

**PERSONNEL
POLICIES and PROCEDURES**

of the

City of Columbia, Tennessee

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Personnel Policies and Procedures of the City of Columbia, TN

developed with the assistance of

**The Municipal Technical Advisory Service
Institute of Public Service
The University of Tennessee**

Personnel Policies and Procedures of the City of Columbia, TN

Welcome to the City of Columbia

Welcome to the City of Columbia as a new employee! We hope that you will find your employment with the City to be an interesting, challenging and enjoyable experience.

The City of Columbia was incorporated in 1817 and, since 1940, has been organized under the council-manager form of government. We strive to provide the highest quality municipal services. Quality services, though, depend on each of us committing to do our best, all the time. We hope you will join our effort to build and improve upon our long and proud history: “Old South Charm, New South Progress!”

The City attempts to promote a feeling of understanding and respect among our employees. A key to our success lies in the quality and dedication of our employees. Each employee of the City of Columbia plays a critical role in providing the Columbia community with the best possible service.

Because of our belief in the importance of our employees, the City of Columbia strives to promote a work environment where employees are treated with dignity and respect. If you have any ideas for improving the way our work is performed, or if you have any other suggestions or problems, you should feel free to discuss these matters with your supervisor, department head or the personnel department. By working together as a team, the City hopes to continue our tradition of providing excellent service to the Columbia community.

City of Columbia Mission Statement

The City Council of the great City of Columbia, Tennessee, ancestral home of James K. Polk, the eleventh president of the United States of America, pledges to provide for the health, safety, and well-being of the community through efficient and effective fiscal management and progressive planning that enhances the quality of life while reflecting the pride and values of its citizens.

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Introduction

This is your copy of the City of Columbia's personnel policies and procedures. While no set of rules and regulations can anticipate every possible situation, the City has established these policies and procedures in order to give you a better understanding of what the City expects of you and what you can expect of the City.

Whenever you have a question about the City's personnel policies and procedures, please refer to this manual for guidance. Of course, if you still have questions, your supervisor, department head and the personnel department all stand ready to assist you as best they can.

Please know that these personnel policies and procedures do not constitute a contract between the City and any of its employees. Further, the personnel policies and procedures can and may be changed, in accordance with the charter and state and federal laws, at the city council's sole discretion at any time. No employee or other person enjoys any vested right to the continuation of any rules, regulations, policies, procedures, provisions or employee benefits contained within these personnel policies and procedures.

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SECTION I – GENERAL PROVISIONS

A. PURPOSE AND OBJECTIVES

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

The fundamental objectives of these personnel management policies are to:

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

B. PERSONNEL POLICY STATEMENT

It is the policy of the City to apply and foster a sound program of personnel management. Specifically, it is the declared intent of the City to:

1. Employment and Placement
 - a. fill all positions in accordance with job qualifications and requirements without discrimination as to race, color, creed, religion, national origin, gender, age, disability or political affiliation; and
 - b. establish programs for the promotion, transfer, demotion, dismissal, and reassignment of personnel.
2. Position Classification and Pay Administration
 - a. establish and maintain job descriptions for every position with the descriptions maintained on file with the personnel director and department head;

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- b. review position descriptions periodically and systematically with the employee to ensure currency and accuracy;
 - c. establish appropriate minimum requirements and to group positions in classes with similar standards; and
 - d. conduct area wage and salary surveys periodically to provide competitive wage and salary scales.
3. Employee Relations and Services
- a. develop a system of job performance standards and evaluation, and inform each employee periodically and systematically of the status of his or her job performance;
 - b. establish rules and standards governing employee conduct;
 - c. administer a uniform leave program;
 - d. provide employee grievance procedures;
 - e. inform employees of their responsibilities, rights, and privileges; and
 - f. provide and maintain a safe and healthful work environment.
4. Employee Development and Training
- a. establish training standards and requirements for all positions; and
 - b. motivate and stimulate employees to achieve their highest potential usefulness.
5. Records
- a. establish and maintain comprehensive and uniform personnel records.
6. Employment Non-discrimination
- a. be an equal opportunity employer by granting and providing equal opportunities in employment, job application procedures, hiring, separation, job training, promotions, pay, benefits, and other compensation, privileges, terms and conditions of employment without regard to race, color, creed, religion, national origin, gender, age, disability or political affiliation.

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C. COVERAGE

These policies and procedures apply to all employees of the City, except as otherwise specified by this document, the charter, and/or the ordinances of the City, without regard to race, color, creed, religion, national origin, gender, age, disability or political affiliation.

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

1. all elected officials;
2. members of appointed boards and commissions;
3. the city manager;
4. the city attorney;
5. the city judge;
6. consultants, advisers, and legal counsel rendering professional service; and
7. independent contractors.

D. ADMINISTRATION

These personnel policies and procedures shall be administered by the city manager under the direction of the city council and in conformity with the charter and municipal code provisions establishing the City's personnel system.

Amendments to these personnel policies and procedures shall be made in accordance with the procedure herein. This is not an employment contract. This document is a statement of current policies, practices, and procedures. No provision of these personnel policies and procedures shall be deemed to give employees any more property rights in their jobs than may already be given by the charter. The City reserves the right to alter or change any or all of these personnel policies and procedures without prior notice to employees.

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SECTION II – DEFINITIONS

As used in these personnel policies and procedures, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Active Employee – (see “Employee.”)

ADA – Americans with Disabilities Act.

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

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

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

Americans with Disabilities Act – Federal law protecting the civil rights of those who have physical or mental disabilities by guaranteeing equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

Appeal – An application for review of a disciplinary action, submitted or instituted by an employee to the civil service board pursuant to these personnel policies and procedures.

Applicant – An individual who has completed and submitted an application for employment with the City; any person who has on file an application for employment or any person who is otherwise being considered for employment with the City, including any current employee who has completed and submitted an application for promotion or transfer.

Appointment – The offer to and acceptance by a person of a position of employment.

BAT – Breath Alcohol Technician.

Bereavement Leave – (see “Leave.”)

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

CDL – Commercial driver’s license.

Certification – Finding by the civil service board of not more than three (3) applicants as best meeting or exceeding the required minimum standards for a vacant position.

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Certified Applicant – An applicant who is found by the civil service board as being one of not more than three (3) applicants who best meet or exceed the required minimum standards for a vacant position.

Certified List – A list of not more than three (3) applicants who are found by the civil service board as best meeting or exceeding the required minimum standards for a vacant position.

Chain-of-Custody – Refers to proving that the blood or urine specimen or sample that tested positive for drugs or alcohol is actually the specimen or sample from the employee said to have produced it. The method of tracking each blood or urine specimen or sample to maintain control from initial collection to final disposition with accountability at each stage of handling, testing, storing, and reporting.

Charter – The legislative act enacted by the general assembly of the State of Tennessee incorporating, establishing and organizing the City of Columbia, Tennessee, as a municipal body politic and corporate in perpetuity.

City – The municipal government of the City of Columbia, Tennessee, itself a municipal corporation established and operated pursuant to its charter as amended.

City Council – The governing legislative body of the City, composed of the mayor and six council members elected as provided for in the charter, and any incumbent thereof until the expiration of his or her current term of office.

City Manager – The chief administrative officer of the City, appointed by the city council.

Civil Service Board – The civil service board of the City, as established, authorized and empowered by the charter, consisting of five (5) members who collectively shall oversee the hiring, promotion and transfer of employees of the City and shall hear employee appeals of disciplinary actions.

Class – A group of positions that are sufficiently alike in general duties and responsibilities to warrant the use of the same title, job description, and pay range.

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

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

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

Classified Service – The classified service shall include all positions in the City service except those listed under non-classified service.

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CMV – Commercial Motor Vehicle.

Code – The codification of certain adopted municipal ordinances of the City that are of a general and permanent nature.

Collection Site – A place where applicants or employees present themselves to provide a specimen or sample that will be analyzed for the presence of drugs and/or alcohol.

Collection Site Personnel – Persons who instruct donors at a collection site.

Commercial Driver’s License – Required of anyone (not including, among others, firefighters who meet approved training standards and while operating authorized emergency vehicles) who drives a vehicle in excess of 26,000 pounds or who carries 16 or more passengers or any size vehicle used in the transportation of hazardous materials.

Commercial Motor Vehicle – Any vehicle or combination of vehicles meeting the following criteria: weighing more than 26,000 pounds; designed to transport 16 or more passengers; transporting hazardous materials required by law to be placarded, regardless of weight; and/or classified as a school bus.

Compensation – The standard wage and salary pay rates that have been established for the prospective classes of work as set forth in the pay plan.

Compensatory Leave – (see “Leave.”)

Confirmation Test – For alcohol testing, a confirmation test means a second test following a screen test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. For controlled substance testing, a confirmation test means a second analytical procedure that is independent of the screen test and that uses a different technique and chemical principle from that of the screen test to ensure reliability and accuracy with identifying the presence of a specific drug or metabolite.

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

Continuous Service – Employment without interruption except for absences on approved leaves or absences to serve in the U.S. Armed forces.

Demotion – Assigning an employee from one position to another that has a lower maximum pay rate and a lower rank and/or level of responsibility.

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Department – The primary organizational unit under the immediate charge of a department head who reports directly to the city manager.

Department Head – The director or chief of a City department.

DHHS – (United States) Department of Health and Human Services.

Disciplinary Action – A method of reprimanding employees for violations of the rules, policies, or procedures and/or for unsatisfactory performance.

Dismissal – A type of disciplinary action resulting in the separation from employment from the City.

DOT – (United States) Department of Transportation.

EAP – Employee Assistance Program.

EBT – Evidential Breath Testing device.

Employee – An individual, belonging to any of the following categories, who is selected to perform the work of a position. An individual who is currently and legally employed by the City and is compensated through the City payroll for services rendered. Individuals or groups compensated on a fee basis are not employees.

- **Active Employee** – A current employee, either regular, probationary or temporary/seasonal, who reports for duty as assigned or is on any of the following types of leave: leave with pay, family and medical leave, maternity leave, military leave with pay, work-related injury leave and/or suspension with pay.
- **Exempt Employee** – An employee who is exempt from the overtime provisions of the federal Fair Labor Standards Act, including salaried executive, administrative, professional and certain other employees.
- **Full-Time Employee** – An employee, either regular, probationary or temporary/seasonal, who is normally and regularly scheduled to work 40 or more hours per workweek or, (and only) in the case of shift personnel of the fire department, 216 or more hours per four-week work period.
- **Inactive Employee** – A current employee, either regular, probationary or temporary/seasonal, who is not an active employee.
- **Non-Exempt Employee** – An employee who is not exempt from the overtime provisions of the federal Fair Labor Standards Act, including hourly employees.
- **Part-Time Employee** – An employee, either regular, probationary or temporary/seasonal, who is normally and regularly scheduled to work no more than 32 hours per workweek.
- **Probationary Employee** – An employee, either full-time or part-time but not temporary/seasonal, who has not yet successfully completed a twelve-month (12-month) probationary period of employment with the City for the position to which he or she has been originally appointed.

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- **Regular Employee** – An employee, either full-time or part-time but not temporary/seasonal, who has successfully completed a twelve-month (12-month) probationary period of employment with the City for the position to which he or she has been appointed.
- **Reserve Police Officer** – A volunteer appointed by the chief of police. Reserve police officers receive no compensation and no other benefits or remuneration of any kind except coverage under the Special Reserve Police Insurance Coverage Policy, uniforms and workers' compensation insurance.
- **Temporary/Seasonal Employee** – An employee, either full-time or part-time, who is appointed to a position of a temporary, seasonal, or irregular nature for a period of time neither greater than six (6) consecutive months in duration nor more than six (6) months total in any one (1) calendar year. A temporary/seasonal employee is neither a regular nor a probationary employee.
- **Volunteer Employee** – An individual who works for the City for no compensation or remuneration of any kind.

