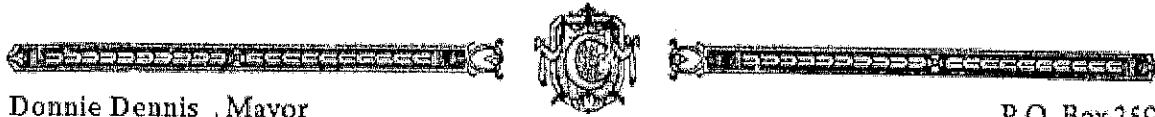


Town of Carthage



Donnie Dennis , Mayor

Carthage, Tennessee 37030

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TOWN OF CARTHAGE

PERSONNEL POLICY

NOVEMBER 03, 2016

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ORDINANCE: 441

AN ORDINANCE TO ESTABLISH A PERSONNEL POLICY FOR THE TOWN OF CARTHAGE, TENNESSEE.

BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF CARTHAGE, TENNESSEE:

SECTION I - PERSONNEL POLICIES

A. PURPOSE AND OBJECTIVES

The purpose of this resolution is to establish a system of personnel administration in the Town of Carthage, Tennessee

B. AT WILL EMPLOYER

The Town of Carthage, Tennessee is an at-will employer. Nothing in this resolution may be construed as creating a property right or contract right to any job for any employee. All employees are "at will" and the town is an "at will" employer under Tennessee law. Employees have no property rights to employment. The town reserves the right to change any and all such policies, practices, and procedures in whole or in part at any time, with or without notice to employees.

C. COVERAGE

These policies and procedures shall cover all employees in the town's service unless specifically exempt by this document, the Town Charter and/or the ordinances of the municipality without regard to race, color, religion, gender or gender identity, age, national origin, disability, military status, communication with an elected public officials, free speech, refusing to participate in or remain silent about illegal activities exercising a statutory constitutional right or any right under clear public policy, political affiliation, genetic information or any other basis protected by law.

The following personnel are not covered by this policy unless otherwise provided:

- All elected officials
- Members of appointed boards and commissions
- Consultants, advisers, and legal counsel rendering temporary professional service

- City Attorney
- Independent contractors and/or contract employees.
- Volunteer personnel
- City Judge.

All other employees of the municipal government are covered by this personnel policy. Certain other policies contained herein, such as policies against harassment and other policies that are mandated by federal antidiscrimination laws, apply to those persons listed above.

D. ADMINISTRATION

These policies and procedures shall be administered by the Mayor in conformity with the resolution establishing a personnel system. Amendments to the policies and procedures shall be made as indicated herein. The town reserves the right to alter or change any or all of its policies and procedures without prior notice to employees. Nothing in these personnel policies and procedures shall be deemed to give employees any additional property rights in their jobs than may already be given by the Town Charter.

SECTION II - COMPENSATION PLAN

A. RATE OF PAY

Each employee's rate of pay is set by the Council. This rate may vary based on the job which you are hired to do, skills you have, responsibility, experience and other factors required by the job.

OVERTIME COMPENSATION

The Fair Labor Standards Act (FLSA) shall govern the overtime compensation of municipal employees (29 C.F.R. SS553.1 et seq.)

B. ON-CALL TIME

On-call service is necessary for the proper maintenance and functioning of local government services. It is the duty and responsibility of each on-call employee to be available by electronic communication at all times. Employees must be able to respond to an emergency call within 30 minutes after receiving notice. The department supervisor or lead person will be responsible for determining which employees are designated for on-call.

When an on-call employee is called out, he/she will receive 2 hours minimum pay (at regular time) for the first call-out each day.

C. PAYCHECKS/PAYROLL DEDUCTIONS

All employees of the Town of Carthage will be paid on a weekly basis. If you have questions about your work time, salary or paycheck, contact the payroll administrator within the pay period.

PAYROLL DEDUCTIONS

- a. Hospitalization (medical service premiums)
- b. Life insurance
- c. Deferred compensation payments(court ordered)
- d. Retirement
- e. Child support garnishments (see disciplinary actions regarding garnishments,(if applicable)
- f. Christmas Club (if elected)

SECTION III – EMPLOYMENT

A. APPLICATIONS

All applications for full-time employment are received at Town Hall, and given thorough consideration. Applications shall only be accepted for open and/or vacant positions. The Town of Carthage exercises a policy of fairness to every person who applies for work. The Mayor will make reasonable accommodations in the application process to applicants with disabilities making a request for such accommodations.

The Mayor shall have the authority to appoint temporary/seasonal employees, at his/her discretion, as he/she deems necessary to maintain an efficient and safe work environment. All ongoing positions shall be approved by the Mayor and Council, including ongoing part- or full-time positions.

