committed to fair employment practices, policies and procedures throughout the government.

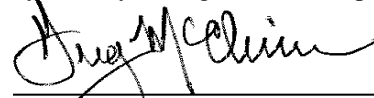
Additionally, it is the policy of the City of Maryville to comply with the Americans with Disabilities Act (ADA). To assist employees who are or become disabled and those employees who suffer on-the-job injuries, the City will make reasonable accommodations to enable such employees to continue performing the essential functions of their jobs. Consistent with this policy, the City may modify job duties to comply with medical requirements or restrictions.

There are limits to the accommodations which can be realistically made. For example where an accommodation would cause an undue hardship to the City, the City would be unable to make the particular accommodation. Similarly, where placing an individual in a position, with or without accommodation, would cause the employee to be a direct threat to the employee or others, the City may be unable to place an employee in a particular position.

If an employee needs to request a reasonable accommodation because of a disability or on-the-job injury, he/she should contact his/her supervisor and/or Human Resources. The matter will be discussed, the request investigated, and to the extent possible, an attempt will be made to reasonably accommodate the employee.

AT-WILL EMPLOYMENT CLAUSE

The City of Maryville does not enter into written or oral contracts or agreements guaranteeing employment, compensation or any particular job duties, for any period of time with any employee. No City of Maryville employee is authorized to make any such guarantee. Employment at the City of Maryville is at-will; that is, employment may be terminated with or without cause and with or without notice at any time by the employee or by the City of Maryville. Nothing in the employee handbook or any other document or statement shall limit the right to terminate employment at-will. This is a fully integrated understanding regarding employment termination. It supersedes any other understanding, statement or agreement, and cannot be modified, except in writing signed by the City Manager and the employee.



Greg McClain, City Manager

ACCURACY OF EMPLOYEE REPRESENTATION CLAUSE

The City of Maryville reserves the right to terminate any employment relationship upon learning of any inaccurate employee representations or material omissions made during the hiring process or after employment.

WORKING TOGETHER

The City of Maryville is very intent on creating and maintaining a work environment of individual dignity and mutual respect. It recognizes that it can serve the citizens of Maryville only through a workforce that is motivated and dedicated to public service. To that end the City of Maryville strives to develop a work environment where it deals with its employees individually on all matters relating to wages, hours, and working conditions. The City tries very hard to meet the individual needs of every employee.

For this reason the City of Maryville opposes any attempt by a union to require it to deal with our employees through a union contract where individual needs must be ignored if they are at odds with that contract.

If you are approached to sign a union authorization make sure you completely understand the risks, the costs, and the impact it will have on your working relationship with the City before you sign any document relating to unions.

TITLE VI

Title VI Purpose

The purpose of Title VI of the Civil Rights Act of 1964 is to prohibit programs and activities that receive federal funds from discriminating against participants or clients on the basis of race, color, or national origin. The intent of the law is to insure that all persons, regardless of their race, color, or national origin are allowed to participate in federally funded programs. To insure that the City of Maryville meets its compliance responsibility, comprehensive monitoring procedures have been established to provide for continual compliance with Title VI.

Areas Covered by Title VI

Construction, transportation, parks and recreation, community block Grants, location of facilities, law enforcement, environmental issues, contracting, distribution of benefits and services, hiring, equipment and building loans, tax benefits enjoyed by private, fraternal and non- profit organizations

TITLE VI ACTIONS

1. Prohibits entities from denying an individual any service, financial aid or other benefit.
2. Prohibits entities from providing services or benefits to some individuals that are different or inferior to those provided to others.
3. Prohibits segregation or separate treatment in any manner related to receiving program services or benefits.
4. Prohibits entities from requiring different standards or conditions as prerequisites for serving individuals.
5. Encourages the participation of minorities as members of planning or advisory bodies for programs and activities receiving federal funds.
6. Prohibits discriminatory activity in a facility built in whole or part with Federal funds.
7. Requires information and services to be provided in languages other than English when significant numbers of beneficiaries are of limited English speaking ability.
8. Requires entities to notify the eligible population about applicable programs.
9. Prohibits locating facilities in any way that would limit or impede access to a federally funded service or benefit.
10. Requires assurance of nondiscrimination in purchasing of services.

Title VI complaints involving recipients and beneficiaries may be filed with the City of Maryville Title VI Coordinator, Teresa Best, 404 W. Broadway Ave., Maryville, TN 37801

EMPLOYEE RESPONSIBILITIES

ETHICS

The City of Maryville adopted by ordinance a city-wide Code of Ethics. City employees hold positions for the benefit of the public and are expected to maintain high standards of morality and trust and to faithfully discharge their duties with integrity and honesty. Violation of the terms and conditions of this policy may result in disciplinary action up to and including termination of employment.

Section 1. Applicability.

(a) This is the code of ethics for officials and employees of the city. It applies to all full-time and part-time elected or appointed officials and employees of the city, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city including, but not limited to; Maryville City Council, Maryville Regional Planning Commission, Maryville Board of Zoning Appeals, Code Review Committee, Construction Board of Adjustments and Appeals, Maryville Public Building Authority, Maryville Parking Authority, Maryville School Board, Big Springs Industrial Park Design Review Board, Historical Zoning Commission and Design Review Board. The words “city” and “municipal” include these separate entities. As provided by Chapter 1, Section 49(d), Tennessee Public Acts of 2006, this code of ethics shall apply to the municipal board of education and its employees.

(b) In any situation in which a personal interest under this code of ethics is also a conflict of interest under state law, the provisions of the state law shall section 3 of this ordinance supersede.

Section 2. Definitions.

- (a) “City” means the City of Maryville, Tennessee.
- (b) “City council” means the city council of the city.
- (c) “Municipal board” means any board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city.
- (d) “Personal interest” means:
- (1) Any financial, ownership, or employment interest which is the subject of a vote by a Municipal Board or City Council, not otherwise regulated by state statutes on conflict of interest; or
 - (2) Any financial, ownership, or employment interest in a matter to be regulated or supervised by City Council or a Municipal Board.

(3) Any such financial, ownership, or employment interest of the official’s or employee’s spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

(e) The words “employment interest” include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

Section 3. Disclosure of personal interest.

(a) An official on City Council or any Municipal Board with the responsibility to vote on a matter shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects, or that would lead a reasonable person to infer that it affects, the official’s vote on the matter. In addition, the official may recuse himself or herself from voting on the matter.

(b) An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself or herself from the exercise of discretion in the matter.

Section 4. Prohibition of Acceptance of Gifts and Gratuities.

An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

(a) For the performance of an act, or refraining from performance of an act, that he or she would be expected to perform, or refrain from performing, in the regular course of his or her duties; or

(b) That might reasonably be interpreted as an attempt to influence his action, or reward him or her for past action, in executing municipal business.

Section 5. Use of Information.

(1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(2). An official or employee may not use or disclose information obtained in his or her official capacity or position of employment with the intent to result in financial gain for himself or herself or any other person or entity.

Section 6. Violation and Penalty

Violation of this chapter is punishable under the City's general penalty clause or other applicable laws.

WORKPLACE SAFETY

The City of Maryville Safety Program works to help provide a safe environment for customers, employees, and visitors. The employee is expected to promote safety awareness, follow safety policies and procedures, and notify his/her supervisor of any hazards noticed. All employees are expected to participate in annual safety educational programs. A safety manual is available in all departments.

OUTSIDE EMPLOYMENT

Outside employment is permissible provided that there is no conflict of interest or impairment of work performance, and the employment does not cause discredit or create an embarrassment for the City. Job related employment outside of the assigned hours and duties of City employment is the responsibility and liability of each individual employee. Each employee must sign a release form to this effect as a condition of employment. Outside employment that is not job related is permissible with written notification to the employee's department director and the Human Resources Director.

DEPARTMENTAL POLICIES AND PROCEDURES

All departments have policies and procedures appropriate for their areas of responsibilities subject to administrative review. Employees are expected to know and to observe the written policies and procedures developed for the department in which they work.

SMOKING

Smoking is prohibited in City of Maryville facilities. Designated smoking areas are subject to the approval of the City Manager. Employees who violate this policy shall be subject to disciplinary action.

POLITICAL ACTIVITIES

In accordance with T.C.A. 7-51-1501, City employees shall:

- 1) Enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office except for any elected office of the City of Maryville: and
- 2) Enjoy the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities.

Provided, however, that:

- 1) City employees shall not participate in any such political activities while on-duty for the City; and
- 2) Employees shall not use City equipment or any other City resources either on or off duty while participating in political activities.
- 3) All employees must adhere to the requirements of the federal Hatch Act (5 U.S.C. §§ 1501-1508). Any employee desiring to be a candidate for public office in a partisan election must notify the City of his/her intention to run for office. If there is any doubt with regard to compliance with the Hatch Act, the City may obtain a written advisory opinion from the U.S. Office of Special Council.

SOLICITATION IN THE MUNICIPAL BUILDINGS

The solicitation by an individual, group, or business seeking to sell services, products, or seeking to collect monetary contributions is prohibited in the Municipal Buildings and surrounding grounds.

EMPLOYEE CONDUCT

Employees of the City shall not engage in any criminal, dishonest, infamous, immoral, or notoriously disgraceful conduct or behavior, activity, or association, either on or off duty, which discredits him/her and/or the City. Each employee is expected to conduct himself/herself both on and off the job in such a manner as to reflect positively on both himself/herself and the City.