Employee Assistance Program – An employer-sponsored benefit that is designed to assist in the early identification and resolution of workplace productivity problems associated with employees who are impaired or likely to be impaired by behavioral problems. These include, but are not limited to: health, relationship issues, family problems, financial concerns, alcohol and drug issues, legal issues, emotional problems, grief and stress.

Evidential Breath Testing Device – Used to detect alcohol usage; an instrument approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath for alcohol and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices."

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

Exempt Employee – (see "Employee.")

Extended Family – For purposes of funeral leave, refers to any current or former natural, step or adoptive relative of the employee or the employee's current or former spouse not defined herein as immediate family for bereavement leave purposes.

Fair Labor Standards Act – Federal legislation which sets minimum wage, overtime pay, equal pay, record-keeping, and child labor standards for employees who are covered by the act and are not exempt from specific provisions thereof.

Family and Medical Leave – (see "Leave.")

Family and Medical Leave Act – Federal legislation which provides for the excused absence with or without pay, while or after using sick and vacation leave, for a period of time not to exceed twelve (12) weeks for family and/or medical leave.

FHWA – Federal Highway Administration.

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Fixed-Holiday Leave – (see “Leave.”)

Floating-Holiday Leave – (see “Leave.”)

FLSA – (Federal) Fair Labor Standards Act.

FMLA – (Federal) Family and Medical Leave Act.

Full-Time Employee – (see “Employee.”)

Funeral Leave – (see “Leave.”)

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

Harassment – Persistent or egregious mistreatment of another individual, especially those actions and behaviors that affect employment decisions, create a hostile work environment, cause distractions, or unreasonably interfere with work performance.

- **Physical Harassment** – Any physical assault, such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person, all of which is prohibited.
- **Sexual Harassment** – Actions and behaviors identified in these policies and procedures which are unlawful employment practices and are absolutely prohibited by the City when they affect employment decisions, create a hostile work environment, cause distractions, or unreasonably interfere with work performance.
- **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 and malicious gossip about others; all of which is prohibited.
- **Visual Harassment** – Derogatory or offensive posters, cartoons, publications or drawings, all of which is prohibited.

Health Care Provider –

- Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctors practice.
- Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under state law.
- Nurse practitioners, nurse-midwives and clinical social workers authorized to practice, and performing within the scope of their practice, as defined under state law.
- Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

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- Any health care provider recognized by the City or the City's group health insurance plan.

Holiday Leave – (under “Leave,” see either “Fixed-Holiday Leave” or “Floating-Holiday Leave.”)

Immediate Family –

- For purposes of bereavement leave, refers to any one or more of the following: the employee's current spouse; and the following natural, adoptive and current step relatives of the employee or the employee's current spouse: children, children's spouses (children-in-law), grandchildren, great-grandchildren, siblings, siblings' spouses (siblings-in-law), parents, grandparents, great-grandparents, and other adults who had day-to-day responsibility for caring for the employee for a substantial portion of his or her childhood in place of his or her natural parents.
- For purposes of interpreting the City's nepotism policy, refers to any one or more of the following: the employee's current spouse; and the following natural, adoptive and current step relatives of the employee: children, siblings and parents.
- For purposes of sick leave, refers to any one or more of the following: the employee's current spouse and any current legal dependent (for purposes of federal income tax returns), of either the employee or the employee's current spouse, who is currently residing within the employee's household.

Inactive Employee – (see “Employee.”)

Inclement Weather Leave – (see “Leave.”)

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

Job Description – A written explanation of one position or several very similar positions that includes a title, a definition of responsibilities and essential functions, examples of duties, and the minimum required qualifications.

Jury Duty Leave – (see “Leave.”)

Layoff – The involuntary, non-disciplinary separation of an employee from a position due to a shortage of funds or work, abolishing a position, other material changes in the duties or organization, or for related reasons that are outside the employee's control and that do not discredit the service of the employee.

Leave – One of the following authorized absences from City duty during regularly scheduled work time that has been approved by the employee's supervisor or department head. Leave may be authorized with or without pay as provided for by these personnel policies and procedures.

- **Bereavement Leave** – Leave with pay that is granted, if authorized, to an eligible full-time employee following the death of any member of the employee's immediate family. (In the event of the death of any member of the employee's extended family, see funeral leave.)

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Bereavement leave is 24 work hours of leave with pay that may be utilized only between the date of death and the date of burial or memorial (inclusive) unless there are fewer than 24 work hours the employee would otherwise be scheduled to work within this time period in which case bereavement leave may extend beyond the date of burial or memorial service.

- **Compensatory Leave** – Leave with pay in lieu of monetary payment for overtime worked by employees not exempt from the overtime provisions of the FLSA. Compensatory leave shall be provided at the rate of one and one-half (1-½) times the time actually worked.
- **Family and Medical Leave** – Leave that is granted to an eligible employee while and after using any previously accrued sick leave, vacation leave and compensatory leave, for a period of time not to exceed twelve (12) weeks for family and/or medical leave, pursuant to the federal Family and Medical Leave Act.
- **Fixed-Holiday Leave** – Leave that is granted to each active employee upon the observation of nine (9) City-recognized holidays. In the case of active employees who are both full-time and either regular or probationary, fixed-holiday leave is leave with pay; otherwise, fixed-holiday leave is approved leave without pay.
- **Floating-Holiday Leave** – Leave that is granted to each active employee who is both full-time and either regular or probationary in lieu of two (2) City-recognized but not observed holidays. For such employees, floating-holiday leave is leave with pay and is handled as vacation leave.
- **Funeral Leave** – Leave with pay that is granted, if authorized, to an eligible full-time employee following the death of any member of the employee's extended family. (In the event of the death of any member of the employee's immediate family, see bereavement leave.) Funeral leave is eight (8) work hours of leave with pay that may be utilized only on the date of burial or memorial service.
- **Inclement Weather Leave** – Leave without pay that is granted, if authorized and approved by the employee's department head, to each active employee for inclement weather.
- **Jury Duty Leave** – Leave with pay that is granted, upon advance receipt by the employee's department head of a copy of that employee's official jury duty summons, to an eligible full-time employee for jury duty service.
- **Maternity Leave** – Leave that is granted to an eligible female employee while and after using any previously accrued sick leave, vacation leave and compensatory leave, for a period of time not to exceed four (4) months for the purpose of pregnancy, childbirth, and nursing the infant, pursuant to the Tennessee Maternity Leave Act. The employee shall be required to exhaust any and all accumulated leave with pay prior to taking any leave without pay during maternity leave. Any maternity leave (whether with or without pay) shall simultaneously be considered and treated as family and medical leave to the extent such leave is and remains available to that employee.
- **Military Leave** – Leave with or without pay that is granted employees who are, or may become, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, without loss of time, rate of pay, previously accumulated vacation leave, or any other rights or benefits to which otherwise entitled, for all periods of military service during which they are engaged in the performance of duty or training in the service of this state, or of the United States, under competent orders.

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- **Sick Leave** – Leave with pay that is accrued, and is granted, if authorized and approved by the employee’s department head, to an eligible full-time employee for non-City-job-related sickness, illness or injury or other approved uses.
- **Suspension** – An enforced leave for disciplinary purposes or pending an investigation of charges made against an employee. A suspension may be issued either with or without pay, as decided by the employee’s department head or the city manager.
- **Vacation Leave** – Leave with pay that is allotted upon successful completion of an employee’s probationary period and thereafter is accrued, and is granted, subject to advance scheduling approved by the employee’s department head, to an eligible full-time and regular employee for purposes of vacation or other personal uses.
- **Work-Related Injury Leave** – Leave resulting from an injury or illness sustained in the course of employment with the City.

Maternity Leave – (see “Leave.”)

Medical Review Officer – A licensed health care provider with knowledge of substance abuse disorders whom the City selects and who evaluates and interprets for the City the results of substance abuse tests (see Appendix D to these personnel policies and procedures).

Military Leave – (see “Leave.”)

MRO – Medical review officer.

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

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

NHTSA – National Highway and Traffic Safety Administration.

Non-Classified Service – The non-classified service shall include the elected officials of the City, and those individuals who serve at the pleasure of the elected officials who appointed them to their positions, including: members of appointed boards and commissions; the city manager; the city attorney; the city judge; people employed as consultants, advisers or legal counsel rendering professional services; and independent contractors.

Non-Exempt Employee – (see “Employee.”)

Out-of-Rank Pay – Compensation paid to an employee for work performed in a pay grade other than the one to which the employee’s position is assigned.

Overtime –

- In the case of an employee not exempt from the overtime provisions of the FLSA other than shift personnel of the fire and police departments: authorized time worked in excess of 40 hours during the seven-day workweek, compensated either monetarily at a rate of one and

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one-half (1-½) times the employee's regular rate of pay or with compensatory leave at a rate of one and one-half (1-½) times the time actually worked.

- In the case of shift personnel of the fire department: authorized time worked in excess of 212 hours per 28-day work period, compensated either monetarily at a rate of one and one-half (1-½) times the employee's regular rate of pay or with compensatory leave at a rate of one and one-half (1-½) times the time actually worked.
- In the case of shift personnel of the police department: authorized time worked in excess of 86 hours per 14-day work period, compensated either monetarily at a rate of one and one-half (1-½) times the employee's regular rate of pay or with compensatory leave at a rate of one and one-half (1-½) times the time actually worked.

Overtime Pay – Compensation paid to an employee for overtime work performed.

Part-Time Employee – (see “Employee.”)

Pay Period – The regular and recurring period of time scheduled to begin and end at 12:00 a.m. on designated Sundays. Pay periods are either one (1) week, two (2) weeks or one (1) month in duration. Employees should ask their supervisor how long the pay period is for their position.

Pay Plan – The official schedule of pay approved by the city council, assigning one or more pay rates to each class title. A written plan that places every job description in a pay grade according to the knowledge, skills, and abilities required to perform that job.

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

Pay Rate – A specific dollar amount of wage or salary per unit of time.

Performance Evaluation – The system of assessing the quality and quantity of an employee's performance.

Personnel – Employees of the City.

Personnel Department – The department of the City responsible for employee personnel management, under the direction of the personnel director.

Personnel Director – The director of the personnel department who, under the direction of the city manager, oversees the personnel management function for the City.

Position – A group of duties and responsibilities assigned to one employee. A position can be vacant or occupied.

Probationary Employee – (see “Employee.”)

Probationary Period – The twelve-month (12-month) period of time immediately after an applicant is first appointed to any position of employment of the City, or any extension thereof if

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authorized by the city manager, during which the employee is required to demonstrate fitness for the position by actual performance, and during which the employee may be dismissed without recourse. Probationary periods are neither re-established by promotions, demotions or transfers, nor as a means of discipline in response to unacceptable employee behavior or job performance.

Promotion – Assigning an employee from one position to another that has a higher maximum pay rate and a higher rank and/or level of responsibility.

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

Reclassification – The process of reviewing the duties and responsibilities of an existing position(s) in order to revise the job description to which the position(s) is assigned, or moving a job description from one pay grade to another pay grade.

Refusal to Submit (to an alcohol or controlled substances test) – Means that an employee subject to an alcohol or controlled substances test (1) failed to provide adequate breath for testing without a valid medical explanation; (2) failed to provide an adequate urine specimen or sample for controlled substance testing without a valid medical explanation; or (3) engages in conduct that clearly obstructs the testing process.