B. RESIDENCY

Individuals will be recruited from a geographic area as wide as necessary to assure obtaining well-qualified applicants for the various types of employment positions. Recruitment, therefore, will not be limited to the residents of the local governments or county. In cases where residents and non-residents are equally qualified for positions presently vacant, the residents will receive first consideration in filling such vacancies. All applicants for positions that require the potential for call-back to respond to emergency situations (police, fire and certain public works and utilities positions), will be required to live within 15 road miles or 15 minutes from City Hall or their work location. If such employees live outside this area, they must relocate to within the area before completing the probationary period.

C. TYPES OF EMPLOYEES

- REGULAR FULL-TIME EMPLOYEE is regularly scheduled to work a minimum of forty (40) hours per week and will be eligible for all benefits as provided by these policies and procedures.
- REGULAR PART-TIME EMPLOYEE work on a continuing basis however their schedule cannot exceed thirty-two (32) hours per week unless approved by the Mayor.

- TEMPORARY AND/OR SEASONAL EMPLOYEES work on a continuing basis not to exceed six (6) months per calendar year and are paid on a per day or per hour basis. Temporary employees will receive no benefits, except workers' compensation, as provided by these policies and procedures.

D. INTRODUCTORY PERIOD

All new employees of the City of Carthage are hired on an introductory basis for the first month of employment. This introductory period is for the purpose of the employee achieving benefit eligibility under applicable benefits plans such as the health plan. Newly hired employees will be eligible for participation in the Town of Carthage retirement plan after six (6) months of employment.

E. MOONLIGHTING/OUTSIDE EMPLOYMENT

No full-time employee of the municipality may accept any outside employment without written authorization from the Mayor. If an agreement cannot be reached between the Mayor and employee, the employee may appeal it before the Council for authorization.

F. WORK DAY/WORK WEEK

Pursuant to the Fair Labor Standards Act, a workweek is a regular recurring period of one hundred sixty-eight (168) hours consisting of seven consecutive twenty-four (24) hour periods. Except as is provided in special contracts of employment the number of days that shall constitute a workweek for regular employment shall be five (5) days per week for a total of 40 regular hours. Schedules will vary in departments as necessary for the smooth operation of the Town. A standard work week is scheduled between 12:00 a.m. on Thursday through 12:00 a.m. on the Wednesday following.

G. ATTENDANCE

Regular and prompt attendance is essential for the success of our business. Absenteeism and tardiness disrupt work schedules of others. Regular attendance is expected of all employees. If you expect to be absent from work, you must notify your supervisor prior to the beginning of your daily scheduled working hours. Unanticipated absences of an emergency nature (accident, sudden illness, etc.) must be reported to your supervisor within 2 hours after the beginning of the work day.

Employees called to emergency work of any kind are expected to respond promptly.

Absences from work for any reason, which the city does not approve, will be reflected in your work record. Too many absences of any kind, including repetitive or prolonged absences, will result in disciplinary action. Three absences (consecutive work days) without sufficient notice to the city will be reason to believe that the employee has resigned and a doctors statement with satisfactory reasons shall be required to prevent termination of employment.

H. MISCONDUCT

The following is a list, but not exhaustive, of some acts of misconduct that may result in disciplinary actions that may consist of one or more of the following:

1. Neglect or inattention to duty.
2. Sleeping while on duty.
3. Excessive absenteeism or tardiness.
4. Failure to observe working hour schedules (starting time, quitting time, rest and meal periods).
5. Unauthorized stops and routes made by city employees during the performance of their jobs.
6. Drinking any kind of intoxicating liquor or under the influence of narcotics while on duty.
7. Intoxication while on duty.
8. Insubordination. Disobedience of orders, refusal to carry out instructions, directions, and/or assignments from supervisors.
9. Willingly making a false official report.
10. Receiving or accepting any fee, bribe, reward or gift of any kind from any person.
11. Failure to take up grievances through the proper channels. This process should begin with their immediate supervisor
12. Disclosing confidential or proprietary information concerning citizens, other city employees or the city to any unauthorized person.
13. Stealing, whether it is city property or property belonging to employees or others.
14. Deliberately abusing, destroying, damaging, or defacing city property, tools or equipment.
15. Fighting or provoking a fight, negligence or horseplay resulting in injury, repeated or gross violations of safety rules.
16. Unauthorized disposal or appropriation of any city property.
17. Falsification of city records (including falsifying reasons for medical leaves).

All employees are "at will" and the town is an "at will" employer under Tennessee law. Employees have no property rights to employment.

I. NEPOTISM

Two members of an immediate family (wife, husband, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, aunt, uncle, niece, nephew, step-parent or step-child) may not work in the same department if one of the employees is in a supervisory or management position. If the city cannot reasonably transfer one of the family members to another department, and the family members can't decide which one will leave voluntarily, the employee in the more junior position will be subject to discharge.