PROGRESSIVE DISCIPLINE

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

Disciplinary action should ordinarily be no more severe than reasonably necessary to correct behavior and/or performance of an employee. Acceptable disciplinary actions may, depending upon the circumstances, include but are not limited to:

- a. written reprimand
- b. suspension
- c. demotion
- d. dismissal

ATTENDANCE AND TARDINESS

Attendance at work is an essential function of all positions within the City. You are expected to report to work on time at the scheduled start of the workday. Unauthorized absence from work for a period of three (3) consecutive working days shall be considered as an automatic resignation.

INCLEMENT WEATHER

All City departments will remain in operation on all scheduled days, regardless of weather conditions. Inclement weather does not warrant the closing of City offices. Every employee is vital to the efficient operation of the City and should make every effort to report to work as usual.

In the event of an extreme circumstance, the City Manager or his designee may determine closure to the public. Closure of City offices to the public does not negate an employee's responsibility to report to work.

Each employee should make a personal judgment when confronted with travel conditions. If employees feel that they cannot get to work safely, they should contact their supervisor immediately.

An employee who feels they cannot safely arrive at work may use their accumulated vacation leave with

supervisor or department director approval. If no vacation leave exists, or if the employee chooses not to use vacation leave, then the absence will be considered leave without pay. The same provisions apply for early departures due to worsening weather conditions.

On days when severe weather conditions exist, the City Manager or his designee may authorize a "grace" period of up to thirty (30) minutes for those employees who are tardy for work due to the weather conditions. Such authorization shall allow those tardy employees to be paid for the "grace" period.

Employees who abuse this policy may be subject to disciplinary action up to and including termination.

CELL PHONE POLICY

The purpose of this policy is to establish guidelines for cell phone use. This includes, but is not limited to, answering or making phone calls, reading or responding to e-mails and text messages, and accessing the Internet. At all times, users have the responsibility to use mobile electronic devices in a professional, ethical, and lawful manner.

Business Use

Any phone owned and issued by the City of Maryville is to be used primarily for business related purposes. Employees are expected to exercise good judgment regarding the use of the City's cell phones. Charges incurred for excessive personal use, including but not limited to text messaging, shall be reimbursed by the employee and may subject the employee to disciplinary action.

Personal Use

Occasional, limited, appropriate personal use of cell phones, whether City issued or personally owned, is permitted when the use does not:

- 1)Interfere with the user's work performance;
- 2)Interfere with any other employee's work performance;
- 3)Violate any other provision of this policy or any other policy, guideline, or standard of the City of Maryville.

Safety Guidelines

The use of any cell phone and other hand held device (pager, radio, Blackberry, etc.) while operating equipment is a distraction and may compromise the safety of the employee, other employees or the general public. To reduce these risks, the following rules apply:

- 1)The use of mobile electronic devices for personal reasons is prohibited when work is in progress.
- 2)Employees may use cell phones during scheduled breaks.

Further restrictions may be applied at the discretion of the department director based on the nature of the job. Employees who violate the cell phone policy may be subject to disciplinary action.

EMPLOYMENT INFORMATION

EMPLOYEE IDENTIFICATION

The Human Resources department issues I.D. cards to each employee. You should keep the card on your person for any occasion that requires proof of your identity as a City employee. If you leave City service, your I.D. card must be returned to the Human Resources department.

MEDICAL EXAMINATION

All offers of employment are conditional upon a pre-employment medical examination. The purpose of the exam is to determine an individual's physical ability to perform the essential job functions of the position to which the offer has been made. An alcohol and drug screening is also conducted at the time of the physical exam. The City of Maryville is committed to providing a safe and productive work environment. The City will test for substance use/abuse, all applicants with regard to an extended offer for employment as well as all employees whose behavior calls into question their fitness for duty.

During the period of employment, any employee of the City may be required by the department director to undergo a medical examination or drug screening to determine physical and/or mental fitness to perform the essential work functions of the position.

INTRODUCTORY PERIOD

The introductory period shall be regarded as an integral part of the examination process, and shall be utilized for closely observing an employee's work, for securing the most effective adjustment of a new or promoted employee to their position and for rejecting any employee whose performance does not meet work standards.

The introductory period for all regular and promotional appointments shall be twelve (12) months. If a department director requests an extension of the introductory period, the Human Resources Director may extend the introductory period of a particular employee up to a total of six (6) months beyond the end of the normal introductory period. No employee shall serve more than eighteen (18) months on an introductory basis in the same position.

On a quarterly basis during the introductory period, the Human Resources Director shall require the department director to report his/her observation of the employee's work and his/her judgment of the employee's willingness and ability to perform the duties satisfactorily. During the introductory period the employee's supervisor will tell the employee when the employee is not performing satisfactorily and not meeting introductory period requirements. These observations should be documented in writing with a copy forwarded to the Human Resources Director.

An employee may be dismissed at any time, even after completion of the introductory period. The employee termination can occur at any time when in the judgment of the supervisor and department director (with the prior approval of the Assistant City Manager) the employee does not meet acceptable work standards in the performance of the job. An employee has no right of review and appeal of a termination during the introductory period.

The City Manager may transfer or promote an employee, if it is deemed in the best interest of the City, before the employee completes the introductory period.

PERFORMANCE EVALUATIONS

A formal system of performance appraisal is used to evaluate the quality of work performed by employees. Each employee will be given the opportunity to discuss the completed performance evaluation with the supervisor. The evaluation system is designed to assist employees in attaining maximum development of their individual talents and abilities.

A performance evaluation is completed on a quarterly basis during an employee's introductory period for all regular appointments including promotional appointments. An appraisal is then completed annually thereafter.

PERSONNEL RECORDS

The Human Resources office keeps an official record for each employee. From time to time you may have personal changes such as legal name, emergency contact information, marital status, address, phone numbers, dependents or change in beneficiary. It is your

responsibility to notify the Human Resources department of any changes to your status in a timely manner.

Employee personnel records are confidential and for administrative and individual employee use only but are subject to Tennessee's Open Records law.

If, as a City of Maryville employee, you are contacted for employment references or verification of employment for current or former employees, refer the caller to the Human Resources department.

HOURS OF WORK

The City Manager shall establish hours of work per week for each position in the classified service which shall be determined in accordance with the needs of service and which shall take into account the reasonable needs of the public who may be required to do business with various City departments. Normally (except for the uniformed personnel of the fire department) employees shall work forty hours (40) per week, and the hours during which the office shall be opened for business shall be determined by the City Manager. Fire department personnel shall work a twenty-eight (28) day duty cycle with a work shift of twenty-four (24) hours and 10 minutes on duty and forty-seven (47) hours and fifty (50) minutes off duty. In addition, all off duty fire department personnel will be required to answer all fire calls when contacted. The police department shall normally have a forty-hour (40) week in a seven-day (7) work period.

PROMOTIONS

The City provides opportunities for promotion to higher positions whenever possible. As positions become available a job announcement is posted in each department. Employees who meet the position qualifications, and who would like to be considered for the position, must sign the job bid notice in the Human Resources department on or before the posted deadline. Promotions that are part of the normal progression of a given class of employee (e.g., patrol officer to sergeant) within a given department may be made without a city-wide posting.

SEPARATIONS

All separations of employees from positions in the classified service shall be designated one of the following types:

Resignation

An employee may resign by submitting in writing the reasons thereof, and the effective date thereof, to the department director as far in advance as possible, but a minimum of two (2) weeks notice is considered appro-

priate. Failure to comply with giving a two-week notice is cause for denying future employment with the City. Notice may be waived at the discretion of the department director and with the approval of the Human Resources Director. Unauthorized absence from work for a period of three (3) consecutive working days shall be considered as an automatic resignation by the employee.

Layoff

If deemed to be in the interest of efficiency and economy, the department director may recommend to the City Manager a reduction in the number of employees in his/her department.

Disability

An employee may be separated from employment when the employee cannot perform the essential functions of their position with reasonable accommodation because of a physical or mental impairment. The employee or the City may initiate the action, but in all cases it must be supported by medical evidence acceptable to the Human Resources Director. The City may require an examination at their expense to be performed by a licensed health care provider of its choice.

Death

Separation shall be effective as of the date of death. All compensation due in accordance with this rule shall be paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse or beneficiary.

Retirement

When an employee meets the conditions set forth in the pension-retirement plan regulations, the employee may elect to retire and receive all benefits earned under the retirement plan.

The police and fire department's certified personnel have a mandatory retirement age of sixty-five (65) years of age. This standard applies to both regular (full-time) and special (part-time) employees of the department.

Termination

An employee may be dismissed for the good of the City service and shall be furnished with written notice containing the nature of the proposed action and the reasons therefore.

Upon termination you and/or your covered dependents may be permitted to continue medical insurance coverage under the group health plan for a specified period of time. This option is detailed in the Employee Health Plan Summary Plan Description, which explains continuation of coverage under the requirements of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Employees and/or dependents who continue

coverage under COBRA must make monthly premium payments when due. Terminating employees and/or covered dependents may contact Human Resources regarding benefit options.

Each employee leaving City employment will receive an exit interview questionnaire from the director of human resources. The exit interview is a good opportunity for the terminating employee to offer comments and suggestions as to ways to improve working conditions. City owned property such as uniforms, ID badges, equipment, keys and other items used by the employee while on the job are to be turned in by the date of separation.

CLASSIFICATION & COMPENSATION

The City of Maryville utilizes a Compensation and Classification Program. The pay you receive reflects your job level and your performance. It is the philosophy of the City to pay fairly and reward demonstrated differences in individual ability, productivity and results. Since our salaries are paid by the taxpayers and ratepayers, expectation of employees is high.