Regular Employee – (see “Employee.”)

Reprimand – A type of oral or written disciplinary action denoting a violation of personnel policies and procedures or departmental regulations, written documentation of which becomes part of the employee’s personnel record.

Reserve Police Officer – (see “Employee.”)

Safety-Sensitive Position – Any position that includes one or more functions the performance, whether proper or improper, whether negligent or not, of which could cause bodily harm or injury to any individual.

SAP – Substance Abuse Professional.

Seniority – The continuous length of service as an employee.

Separation – The cessation of employment with the City due to completion of service, resignation, dismissal, layoff, disability, retirement, or death.

Separation Date – The last date an employee reports for and is engaged in work for the City.

Separation Pay – The compensation paid to a separating employee following the last workday, including wages and salaries earned during the final pay period plus any and all accrued and unused vacation leave, floating holiday leave and compensatory leave.

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Serious Health Condition – An illness, injury, impairment, or physical or mental condition that involves either:

1. any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or
2. continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:
 - a. A health condition (including treatment therefor, or recovery therefrom) lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
 - i. treatment two or more times by or under the supervision of a health care provider; or
 - ii. one treatment by a health care provider with a continuing regimen of treatment; or
 - b. Pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; or
 - c. A chronic serious health condition that continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes). A visit to a health care provider is not necessary for each absence; or
 - d. A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or
 - e. Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

Sexual Harassment – (see “Harassment.”).

Shift Personnel of the Fire Department – All personnel of the fire department who are assigned to and regularly work one of the three fire suppression shifts of the department, specifically including personnel assigned to the positions of commander, captain, lieutenant, fire engineer/driver and firefighter, except those who are assigned to non-shift, administrative duties.

Shift Personnel of the Police Department – All personnel of the police department who are assigned to and regularly work one of the three police patrol shifts of the department, specifically including personnel assigned to the positions of captain, lieutenant, sergeant, corporal or police officer, except those who are assigned to non-shift, administrative duties.

Shift Personnel of the Wastewater Department – All personnel of the wastewater department who are assigned to and regularly work one of the shifts of the department.

Sick Leave – (see “Leave.”)

Skill Levels – A grouping of positions based on similar skills, knowledge, and ability requirements.

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

Substance Abuse Professional – A health care provider such as a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders who is selected by the City (see Appendix D to these personnel policies and procedures).

Supervisor – An individual charged with the responsibility for directing the operation of a particular function or functions of the City, subject to the direction of his or her department head and, indirectly, the city manager.

Suppression Personnel of the Fire Department – All fire department personnel other than administrative, prevention and training division personnel.

Suspension – (see “Leave.”)

Sworn Personnel of the Fire Department – All fire department personnel who either have been or are scheduled to be administered an oath of office for their respective position.

Sworn Personnel of the Police Department – All police department personnel who either have been or are scheduled to be administered an oath of office for their respective position.

Temporary/Seasonal Employee – (see “Employee.”)

Time Worked – For purposes of determining overtime pay, refers to time on the job including any guaranteed minimum time for call-backs and call-outs plus any leave with pay other than sick leave and compensatory leave during the same work period.

Transfer – Assigning an employee from one position to another position. Transfers can take place within a department, between departments, between positions of the same pay range, between positions of the same class, or between positions of different classes of equal rank and pay.

Vacancy – An unfilled position of employment.

Vacation Leave – (see “Leave.”)

Volunteer Employee – (see “Employee.”)

Work Period – The regular and recurring period of time during which compensated time is counted for purposes of determining overtime eligibility. Except for shift personnel of the fire, police and wastewater departments, the work period for employees of the City is a workweek.

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For shift personnel of the fire department, a work period is 672 hours in duration, consisting of 28 consecutive 24-hour periods, and beginning and ending according to the fire department's official schedule for each shift employee. For shift personnel of the police department, a work period is 336 hours in duration, consisting of fourteen (14) consecutive 24-hour periods, and beginning and ending according to the police department's official schedule for each shift employee. For shift personnel of the wastewater department, a work period is 168 hours in duration, consisting of seven (7) consecutive 24-hour periods, and beginning and ending according to the wastewater department's official schedule for each shift employee.

Work-Related Injury Leave – (see “Leave.”)

Workweek – Pursuant to the FLSA, a workweek is a regular and recurring period of 168 hours consisting of seven (7) consecutive 24-hour periods. As designated by the City, a standard workweek is scheduled to begin at 12:00 a.m. on Sunday and extend to 12:00 a.m. the following Sunday.

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SECTION III – EMPLOYMENT

A. APPLICATIONS

A goal of the City is to attract qualified applicants for all types of positions. In so doing, the personnel department shall prepare and publish in an officially designated newspaper a public notice of vacancies when they occur, and place notices at an officially designated site in the city hall and such other sites as deemed appropriate by the personnel department. The personnel department shall also provide notice of vacancies in alternate media to ensure effective communication to individuals with disabilities.

All employment applications are received at city hall by the personnel department. Employment applications for positions defined in the charter as civil service positions are given thorough consideration by the civil service board and, if certified, then by the appropriate department head. Employment applications for positions other than civil service positions are given thorough consideration by the personnel department and, if appropriate, then by the city manager. Employment applications are accepted only for specific positions and only during the period of time the City has advertised that it is accepting applications for that same position. The personnel department, civil service board and department head work together to exercise a policy of fairness to every person who applies for work and are jointly responsible for properly selecting and placing people in various City departments. The City does not discriminate on the basis of race, color, creed, religion, national origin, gender, age, disability or political affiliation. The City does give preference in the hiring process to military veterans who have received honorable discharge. The civil service board and the personnel department will strive to make reasonable accommodations in the application process to applicants with disabilities making a request for such accommodations.

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

1. declines an appointment when offered;
2. cannot be located by the postal authorities (it shall be deemed impossible to so locate an applicant when a communication mailed to the last known address is returned unclaimed);
3. fails to undergo a post-offer/pre-employment drug test that produces a verified negative drug screen result;
4. is found to have been convicted of a felony or a misdemeanor involving moral turpitude as the term is defined by law;
5. has made a false statement of material fact on, or has omitted material information from, his or her employment application;

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6. does not file the application within the period specified in the application/examination announcement or does not use the prescribed form or uses a different format than allowed as a reasonable accommodation; and/or
7. does not possess the minimum qualifications as indicated by the job description.

B. POSITION ANNOUNCEMENTS

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

1. Any department head desiring to fill a vacancy for any position shall submit to the personnel director a personnel requisition for consideration by the city manager. This requisition must be approved by the city manager and placed on file by the personnel director before the process of filling the position proceeds.
2. For vacant positions defined in the charter as civil service positions, the civil service board shall direct the process of filling these positions. For all other position vacancies, the personnel director shall direct the process of filling these positions.
3. A position announcement will be prepared and posted for a minimum of five days by the personnel director for each position vacancy unless the position is to be filled from a current eligibility list.
4. Formal advertisement for all positions subject to the civil service system shall be coordinated by the personnel director. Employment applications shall be forwarded to the civil service board for preliminary screening of candidates to determine whether minimum qualifications have been met. The administration of testing shall be coordinated by the civil service board. The civil service board shall certify to the personnel department the top three candidates for interviews at the department level. The department head may appoint an ad hoc advisory panel to conduct these interviews.
5. A written recommendation for appointment shall be made by the department head to the personnel director and then forwarded to the city manager for confirmation purposes. After the appointment is confirmed by the city manager, the personnel director or his or her designee shall issue to the selected candidate an offer of employment conditioned (if the following steps were not completed earlier in the selection process) upon the selected candidate successfully passing a background investigation, drug testing and, other than for a temporary/seasonal position, a post-offer/pre-employment physical.
6. No new employee shall be placed on the payroll or given authorization to report to work until such time as all necessary paperwork has been properly completed, processed, approved, and signed by the city manager.
7. All copies of position announcements and employment applications may be obtained by the general public at the personnel department.

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8. A background check on a candidate for appointment shall be completed prior to the date of employment. Any contract for background investigation services signed by the mayor shall be maintained by the personnel department.
9. The city manager hereby delegates to the personnel director the responsibility to be the appointing authority for temporary/seasonal positions. Interviewing and performance testing may be required by the personnel director for these positions. Further, in accordance with City policy, drug testing is required for these positions prior to commencement of employment. The processing of all required paperwork for these positions shall be completed and fully executed prior to commencement of employment.

C. RETIREES WORKING FOR THE CITY

In order to utilize the skills and experience of the City's retirees, all departments that have part-time and/or temporary/seasonal employment opportunities at various times throughout the year are encouraged to consider and, when there is a good match for employment, hire City retirees in filling these positions. Retirees must meet the minimum requirements for any position they fill. Retirees earning any retirement benefits from the City cannot be paid by the City to work more than twenty (20) hours per week or more than ten (10) months annually.

D. PRE-EMPLOYMENT EXAMINATIONS

All appointments in the City service shall be made according to merit and fitness and may be subject to competitive examination. All such examinations shall fairly and impartially test those matters relevant to the capacity and fitness of the applicant to efficiently discharge the duties of the position to be filled.

The pre-employment examinations held to establish eligibility and fitness for any position may consist of one or more of the following parts as determined by the civil service board. The civil service board and the personnel department will make reasonable accommodations in the examination process to disabled applicants requesting such accommodations.

1. Written Test – This part, when required, shall include a written demonstration designed to show the applicant's knowledge, skill and ability for the position to which he or she is seeking appointment.
2. Oral Test – This part, when required, shall include a personal interview where the ability to deal with others, to meet the public, and/or other personal qualifications are to be evaluated. An oral test may also be used in examinations where a written test is unnecessary or impractical or as a reasonable accommodation to someone unable to take a written test due to a disability.
3. Performance Test – This test, when required, shall involve performance tests to aid in determining the ability and manual skills of applicants to perform the work involved. The performance test may be given a weight in the examination process or may be used to exclude from further consideration applicants who:

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- a. cannot perform the essential functions of a specific position due to a disability that cannot reasonably be accommodated;
 - b. pose a direct threat to themselves or others;
 - c. are unable to perform the essential functions of a specific position due to a temporary condition or disability not protected by the ADA.
4. Physical Ability Test – When required, this consists of job-related tests of bodily conditioning, muscular strength, agility, and physical fitness of job applicants for a specific position. This test may be given a weight in the examination process or may be used to exclude from further consideration applicants who do not meet the minimum required standards.
 5. Mental Test – When required, this shall include any test to determine mental alertness, general capacity of the applicant to adjust his or her thinking to new problems, or to ascertain special character traits and attitudes.
 6. Post-Offer Drug Test – Post-offer/pre-employment drug testing shall be required of all applicants to whom a conditional offer of employment is made, and such testing must produce a verified negative drug screen result before such applicants shall be permitted to commence employment with the City. Job applicants will be denied employment with the City and any conditional offer of employment will be rescinded if their pre-employment drug test results have been verified by the City’s medical review officer (MRO) as positive or if they refuse to submit to a pre-employment test for drug abuse. See “Substance Abuse Policy” below.
 7. Medical Examinations – See “Medical Examinations” below.

E. NOTIFICATION AND INSPECTION OF PRE-EMPLOYMENT EXAMINATION RESULTS

Each person who takes one of the pre-employment examinations listed above other than the post-offer drug test shall be notified by first-class mail or other appropriate means of his or her passing or failing and of his or her standing on the certified list. Each person who takes such an examination may inspect his or her rating and the examination papers within ten (10) City business days of notification of the results. These inspections shall be permitted only during regular business hours and at the office of the personnel department.