J. EMPLOYEE ASSISTANCE PROGRAM

The city provides an Employee Assistance Program at no direct charge to employees. The purpose of the EAP is to restore and strengthen the health and productivity of employees in the workplace. This means providing employees with free and confidential counseling and one-on-one services to assist with a wide array of work/home life issues.

The EAP is a confidential service guaranteed by state and federal laws as well as professional licensing regulations. Confidentiality will be maintained regarding all contacts to the extent allowed by law. Appointments are kept confidential and information is not included in personnel records nor revealed to supervisors, coworkers, family or friends. Should an employee be referred to the EAP by a supervisor, the EAP can only confirm for the supervisor, upon their request, that the employee was referred.

SECTION IV – BENEFITS

A. LEGAL HOLIDAYS, BIRTHDAY

All offices and shops of the Town of Carthage, except emergency and necessary operations, will be closed and employees excused from work on the following legal holidays:

New Year's Day	January 1
M. L. King Birthday	Third Monday in January
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	December 24

Christmas Day
President's Day
Employees' Birthday

December 25
Third Monday in February

When a legal holiday falls on Saturday City Hall will be closed the preceding Friday. When a holiday falls on Sunday, the following Monday shall be observed. Any employee with available vacation, birthday or other eligible time off, with supervisor consent, may be excused from work on the Friday following Christmas Day and New Year's Day if the holiday is on a Friday.

B. HOLIDAY PAY

All holiday pay will be computed on the basis of a regular work day and only those full time employees normally scheduled to work will be eligible for such pay. Employees who are required to work on a holiday will be compensated eight (8) hours of straight pay in addition to the hours scheduled for that day. Hours worked on the holiday in addition to holiday pay will be counted toward hours worked for purposes of calculation of overtime. Employees eligible for holiday pay must be in a pay status on his/her last regular shift scheduled before a holiday and his/her first regularly scheduled shift after a holiday in order to receive compensation for the holiday.

Holidays which occur during a vacation, sick or other leave period of any employee of the Town shall not be considered as vacation, sick or other leave. When a Holiday occurs during any pay period, overtime will not begin until 40 hours have been worked.

C. ANNUAL VACATION WITH PAY

All full-time employees of the municipality shall accrue vacation leave monthly upon the completion of each calendar month of service. Vacation leave will begin to accrue as of the first full month of employment, but cannot be taken until the employee has completed 12 months of employment. As the number of years of service increases, the amount of leave granted increases and may accumulate to the maximum accrual as shown in the table below.

Years of Service	Maximum Accrual
<u>1</u>	<u>5</u> days
<u>2</u>	<u>10</u> days
<u>5</u>	<u>15</u> days
<u>15</u>	<u>20</u> days

Vacation leave exceeding the maximum accrual limit shall be forfeited.

Vacation leave shall be taken at a time approved by the employee's supervisor. Upon voluntary separation from employment with reasonable advance notice, employees are entitled to be reimbursed for any unused vacation leave, not to exceed the maximum accrual allowed for the years of service completed.

It is compulsory to take at least one week of vacation per year.

All vacation schedules must be approved in advance by your supervisor and/or the Mayor to prevent excessive overtime.

Vacation time must be taken by the end of each calendar year or it will be forfeited.

An employee may sell one week of accrued vacation leave during a calendar year after 2 year anniversary.

D. SICK LEAVE

Generally, employees are permitted to use sick leave when:

1. Employee is incapacitated by illness or non-job related injury
2. He/she is seeking medical, dental, optical, psychological or other diagnosis and treatment.
3. Necessary care and attendance of a member of the employee's immediate family when approved by their supervisor.
4. Any other reason that is allowable under state or federal law.
5. Exposure to a contagious disease, requiring notice from a qualified doctor, that the employee may jeopardize the health of others

Three consecutive days of sick leave will require doctor's statement.

Each regular full-time employee will accrue sick leave at the rate of eight (8) hours per month for each month of work completed. All unused sick days accumulated during employee's tenure shall be added to their years of service for the purpose of calculating any retirement benefits. If a regular full-time employee resigns or is dismissed from employment by the town for any reason he/she will forfeit any accumulated sick leave.

Any absence under the sick leave policy may at any time, upon the Mayor's discretion, require a doctor's certificate to return to work, and any absence in excess of three (3) consecutive work days (three consecutive work shifts for police) will require a doctor's certificate to return to work.

If sick time is taken, overtime cannot be reached in that pay period until satisfying the sick time used. Sick time may be taken only in increments four (4) or eight (8) hours.