The basic objective of the City of Maryville's salary program is to pay employees on the basis of their performance, while maintaining internal equity among jobs and assuring that our salaries compare favorably in the workplace.

EXEMPT OR NON-EXEMPT STATUS

All positions are classified as either exempt or non-exempt positions. Exempt positions include executive, administrative and professional employees; all other positions are considered non-exempt positions. The Fair Labor Standards Act requires that non-exempt employees be paid overtime (one and one-half the straight time rate of pay) for all hours worked in excess of 40 in a workweek (a given seven day period).

The partial exemption provisions of § 207(k) of the Fair Labor Standards Act has been adopted by the City of Maryville Fire Department. Overtime shall be defined as hours worked in excess of 212 hours in a twenty-eight (28) day work period.

CLASSIFICATION

The classification plan provides a complete listing of all positions in the City with an accurate description and a listing of job requirements for each class of employment. The plan sets forth standardized titles, each of which indicates a range of duties and responsibilities and which has the same meaning throughout the plan.

Your pay is consistent with the job responsibilities of your position. Each position has a written job description. The essential functions, job responsibilities, and minimum education, training, and experience requirements have been evaluated and factored. Jobs that are similar are grouped together into a single classification and are paid at the same rate.

COMPENSATION

The pay plan consists of minimum and maximum rates of pay and intermediate steps for each existing pay grade (position classification) as adopted by the governing body in the Personnel Ordinance.

The use of salary ranges is 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 increases:

1. 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) appear to warrant employment of an employee at a higher rate in the pay range. Any department director desiring to appoint an applicant to start at a salary above the minimum must submit a written justification to the Human Resources Director for approval. Such appointments shall be made only in the exceptional cases as recommended by the Human Resources Director and approved by the City Manager.
2. Merit step increases are not automatic, but may be granted at the end of the first twelve (12) months of employment and every twelve (12) months thereafter until employees reach the maximum of their pay grade for the class in which they are employed, based on the availability of funds. Merit increases are to be calculated from the "evaluation date" of the employee.
 - a. The "evaluation date" of an employee is the effective date of employment, date employed in a full-time position, or date of promotion.
 - b. Merit step pay increases are to be granted only in recognition of satisfactory job performance, with written recommendations from the employee's supervisor and department director, with approval by the Human Resources Director, and final authorization by the City Manager.
 - c. Any person on their original appointment to a position shall be deemed introductory during the first twelve (12) months of employment. Upon satisfactory completion of the introductory period, employees may be advanced to the next pay

step in the appropriate pay range. No employee shall serve more than eighteen (18) months on an introductory basis in one position.

PAYROLL INFORMATION

Pay is calculated on a Saturday through Friday week. Payroll earnings are electronically deposited into the employee's account on a bi-weekly basis. Changes to the employee electronic deposit setup must be communicated to human resources. Employees will receive their paycheck stubs from their department. Overtime pay, sick and vacation leave used during the pay period will be reflected on the check stub. All taxes, federal and social security, and other authorized deductions will be itemized on the check stub. Paychecks cannot be issued in advance of the regularly scheduled payday. Salary advances are not available.

OVERTIME

Overtime will not be authorized except by prior approval of the supervisor or department director. For overtime purposes, all positions within the City of Maryville Position Classification Plan shall be classified as either exempt or non-exempt positions. Non-exempt employees required to work overtime shall be paid for such overtime on the basis of one and one-half (1½) times their regular rate for the overtime hours provided the work is directed by the department director or authorized representative.

Overtime is defined as hours worked in excess of forty (40) hours per week except for non-exempt personnel of the fire department. (Refer to the Personnel Rules and Procedures for additional information.)

Non-worked hours, such as vacation, sick, holiday, jury duty, etc., are not included for the purpose of computing overtime unless an employee is required to work beyond his/her normal schedule due to an emergency that occurs during the same work period in which non-worked hours are involved.

SALARY DEDUCTIONS

All deductions from an employee's wages shall be in accordance with applicable law and, when required, the employee's consent. Employees will be notified of deductions due to court orders, such as child support or garnishments, in accordance to such orders.

No deduction from an employee's wages for any period shall cause the employee's wages for any such period to be less than the wage required to be paid by the City pursuant to applicable law.

Salary Basis Requirements

The City complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). The City shall not make improper deductions from the salaries of exempt or non-exempt employees. Exempt employees are those employed in a bona fide executive, administrative, or professional capacity and who are exempt from the FLSA's overtime pay requirements.

Permitted Deductions for Exempt Employees

There are certain circumstances where deductions from the salaries of exempt employees are permissible. For example, deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; for penalties imposed in good faith for infraction of safety rules of major significance; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. The City is not required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes leave (whether full day or partial day) under the Family and Medical Leave Act. Deductions from accrued leave (full or partial day increments) may be made for providing compensation for salary lost due to absences in accordance with the City's leave policies.

Procedure for Reporting Improper Deduction

If an exempt employee believes that an improper deduction has been made to their salary, the employee should immediately report this alleged information to their department director or the Human Resources Director. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

LEAVE BENEFITS

HOLIDAYS

The following ten (10) days have been designated as holidays:

1. New Year's Day
2. Martin Luther King's Birthday
3. Good Friday
4. Memorial Day
5. Independence Day
6. Labor Day
7. Thanksgiving Day
8. Day after Thanksgiving
9. Christmas Day
10. A day to be designated annually by the City Manager and such days as may be designated by the governing body

When a holiday falls on a Sunday, the following Monday shall be observed as the holiday; when a holiday falls on a Saturday, the preceding Friday will be a holiday.

Employees who are required to work on official City holidays may be granted another day off with regular pay. Holiday hours earned must be used by fiscal year end. The City has the option to pay an employee holiday pay in lieu of a day off. In order to receive pay for an observed holiday, you must not have been absent without paid leave on the workday before or the workday after the holiday. Firefighters will receive a lump sum payment annually for holiday pay. (Refer to the Personnel Rules and Procedures for additional information.)

When a holiday occurs during a vacation leave period, the employee will be given holiday pay for that day. Employees on disability, who are off the payroll, or being paid by worker's compensation insurance, are not eligible for holiday pay.

Part-time and temporary employees are not eligible for holiday pay.

VACATION LEAVE SCHEDULE

BI-WEEKLY VACATION LEAVE EARNINGS SCHEDULE (HIRE DATES PRIOR TO APRIL 2, 1985)				
Non-Fire Dept. Personnel	0-6 service yrs.	6-14 service yrs.	14-20 service yrs.	20+ service yrs.
Credit earned bi-weekly	3.23 hours	4.61 hours	6.46 hours	7.84 hours
Credit earned per year	84 hours	120 hours	168 hours	204 hours
Fire Dept. Personnel	0-6 service yrs.	6-14 service yrs.	14+ service yrs.	20+ service yrs.
Credit earned bi-weekly	4.4905 hours	6.8469 hours	9.0011 hours	11.125 hours
Credit earned per year	116.75 hours	178.02 hours	234.02 hours	289.25 hours

BI-WEEKLY VACATION LEAVE EARNINGS SCHEDULE (HIRE DATES POST APRIL 2, 1985)			
Non-Fire Dept. Personnel	0-6 service yrs.	6-14 service yrs.	14+ service yrs.
Credit earned bi-weekly	3.23 hours	4.61 hours	6.46 hours
Credit earned per year	84 hours	120 hours	168 hours
Fire Dept. Personnel	0-6 service yrs.	6-14 service yrs.	14+ service yrs.
Credit earned per bi-weekly	4.4905 hours	6.8469 hours	9.0011 hours
Credit earned per year	116.75 hours	178.02 hours	234.02 hours

Beginning on the hire date of all full time employees, vacation hours are accrued each pay period. Vacation leave may be taken as earned, subject to the prior approval of the department director who shall schedule leave so as to meet the operational requirements of the department. Vacation leave is to be taken in lengths of no less than one half hour. Partial day usage is permissible for both exempt and non-exempt

employees. Less than whole shift increments in the fire department will be determined by the department director based on operational requirements.

When an employee resigns, any vacation accrued will be paid in lump sum on the final check. Vacation leave may not be extended past the employee's final working day. When an employee retires, accrued va-

cation leave may be used to extend the effective date of retirement. Retiring employees shall not be eligible to accrue holiday, sick or vacation leave while no longer physically present at the assigned workplace.

MAXIMUM ACCRUED VACATION LEAVE

An employee may accrue vacation leave in excess of the maximum allowable annual vacation hours during any calendar year. However, by each succeeding January 1, the employee cannot have accrued more hours than shown in the table below:

MAXIMUM VACATION LEAVE ACCRUAL LIMITS (HIRE DATES PRIOR TO APRIL 2, 1985)		
Years Of Service	Non Fire Dept. Personnel	Fire Dept. Personnel
0-6	168 hours	233.50 hours
6-14	240 hours	356.04 hours
14-20	336 hours	468.05 hours
20+ years	408 hours	578.50 hours

MAXIMUM VACATION LEAVE ACCRUAL LIMITS (HIRE DATES POST APRIL 2, 1985)		
Years of Service	Non Fire Dept. Personnel	Fire Dept. Personnel
0-6	168 hours	233.50 hours
6-14	240 hours	356.04 hours
14+ years	336 hours	468.05 hours

An employee who fails to use vacation hours in excess of the allowable hours by January 1 of each calendar year will lose the use of those excess hours.