F. RESIDENCY

1. Individuals shall 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, shall not be limited to residents of Columbia.

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2. There is no residency requirement for the City's employee workforce as a whole. Employees should check with their department head to see if there is a residency requirement for employees of their department.

G. MEDICAL EXAMINATIONS

1. Post-offer/pre-employment

Following a conditional offer of employment, every prospective employee may be required to undergo a medical examination conducted by a licensed health care provider selected by the City. The personnel department will assist all prospective employees in scheduling these medical examinations and related tests. The medical examination will focus on whether prospective employees can perform the essential functions of the position offered, and will provide baseline medical information about the prospective employee's general condition of health. The cost of this medical examination shall be borne by the City. Prospective employees who are unable to successfully perform the essential functions tested for in the medical examination will have their offer of employment by the City withdrawn only if they:

- a. cannot perform the essential functions due to a disability that cannot reasonably be accommodated;
- b. pose a direct threat to themselves and/or others; or
- c. are unable to perform the essential functions due to a temporary condition or disability not protected by the ADA.

2. During employment

All employees of the City may, during their employment, be required by their department head, with the approval of the city manager, to undergo periodic medical examinations conducted by a health care provider selected by the City to determine their physical and mental fitness to continue to perform the essential functions of their respective positions. These periodic medical examinations shall be at no expense to the employee. Determination of physical or mental fitness will be made by the health care provider.

If the health care provider determines that an employee is physically or mentally unfit to perform the essential functions of the position in which he or she is employed, then the employee may, within ten (10) City business days from the date of his or her notification of such determination, indicate in writing to the personnel department, his or her intention to submit the question of his or her physical or mental unfitness to a health care provider of his or her own choice, at his or her own expense.

In the event there is an irreconcilable difference of opinion of fitness for duty between the health care provider selected by the City and the health care provider selected by the employee, then the opinion of the health care provider selected by the City shall prevail.

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Employees determined to be physically or mentally unfit to continue in their positions may request a leave of absence, not greater in duration than the sum of all forms of leave then available to them, in order to achieve fitness to perform. Such employees may then be demoted according to these rules, or they may be dismissed from the City service but only after it has been determined that they:

- a. cannot perform the essential functions due to a disability that cannot reasonably be accommodated;
- b. pose a direct threat to themselves and/or others;
- c. are unable to perform the essential functions due to a temporary condition or disability not protected by the ADA.

Restricted duty is generally not available to employees who are physically or mentally unfit to continue in their positions except in the case of work-related injuries.

H. MINIMUM AGE

The FLSA requires that employees of state and local governments be at least 16 years old for most non-farm jobs and at least 18 years old for non-farm jobs declared hazardous by the secretary of labor. Minors 14 and 15 years old may work outside school hours under certain conditions.

No person shall be appointed to the sworn personnel of the police department who is less than twenty-one (21) years of age. No person shall be appointed to the suppression personnel of the fire department who is less than eighteen (18) years of age.

I. CATEGORIES OF EMPLOYEES

1. Active Employee – A current employee, either regular, probationary or temporary/seasonal, who reports for duty as assigned or is on any of the following types of leave: leave with pay, family and medical leave, maternity leave, military leave with pay, work-related injury leave and/or suspension with pay.
2. Exempt Employee – An employee who is exempt from the overtime provisions of the federal Fair Labor Standards Act, including salaried executive, administrative, professional and certain other employees.
3. Full-time Employee – An employee, either regular, probationary or temporary/seasonal, who is normally and regularly scheduled to work 40 or more hours per workweek or, (and only) in the case of shift personnel of the fire department, 216 or more hours per four-week work period.
4. Inactive Employee – A current employee, either regular, probationary or temporary/seasonal, who is not an active employee.

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5. Non-Exempt Employee – An employee who is not exempt from the overtime provisions of the federal Fair Labor Standards Act, including hourly employees.
6. Part-time Employee – An employee, either regular, probationary or temporary/seasonal, who is normally and regularly scheduled to work no more than 32 hours per workweek.
7. Probationary Employee – An employee, either full-time or part-time but not temporary/seasonal, who has not yet successfully completed a twelve-month (12-month) probationary period of employment with the City for the position to which he or she has been originally appointed.
8. Regular Employee – An employee, either full-time or part-time but not temporary/seasonal, who has successfully completed a twelve-month (12-month) probationary period of employment with the City for the position to which he or she has been appointed.
9. Reserve Police Officer – A volunteer appointed by the chief of police. Reserve police officers receive no compensation and no other benefits or remuneration of any kind except coverage under the Special Reserve Police Insurance Coverage Policy, uniforms and workers' compensation insurance.
10. Temporary/Seasonal Employee – An employee, either full-time or part-time, who is appointed to a position of a temporary, seasonal, or irregular nature for a period of time neither greater than six (6) consecutive months in duration nor more than six (6) months total in any one (1) calendar year. A temporary/seasonal employee is neither a regular nor a probationary employee.
11. Volunteer Employee – An individual who works for the City for no compensation or remuneration of any kind.

J. APPOINTMENTS, PROMOTIONS, DEMOTIONS, AND TRANSFERS

Pursuant to the charter, the city manager has the authority to appoint, promote, demote, transfer, suspend, and remove all employees of the City. All vacancies in the City service shall be filled by original appointment, re-employment, promotional appointment, provisional appointment, transfer, or demotion. Whenever a department head wishes to fill a vacancy, a personnel requisition must be completed and submitted to the personnel department on the forms prescribed. Testing may be required by either the civil service board or the department or both as part of the process of filling vacancies, including for voluntary demotions and transfers.

1. Appointments – Appointments to positions with the City are as follows:
 - a. Original Appointments – When a non-employee passes all the tests of employability and is offered conditional employment. Immediately after an applicant is first appointed to any position of employment of the City, there follows a twelve-month (12-month) probationary period of time during which the employee is required to

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demonstrate fitness for the position by actual performance, and during which the employee may be dismissed without recourse. The city manager may authorize an extension of the probationary period.

- b. **Provisional Appointments** – Whenever there are urgent reasons for filling a vacancy in any civil service position, by appointment or promotion, and there is not a current certified list of persons eligible for appointment, the city manager may make or may authorize the respective department head to make a provisional appointment, pursuant to the provisions of Section 6.11(a) of the charter.

2. **Promotions** – A promotion is assigning an employee from one position to another that has a higher maximum pay rate and a higher rank and/or level of responsibility. Vacancies in positions above the lowest rank in any category in the classified service shall be filled as far as practical by promoting employees. Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of effecting an increase in compensation.

Only regular employees who have completed a minimum of twelve (12) months of service in their current position are eligible to seek a promotion to another position in any department other than the one in which they currently work. When an employee in one classification is promoted to a position in another classification, then the rate of pay upon promotion shall be the minimum rate of pay for the higher position range or the employee's last rate of pay immediately prior to promotion multiplied by 107%, whichever is greater, or more at the discretion of the city manager, but not to exceed the maximum rate of pay for the higher position.

3. **Demotions** – A demotion is assigning an employee from one position to another that has a lower maximum pay rate and a lower rank and/or level of responsibility. An employee may be demoted for any of the following reasons:
 - a. because his or her position is being abolished and he or she would otherwise be laid off;
 - b. because his or her position is being reclassified to a higher grade, and the employee lacks the necessary skills to successfully perform the job;
 - c. because there is a lack of work;
 - d. because there is a lack of funds;
 - e. because another employee, returning from authorized leave granted in accordance with the rules on leave, will occupy the position to which the employee is currently assigned;
 - f. because the employee does not possess the necessary qualifications to render satisfactory service to the position he or she holds;

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- g. because the employee voluntarily requests such a demotion (but only regular employees who have completed a minimum of twelve (12) months of service in their current position are eligible to seek a demotion to another position in any department other than the one in which they currently work), and the position to which the employee seeks to be demoted is vacant;
- h. as a reasonable accommodation when an employee, due to a disability, becomes unable to perform the essential functions of the job; and/or
- i. as a form of disciplinary action.

When an employee in one classification is demoted to a position in a lower classification, then the rate of pay upon demotion shall be equal to his or her last rate of pay immediately prior to demotion divided by 107%, or shall be a rate of pay specified by the city manager, but in either case shall be neither less than the minimum rate of pay nor more than the maximum rate of pay for the pay range to which the lower position is classified nor more than the employee's last rate of pay immediately prior to demotion.

- 4. Transfers – If an employee requests to transfer from one department to another, then both department heads involved and/or the city manager must approve of the request before it is processed. Only regular employees who have completed a minimum of twelve (12) months of service in their current position are eligible to seek a transfer to another position in any department other than the one in which they currently work. Transferring an employee from one position to another without significant change in the responsibility level may be effective:
 - a. when the employee meets the qualification requirements for the new position;
 - b. if it is in the best interest of the City;
 - c. if it meets the personal needs of the employee and is consistent with the other requirements of this rule; and/or
 - d. as a reasonable accommodation when an employee is unable, due to a disability, to continue to perform the essential functions of the job.

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

K. CITIZENSHIP AND IMMIGRATION STATUS VERIFICATION

The City will not discriminate on the basis of a person's national origin or citizenship status with regard to recruitment, hiring, or dismissal (except that all sworn personnel of the police department must be citizens of the United States). However, the City will not knowingly employ any person who is or becomes an illegal immigrant. In compliance with the Immigration Reform

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and Control Act, all employees originally appointed after November 6, 1986, regardless of national origin, or citizenship, must provide suitable documentation to verify identity and employability. The required documentation must be provided no later than by the end of the third day of employment with the City or else the individual's offer of employment may be withdrawn.

L. PROBATIONARY PERIOD

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

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

The probationary period follows original appointments other than for temporary/seasonal employees and is for a period of twelve (12) months. An employee's probationary period may be extended at the request of the employee's department head and upon the approval of the city manager. In no event may a probationary period be extended beyond twelve (12) additional months. Probationary periods are neither re-established by promotions, demotions or transfers, nor as a means of discipline in response to unacceptable employee behavior or job performance. During a probationary period, an employee is required to demonstrate fitness for the position by actual performance. At any time during a probationary period the employee may be dismissed without recourse.

Before the conclusion of each six (6) months of the probationary period, the city manager shall require the department head to report the observations of the employee's work and his or her judgment of the employee's willingness and ability to perform the duties assigned. During the probationary period, the supervisor will inform the employee when his or her performance is unsatisfactory and not meeting established requirements.

Before the employee completes twelve (12) months of probationary employment, the department head shall notify the city manager as to whether the employee's service has been satisfactory and whether the City should continue to employ the individual.

M. PERFORMANCE EVALUATIONS

The performance of all employees will be evaluated and reviewed annually by their immediate supervisors. Written evaluations will be discussed with the employees so they will know how they are progressing and what they may do to improve their performance. By this means, it is intended that all employees will have adequate opportunity to correct any weakness that may interfere with their progress. Employees may file a grievance regarding the results of the performance evaluation in accordance with the grievance process contained in these personnel policies and procedures.

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

1. Probationary Evaluations – Each probationary employee is to have his or her job-related performance evaluated by his or her respective supervisor and/or department head before completion of every six (6) months of probationary employment.
2. Annual Evaluations – Following completion of his or her respective probationary period, each employee is to have his or her job-related performance evaluated by his or her respective supervisor and/or department head annually, at the anniversary of his or her employment.
3. Special Evaluations – Any employee may have his or her job-related performance evaluated by his or her respective supervisor and/or department head outside the normal evaluation schedule whenever, in the judgment of the employee's department head, such an evaluation is necessary.