****Immediate family is defined as husband/wife, father/mother, son/daughter, brother/sister, grandparents, grandchildren, legal foster parents and children and step-parents and in-laws.**

E. BEREAVEMENT PAY

An employee who is required to be absent from work in order to arrange and/or attend the funeral of an immediate family member, will be given up to three (3) days off with pay at straight time hourly rate subject to these guidelines:

1. Immediate family consists of spouse, child, mother, father, brother, sister, mother-in-law, father –in-law, grandfather, grandmother, step-father, step-mother, grandchild, step-child, or any person for whom the employee stands in loco parentis.
2. One of the three days must be the day of the funeral if during the scheduled work week.
3. One day bereavement pay may be given an employee to attend the funeral of a relative if on a regular scheduled work day.
4. An employee may be given time off without pay to attend the funeral of a non-relative.
5. Proof of dates and attendance of the funeral may be required.

F. SPECIAL LEAVE WITH OR WITHOUT PAY

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

Special leave without pay may be granted, once all accumulated sick and vacation days have been exhausted, for a period not to exceed ninety (90) calendar days within a twelve (12) month period for temporary sickness, maternity, disability, or for other good and sufficient reason which are considered controllable. Such leave shall require the prior approval of the Mayor. An employee on special leave without pay shall not accrue sick leave or annual leave credit. This provision shall not be construed to eliminate other possible needs for special leave. Every application for special leave must be accompanied by a complete explanation of the reason for absence. The town employs fewer than 50 employees. Therefore, the Town employs no eligible employees under the Family and

Medical Leave Act (FMLA), and any unpaid leave approval is at the discretion of the Mayor.

G. MILITARY LEAVE

Any employee who enters the Armed Forces of the United States will be placed on Military Leave. The Council shall approve military leave without pay when the employee presents his/her official orders. The employee must apply for reinstatement within ninety (90) days after release from active military duty.

The employee will be reinstated to a position in the current classification plan at least equivalent to his/her former position. His/her salary will be the salary provided under the position classification and compensation plan prevailing at the time of reinstatement or re-employment for the position to which he/she is assigned.

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

H. MILITARY RESERVE DUTY LEAVE

Any employee who is a member of the United States Army Reserve, Naval Reserve, Air Force Reserve, Marine Reserve or any of the Armed Forces of the United States, will be granted military leave, not exceeding 20 working days (160 hours) in any one calendar year, for any field training or active duty required (excluding extended active duty). Such leave will be granted upon presentation of the employee's official order to his/her supervisor. Compensation for such leave will be paid pursuant to T.C.A. §8-33-109.

I. JURY DUTY LEAVE

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

J. WORKERS COMPENSATION

All injuries arising out of and in the course and scope of an individual's employment with the Town of Carthage shall be governed by the Tennessee Worker's Compensation Law. Employees on occupational disability leave due to an on-the-job injury will not be charged sick leave or annual leave during the period of convalescence. The employee shall continue to accrue sick leave and annual leave at the employee's regular rate while he/she is on occupational disability or injury leave.

Employees shall report immediately any injury incurred in the course of their employment, however minor, to their supervisor and take such first aid or medical treatment as necessary. Any employee determined to have been able, but who fails, to make such a report shall not be eligible for occupational disability or injury leave.

When an employee is injured on the job, the Town Recorder shall immediately submit an accident report to the town's insurance carrier and retain a copy in the OSHA file. Where an accident causes serious bodily injury or death to an employee, the supervisor shall immediately notify the Town Recorder.

SECTION V – MISCELLANEOUS POLICIES

A. PERSONAL TELEPHONE CALLS

The use of the office telephone and company cell phones during regular work hours for local and/or long distance calls of a personal nature, except in emergency cases, is discouraged. The city will not pay for personal cell phone calls. If this occurs, the town will bill the employee for charges incurred.

B. POLITICAL ACTIVITY

Nothing in this section is intended to prohibit any municipal government employee from privately expressing his/her political views or from casting his/her vote in all elections. Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any municipal political campaign. These restrictions shall not apply to elected officials. Employees may not seek to be a member of the municipal governing body.

C. PERSONNEL RECORDS

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

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

D. MORNING AND AFTERNOON BREAK

All employees shall have a fifteen (15) minute break in the morning and a fifteen (15) minute break in the afternoon. If a break time occurs and the employee is on a job site, that break shall

be taken at that job site. If an employee is involved with and/or working on an emergency situation during the scheduled break time(s), then that break time(s) shall be rescheduled with the employee's supervisor.

E. TRIP REIMBURSEMENT

All trips that involve reimbursement and/or municipal government expense shall not be undertaken without prior approval of the Mayor. Mileage shall be reimbursed at the current "Federal rate" for mileage. Any additional expense shall be approved by the Mayor.

F. USE OF TOWN VEHICLES AND EQUIPMENT

All town vehicles and equipment are for official use only. At no time shall an employee use a town vehicle for personal use. Drivers and/or operators must have a valid Driver's License and be approved by their supervisor or the Mayor.