SICK LEAVE

Sick leave is accrued by all full time employees on a bi-weekly basis at the rate of 3.69 hours per pay period up to the maximum sick leave accrual of 1200 hours. Sick leave in the fire department is accrued on a bi-weekly basis at the rate of 5.1327 hours up to a maximum accrual of 1,668.75 hours.

Sick leave shall be granted only for the following reasons:

- a. *Personal illness or physical incapacity;*
- b. *Illness of an employee's spouse, child, or parent that requires the employee's personal care and attention. An employee may use up to 80 hours per year of accrued sick leave in conjunction with Family and Medical Leave (see page 14 for provisions of the Family and Medical Leave Act);*
- c. *Enforced quarantine for the employee in accordance with community health regulations; or*
- d. *For a personal doctor or dental appointment.*

Sick leave shall not be considered as a right, which an employee may use at his/her discretion, but rather a privilege. In order to be granted sick leave with pay, an employee must meet the following conditions:

- a. *Notify their immediate supervisor not later than two (2) hours after the beginning of the scheduled workday of the reason for absence, or within lesser limits if required by the department director.*
- b. *If required by the department director, the employee must present evidence of such medical examination or nursing visit for sickness or illness, as the department director and/or Human Resources Director deem advisable. In the case of bodily injury, the employee must present a medical certificate from a licensed physician stating that the employee is able to return to work and is physically able to perform the essential functions of the position.*
- c. *If required by the department director, the employee must submit a medical certificate signed by a licensed physician certifying that the employee has been incapacitated for work for the period of absence and state that*

the employee is again physically able to perform the essential functions of the job. The department director, with approval of the Human Resources Director, may require an employee to submit a medical certificate signed by a licensed physician designated by the City.

Sick leave may be taken as necessary but may not be extended or overdrawn beyond the accrued amount at the time of absence. Partial day usage is permissible for both exempt and non-exempt employees. Claiming sick leave when physically fit shall be grounds for disciplinary action.

Employees who resign or are involuntarily dismissed from City employment shall not be paid for accrued sick leave and shall lose all accrued sick leave credit. Use of sick leave following a notice of resignation must be supported by a valid medical provider's statement.

Any employee who retires may have one-half (1/2) of accrued sick leave credited toward additional service for payroll purposes up to a maximum limit of 360 hours. The maximum limit for fire department employees is 500 hours. The employee may choose to be paid for the sick leave credit on the final paycheck or take a paid leave of service until the effective date of retirement, at which time the employee would be removed from the payroll.

FUNERAL LEAVE

In the event of the death of a covered family member of an employee, the employee shall be entitled to two (2) days leave for the purpose of attending the funeral within a five hundred (500) mile radius and three (3) days leave for this purpose if greater than five hundred (500) miles. Firefighting personnel shall be entitled to one (1) day leave for the purpose of attending the funeral within a five hundred mile radius and two (2) days leave for this purpose if greater than five hundred miles.

A covered family member is defined as a spouse, parent, step-parent, grandparent, child, step-child, grandchild, brother, sister, parents-in-law, brother or sister-in-law, foster parents or legal guardian of the employee. This policy does not include all other step-relatives.

JURY DUTY LEAVE

Employees called for jury duty are required to notify the department director as soon as possible. The de-

partment director shall forward a copy of the jury summons to the human resources department.

When an employee is called for jury duty, leave with pay will be authorized in order that the employee may serve. Employees will be paid the difference between their regular pay and jury pay. To facilitate the payment, the employee will be paid regular pay once the jury duty check has been endorsed and turned in to the City. The employee is not to be paid regular pay in addition to jury pay. Employees who are released from jury duty prior to the end of their normal scheduled work time must contact their supervisor to determine whether or not they should report to work for the remainder of their shift.

MILITARY LEAVE

Employees who become members of the Armed Forces shall be given re-employment and other rights in accordance with Federal and Tennessee law.

Employees who are members of any reserve component of the armed forces of the United States including members of the Tennessee Army and Air National Guard shall be entitled to a leave of absence from their respective duties, without loss of time, pay, regular leave or vacation, impairments of efficiency rating, or any other rights or benefits to which they are otherwise entitled, for all periods of military service during which they are engaged in the performance of duty or training in the service of this state, or of the United States, under competent orders. An officer or employee while on such leave shall be paid his/her salary or compensation for a period, or periods, not exceeding twenty (20) days or a total of 160 hours in any one (1) calendar year.

Employees who are called to active military duty by Presidential order for national defense measures shall receive compensation equal to the difference between their City compensation and their military compensation for a period of time not to exceed ninety days (90). After ninety days (90), all City compensation shall terminate.

Employees shall be entitled to continued health insurance coverage for a period of thirty (30) days; shall be eligible for continued participation in the retirement system for a period of time not to exceed ninety (90) days, unless it is prohibited by the rules and regulations of the retirement system, and shall not be eligible for life insurance nor disability insurance.

MATERNITY/PATERNITY LEAVE

Pursuant to the Tennessee Maternity Leave Act of 2005, TCA 4-21-408, an employee who has been employed full time by the City for at least twelve (12) consecutive months is eligible to receive up to four (4) months of leave for the purpose of pregnancy, childbirth, nursing an infant, or for the adoption of a child. With regard to adoption, the four (4) month period shall begin at the time an employee receives custody of the child.

Such an employee who gives the City at least three (3) months' advance notice (unless prevented from doing so because of emergency medical necessity) of their anticipated date of departure for maternity/paternity leave, length of leave, and their intention to return to employment after leave, shall be restored to their previous or a similar position with the same pay status, pay, length of employment credit and seniority, unless the position is so unique that the employer cannot, with reasonable efforts, fill that position temporarily.

The employee shall be required to exhaust any applicable leave with pay prior to taking any leave without pay during maternity/paternity leave. During any unpaid leave, the employee will not accrue sick leave or vacation leave. Any maternity/paternity leave (whether with or without pay) shall run concurrently with the Federal Family and Medical Leave Act and/or any other leave where permitted by state and federal law. During the duration of the Family and Medical Leave (up to 12 weeks), the City will maintain the employee's health insurance coverage under the group health plan.

Leave may only be used for pregnancy, childbirth, nursing an infant, or adoption of a child. If this time is used to pursue other employment opportunities, the employee may not be reinstated at the end of the leave period.

LEAVE WITHOUT PAY

A regular employee may be granted a leave of absence without pay for a period not to exceed one (1) year for good and sufficient reasons (other than medical or family related) as deemed acceptable by the City Manager. Such leave shall require the prior approval of the department director and the City Manager. An employee will not accrue sick leave or vacation credit while on leave of absence without pay. During an approved leave of absence without pay, an employee will not be eligible for coverage in the City benefit plans including insurance and retirement. Upon return to regular full-time employment with the

City, the employee will be eligible for reinstatement of insurance and retirement benefits.

FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act of 1993 (FMLA) provides eligible employees with up to 12 weeks of unpaid, job protected leave in a 12-month period for certain family and medical reasons. The City will use the anniversary date of the onset of eligible leave to determine each employee's 12-month period. Employees are eligible for this leave if they have worked for the City for at least one year, and worked 1,250 hours during the 12-month period preceding the request.

Should an employee desire to take up to 12 weeks of leave, the City shall require that the employee first use any accrued vacation leave, sick leave and accumulated compensatory time. If the combined total of available leave does not extend to the full 12 weeks, the balance of the 12 weeks will be made up of unpaid leave as provided by the provisions of the Family and Medical Leave Act.

Family and Medical leave will be granted for any of the following reasons:

- 1. Birth of a child, or placement of a child for adoption or foster care;*
- 2. Serious health condition of the employee that makes him/her unable to perform the functions of the position;*
- 3. Serious health condition of a spouse, son, daughter or parent. The terms son or daughter do not include individuals age 18 or over unless they are incapable of self-care because of a mental or physical disability that limits one or more of the major life activities as defined in regulations issued by the EEOC under the ADA.*

The employee may be required to provide advance leave notice and medical certification. In the event that the reason for the leave is foreseeable, the employee must provide at least 30 days notice and provide medical certification before the leave begins. If the need for leave arises unexpectedly, for example after an accident or sudden illness, the employee must notify the City of Maryville at his or her first available opportunity. Where a 30-day notice is not possible, the certification is to be submitted within the timeframe requested by the City, allowing at least 15 calendar days from the date of request for certification or as soon as reasonably possible under the particular facts and circumstances. If the employee

fails to give 30 days notice for a foreseeable event, with no reasonable excuse for delay, the City may deny the taking of Family and Medical Leave until after 30 days of notice. When an absence exceeds five consecutive days, the City may require the employee to provide certification of a serious health condition of the employee or the employee's family member to include:

1. *Date the condition began*
2. *Probable duration*
3. *Appropriate medical facts*
4. *Statement of employee family situation or that the employee is unable to perform job functions.*

If an employee never produces the requested certification, the absence is not FMLA-protected leave. Thus, when an employee fails to satisfy certification requirements, the individual may lack the right to 12 weeks of job-protected leave, health benefits continuation and reinstatement of the same or an equivalent position.

During the duration of the Family and Medical Leave, the City will maintain the employee's health coverage under the group health plan. The employee will not accrue any sick leave or vacation credit during an unpaid Family and Medical Leave. However, the time taken for Family and Medical Leave will be counted for purposes of pension vesting. Upon return from Family and Medical Leave, employees will be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms.