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

N. FIRST DAY OF EMPLOYMENT

After an applicant has been chosen to fill a job vacancy by the department head and has been approved by the city manager, the new employee shall be required to complete or provide such documents and forms as the following upon beginning work:

1. Employee's Withholding Allowance Certificate (IRS form W-4);
2. signed acknowledgment forms from these personnel policies and procedures (Appendices D and F);
3. Employment Eligibility Verification form (INS form I-9) and photocopies of documents produced by the employee in support thereof;
4. a copy of any and all educational certification(s), professional license(s), or certificate(s) required per the job description;
5. emergency telephone numbers;
6. a photocopy of the employee's driver's license for employees who are required to have a valid driver's license in order to perform the essential functions of their City job;
7. a list of dependents as required by Consolidated Omnibus Budget Reconstruction Act (COBRA); and

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8. a signed written statement acknowledging that, at the time of separation of employment, and prior to receiving final moneys due, the employee shall return to his or her department any and all assets, books, keys, manuals, records, uniforms, tools and other items of City property in the employee's care and custody, certification to this effect shall be made by the employee's supervisor or department head, and all moneys due the City because of any shortages shall be collected (see Appendix H to these personnel policies and procedures).

O. EMPLOYEE ORIENTATION

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

Orientations provided by the City for new employees are an opportunity for the City to convey information about the City's philosophy, personality, and style. All new hires are required to attend orientation for new employees provided by their own department and any orientation for new employees provided by the personnel department. Other information provided during the orientation may include:

1. City organization chart and department functions;
2. map of the City;
3. key terms unique to the City;
4. copy of these personnel policies and procedures and other documents presenting, explaining and/or summarizing employment terms and conditions;
5. documents presenting, explaining and/or summarizing employee benefits;
6. copies of performance evaluation forms, dates, and procedures;
7. list of on-the-job training and typical promotional opportunities;
8. detailed outline of emergency and accident-prevention procedures;
9. telephone numbers and locations of key personnel and operations; and/or
10. safety requirements and accident procedures.

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P. OUTSIDE EMPLOYMENT

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

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

A full-time regular or probationary employee who desires to work outside the City's employ is required first to obtain written authorization from his or her department head. Such authorization shall be specific to a certain job with a certain second employer and for a certain number of hours per week, shall last for not more than twelve (12) months at a time, and may be renewed annually but only upon review. In the event of conflict between City employment and outside employment, City employment is considered primary and outside employment is considered subordinate.

Q. WORK PERIOD/WORKWEEK

A work period is the regular and recurring period of time during which compensated time is counted for purposes of determining overtime eligibility. Except for shift personnel of the fire, police and wastewater departments, the work period for employees of the City is a workweek. Pursuant to the FLSA, a workweek is a regular and recurring period of 168 hours consisting of seven (7) consecutive 24-hour periods and, in the case of the City, begins at 12:00 a.m. on Sunday and ends at 12:00 a.m. on the following Sunday. For shift personnel of the fire department, a work period is 672 hours in duration, consisting of 28 consecutive 24-hour periods, and beginning and ending according to the fire department's official schedule for each shift employee. For shift personnel of the police department, a work period is 336 hours in duration, consisting of fourteen (14) consecutive 24-hour periods, and beginning and ending according to the police department's official schedule for each shift employee. For shift personnel of the wastewater department, a work period is 168 hours in duration, consisting of seven (7) consecutive 24-hour periods, and beginning and ending according to the wastewater department's official schedule for each shift employee.

R. ATTENDANCE

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

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a period of three (3) consecutive working days may be considered by the department head as a resignation. Employees found to be intentionally cheating on their time records shall be subject to disciplinary action up to and including dismissal. Excessive tardiness is regarded as sufficient reason for dismissal.

S. REST BREAKS AND MEAL BREAKS

The City does not provide designated rest breaks other than meal breaks. Generally, meal breaks are 30 minutes in duration for all employees except office and administrative staff for whom meal breaks may be up to 60 minutes in duration. Meal breaks are scheduled by the employee's supervisor. Meal breaks are unpaid for all employees except for the following employees for whom mealtime is paid:

- shift personnel of the fire, police and wastewater departments; and
- those employees who, as determined by the department head, are working at remote job sites without practical access to non-City-provided transportation.

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

T. NEPOTISM

No applicants for employment shall be hired and no employees shall work or be placed in positions under the direct or indirect supervision or accountability of any member of their immediate family except with the specific approval of the city manager upon the favorable recommendation of the respective department head.

If any two employees should be or become in violation of this nepotism policy without the specific approval of the city manager upon the favorable recommendation of the respective department head, then those employees shall be asked to determine which of them will transfer within ninety (90) days to any vacant position for which the employee is qualified and which would resolve the violation. An employee who is allowed to transfer under these circumstances must meet the minimum qualifications of a vacant, budgeted position and must have had an overall satisfactory rating on the last performance evaluation. If such a transfer cannot be arranged within ninety (90) days for either of the employees, then the employees shall be asked to determine which of them will leave City employment. In the event the employees cannot decide between them who will leave, and if a transfer cannot be arranged, then the employee with the higher relative level of job-related performance for the City, as compared and determined by the city manager, shall be retained and the other shall be dismissed or, if the two employees had equal relative levels of job-related performance, then the employee with greater seniority shall be retained and the other shall be dismissed.

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SECTION IV – EMPLOYEE BENEFITS

A. HOLIDAY LEAVE

1. The City recognizes the following nine (9) fixed holidays:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Friday after the fourth Thursday in November
Christmas Eve	December 24
Christmas	December 25

2. Whenever a holiday recognized by the City falls on a Saturday, it shall then be observed by the City on the preceding Friday. Whenever a holiday recognized by the City falls on a Sunday, it shall then be observed by the City on the following Monday. However, whenever December 24 (Christmas Eve) falls on a Friday and December 25 (Christmas Day) falls on a Saturday, and whenever December 24 (Christmas Eve) falls on a Sunday and December 25 (Christmas Day) falls on a Monday, then in both cases the City shall observe these two holidays on the Friday and Monday closest thereto.
3. Active employees except shift personnel of the fire, police and wastewater departments shall be excused from work-related duties whenever holidays recognized by the City are observed. Said employees who are both full-time and either regular or probationary on both the last regularly scheduled shift before a particular holiday and the first regularly scheduled shift after that same holiday, shall for that same holiday be so excused with pay.
4. In addition to the nine fixed holidays recognized annually by the City as listed above, the City grants to active employees who are both full-time and either regular or probationary two floating holidays annually in lieu of observing Presidents Day and Veterans Day as fixed holidays. These two floating holidays shall be accrued by eligible employees at the beginning of each calendar year. Each floating holiday equals eight (8) hours of vacation leave for each qualifying employee except for shift personnel of the fire department for whom each floating holiday equals twelve (12) hours of vacation leave. Eligible employees may arrange to utilize their accrued floating holidays in the same manner as for vacation leave except that accrued floating holidays may not be carried over from one calendar year to the next.
5. Active shift personnel of the fire, police and wastewater departments who are both full-time and either regular or probationary are scheduled to work pay periods that include the observation of fixed holidays recognized by the City in accordance with departmental policies, procedures and practices. If such an employee is authorized and directed to

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work a routine shift that overlaps any time the City observes as a fixed holiday, then he or she shall be paid for that shift, and shall either be assigned during the same calendar year, in lieu of the fixed holiday, an alternate shift off with pay, or be credited, in lieu of the fixed holiday, with an additional eight (8) hours (or, and only, in the case of shift personnel of the fire department, with an additional twelve (12) hours) of time worked during the same work period in which the holiday is observed, also in accordance with departmental policies, procedures and practices.

6. Full-time employees who are either regular or probationary, who are active on both the last regularly scheduled day before a particular holiday and the first regularly scheduled day after that same holiday, and who are authorized and directed to work any time other than a routine shift on a day the City observes as a holiday, shall be paid for time worked on that day and shall either be assigned, in lieu of the holiday, an alternate day off with pay elsewhere within the same work period in which the holiday is observed, or be credited, in lieu of the holiday, with an additional eight (8) hours (or, and only, in the case of shift personnel of the fire department, with an additional twelve (12) hours) of time worked during the same work period in which the holiday is observed, all in accordance with departmental policies, procedures and practices.

B. VACATION LEAVE

1. The following vacation leave program is a benefit provided to active employees who are both full-time and regular.
2. Active employees who are both full-time and probationary shall not accrue vacation leave but, upon successful completion of their probationary period, shall immediately be allotted an amount of vacation leave equal to the annual accrual of vacation leave for employees who are in their second year of employment and have successfully completed their probationary period.
3. In addition to the above one-time end-of-probation allotment of vacation leave, active employees who are both full-time and regular shall accrue vacation leave in accordance with the following table:

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Years of qualifying City employment	For all qualifying employees except shift personnel of the fire department (scheduled to work 52 40-hour weeks per year for a total of 2,080 hours per year)				For shift personnel of the fire department (scheduled to work nine 24-hour shifts every four weeks for a total of 2,808 hours per year)		
	Amount of vacation leave accrued per year		Hours of vacation leave accrued per 2-week pay period (rounded)	Hours of vacation leave accrued per 1-week pay period (rounded)	Amount of vacation leave accrued per year		Hours of vacation leave accrued per 2-week pay period (rounded)
	Days or shifts (assumes 8-hour days or shifts)	Hours			Shifts (assumes 24-hour shifts)	Hours	
2 nd through 5 th	10	80	3.077	1.538	5.0	120.0	4.615
6 th	11	88	3.385	1.692	5.4	129.6	4.985
7 th	12	96	3.692	1.846	5.8	139.2	5.354
8 th	13	104	4.000	2.000	6.2	148.8	5.723
9 th	14	112	4.308	2.154	6.6	158.4	6.092
10 th and 11 th	15	120	4.615	2.308	7.0	168.0	6.462
12 th and 13 th	16	128	4.923	2.462	7.4	177.6	6.831
14 th and 15 th	17	136	5.231	2.615	7.8	187.2	7.200
16 th and 17 th	18	144	5.538	2.769	8.2	196.8	7.569
18 th and 19 th	19	152	5.846	2.923	8.6	206.4	7.938
20 th and 21 st	20	160	6.154	3.077	9.0	216.0	8.308
22 nd and 23 rd	21	168	6.462	3.231	9.6	230.4	8.862
24 th and 25 th	22	176	6.769	3.385	10.2	244.8	9.415
26 th and 27 th	23	184	7.077	3.538	10.8	259.2	9.969
28 th and 29 th	24	192	7.385	3.692	11.4	273.6	10.523
30 th and beyond	25	200	7.692	3.846	12.0	288.0	11.077

4. Vacation leave that is accrued shall be accrued by pay period.
5. Allotted vacation leave may not be used until after it has been allotted. Accrued vacation leave may not be used until after the pay period during which it is accrued. Employees may not borrow against future vacation leave.
6. Employees who accrue vacation leave may not carryover from one employment year to the next an accumulated balance of unused vacation leave greater than their current annual accrual of vacation leave unless specifically authorized by the city manager upon the favorable recommendation of the department head.
7. Other than shift personnel of the fire, police and wastewater departments, employees who accrue vacation leave may not utilize vacation leave in less than quarter-hour (1/4-hour) increments.