G. HARASSMENT POLICY

The Town is committed to preventing workplace violence and bullying, and to maintaining a safe work environment. It is the policy of the town to promote a productive, safe and healthy work environment for all employees, customers, vendors, contractors and members of the general public and to provide for the efficient and effective operation of the town's activities. Employees and customers are to be treated with courtesy and respect at all times.

Employees are expected to maintain a productive work environment free from harassing or disruptive activity including threats of physical violence.

No form of harassment or bullying will be tolerated, including sexual harassment and harassment based on race, color, religion, gender or gender identity, age, national origin, disability, military status, communication with an elected public officials, free speech, refusing to participate in or remain silent about illegal activities exercising a statutory constitutional right or any right under clear public policy, political affiliation, genetic information or any other basis protected by law. This policy applies to all Town employees, elected officials, appointed officials, regular part time/temporary employees, and contractors.

The town will not tolerate verbal or physical conduct by an employee which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.

1. No employee or non-employee shall be allowed to harass any other employee or non-employee by exhibiting behavior including, but not limited to, the following:
 - a. Verbal harassment – Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or

- slur; offensive flirtations or propositions; verbal intimidation; exaggerated criticism or name-calling; spreading untrue or malicious gossip about others.
- b. Physical Harassment – Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person.
 - c. Visual Harassment – Displaying derogatory or offensive posters, cartoons, publications or drawings.
2. All employees, except those authorized to carry weapons for official job related purposes, are prohibited from carrying weapons during the course of their regular job duties.

Handgun carry permit holders are allowed to transport and store firearms and firearms ammunition in their vehicles pursuant to the parameters in Tenn. Code Ann. Section 39-17-1313(a), as long as the firearm(s) or ammunition is kept from ordinary observation and locked within the trunk, glove box, or interior of the person's motor vehicle or a container securely affixed to such motor vehicle if the permit holder is not in the motor vehicle.

Under no circumstances are the following items permitted on town property, including town-owned parking areas, except when issued or sanctioned by the town for use in the performance of the employee's job:

- a. dangerous chemicals;
- b. explosives or blasting caps;
- c. other objects carried for the purposes of injury or intimidation.

Charges of violence and harassment may be reported to any supervisory employee of the town, including the City Recorder, or Mayor. The Town will promptly investigate reports of workplace violence including suspicious individuals or activities. The Mayor is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the Mayor may request that the Police Chief provide assistance or assume responsibility for the investigation.

Employees are obligated to report instances of harassment. Employees are also obligated to cooperate in every investigation of harassment. The obligation includes, but is not limited to, coming forward with evidence, both favorable and unfavorable, for a person accused of such conduct; fully and truthfully make written reports or verbally answer questions when required to do so by an investigator. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action.

Copies of the investigative report with recommendations for appropriate action will be turned over to the Council as appropriate for further action.

Anyone determined to be responsible for threats of or actual violence or other conduct that is in violation of this policy will be subject to prompt disciplinary action up to and including termination.

Employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisors or the Mayor before the situation escalates into potential violence. The Town is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns. Employees have the right to file a police report at their own discretion.

Sexual Harassment:

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

The town is responsible for acts of sexual harassment in the workplace when the town (or its agents or supervisory employees) knows or should have known of the conduct, unless it can be shown that the town took immediate and appropriate corrective action. The town may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the town (or its agents or supervisory employees) knows or should have known of the conduct and failed to take immediate and appropriate corrective action.

This policy applies to all officers and employees of the town including, but not limited to:

full and regular part time employees, elected officials, seasonal and temporary employees, employees covered or exempt from the Human Resources rules or regulations of the town, and employees working under contract for the town. The following rules shall be strictly enforced.

Definitions:

The following actions constitute an unlawful employment practice and are absolutely prohibited by the town when they affect employment decisions, create a hostile job environment, cause distractions, or unreasonably interfere with work performance. They are:

1. sexual harassment or unwelcome sexual advances;
2. requests for sexual favors;

3. Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances or propositions explicit or implied job threats or promises in return for submission to sexual favors;
4. Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
5. sex-oriented stories;
6. displaying sexually explicit or pornographic material, no matter how the material is displayed; and/or
7. sexual assault on the job by supervisors, fellow employees, or, on occasion, non-employees
8. Demeaning insulting, intimidating or sexually suggestive written, recorded or electronically transmitted materials (such as email, instant message, and Internet materials)

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

Making Harassment Complaints:

An employee who feels he/she is subjected to harassment should immediately contact a person (listed below) with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

1. the employee's immediate supervisor,
2. the employee's department head,
3. the recorder,
4. the mayor, and/or
5. the council.