The provisions of this Act are not intended to deprive the employee from using accrued paid vacation or sick leave in any situation where the employee is currently entitled to use it.

MILITARY FAMILY LEAVE

The National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, amended the FMLA to allow eligible employees to take up to 26 weeks of unpaid leave to care for an injured service member and up to 12 weeks of unpaid leave because of any qualifying exigency (urgent demand). For further information, please see Appendix C on the following page.

Appendix C to Part 825-Notice to Employees of Rights Under FMLA (WH Publication 1420)

**EMPLOYEE RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND MEDICAL LEAVE ACT**

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

For incapacity due to pregnancy, prenatal medical care or child birth;

To care for the employee's child after birth, or placement for adoption or foster care;

To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or

For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and

generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's

leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

Interfere with, restrain, or deny the exercise of any right provided under FMLA;

Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosure.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV



U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

RETIREMENT BENEFITS & INVESTMENT OPPORTUNITIES

It is recommended that employees who are eligible for retirement and who wish to retire should advise the department director and the Human Resources Director of such retirement intentions at least six (6) months prior to the anticipated date of retirement, if at all possible, to allow sufficient lead time for the completion of appropriate paperwork and processing. Failure to do so may delay the desired retirement date being approved. When you elect to retire you may use one-half of your accrued sick leave, up to a maximum limit of 360 hours (495 hour maximum for firefighters), and accrued vacation leave to extend the effective date of retirement. However, you shall not accrue holiday, sick or vacation leave during the time you are using the balance of your accrued sick and vacation days but are not physically present at the workplace.

RETIREMENT MEDICAL PLAN

The Retirement Health Care Plan permits eligible retirees to purchase medical and prescription drug benefits after the date of retirement for a reduced premium amount. Dental benefits, vision insurance, long-term disability insurance and life insurance coverage are not provided under the Retirement Health Care Plan.

The benefits provided under the retirement health care plan are identical to the medical and prescription drug benefits provided to active employees under the City of Maryville Medical Plan. Please refer to the most recent Summary Plan Description for detailed information regarding plan provisions.

If an employee is eligible for coverage under the Retirement Health Care Plan, their spouse is also eligible if the spouse was covered under the active employee medical plan for the twelve-month period immediately preceding the date you retire. All coverage under the retirement health care plan will be secondary to any other coverage, group or group sponsored plan, in which the spouse is enrolled.

TENNESSEE CONSOLIDATED RETIREMENT SYSTEM (T.C.R.S.)

One of the most valuable benefits of your public service employment is coverage under the Tennessee Consolidated Retirement System (TCRS). This coverage grows in value each year you work as a public employee. Your mandatory contributions (5% of gross pay) are deducted from your wages each pay-day. Your contributions and those from the City ensure you of an income during your retirement years.

Vesting – employees attain vesting rights after ten (10) years of service. A vested member is one who has accrued enough years of service to guarantee a retirement benefit once age requirements are met.

Contributory members who leave covered employment before becoming vested will lose membership in TCRS when they take a refund or after seven years, whichever occurs first. If you leave covered employment after you become vested, you may retain your TCRS membership until retirement or death by leaving your contributions in the system. Complete details are available in the TCRS booklet.

Service Retirement – A vested member becomes eligible for service retirement upon completing 30 years of membership service or upon reaching age 60.

Early Retirement – A vested member becomes eligible for reduced early retirement benefits upon reaching age 55. There is a permanent reduction of .4 percent for each month the date of retirement precedes service retirement eligibility.

SOCIAL SECURITY

Social Security benefits are in addition to those funds you receive from your retirement plan. Regular deductions from your paycheck will be made for Social Security plus the City contributes additional funds. The deductions are made in accordance with federal requirements.

SECTION 457 PLAN AND ROTH IRA

Public sector employees have the opportunity to build retirement savings and reduce income taxes by making contributions to a Section 457 deferred compensation plan and/or a Roth IRA. The ICMA Retirement Corporation and the VantageTrust Company provide plan administration to all City employees. 457 plans and Roth IRA's are voluntary, personal investment opportunities available through payroll deduction. The City does not provide contributions to 457 plans or Roth IRA's. Additional information is available at www.icmarc.org and in Human Resources.

INSURANCE AND RELATED BENEFITS

A valuable part of your compensation does not appear on your paycheck. Your total employee benefit package costs the City approximately 40 percent of your salary each year. Full details about your group benefit programs are explained in the plan documents provided to you at orientation. Additional plan documents and provider directories are available in Human Resources.

MEDICAL INSURANCE

The City provides all regular full-time employees and their eligible dependents medical insurance coverage with the majority of the premium being paid by the City. New employees and their qualified dependents are eligible for coverage the 31st day of employment.

Health care coverage is available through a Point of Service Plan that provides a way for health care professionals (Preferred Providers) and the employee to work together to ensure that covered persons continue to receive high quality health care services and financial protection. Agreements have been entered into with selected hospitals, physicians and other health care professionals to provide care and services economically.

The Plan also allows for the selection of a Non-Participating Provider. However, if a Non-Participating Provider is used, benefits will be provided at a reduced level as stated in the summary plan description.

DENTAL INSURANCE

The City offers all regular full-time employees dental insurance. Premiums if applicable are made by payroll deduction and are available as a pre-tax option.

VISION INSURANCE

Vision insurance is offered to all regular, full-time employees at the expense of the employee. Premiums are available as a pre-tax payroll deduction.

PRESCRIPTION DRUG PROGRAM

The prescription drug plan includes a pharmacy prescription drug benefit and a mail order maintenance prescription drug benefit. A co-payment, as stated in the summary plan description, is required for each new or refill prescription. Any co-payment required under the prescription drug program will not apply to the medical plan's calendar year deductible or the maximum out-of-pocket expense.

Pharmacy Prescription Drug Benefit

The Pharmacy Prescription Drug Benefit allows a covered person to use the pharmacy of their choice to have short-term prescriptions filled up to a 30-day supply or 100 dosage units, whichever is greater.

Mail Order Prescription Drug Benefit

Benefits are also available for maintenance prescription drugs through the Mail Order Prescription Drug Program. The mail order benefit allows a covered person to have prescriptions filled up to a 90-day supply for one co-pay. Your medication is delivered to your home or office through the mail.

DISABILITY PROGRAMS

Short Term Disability

Full-time employees who have completed thirty (30) days of service may be eligible for up to 13 weeks of short-term disability benefits. A claim form completed by the attending physician must be submitted for a benefit of sixty percent (60%) of base weekly earnings up to a maximum weekly benefit of \$300. All accumulated leave must be exhausted before disability payments begin.

Long Term Disability

The City provides long term disability insurance at no cost to full-time employees. Employees disabled for a period greater than 90 days receive the benefit of 60 percent of base weekly earnings up to a maximum benefit of \$5,000 per month. Full details are explained in the "Employee Group Benefits" booklet.

LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT

The City provides Life and Accidental Death and Dismemberment in the amount of the employee's annual salary rounded up to the nearest \$1,000. Basic annual earnings do not include commissions, bonuses, overtime pay or any other extra compensation. Maximum Benefit of \$50,000, and a Minimum Benefit of \$30,000. The amount of the benefits doubles in case of accidental death. A spouse benefit of \$1,000 and unmarried child benefit of \$500 is also provided.

The amount of Life and Accidental Death and Dismemberment Insurance reduces to 67% at age 70 and to 50% at age 75. Life and Accidental Death and Dismemberment Insurance end when employment ceases. Full details are explained in the “Employee Group Benefits” booklet.

125 CAFETERIA PLAN (FLEXIBLE SPENDING ACCOUNT)

A flexible spending account (FSA) is a benefit that enables a participant to use a portion of his or her salary to pay otherwise non-reimbursable medical and/or dependent care expenses, without paying federal income tax on the benefits.

A health care spending account may only reimburse participants for otherwise non-reimbursable medical expenses incurred during a plan year. Expenses not reimbursed by the medical and dental plan include medical office visit co-pays, prescription drug co-pays, annual deductibles, professional medical services not covered by the plan, dental expenses incurred over the annual maximum, eyeglasses, con-

tacts, orthodontics, over-the-counter medicines, medical supplies, etc.

A dependent care flexible spending account includes expenses related to the care of (a) children age 12 and under and/or (b) incapacitated dependents age 13 or over to allow you or your spouse to work. To be eligible, the dependent must actually live with you. You may contribute up to \$5,000 each calendar year on a pre-tax basis to pay for eligible dependent care expenses. After-school care program expenses are also eligible.

WORKER’S COMPENSATION INSURANCE

The city provides worker’s compensation coverage under the Tennessee Worker’s Compensation Act to all employees. This coverage is designed to protect employees from medical expenses resulting from an on-the-job injury/illness as well as partially compensate the injured employee for time lost from work as a direct result of such an injury. Additional information is provided in your Worker’s Compensation Employee Handbook.

ADDITIONAL EMPLOYEE BENEFITS

CREDIT UNION

The Maryville Municipal Credit Union is a savings and loan institution originated to provide a service to employees. The Credit Union is state chartered and operates under the jurisdiction of the Tennessee State Department of Banking. The Credit Union is federally insured by the National Credit Union Administration. Employees may authorize payroll deductions to the Credit Union.

All employees and their family members are eligible for membership. To join, or for further information, contact the Maryville Municipal Credit Union office at (865) 984-4072.