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8. Shift personnel of the fire department may not utilize vacation leave in less than whole-shift increments, and shift personnel of the police and wastewater departments may not utilize vacation leave in less than half-shift increments, unless specifically authorized to do so by their respective supervisor or department head but in no case in less than quarter-hour ($\frac{1}{4}$ -hour) increments.
9. The use of vacation leave is to be scheduled as far in advance as possible for the mutual convenience of the employee and the City for planning purposes, and may not be taken unless authorized by the employee's supervisor or department head.
10. Department heads and supervisors preparing vacation leave schedules shall give choice of dates according to seniority of the personnel in their respective departments, in a manner approved by the department head.
11. An employee who accrues vacation leave and who is separating employment from the City shall be paid for any accrued but unused vacation leave by having it added to his or her separation pay.
12. Other than upon separation, there shall be no pay in lieu of vacation leave.
13. An employee who normally accrues vacation leave but who is inactive during more than one-half ($\frac{1}{2}$) of a particular pay period shall accrue no vacation leave for that pay period.
14. An employee who accrues vacation leave may not transfer earned vacation leave to another employee.
15. Any service in the Tennessee National Guard, state militia, or military reserves in excess of fifteen (15) days in any calendar year may be charged as vacation leave at the option of the employee.

C. SICK LEAVE

1. The following sick leave program is a benefit made available to active employees who are both full-time and either probationary or regular.
2. Such employees shall accrue sick leave in accordance with the following table:

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Type of Employee: Active, full-time and either regular or probationary, ...	Amount of sick leave accrued per year	Hours of sick leave accrued per 2-week pay period (rounded)	Hours of sick leave accrued per 1-week pay period (rounded)	Maximum permitted accrual of sick leave
... OTHER THAN shift personnel of the Fire Dept.	12 days (96 hours)	3.692	1.846	260 days (2,080 hours)
... shift personnel of the Fire Dept.	6 shifts (144 hours)	5.538	n/a	117 shifts (2,808 hours)

3. Employees who have accrued sick leave become eligible to utilize sick leave under any of the following circumstances:
 - a. the employee is incapacitated by a non-City-job-related sickness, illness or injury;
 - b. the employee may jeopardize the health of others because he or she has been exposed to a contagious disease;
 - c. the employee is required to be absent from work due to pregnancy, childbirth or any related medical condition;
 - d. the employee, other than shift personnel of the fire department, is seeking non-emergency medical, dental, or optical diagnosis and/or treatment;
 - e. the employee is providing necessary care and attendance of a member of the employee's immediate family (written documentation, such as a doctor's statement, that adequately supports a request to use sick leave for this purpose may be required either by the employee's supervisor or department head or by the personnel department); or
 - f. the employee, with the advance permission of his or her department head and after exhausting all of his or her earned vacation leave and compensatory leave, if any, chooses to supplement bereavement leave or funeral leave.
4. Sick leave shall be accrued by pay period. Sick leave may not be used until after the pay period during which it is accrued. Employees may not borrow against future sick leave.
5. Employees who accrue sick leave may accumulate unused sick leave only up to the maximum permitted accrual shown in the table above.
6. Employees who accrue sick leave may not utilize sick leave in less than quarter-hour (1/4-hour) increments.

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7. Employees who accrue sick leave and who are inactive during more than one-half (½) of a particular pay period shall accrue no sick leave for that pay period.
8. Employees who accrue sick leave may not transfer accrued sick leave to another employee, except by means of the City's sick leave donor program (described below).
9. In order to qualify for the use of sick leave, employees who accrue sick leave must notify their supervisor or department head as soon as possible of their intended absence. The employee also must satisfy his or her supervisor or department head and the personnel department both that the requested use of sick leave is legitimate and that he or she is medically able to return to work without undue risk to himself or herself or others. Any written documentation required under either of these circumstances shall be provided in the form of a fit-for-duty form provided by the City, and shall be completed at the employee's own expense by a health care provider selected by the employee.
10. Restricted ("light") duty is not available other than for an employee either who is recovering from an injury suffered while acting within the scope and in the course of his or her employment with the City or for whom restricted duty is viable and the only or best reasonable accommodation available.
11. Each day deducted from an employee's sick leave accumulation shall be for a regular workday and shall not include holidays and scheduled days off.
12. Sick leave days for which compensation is due and payable under this section are defined as those days that an employee is regularly scheduled to work.
13. No sick leave shall be paid for time lost due to the use of alcohol or to drug abuse except when an employee is receiving treatment in an approved substance abuse treatment facility.
14. Employees are encouraged to think of sick leave as earned-income insurance for occasions when they are unable to report for work for one of the reasons listed above rather than for relatively minor medical conditions. Effective January 1, 2004, as an incentive not to use sick leave and a reward for attendance on the job, an employee separating from the City by means of any type of retirement under the City's retirement plan shall have all then-accrued-and-unused sick leave, up to the maximum permitted accrual shown in the table above, credited as additional time worked (what is called "credited service" in the City's Employees' Retirement Plan) when calculating the employee's retirement benefits.
15. Should it become apparent to the city manager that an employee on sick leave will be unable to return to unrestricted duty by the time he or she has exhausted all forms of leave for which he or she qualifies, and no comparable position for which the employee is qualified is available, then the City may be forced to dismiss the employee but only under either of the following conditions:

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

D. SICK LEAVE DONOR PROGRAM

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

Under this program, employees who accrue sick leave may receive voluntary donations of sick leave from other employees within the limits and under the provisions provided in this section. To be eligible to receive and utilize donated sick leave, an employee must be unable to perform the essential functions of his or her job due to a non-City-job-related and serious personal health condition which is expected to cause the employee to be absent from work for at least 40 hours more than the employee has accrued in leave with pay (e.g., vacation leave, sick leave and compensatory leave). Medical certification of the employee's expected need for time off from work may be required.

Donated sick leave may be used only:

- for the incapacity due to the serious illness or injury of the employee;
- if the employee is required to be absent from work due to pregnancy, childbirth or any related medical condition; or
- because the employee may jeopardize the health of others due to exposure to a contagious disease.

Donated sick leave may not be used:

- for any other allowed use of one's own sick leave;
- for elective surgery; or
- during any period of time an individual is receiving disability benefits from social security, the City's retirement plan, long-term disability or workers' compensation benefits.

The receiving employee must exhaust all of his or her own accrued sick leave, vacation leave and compensatory leave before donated sick leave may be received and utilized. Donated sick leave will be paid at 100% of the receiving employee's current rate of pay regardless of the donating employee's rate of pay.

Employees qualifying to receive donated sick leave may receive only that amount of donated sick leave which, when combined with the employee's various forms of leave with pay available at the start of the absence, totals 480 hours.

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Employees donating sick leave must do so in writing and may donate a maximum of 80 hours of sick leave during any calendar year. At the time of authorizing the donation, donating employees must retain a minimum sick leave balance for themselves of 480 hours.

Any unused donated leave will be returned to the donating employee(s). If multiple employees volunteer to donate sick leave to the same employee and that employee does not ultimately use all of the donated leave, then the unused leave will be returned proportionately to the donating employees.

E. FAMILY AND MEDICAL LEAVE

1. Purpose.

The purpose of this policy is to provide a family and medical leave policy in compliance with Public Law 103-3, titled Family and Medical Leave Act (FMLA) of 1993.

2. Guidelines.

The Family and Medical Leave Act (FMLA) provides eligible employees with up to twelve (12) weeks per year of job-protected leave for certain family and medical reasons. It also requires that group health benefits be maintained during that leave.

For the purposes of this subsection, “eligible employee” means any employee who has been employed by the City for at least twelve (12) months and who has worked at least 1,250 hours during the twelve (12) months immediately preceding the date leave commences.

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

During periods of family and medical leave without pay, an employee does not accrue any additional seniority or employment benefits other than continuation of health insurance coverages at the employee’s expense.

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

An eligible employee may take up to twelve (12) weeks of family and medical leave in a twelve-month (12-month) period for any of the following reasons:

- to care for the employee’s child after birth, or placement for adoption or foster care;

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- to care for the employee’s spouse, child, or parent who has a serious health condition; or
 - for a serious health condition that makes the employee unable, with or without reasonable accommodation, to perform the essential functions of his or her job.
- a. An eligible employee may take up to twelve (12) weeks of family and medical leave in a twelve-month (12-month) period for the birth of a child or the placement of an adopted or foster care child. The right to take leave applies equally to male and female employees who are eligible. Family and medical leave for the purposes of caring for a newborn child or a newly placed adopted or foster care child must be taken before the end of the first twelve (12) months following the first date of absence.
 - b. An employee may take family and medical leave to care for the employee’s spouse, child, or parent who has a serious health condition. An employee may also take family and medical leave to care for his or her spouse or parent who is unable to care for his or her own basic hygiene, nutritional needs, or safety. Examples include a parent or spouse whose daily living activities are impaired by such conditions as Alzheimer’s disease, stroke, recovery from major surgery, or the final stages of terminal illness.
 - c. An eligible employee who is unable to perform the functions of his or her position because of a serious health condition may request up to twelve (12) weeks family and medical leave. The term “serious health condition” is intended to cover conditions or illnesses that affect an employee’s health to the extent that he or she must be absent from work for treatment or recovery on a recurring basis or for more than a few days.

3. Right to Return to Work.

On return from family and medical leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee’s absence.

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

4. Notification and Scheduling.

An eligible employee must provide the City at least 30 days advance notice of the need for family and medical leave for birth, adoption, or planned medical treatment when it is foreseeable. This 30-day advance notice is not required in cases of medical emergency or

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other unforeseen events, such as premature birth or sudden changes in a patient's condition that require altering scheduled medical treatment. Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this 30-day notice.

It is the City's responsibility to designate in writing leave as family and medical leave and to notify the employee. Neither the City nor an employee may retroactively claim that leave was family and medical leave.

In the case of a reading disability involving the employee, the City will provide the family and medical leave notice in alternate formats.

5. Certification.

The City reserves the right to verify an employee's request for family and medical leave. If an employee requests family and medical leave because of a serious health condition or to care for a family member with a serious health condition, the City requires that the request be supported by certification from the health care provider of either the eligible employee or the family member, as appropriate. If the City has reason to question the original certification, the City may, at the City's expense, require a second opinion from a different health care provider chosen by the City. That health care provider may not be employed by the City on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained, also at the City's expense, from another provider and that opinion will be final and binding.

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

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

6. Maintenance of Health and COBRA Benefits During Family and Medical Leave.

The City will maintain health insurance benefits, paid by the City for the employee, during periods of family and medical leave without interruption. Any payment for family coverage premiums or other payroll deductible insurance policies must be paid by the employee or the benefits may not be continued.

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The City has the right to recover from the employee all health insurance premiums paid during the family and medical leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job because of their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from this recapture provision.

Leave under this policy does not constitute a qualifying event that entitles an employee to health insurance coverage under the Consolidated Omnibus Budget Reconstruction Act (COBRA). However, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not be returning to work. Therefore, the employee ceases to be entitled to leave under this policy.

7. Intermittent Leave and Reduced Schedules.

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

Employees on intermittent leave or reduced schedules may be temporarily transferred by the City to an equivalent alternate position that may better accommodate the intermittent leave or reduced schedule.

Intermittent leave or reduced schedules may be spread over a period of time longer than twelve (12) weeks, but the total leave may not exceed the equivalent of twelve (12) workweeks total leave in a twelve-month (12-month) period.

8. Restoration.

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

Employees voluntarily accepting a restricted duty assignment, subject to the provisions of the City's policy on out-of-rank pay, in lieu of continuing family and medical leave maintain their right to restoration to the original or an equivalent job until the twelve (12) weeks of family and medical leave has passed.