Employees have the right to circumvent the employee chain-of-command when selecting the person to complain to about harassment. The employee should be prepared to provide the following information:

1. his/her name, department, and position title;
2. the name of the person or people committing the harassment, including their title(s), if known;
3. the specific nature of the harassment, how long it has gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
4. witnesses to the harassment; and

5. whether the employee has previously reported the harassment and, if so, when and to whom

Employee Obligation:

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

Disciplinary action may be taken against an employee who fails to report instances of harassment, or who fails or refuses to cooperate in the investigation of a complaint of harassment, or who files a complaint of harassment in bad faith. Employees are prohibited from interfering or attempting to interfere with any departmental investigation. False allegations will be dealt with on a case by case basis, and depending on the outcome, may include disciplinary action.

Reporting and Investigating Harassment Complaints:

The Mayor the person the town designates as the investigator of harassment complaints against employees. In the event the harassment complaint is Mayor, the investigator shall be the Town Attorney.

When an allegation of harassment is made by any employee, the person to whom the complaint is made shall:

1. separate the complainant and accused party for the duration of the investigation; upon the approval of the department head and ((manager/administrator/ mayor/ governing body/ department head/ supervisor)/Mayor/Board of Mayor and Aldermen).
2. meet with the employees, any witnesses, the supervisor(s), any other members of management considered appropriate and other individuals that may have relevant information. The investigator may elect to conduct a hearing as part of the investigation process.
3. immediately prepare a report of the complaint according to the preceding section and submit it to the Mayor
4. make and keep a written record of the investigation at the time the verbal interview is in progress, including notes on:
 - a. verbal responses made to the investigator by the person complaining of harassment,
 - b. witnesses interviewed during the investigation,

- c. the person against whom the complaint of harassment was made, and
 - d. any other person contacted by the investigator in connection with the investigation
5. within **(30)** days of receiving the complaint, the Mayor will summarize the complaint in a report, which will include:
- a. the written statement of the person complaining of harassment,
 - b. the written statements of witnesses,
 - c. the written statement of the person against whom the complaint of harassment was made, and
 - d. all the investigator's notes connected to the investigation

Action on Complaints of Harassment:

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

Based upon the report and his/her own investigation (where a separate investigation is made), the Mayor shall, within a reasonable time, determine whether the conduct in question constitutes harassment. In making that determination, the Mayor shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct, the context in which the alleged actions occurred, and the behavior of the person complaining. The decision of whether harassment actually took place will be determined on a case-by-case basis.

If the Mayor determines that the harassment complaint is founded, he/she shall take immediate and appropriate disciplinary action against the guilty employee, consistent with his/her authority under the town charter, ordinances, resolutions, or rules governing his/her authority to discipline employees. The disciplinary action may include oral counseling, written reprimand, suspension, demotion, or termination depending upon the severity of the matter and circumstances surrounding the incident (s). A written record of disciplinary actions shall be maintained by the City Recorder in the employee's Human Resources file.

If the Mayor feels that the harassment warrants disciplinary action stronger than he/she is authorized to impose by the charter, ordinances, resolutions, or rules governing employee discipline, he/she shall make that determination known, along with the report of the investigator, to the governing body of the town. If the governing body determines that the harassment complaint is founded, it may discipline the employee consistent with its authority under the town charter, ordinances, resolutions, or rules governing employee discipline.

The disciplinary action shall be consistent with the nature and severity of the offense, the employee's rank, and any other factors the governing body believes relate to fair and efficient

administration of the town. This includes, but is not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the town. The disciplinary action may include demotion, suspension, dismissal, warning, or reprimand. Determining the level of disciplinary action shall also be made on a case-by-case basis. A written record shall be kept of imposed disciplinary actions, including verbal reprimands.

In all events, an employee found guilty of harassment shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the investigation. All other Town employees are also warned not to retaliate in any way to the above mentioned parties. Any such retaliation or harassment will be dealt with immediately and may include disciplinary action.

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

Obligation of Employees:

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

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

I. EMPLOYEE DRUG TESTING

All employees in safety-sensitive positions, including those requiring to have a CDL for job-related needs consistent with business necessity, are subject to alcohol and drug testing in accordance with the DOT Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143, Title V). Other employees are subject to drug testing in accordance with the drug testing policy of the municipality. The municipality's procedures for drug testing can be found in Ordinance No. 268.

K. NARCOTICS AND INTOXICATING LIQUORS

See City/Town of Carthage, Tennessee Drug and Alcohol Testing Policy (Ordinance No. 268)

L. MISUSE OF CITY PROPERTY

Misuse of city property violates the values of integrity, respect and continuous improvement of the city. Misuse of property may include, but is not limited to, misusing or taking City property or the property of others without permission or misusing or misappropriating funds, misuse of copyrighted material, vandalism, and embezzlement, using City resources/positions, business cards/identification/security badges for unauthorized business or personal reasons or personal gain. Violation of this section will result in disciplinary action as set forth under Section VI of this policy.