SERVICE AWARDS

The City has a service award program that recognizes employees as they reach 5-year employment intervals. When you attain five years of service, you will be eligible for your first award. Thereafter, awards are presented with each five years of service.

TUITION REIMBURSEMENT

The City encourages employees to participate in work-related study programs and training for job improvement. With prior written department director approval, you may be reimbursed for 75 percent of tuition costs up to a maximum reimbursement of \$600 per fiscal year subject to the availability of funds. Educational institutions must be accredited by a regional accrediting association.

Employees must submit an Education Reimbursement Application with a proposed curriculum of study to their department director at least fifteen (15) days prior to the registration deadline for such classes. To qualify for the reimbursement, a completion grade of "C" or better must be achieved. Books and related supplies are not reimbursable.

When the course(s) are completed, the employee will provide an official grade report, an itemization of reimbursable expenses, proof of payment, and the approved application to the Human Resources Director for processing.

If an employee voluntarily separates from the City within two (2) years of receiving educational or training

expense reimbursement, 50% of the amount reimbursed shall be deducted from the employee's final paycheck.

Contact the Human Resources department for complete program details.

WELLNESS PROGRAM

The City has a voluntary health promotion program to encourage employees to pursue healthy lifestyles. The Wellness and Fitness Center is available at no cost to full time employees and spouse and dependent children 13-23 still residing at home, part-time employees, coop students, reserve officers, retired employees and retiree's spouse.

The center includes use of free weights, aerobic equipment, a weight training circuit and an area for stretching and floor exercise. A waiver and gym rules acknowledgement form must be signed before use.

EMPLOYEE ASSISTANCE PROGRAM (E.A.P.)

The City of Maryville provides a confidential, professional employee-counseling program to employees and employee's families. The E.A.P. can assist in the areas of marital, family, children, financial, legal, alcohol abuse, drug and substance abuse, grief, anxiety, depression, stress, and any other personal or emotional problems. Although there is no charge for this service, costs may be incurred if your counselor recommends outside help; however the E.A.P. will work to minimize the employee's costs by locating a qualified counselor who participates in the health plan network.

If an employee has work performance or disciplinary problems, they may be referred to the E.A.P. by supervision. This referral is not disciplinary in nature and should be viewed as an attempt to help correct a work situation.

MEDIC BLOOD PROGRAM

The city participates in the Medic Blood Replacement program. This program provides free blood replacement to each employee and the employee's legal dependents upon donation for one year.

GRIEVANCE POLICY

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

DEFINITION

A grievance is a misunderstanding, a complaint, a point of view or an opinion pertaining to employment conditions; relationships between an employee and supervisor, or relationships with other employees. Such misunderstandings, complaints, points of view and opinions will be considered a grievance except in cases where they relate to personnel action arising out of position classification, pay, discipline, demotion, suspension, and dismissal.

PROCEDURE

The following procedure is provided to govern presentation and adjustment of such disagreements. Its purpose is to determine what is right, rather than who is right. It incorporates a philosophy of management that a free discussion between employees and supervisors will always lead to a better understanding by both of the many practices, policies, procedures and agreements which affect employees and management.

- a. The employee, within five (5) working days of the alleged grievance, shall notify his/her immediate supervisor in writing of the grievance.
- b. The immediate supervisor shall respond in writing to the employee grievance within five (5) working days of its receipt. A copy of the employee grievance and the supervisor's response shall be forwarded to the Human Resources Director for placement in the employee's personnel file.
- c. If the employee is not satisfied with the supervisory response, the employee shall have five (5) working days to present the grievance in writing to his/her department director.
- d. The department director shall then make a decision, and advise the employee in writing of this decision within five (5) working days after receipt of the alleged grievance from the employee. Copies of the employee grievance and the department director response shall be forwarded to the Human Resources Director.
- e. If the supervisor or department director's answer does not resolve the grievance to the satisfaction of the employee or if the department director fails to render a written decision within the specified five (5) working days, the alleged grievance may be submitted by the employee to the City Manager. The City Manager shall have the final authority to amend, or reverse or confirm the decision of the department director, but in either case shall in writing notify the employee of this decision within five (5) working days after receipt of the alleged grievance from the employee.
- f. Documentation from the grievance review may be removed from the file and destroyed after one (1) year with the approval of the Human Resources Director.

SUBSTANCE ABUSE POLICY

PURPOSE

The City recognizes that the abuse of drugs and alcohol is a serious problem that may involve the workplace. It is the intent of the City to provide employees with a safe and secure workplace in which each person can perform his or her duties in an environment that promotes workplace safety and efficiency. Employees of the City are public employees and must foster the public trust by earning and preserving a reputation for integrity, honesty, and responsibility.

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the City has adopted this substance abuse policy. This policy is intended to comply with: (1) the Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol- and drug-free environment and to work with persons free from the effects of alcohol and drugs; (2) Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL) in order to perform functions of their City job; and (3) the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries, and related U.S. Department of Transportation (DOT) rules which specify procedures for urine drug testing and breath alcohol testing.

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

- 1) being on duty or performing work in or on City property while using or under the influence of any one or more of the following: illegal drugs, prescription drugs without a legal prescription, prescription drugs other than in accordance with a legal prescription, non-prescription drugs other than for the manufacturer's indicated symptoms and in accordance with the manufacturer's recommended dosages unless otherwise directed

by a licensed health care provider, and/or alcohol;

- 2) engaging in the manufacture, sale, distribution, use, or possession of illegal drugs or prescription drugs without a legal prescription at any time, whether or not on duty for the City;
- 3) engaging in the manufacture, sale, distribution, use, or possession of alcohol while on duty or while in or on City property;
- 4) refusing or failing a drug and/or alcohol test administered pursuant to this substance abuse policy;
- 5) providing an adulterated, altered, or substituted specimen for testing;
- 6) use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and
- 7) use of alcohol, illegal drugs or prescription drugs without a valid prescription at any time within eight hours following an accident/incident if the employee's involvement has not been ruled out as a contributing factor in the accident/incident or until the employee has completed drug and/or alcohol testing procedures.

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

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

In order to educate the employees about the dangers of drug and/or alcohol abuse, the City shall sponsor an information and education program for all employees and supervisors. Information will be provided on the signs and symptoms of drugs and/or alcohol abuse; the effects of drug and/or alcohol abuse on an individual's health, work and personal life; the City's policy regarding drugs and/or alcohol; and the availability of counseling.

SCOPE

This substance abuse policy applies to all employees of the City. The policy also applies to applicants who have been given a conditional offer of employment from the City.

SUBSTANCE ABUSE CONSENT FORM

Before a drug test is administered to an applicant, and before either a drug or an alcohol test is administered to an employee for the first time as an employee, such individuals will be asked to sign a substance abuse testing consent form authorizing the test and permitting release of test results to the laboratory, medical review officer (MRO), and the Human Resources Director or his/her designee.

COMPLIANCE WITH SUBSTANCE ABUSE POLICY

Compliance with the substance abuse policy is a condition of employment. The failure or refusal by either an applicant for employment or a current employee to cooperate fully by signing necessary consent forms or other required documents, or the failure or refusal to submit to any test or any procedure under this policy in a timely manner, is cause for the City to rescind a conditional job offer to hire an applicant for employment or for the City to dismiss a current employee. The submission by either such person of a urine specimen that is not his or her own or is adulterated or altered is also cause to rescind a conditional offer to hire or for dismissal.

DUTY TO REPORT INVESTIGATIONS AND CONVICTIONS

Employees who are subjects of any drug related investigation or any employee convicted of violating a criminal drug statute shall inform the director of his or her department of such conviction (including pleas of guilty and *nolo contendere*) within five days of said action occurring. Failure to so inform the City subjects the employee to disciplinary action up to and including dismissal.

DRUG TESTING

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

1. Post-Offer/Pre-employment - All applicants who have received a conditional offer of employment with the City must undergo a drug test that produces a verified negative drug screen result before commencing employment with the City.

2. Testing Prior to Job Change - Employees who are not currently subject to random drug testing and who seek to change jobs to any position that is subject to random drug testing shall be required to undergo drug testing that produces a verified negative drug screen result before commencing work in the new position.

3. Post-Accident/Post Incident Testing - Employees are required to undergo substance abuse testing following any workplace accident/incident as determined by supervisory personnel involving:

- a) behavior indicating impairment that could be the result of drug or alcohol use, or
- b) citizen property damage if the estimated financial loss is \$1,000 or more,
- c) vehicular accidents with citizens if the fault is at question or is the fault of the City employee, or
- d) accidents involving heavy equipment, i.e., backhoes, fork trucks, tractors, etc., or
- e) loss of work time (any period of time during which an employee stops performing the normal duties of employment and leaves the place of employment to seek care from a licensed medical provider). The following medical/illness/injury exemptions may apply: contact dermatitis, insect/animal stings and bites, muscle strains and other minor injuries.

The City may send employees for a substance abuse test if they are involved in workplace accidents where personal injury or damage to City property occurs. Post-accident testing shall be carried out within two (2) hours following the accident.

Substance abuse testing may be performed, at the discretion of the department director or supervisor, for incidents resulting from normal work activity. For the purpose of this rule, an incident is defined as a damage-causing event to the property of a citizen or the City arising out of usual and customary work practices (e.g., cracked concrete from utility truck operation, damaged service/utility lines to residences or businesses, etc.).

4. Testing Based on Reasonable Suspicion - A substance abuse test is required for any employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs or alcohol.