9. The twelve-month (12-month) FMLA Period.

The twelve-month (12-month) period during which an employee is entitled to twelve (12) workweeks of family and medical leave is measured forward from the date the employee's first family and medical leave begins. An employee is entitled to twelve (12) weeks of leave during the twelve-month (12-month) period after the leave begins. The

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next twelve-month (12-month) period will begin the first time the employee requests family and medical leave after the completion of the previous twelve-month (12-month) period.

10. Denial of family and medical leave.

If an employee fails to give timely advance notice when the need for family and medical leave is foreseeable, the City may choose to delay the taking of family and medical leave until 30 days after the date the employee provides notice to the City of the need for family and medical leave.

If an employee fails to provide in a timely manner a requested medical certification to substantiate the need for family and medical leave due to a serious health condition, the City may choose to delay continuation of family and medical leave until an employee submits the certificate. If the employee never produces the certification, the leave is not family and medical leave.

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

F. MATERNITY LEAVE

Pursuant to the Tennessee Maternity Leave Act, a female regular or probationary employee who has been employed full time by the City for at least one year shall be granted maternity leave for a period not to exceed four (4) months for the purpose of pregnancy, childbirth, and nursing the infant.

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

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

G. BEREAVEMENT LEAVE

Active employees who are both full-time and either regular or probationary are allowed 24 work hours of bereavement leave (which is defined as leave with pay) in the event of the death of any member of the employee's immediate family. If additional leave is requested, then it may be charged to the employee's accrued and unused sick leave, but only if authorized by the employee's department head and if the employee has no accumulated and unused vacation leave

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and no accumulated and unused compensatory leave; otherwise, it is charged to the employee's accumulated and unused vacation leave and/or accumulated and unused compensatory leave, if any, or to leave without pay. Bereavement leave and any other leave used in conjunction therewith must be requested by the employee and approved by the employee's supervisor or department head in advance of the leave being taken. Bereavement leave may be utilized only between the date of death and the date of burial or memorial service (inclusive) and does not need to be used consecutively unless there are fewer than 24 work hours the employee would otherwise be scheduled to work within this time period in which case bereavement leave may extend beyond the date of burial or memorial service but shall then be exhausted immediately thereafter and consecutively.

H. FUNERAL LEAVE

Active employees who are both full-time and either regular or probationary are allowed eight (8) work hours of funeral leave (which is defined as leave with pay) in the event of the death of any member of the employee's extended family. If additional leave is requested, then it may be charged to the employee's accrued and unused sick leave, but only if authorized by the employee's department head and if the employee has no accumulated and unused vacation leave and no accumulated and unused compensatory leave; otherwise, it is charged to the employee's accumulated and unused vacation leave and/or accumulated and unused compensatory leave, if any, or to leave without pay. Funeral leave and any other leave used in conjunction therewith must be requested by the employee and approved by the employee's supervisor or department head in advance of the leave being taken. Funeral leave may be utilized only on the date of burial or memorial service.

I. MILITARY LEAVE

All employees of the City who are, or may become, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, shall be entitled to military leave from their respective duties, without loss of time, rate of pay, any previously accumulated and unused vacation leave and compensatory leave, or any other rights or benefits to which otherwise entitled, for all periods of military service during which they are engaged in the performance of duty or training in the service of this state, or of the United States, under competent orders; provided that the employee while on such leave shall be paid wages or salary and shall accrue and receive employee benefits for a period, or periods, not exceeding fifteen (15) working days (except for shift personnel of the fire department, for whom the maximum shall be seven (7) 24-hour shifts) in any one (1) calendar year, plus such additional days as may result from any call to active state duty pursuant to T.C.A. § 58-1-106. The military leave herein provided shall be unaffected by date of employment or length of service and shall have no effect on other leaves provided by law, regulation, policy or practice.

When an employee returns from active military duty after being on active duty for between one (1) and thirty (30) days, the employee shall report back to work by the beginning of the first regularly scheduled work day that would fall eight hours after the end of the calendar day. The employee must apply for reinstatement within fourteen (14) days after release from active military duty if the duty lasted for between 31 and 180 days. If the active military duty lasted for

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more than 180 days, 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 or her former position. His or her wage or salary will be the wage or salary provided under the position classification and pay plan prevailing at the time of reinstatement or re-employment. If no position is available at the time of the employee's return, he or she will be reinstated into the first available position for which he or she is qualified. No then-current full-time regular or probationary employee will be terminated or laid off to allow for the reinstatement.

Military leave shall be granted when the employee presents the official order to his or her department head. Compensation for such leave will be paid pursuant to T.C.A. § 8-33-109. It will be the employee's responsibility to arrange with the department head to attend monthly reserve or guard meetings on regular off-time, with pay applied to the annual two-week training period.

In the event any such duty or training exceeds fifteen (15) days (or, for shift personnel of the fire department, seven (7) 24-hour shifts) in a calendar year, then the employee may request in writing that such excess time be charged to the employee's accrued and unused vacation leave or compensatory leave, if any, but not to any accrued and unused sick leave. After the use of all vacation leave and compensatory leave, the employee will be on military leave without pay and considered inactive.

Employees ordered or enlisted to full-time military duty will be re-employed in accordance with the provisions of current state and federal law, including the Uniformed Services Employment and Re-employment Rights Act (USERRA).

J. JURY DUTY LEAVE

Active employees who are selected for jury duty service shall be excused from regular City duty therefor with pay. Any jury duty pay or other compensation paid by the court for jury duty service is retained by the employee. Upon release from jury duty during the employee's normal working hours, unless there remains less than one-fourth (1/4) of the employee's working time for that day or shift, then he or she may be required by his or her department head to return to work for the City.

K. INCLEMENT WEATHER LEAVE

When weather conditions appear to be so severe that an employee (other than shift employees of the fire, police and wastewater departments and employees who are scheduled or otherwise required by their department head to assist the City respond to hazardous conditions or provide other immediate service) fears for his or her safety in traveling to or from the work site, he or she may be absent with leave if the following conditions are met:

1. The employee informs his or her immediate supervisor of his or her absence and the reason for it as soon as possible.

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2. The employee reports to work as soon as possible if a change in travel conditions allows safe transportation to the work site.
3. Active employees who are both full-time and either regular or probationary may choose to deduct the missed workday (or portion thereof) from accumulated vacation leave or compensatory leave, if any. If none exists, or if the employee chooses not to use accumulated vacation leave or compensatory leave for the inclement weather leave, then the inclement weather leave shall be considered leave without pay. Reporting this leave shall follow the same requirements as for other leave.

The policy is meant only for those who are in immediate danger due to weather conditions. Should any employee abuse this policy, he or she shall be subject to disciplinary action.

In the event weather conditions cause the city manager to decide to close non-emergency City operations and release from duty all then on-the-job personnel other than shift employees of the fire, police and wastewater departments and employees who are scheduled or otherwise required by their department head to assist the City respond to hazardous conditions or provide other immediate service until travel conditions permit such operations to recommence, then such personnel, including both full-time and part-time employees, shall be paid the same for the remainder of their respective shifts as if such operations had not been closed, and such time shall not be charged against any accrued leave with pay.

L. WORK-RELATED INJURIES

Employees are to report immediately any treatable injury sustained while acting within the scope and in the course of their employment for the City, however minor, to their supervisor or department head, and are to take such first aid or medical treatment as may be necessary. Any employee determined to have been able, but who fails, to report in a timely manner such an work-related injury may not be eligible for health care provider's fees, disability benefits, or any other benefits to which he or she is otherwise entitled under the provisions of the Tennessee workers' compensation law. If a work-related accident causes serious bodily injury or death to an employee, the supervisor or department head shall immediately notify the personnel department and the city manager.

Medical treatment for work-related injuries, if and when necessary, shall be sought from a health care provider on the current panel of health care providers approved by the City's workers' compensation insurance carrier (see Appendix D to these personnel policies and procedures). The panel of approved health care providers is posted in each department and at the personnel department. In an emergency situation, the most convenient medical service or hospital emergency room may be used by the injured employee.

As soon as possible following a work-related injury, but by no later than the end of the first City business day following the date of the accident/incident, the supervisor of the injured employee shall complete and file with the personnel department a "First Report of Injury" form.

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In order to qualify for work-related injury leave, whether compensated or not, an employee who is injured while acting within the scope and in the course of his or her employment with the City is required to have completed, at the City's expense by the health care provider selected by the employee from the City's current panel of approved health care providers, and submitted to the City's personnel department, a City-provided form documenting the employee's medical inability to perform, with or without reasonable accommodations, one or more of the essential functions of his or her job.

In cases where an employee has been reported as occupationally disabled as a result of work-related injury for a period of thirty (30) calendar days, the department head and personnel director shall review the case's progress with the city manager. The city manager shall take reasonable steps to return the individual to duty, temporarily restricted if necessary, in a comparable position for which he or she is qualified and able to perform the essential functions with or without reasonable accommodations. However, restricted duty may or may not be available at any given time, depending solely upon the needs of the City at the time, and it may be utilized only for an employee who is recovering from an injury suffered while acting within the scope and in the course of his or her employment with the City. Further, any authorized restricted duty must be reauthorized at least monthly and, prior to any reauthorization, measurable progress in the employee's medical condition must be identified by either the employee's health care provider or the City's health care provider. In the case of conflicting opinion, then the opinion of the City's health care provider shall prevail.

Work-related injury leave shall not be extended beyond three (3) months unless authorized by the city manager. Extensions shall not be made for any period in excess of three (3) months at any one time.

Before an employee on work-related injury leave is permitted to return to unrestricted duty, the employee must be found to be, in the opinion of a health care provider selected from the City's current panel of approved health care providers, medically fit to perform, with or without reasonable accommodations, the essential functions of his or her job, and may be required to demonstrate his or her fitness for duty by passing, with or without reasonable accommodations, a performance test administered by the employee's department. Such an exam shall only test the employee's ability to perform routine tasks using those skills required for the position.

Should it become apparent to the city manager that an employee on work-related injury leave will be unable to return to unrestricted duty, and no comparable position for which the employee is qualified is available, the employee may be subject to separation but only under either of the following conditions:

1. if he or she cannot perform the essential functions due to a disability that cannot reasonably be accommodated; or
2. if he or she poses a direct threat to himself or herself and/or others.

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M. WORKERS' COMPENSATION PROGRAM

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

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

On the day or shift of the work-related injury, and during the first seven (7) calendar days immediately following the date of injury of any work-related injury leave, the injured employee shall be paid in full by the City his or her wages or salary the same as if that employee had worked during that time as scheduled. Any workers' compensation disability benefits paid by the insurance carrier for that same period of time in an amount not to exceed the amount of wages or salary net of deductions already paid the employee shall be credited to the City as partial reimbursement for those wages or salary, and any workers' compensation disability benefits paid by the insurance carrier for that same period of time in excess of the amount of wages or salary net of deductions already paid the employee shall be credited to the employee. After the first seven (7) calendar days immediately following the date of injury, the injured employee will not be paid wages or salary while on work-related injury leave but any workers' compensation disability benefits paid by the insurance carrier for that same period of time shall be credited to the injured employee. At no time may the employee receive both workers' compensation disability benefits from the insurance carrier and wages or salary from the City for the same period of time. Accrued leave with pay may not be utilized at any time during work-related injury leave.