M. ETHICS

All employees of the Town shall be required to follow the town's code of ethics according to Ordinance No. 353 adopted June 25, 2007. Employees will be required to sign a form acknowledging receipt of Ordinance No. 353 as well as this personnel policy.

N. COMPUTER USE AND MONITORING

Computers, the Internet, e-mail, as with other technologies, should be used to maximize the Town's efforts in serving its citizens. It is every employee's duty to use the Town's computer resources and communication devices responsibly, professionally, ethically and lawfully. These policies are not intended to, and do not, grant users any contractual rights. The term "Computer Resources" refers to the Town's computers, electronic equipment, and its entire computer network.

Computer Use Policy Overview

The Computer Resources are the property of the Town and should be used for legitimate business purposes. While personal use of Town computer resources including Internet and electronic mail is not forbidden, it is discouraged. Personal use shall be minimal and shall not interfere with the performance of job duties and responsibilities. Users are permitted access to the Computer Resources to assist them in performing their jobs. Confidential information or other information that would cause citizens to lose confidence in the Town or its personnel should not be provided using e-mail or shared with individuals outside the Town's employment ranks.

No one may use loopholes or acts of subterfuge within the computer security systems or knowledge of a special password to damage computer systems, to compromise sensitive information, to obtain extra resources, to take resources from another user, to gain access to systems or to use systems from which proper authorization has not been given. Users may not impersonate other individuals or misrepresent themselves.

The Internet, e-mail or voice mail should not be used to solicit others to promote personal events or causes, commercial ventures, religious or political causes, outside organizations or other non-business matters. Employees are prohibited from uploading, posting, e-mailing, or otherwise transmitting any unsolicited or unauthorized advertising, promotional materials, junk mail, chain letters, pyramid schemes or any other form of solicitation. No one may use the Town's

technological resources for personal financial gain by posting messages that promote the products or services of a local business or their own product or services.

Use of the Computer Resources is a privilege that may be restricted or revoked at any time. All information contained in the Computer Resources and all documents generated there from are for the exclusive use of the Town in connection with the conduct of its business and are the sole property of the Town.

Waiver of Privacy Rights

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

Inappropriate or Unlawful Material

Material that is, or could reasonably be regarded as, derogatory or discriminatory on the basis of race, color, religion, gender or gender identity, age, national origin, disability, military status, communication with an elected public officials, free speech, refusing to participate in or remain silent about illegal activities exercising a statutory constitutional right or any right under clear public policy, political affiliation, genetic information or any other basis protected by law, or is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful, may not be sent, by e-mail or other forms of electronic communication (such as bulletin board systems, news groups and chat groups) or displayed on, or stored in, the Computer Resources. Any such material received by electronic transmission from a source outside of the Town should be deleted immediately.

Misuse of Software

The Town purchases and licenses the use of various computer software programs. Without prior authorization and proper licensing, users may not do any of the following: a) copy software for use on their home computers; (b) provide copies of software to any third person; (c) install software or hardware on any Computer Resources; (d) download any software from the Internet or other online service to any Computer Resources; (e) modify, revise, transform, recast or adapt any software on any Computer Resources.

Compliance with Laws and Licenses

In their use of Computer Resources, users must comply with all software licenses and copyrights and all state, federal and international laws governing intellectual property and online activities.

Communication of Trade Secrets

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

Use of Encryption Software

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

Monitoring Usage

The Town has the right, but not the duty, to monitor any and all aspects of the Computer Resources, including monitoring sites visited by employees on the Internet, monitoring chat groups and news-groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by others. Employee violations of any of the provisions outlined in this policy may subject employee to disciplinary action.

Public Records

All employee correspondence in the form of electronic mail, including computers, computer files, software, Internet access, voice mail and the e-mail system, are public records under the Tennessee Public Records Act and may be subject to public inspection under the law.

SECTION VI – SEPARATIONS AND DISCIPLINARY ACTIONS

A. TYPES OF SEPARATIONS

All separations of employees from positions with the municipal government shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, lay-offs, disability, death, retirement and dismissal. At the time of separation and prior to final payment all records, assets and other items of Town property in the employee's custody must be transferred to the department. Any amount due because of shortages shall be withheld from the employee's final compensation, but may not reduce the employee's pay to below minimum wage.

B. RESIGNATIONS

In the event an employee decides to leave the municipal government's employ, a two (2) week written notice shall be given to his/her supervisor so that arrangements for a replacement can be made. In such a case, employees will be expected to return any/or all municipal government

equipment assigned. An unauthorized absence from work for a period of three (3) consecutive working days may be considered by the department head as a resignation.

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

E. DEATH Separation shall be effective as of the date of death of an employee. All compensation due in accordance with these policies and procedures shall be paid to the estate of the employee, except for such sums as by the law must be paid to the surviving spouse.