Reasonable suspicion is based on a belief that an employee is using or has used drugs or alcohol in violation of the City's policy drawn from specific, objective facts. Supervisors should be able to articulate rational inferences drawn from those facts in light of their experience. Some of the circumstances under which supervisors may recommend drug testing include, but are not limited to, the following:

- a) Direct observation of drug or alcohol use or possession;
- b) Direct observation of the physical symptoms of being impaired due to substance abuse;
- c) A pattern of abnormal conduct or erratic behavior;
- d) Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or distribution;
- e) Arrest for driving under the influence (DUI) while off duty;
- f) Unsafe work practices;
- g) A significant deterioration in work performance;
- h) Excessive absences and/or tardiness;
- i) Information that is provided by reliable and credible sources; or

j) Evidence that an employee tampered with any substance abuse test during his or her employment with the City.

5. Random Testing - Random substance abuse tests will be conducted as required by law, regulation, or one that is scheduled routinely for an employment classification group. Examples of employee classes subject to random testing include commercial driver's license (CDL) holders, suppression personnel of the fire department, sworn personnel in the police department, and employees who are otherwise considered by the Risk Manager to work in a safety-sensitive position.

6. Return-to-Duty and Follow-Up - Employees who have tested positive, or otherwise violated the substance abuse policy, are subject to discipline, up to and including termination. Depending upon the circumstances and the employee's work history/record, the City may offer an employee who violates this policy the opportunity to return to work on a last-chance basis, which include follow-up testing at times and frequencies determined by the City for a minimum of one (1) year.

Testing will also be performed on an employee returning from leave or special assignment in excess of six months.

CONSEQUENCES OF A POSITIVE DRUG SCREEN

Job applicants will be denied employment with the City if their pre-employment drug test results have been verified by the City's medical review officer as positive or if the applicant refuses to submit to a pre-employment substance abuse test.

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

REFUSAL TO SUBMIT

Failure to submit to a required substance abuse test is considered misconduct and will result in disciplinary action up to and including termination. Any unreasonable delay in providing specimens for the drug and/or alcohol testing shall be considered a refusal to cooperate and shall result in disciplinary action up to and including termination.

VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL USE

In the event that an employee is either dependent upon or an abuser of drugs and/or alcohol and wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the respective department director. Such voluntary desire for help with a substance abuse problem will be honored by the City. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment. Voluntary disclosure must occur before an employee is notified of or

otherwise becomes subject to a pending drug and/or alcohol test.

Any leave used for this purpose shall be considered family and medical leave pursuant to the Family and Medical Leave Act.

No disciplinary action shall be taken pursuant to this drug policy against employees who voluntarily identify themselves as a drug or alcohol abuser, obtain counseling and rehabilitation through the City's employee assistance program or other program sanctioned by the City, and thereafter refrains from violating the City's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of other aspects of the City's personnel policies and procedures. Employees who self-report a drug or alcohol problem will be required to sign a last chance agreement and adhere to the terms of said agreement.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall provide the Human Resources Director with a written statement from the substance abuse professional that indicates satisfactory compliance with recommendations of the substance abuse professional. The substance abuse professional may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or periodic drug and alcohol testing requirements. The respective department director and the Human Resources Director will consider each case individually and set forth final conditions of reinstatement to active duty with the approval of the City Manager. Conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in disciplinary action.

MODIFICATION OF POLICY

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

HARASSMENT FREE WORKPLACE POLICY

The City of Maryville is dedicated to a work environment free from all forms of harassment or intimidation. The City regards harassment seriously and prohibits it in the workplace by any person and in any form.

Harassment can be a violation of Title VII of the Civil Rights Act of 1964 or a violation of the Tennessee Human Rights Act. In some circumstances, it has also been found to be a violation of the victim's U. S. constitutional rights. Some forms of harassment, including unwanted, unwelcome physical contact, may also be criminal offenses.

Harassment or bigotry based upon sex, race, color, age, disability, religion, creed, veteran or reservist status, national origin or any other employee difference will not be tolerated. Harassment of any sort, verbal, physical and visual, will not be tolerated.

Harassment includes conduct directed by men toward women or men and conduct directed by women to women or men.

Prohibited unlawful harassment because of sex, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, age, veteran's status or any other protected basis includes, but is not limited to, the following behavior:

- 1) Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- 2) Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- 3) Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis;
- 4) Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors; and
- 5) Retaliation for having reported or threatened to report harassment.

COMPLAINT PROCEDURES

An employee who feels that he or she has been discriminated against or harassed should immediately take the following actions:

1. Politely but firmly confront the person who is harassing the employee.
2. State clearly that you do not appreciate these actions and request that the harassment ceases immediately.
3. If the harassment continues and/or if an employee has concerns that employment consequences may result from the confrontation, the employee should report the matter to the employee's immediate supervisor. If circumstances prohibit this response, the employee should report the behavior to the Human Resources Director or the Assistant City Manager.
4. State specific details of the harassing behavior and if possible, provide details of times, dates, places and witnesses of the harassment.
5. Employees have the right to circumvent employee chain of command in selecting the person to whom a complaint of sexual harassment is made.
6. The City encourages any employee who believes that he or she may have been a victim of harassment to report such episodes of conduct immediately to the Assistant City Manager or Human Resources Director.

The City will promptly investigate all allegations of harassment. The identity of employees making complaints as well as the identity of the individual accused of harassment will be kept as confidential as possible. Information regarding the charge of harassment and the investigation of that charge will not be made to anyone who is not directly involved, either as a party, a witness or as a member of the investigative team. Witnesses interviewed will be provided only such information as necessary to elicit from them their observations and other relevant information.

During the investigation, both the complainant and the accused will be provided with a full opportunity to tell their side of the story. Witnesses identified by either party will also be interviewed. Upon completion of the investigation, the investigator will prepare a written report with findings and recommendations. Authority for the final resolution of all charges and

the determination of appropriate sanctions will be made by the Assistant City Manager in accordance with the disciplinary provisions.

Harassment is a serious offense, and any employee found to have engaged in such conduct is subject to severe disciplinary action. In determining whether the alleged conduct constitutes harassment, the totality of the circumstances, the nature of the harassment and the context in which the alleged incidents occurred will all be considered. The City will not retaliate against any employee who files a charge of harassment or discrimination.

In the event a complaint is found to be totally and completely without basis, appropriate disciplinary measures may be taken against the employee who brought the complaint. While this is in no way intended to discourage an employee who believes that they have been the victim of harassment from bringing a complaint, the City recognizes that a charge of harassment can cause serious damage to personal reputation of the career of both the accuser and the accused.

Complaints against an elected official shall be investigated by the City Manager and/or someone designated by the City Manager. The investigator shall investigate a complaint of harassment against an elected official in the same manner as outlined in this policy for the investigation of complaints against City employees. However, upon the completion of the investigation, the investigator shall submit the report of the investigation to the City Attorney. If a complaint involves the City Attorney, the investigative report will be submitted to City Council.

The Tennessee Open Records Law, T. C. A. § 10-7-503 through § 10-7-506 may apply to harassment cases as it does to virtually all municipal records. In other words, complaints and reports of harassment, including investigative reports, probably cannot be kept totally confidential, perhaps not even during the investigation.

WORKPLACE VIOLENCE POLICY

The City of Maryville is committed to providing a safe environment for working and conducting business. Workplace violence may include conduct such as: verbal or physical actions intended to intimidate or instill fear in another, possessing and/or displaying a weapon, or threatening to use any item in a harmful manner, and retaliation against reported threats of violence.

Violence or threats of violence toward employees, clients, vendors or visitors will not be tolerated. Any employee who engages in violence during the employee's working time, or engages in violence in the course of the employee's employment, will be subject to disciplinary action and any applicable criminal prosecution. An employee engaging in such conduct may be subjected to a professional evaluation in order to determine whether such an employee represents a threat of violence or harm within the workplace. Refusal to submit to a professional evaluation after a threat of violence will be considered insubordination and will be grounds for immediate termination.

The City of Maryville prohibits the possession of weapons by employees on premises owned, operated or managed by the City. Some employees of the City of Maryville may be required as a condition of their work assignment to possess firearms, weapons, or other dangerous devices. It is the City's policy that the employees who possess weapons as a condition of their work assignment are to use them only in accordance with department operating procedures and all applicable State and Federal laws.

REPORTING PROCEDURE

Any employee who receives a threat by a co-worker or another person and/or any employee who hears, observes or otherwise becomes aware of a threat by an employee toward them or another co-worker, whether such threat is direct or implied, is obligated by this policy to report the facts of such threat to their supervisor, department director, and/or the Human Resources Director.

The City of Maryville will take all threats of violence seriously and will be thoroughly investigated. All reports of violations will be handled with the highest level of confidentiality that is possible. During the investigation, where circumstances warrant, the accused may be suspended indefinitely pending investigation. There will be no retaliation for any good faith report of a violation of this policy. Where the investigation concludes that there has been no policy violation, the accused will be reinstated.

If any employee has sought or obtained a temporary restraining order against any other individual, the employee is required to inform their immediate supervisor of that fact. The employee must also continually inform their supervisor regarding the status of the restraining order.

If any employee has been arrested, convicted, or becomes a target of an investigation for a crime of violence, the employee is required to report said occurrence to their immediate supervisor.

INFORMATION SYSTEMS

City of Maryville provides information systems as tools to authorized users for work related research and communications. These include electronic mail (email), voice mail, facsimiles (faxes), software, computers, servers, the City of Maryville internal network and the Internet.

This document states the policy of City of Maryville regarding the use of its information systems. The term “user” applies to all City of Maryville employees (regular or temporary), independent contractors, consultants and other persons or entities who access the information systems. All users who access the City of Maryville information systems agree by their use to comply with the requirements outlined in this policy statement.

VIOLATIONS

Violations of this policy will not be tolerated. Suspected violations, including harassment or other irresponsible use of information systems, breaches of confidentiality, security and access should be brought to the immediate attention of the Human Resources Director. The suspected violations will be investigated promptly and thoroughly. Any user who, after appropriate investigation is found to have violated this policy, may be subject to suspension of access privileges, disciplinary action, termination, and civil and criminal liability. City of Maryville reserves the right to hold the users personally liable for any violations of this policy.

OWNERSHIP

City of Maryville’s information systems and all information or messages created, stored, sent or received on them are City of Maryville’s property.

PERMITTED USE OF COMPUTER SYSTEM

City of Maryville’s electronic communications are to be used primarily for legitimate business purposes. Users are permitted access to the computer system to assist them in the performance of their jobs. Occasional, limited, appropriate personal use of the computer system is permitted when the use does not:

1. Interfere with the user’s work performance;
2. Interfere with any other user’s work performance;

3. Have undue impact on the operation of the computer system or network; or

4. Violate any other provision of this policy or any other policy, guideline, or standard of the City of Maryville.

At all times, users have the responsibility to use computer resources in a professional, ethical, and lawful manner.

PROHIBITED ACTIVITIES

Material that is fraudulent, harassing, embarrassing, sexually explicit, deemed as pornography, profane, obscene, intimidating, defamatory, disclosing confidential information, or otherwise unlawful or inappropriate may not be sent by e-mail or other form of electronic communication or displayed on or stored in City computers. Users encountering or receiving this kind of material should immediately report the incident to their supervisors.

Off-duty social networking or blogging must not negatively affect the City. Employees must not state or imply that they are speaking on behalf of the City when expressing personal opinions. Displaying images of City property (i.e., uniforms, vehicles, etc.) is prohibited. Posting links to the City website without express permission is prohibited. Conduct prohibited by City workplace policies will not be tolerated, even if it occurs in the context of personal e-communications.

Downloading personal items to the City server is prohibited. Minimal amounts of personal items may be stored on the C-Drive.

These examples of prohibited activities are not meant to be all inclusive, but rather to serve as a guide.

NO EXPECTATION OF PRIVACY

Users should not have an expectation of privacy in anything they created, stored, sent or received on City of Maryville’s information systems—whether business-related or personal. City of Maryville has the right, but not the duty, to access and review, through human or automated means, without prior notice, all materials that a user creates, stores, sends, receives or accesses on City of Maryville information

systems. E-mail may be a public record and may be subject to public inspection under Tennessee's Public Records Law (T.C.A. §10-7-512).

EMPLOYEE SECURITY PROCEDURES

Users may not, without authorization, use someone else's identification code or password or disclose anyone's identification code or password, including their own. Users may not enable unauthorized persons to have access to or use City of Maryville's information systems, nor may users otherwise jeopardize the security of City of Maryville's information systems. Users may not allow family members or other unauthorized persons to use City of Maryville Internet access accounts.

To ensure security and avoid the spread of viruses, employees accessing the Internet through a computer attached to the City of Maryville network must do so through the Internet firewall maintained in the Information Technology department. Accessing the Internet directly, a technique called multihoming, by modem, is strictly prohibited unless authorized by the Director of Information Technology.

Viruses can cause substantial damage to computer systems. Users are responsible for taking reasonable precautions to ensure they do not introduce viruses to City of Maryville's network. Any files downloaded from the Internet and any computer disks or other media received from non-City of Maryville sources must be scanned with virus detection software before being placed onto the computer systems.

The introduction of viruses, attempts to breach system security, or other malicious tampering with any of City of Maryville's information systems are expressly prohibited. Users must immediately report any viruses, tampering or other system breaches to the Information Technology office.

CITY SECURITY PROCEDURES

A request must be completed by the department director for each employee who requires access to City of Maryville information systems. The request must be routed to the Director of Information Technology. Information Technology personnel will perform the necessary procedures to provide the employee access to the designated systems and contact the employee to give them their use identification code and initial password.

Department directors must immediately report all employee resignations, terminations and transfers to the Human Resources Department, which is responsible for promptly reporting the above to Information Technology. Information Technology personnel are responsible for the timely change or deletion of access privileges in these cases.

Department directors must periodically review current security definitions for employee access to sensitive financial and personnel information to insure appropriate access.

SOFTWARE

It is the policy of City of Maryville to respect all computer software copyrights and adhere to the terms of all software licenses.

Unless expressly authorized to do so, employees have no right to duplicate software or related documentation except for backup or archival purposes. Unauthorized duplication of software and documentation may subject employee and/or City of Maryville to both civil and criminal penalties under the US Copyright Act.

Employees may not give software to any non-employees including clients, contractors and others.

Permission must be obtained from the Information Technology department for installation of City of Maryville software on employee home computers (requires software license stating it is legal to install the software on both an office or home computer) or installation of employee-owned software on City of Maryville-owned computers (requires proof of purchase by employee and license agreement stating it is legal to install the software on both an office and home computer).

The Information Technology department will conduct periodic audits of all City of Maryville computers to ensure that the agency is in compliance with all software licenses.

Registration of shareware products should be handled the same way as commercial software products.

INFORMATION SYSTEMS PURCHASES

All computer-related purchases must be charged to, and tracked within, each departmental budget. All anticipated agency needs for computer hardware, software and telecommunications equipment must be incorporated in each departmental annual budget. During the fiscal year if the need arises for a major

hardware purchase not previously budgeted for, the department director must submit a request to the Director of Information Technology. This process insures that City of Maryville has a complete record of all purchases and can register, support and upgrade these items accordingly. Information Technology personnel are responsible for completing registration and inventory requirements, and for installations.

OCCUPATIONAL INJURY OR ILLNESS

Occupation specific safety manuals are available in each department.
Additional information can be obtained from the Risk Manager.

ACCIDENT/INJURY REPORTING PROCEDURES

When an employee is injured while on the job, it is the employee's responsibility to report the accident using the following procedures:

1. Employees shall report **immediately** any injury or illness, or "near" injury or accident, incurred in the course of employment, however minor, to the supervisor or department director. An employee determined to have been able and who fails to make such a report may be subject to disciplinary procedures.
2. The supervisor shall complete a "Report of Injury" form and forward copies to the department director and to the Risk Manager within 24 hours of the accident or injury. The Risk Manager shall **immediately** be notified of **all** back, head and knee injuries, and any other serious accident or injury.
3. The Risk Manager shall forward applicable forms to the City's worker's compensation carrier.

Employees who are injured while working on a non-city job are not covered by the City's worker's compensation plan. If the employee's injury is covered by another employer's worker's compensation plan, then the City's medical insurance plan will not cover the employee's medical expenses.

MEDICAL TREATMENT

When an employee requires medical treatment as a result of a work-related injury, the employee must seek care from a medical provider on the panel of physicians approved by the City's workers' compensation insurance carrier. In an emergency situation, the most convenient medical service or hospital may be used by the injured employee.

Unpaid leave provisions allowed by the Family and Medical Leave Act of 1993 shall run concurrently with leave necessitated by an occupational injury. See "Family and Medical Leave" section for a full description.

WORKER'S COMPENSATION DISABILITY PAYMENTS

An employee who is injured on the job and is subject to receiving Worker's Compensation disability payments as provided by Tennessee law shall take said payments.

WORKER'S COMPENSATION PAYMENTS – SALARY CONTINUANCE OPTION

The employee who is receiving worker's compensation disability payments may use accumulated leave (sick and vacation) to supplement the amount received through the disability payments in an amount which would enable the employee to receive full monthly compensation.

To receive full pay for an occupational injury or illness, the employee must use accumulated leave until it is exhausted or up to a maximum of 90 days, whichever occurs first. No employee is to receive full pay from the City as well as worker's compensation disability payments. Worker's compensation medical payments are made directly to the physician, medical facility, or medical supply firm.

**ACKNOWLEDGEMENT OF RECEIPT
EMPLOYEE HANDBOOK**

This is to acknowledge I have received a copy of the Employee Handbook of the City of Maryville. I agree to read my handbook and keep it for future reference. I understand that this handbook contains general information and guidelines and that a complete copy of the Personnel Rules and Procedures manual is available for my review at any time within my department or Human Resources. I also understand that no part of this handbook should be construed as an employment contract.

I understand the policies and guidelines contained within this handbook supersede those previously written or communicated, and that the City reserves the right to make changes to these guidelines or their application as it deems appropriate, and these changes may be made with or without notice. I also understand that employment is terminable at the will of either the employee or the City at any time, and that no representative of the City other than the City Manager has the authority to make any contrary agreement.

I hereby acknowledge receipt of the following clause statements and policies contained within the City of Maryville Employee Handbook...

- | | |
|----------------------------------|--|
| Substance Abuse Policy | Information Systems Policy |
| Harassment Free Workplace Policy | Employment At-Will Clause |
| Progressive Discipline Policy | Accuracy of Employee Representation Clause |
| Code of Ethics Policy | |

I understand it is my responsibility to read the employee handbook and the policies contained within. I acknowledge that I am to direct any questions I may have regarding a policy or information contained in this handbook to my immediate supervisor or the human resources department.

Employee Name (Print) Date

Employee Signature

CITY OF MARYVILLE