F. DISCIPLINARY ACTION

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

The types of disciplinary actions are:

- A. **Oral warning** - Whenever an employee's performance, attitude, work habits or personal conduct fall below a desirable level, the supervisor shall inform the employee promptly and specifically of such lapses and shall give him/her counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating further disciplinary actions. Documentation regarding the issuance of an oral warning shall be placed in the employee's personnel file.
- B. **Written reprimand** - In situations where an oral warning has not resulted in the expected improvement, or when more severe initial action is warranted, a written reprimand may be given to the employee and a copy shall be placed in the employee's personnel folder.
- C. **Suspension** - An employee may be suspended with or without pay by the Mayor.
- D. **Dismissal** - The City Council may dismiss an employee, upon recommendation by the Mayor. If reasons are sought, reasons for dismissal may include, but shall not be limited to: misconduct, negligence, incompetence, insubordination, unauthorized absences, and falsification of records, violation of any of the provisions of the Charter, ordinances or these policies and procedures.

SECTION VII – GRIEVANCE PROCESS

The town does not provide a formal grievance process. Employees with concerns about their treatment should talk with their supervisor. However, town employees have no rights to continued employment with the town. Employees may be dismissed for cause, for no cause, for any cause as long as the dismissal does not violate federal and state law.

SECTION VIII – AMENDMENT OF PERSONNEL RULES

A. AMENDMENTS

Amendments or revisions of these policies and procedures may be recommended for adoption by the Mayor. Such amendments or revisions of these policies and procedures shall become effective after approval by resolution of the Board of Mayor and Aldermen/women.

STATEMENT OF UNDERSTANDING

Each employee shall sign a statement that he/she has read and understands the Personnel Policy of the Town of Carthage. Said statement is to be placed in the employee's personnel file.

**SECTION IX. RECEIPT OF PERSONNEL RULES AND REGULATIONS
ACKNOWLEDGMENT**

I hereby acknowledge that I have received a copy of the Town of Carthage Personnel Rules and Regulations. I understand it is my responsibility to read, comprehend and comply with the rules and regulations contained herein, and that failure to do so could result in disciplinary action, including termination. I understand that if the rules and regulations related to my employment are not fully understood by me, it is my responsibility to seek clarification.

I understand that this document is not a contract of employment, and I do not consider it as such. All employees are "at will" and the town is an "at will" employer under Tennessee law. Employees have no property rights to employment. *The Town reserves the right to change any and all such policies, practices, and procedures in whole or in part at any time, with or without notice to employees.*

Also, I understand that I have no expectation of privacy in connection with employment with the Town, including use of any e-mail system, the use of Town equipment, vehicles or lockers, or the transmission, receipt, or storage of information or records in conjunction with my employment with the Town.

Additionally, I confirm and acknowledge that the Town may withhold the cost of unreturned equipment, uniforms, or other Town property that I fail to return at the completion of my employment, as long as the cost does not reduce my pay to below minimum wage.

Furthermore, I understand that the Town reserves the right to change any or such rules, regulations, policies, practices, and procedures in whole or in part at any time, with or without notice to employees.

Employee _____

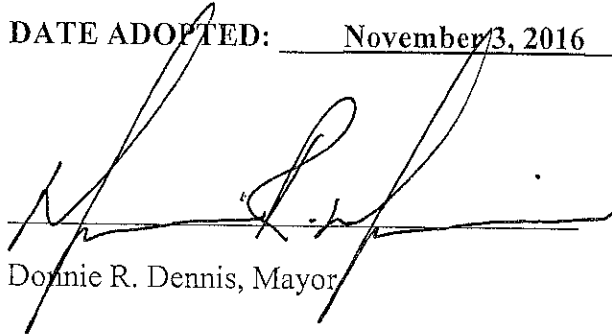
Supervisor/Employer _____

Date _____

SECTION X – EFFECTIVE DATE

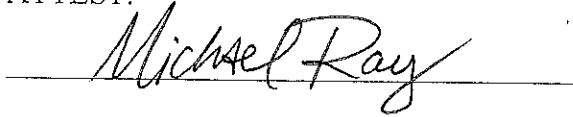
This resolution takes effect upon its passage and supersedes any personnel policy previously adopted. However, to the extent not inconsistent, this Personnel Policy shall be applied along with the existing Disciplinary Procedures set forth within the Carthage Police Department. Should any provision of this Personnel Policy be inconsistent with said existing Police Department Disciplinary procedures, the personnel policy shall take precedence.

DATE ADOPTED: November 3, 2016



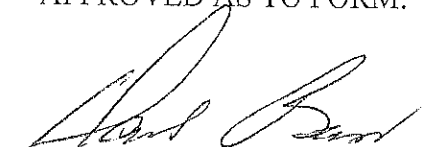
Donnie R. Dennis, Mayor

ATTEST:



Michael Ray, City Recorder

APPROVED AS TO FORM:



City Attorney