N. RETIREMENT PROGRAM

1. Whenever an employee meets the conditions set forth in the City's employees' retirement plan, he or she may elect to retire and receive all benefits earned under that plan. Plan participants currently contribute by payroll deduction 4.5% of their income earned from and paid by the City toward the cost of funding the plan. Participant contributions may be withdrawn upon separation. Plan participants are vested after ten (10) years of creditable service, and are eligible to retire with full retirement benefits at age 55 with a minimum of thirty (30) years of credited service or at age 65 with a minimum of five (5) years of credited service required. Plan participants are eligible to retire with reduced retirement benefits at age 55 with a minimum of fifteen (15) years of credited service.

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Full retirement benefits equal 1.4% of the average of the participant's five (5) highest consecutive years of annual rates of pay multiplied by the participant's years of credited service. Employees should contact the personnel department for more information regarding the City's employees' retirement plan.

2. The City provides two separate deferred compensation programs in either of which employees may choose to participate. Deferred compensation programs permit employees to supplement their future retirement savings by depositing pre-tax earned income, subject to maximum limits established by federal law, through employee payroll deduction into a special tax-deferred, access-restricted savings account. One such deferred compensation program offered by the City is operated by the International City Management Association Retirement Corporation (ICMA-RC) and the other is operated by Nationwide Solutions, Inc. (formerly PEBSCO). Employees should contact the personnel department for more information regarding the City's deferred compensation programs.
3. The City pays the cost of health insurance premiums under the City's group health insurance program for any employee retiring from the City on or after July 1, 1989 under the City's retirement plan who, upon retirement, is eligible for immediate monthly retirement benefits, from and after age 55 up to age 65. In addition, the City pays the cost of supplemental health insurance for any employee retiring from the City on or after July 1, 1989 under the City's retirement plan who is at least age 65.

The City offers to each qualifying retiree at his or her own expense health insurance coverage through the City's group health insurance program for his or her spouse until such spouse either reaches the age of 65 years or becomes eligible for health insurance with another employer. To qualify, the retiree must have had family health coverage for at least five (5) years before retiring and must have worked continuously for the City for a minimum of ten (10) years full time before retirement. In the event of the death of the retired employee or in the event of the divorce of the retired employee from his or her spouse, then the spouse maintains health coverage for an additional two years after the COBRA provisions and then the program ceases for the spouse. In the event a retired employee's spouse is covered under a health insurance plan from another employer and coverage under that plan discontinues and if all other conditions of this program are met, then such spouse shall become eligible under this program until age 65.

4. Retirement plan participants who retire under normal, delayed or early retirement (that is, who commence their retirement at age 55 or older) but who are not yet 62 years of age may qualify for temporary supplemental retirement benefits. The amount of this monthly benefit is equal to or, in the case of retirees with less than thirty (30) years of credited service, a pro rata portion of, the employee's projected primary monthly retirement benefit under the Social Security Act to which the retiree would be entitled upon attainment of age 62 years. Employees should contact the personnel department for more information regarding the City's employees' retirement plan.

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O. GROUP HEALTH INSURANCE PROGRAM

1. Benefit.

Active employees who are both full-time and either regular or probationary, elected officials of the City, the City judge and the City prosecutor, all are offered primary health insurance coverage through the City's group health insurance program. For all employees and officials eligible to participate, the City pays all of the cost of this coverage as charged by the provider. Eligible participants may choose to purchase any available tier of dependent coverage, the additional cost of which is shared by the City and the employee.

Eligible participants who continue working past age 65 have the option of continuing coverage under the group plan or withdrawing from coverage under the group plan and choosing coverage under the federal Medicare system, assuming all other Medicare eligibility conditions have been met.

2. COBRA.

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

Qualifying events include: reduction in hours for the employee or employment separation for reasons other than gross misconduct; death of the employee; the employee and spouse become divorced or legally separated; the employee becomes eligible for Medicare benefits; or the child ceases to be a "dependent child" under the terms of the plan.

If separation or reduction in hours is the qualifying event that triggers continuation coverage, then it can be in effect for up to 18 months. All other qualifying events will trigger continuation coverage that lasts up to 36 months. However, continuation coverage may be discontinued by the City before 18 or 36 months if the City no longer provides group health insurance coverage to any of its employees, the premium and any administrative processing fee is not paid on time, the eligible participant becomes eligible for coverage under another group health plan, or the eligible participant becomes eligible for coverage under Medicare.

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

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P. VISION PROGRAM

Individuals who qualify for health insurance coverage under the City's group health insurance program are offered vision care benefits through the City's vision program. For all employees and officials eligible to participate, the City pays all of the cost of this coverage as charged by the provider. Eligible participants may choose to purchase, at their own expense, dependent coverage.

Q. SHORT-TERM DISABILITY PROGRAM

Individuals who qualify for health insurance coverage under the City's group health insurance program are offered short-term disability benefits through the City's short-term disability program. For all employees and officials eligible to participate, the City pays all of the cost of this coverage as charged by the provider.

R. DENTAL/ORTHODONTIC PROGRAM

Individuals who qualify for health insurance coverage under the City's group health insurance program are offered dental/orthodontic benefits through the City's dental/orthodontic program. For all employees and officials eligible to participate, the City pays all of the cost of this coverage as charged by the provider. Eligible participants may choose to purchase, at their own expense, dependent coverage.

S. GROUP LIFE AND AD&D INSURANCE PROGRAM

Active employees who are both full-time and either regular or probationary are provided with basic life/accidental death and dismemberment (AD&D) insurance coverage through the City's group life/AD&D insurance program. For all employees eligible to participate, the City pays all of the cost of this basic coverage as charged by the provider. Eligible participants may choose to purchase additional life insurance coverage for himself or herself, additional AD&D insurance coverage for himself or herself, and/or additional life insurance coverage for his or her spouse and/or dependent children. Eligible participants must designate a beneficiary and may change said beneficiary at any time by notifying the personnel department in writing. The amount of basic life/AD&D insurance coverage provided equals the employee's annual earnings rounded to the next higher \$1,000.

T. OTHER OPTIONAL EMPLOYEE BENEFITS

The City offers other employee benefits that are optional to the employee. Through the City's flexible benefits program, employees may purchase from private vendors additional insurance coverages, such as additional life insurance coverage for the employee, additional accidental death and dismemberment insurance coverage for the employee, additional life insurance coverage for the employee's spouse and/or dependent children, additional short-term disability insurance and cancer insurance. Premiums for these optional coverages shall be deducted from the respective employees' paychecks. The cafeteria plan, also referred to as the section 125 plan, allows employees to pay their family medical insurance and various other insurance premiums

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with income earned from the City and deducted from their paychecks before federal income taxes are computed, thus saving the employee from having to pay this tax on this portion of his or her income. In addition, employees can choose to set aside a portion of their paychecks on a pre-tax basis to pay for unreimbursed medical expenses and dependent day care expenses. Employees should be aware, however, that earned income set aside pursuant to the section 125 plan may be used only as authorized under the plan; otherwise, it will be irrevocably forfeited. Employees should contact the personnel department for more information about these benefits, plans and programs.

U. EMPLOYEE DEATH BENEFIT

Upon the death of an active employee who is both full-time and either regular or probationary, the final paycheck shall also include, in addition to the deceased employee's separation pay, an additional two (2) weeks' worth of pay. Further, the deceased employee's beneficiary shall be given complete assistance by the personnel department in pursuing any pension, life, and health insurance benefits due said beneficiary.

V. EMPLOYEE ASSISTANCE PROGRAM

The City provides an employee assistance program whereby employees, and the spouse and children who reside with an employee, may choose to obtain confidential counseling. An employee assistance program (EAP) is an employer-sponsored benefit that is designed to assist in the early identification and resolution of workplace productivity problems associated with employees who are impaired or likely to be impaired by behavioral problems. These include, but are not limited to: health, relationship issues, family problems, financial concerns, alcohol and drug issues, legal issues, emotional problems, grief and stress. The City's EAP is based upon the following ten underlying principles:

1. There is no factual justification for any adverse social stigma attached to personal problems.
2. To preserve the employee's right to privacy, records and discussions regarding the nature of personal problems will be handled in a highly confidential manner. Client records will be kept at the offices of the EAP administrator and the contents will be released only upon the employee's written permission.
3. Employees are encouraged to seek assistance on their own initiative before problems affect their work. Early resolution of personal problems is in the best interest of the individual and the employer.
4. The City concerns itself with an employee's personal problems only when the employee or supervisor requests assistance or when the problem affects job performance.
5. Participation in the EAP will not jeopardize an employee's job security or promotional opportunities.

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6. While it shall always be the employee's choice to accept or decline the services of the EAP, it is the employee's responsibility to assess and maintain optimum physical and mental health.
7. The EAP staff will not respond when a family member calls and complains about an employee; this would be considered by the EAP as an intrusion into the employee's private life. However, if a family member calls, the EAP will offer assistance to that family member when appropriate.
8. It is the responsibility of supervisors at all levels to offer a troubled employee with assistance through the EAP.
9. It is not the intent of the EAP to have supervisory management actively looking for employees with problems. Such problems will generally surface when job performance deteriorates and does not respond to normal disciplinary procedures.
10. Supervisors should refrain from making any diagnosis of an employee's problem. Referrals for assistance shall only be made at the employee's request or on the basis of poor job performance.

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

W. CAREER DEVELOPMENT AND TRAINING

Employees are encouraged to take advantage of job-related training opportunities to improve their job skills and qualify for promotions. Requests for such training and education may be initiated by either the employee or department head. Department heads may authorize or require employee attendance at conferences, seminars, workshops, or other functions of a similar nature that are intended to improve or upgrade the employee's job skills. References to training requests and training received should be made on performance evaluation forms.

Requests to attend training sessions should be made at least 15 days prior to the deadline for registration. The department head, based on the supervisor's recommendation, will determine who within each department will attend training sessions, subject to the availability of budgeted funds. Any training provided at the City's expense must be relevant to the employee's current position or transfer and/or promotional opportunities. When a request for training is approved, the cost of registration, publications, transportation, lodging, and other reasonable expenses will be paid by the City.

Certain job-related training may be required by the employee's department head. Job-related training that is not required for the employee's current position may qualify an employee for an increase in wage or salary, subject to the maximum wage or salary for the position to which the employee is assigned.

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Employees who do not have either a high school diploma or a General Equivalency Diploma (GED) are encouraged to pursue obtaining a GED. The cost of obtaining a GED that an employee commences and completes while a regular full-time employee will be reimbursed by the City.

Employees are encouraged to improve themselves through college or graduate education, even if it is not related to their City work. The City does not provide financial assistance for the costs of obtaining this type of education, regardless of job-relatedness. However, employees may be granted, upon written request, permission to take time away from their jobs for such education when such time is taken either as vacation leave, as compensatory leave or as leave without pay, but only so long as their absences will not cause hardship for their departments.

X. EDUCATION PAY INCENTIVE PROGRAM

As a reward for any employee who has or obtains either an undergraduate or a graduate degree that is not currently required by the job description for the job to which he or she is currently assigned, subject to the maximum wage or salary for the position to which the employee is assigned, the City offers an education pay incentive program. Only regular, full-time and active employees may qualify to participate in this program. The purpose of the education pay incentive program is to reward, subject to the maximum wage or salary for the position to which the employee is assigned, qualifying employees who are assigned to positions for which advanced education is not required for enhancing their value to the City by developing their knowledge, skills and abilities, and by providing greater flexibility of service to the City from such employees.

The education pay incentive program operates pursuant to the following stipulations:

1. Any employee who has or obtains either an undergraduate or a graduate degree that is not currently required by the job description for the job to which he or she is currently assigned, subject to the maximum wage or salary for the position to which the employee is assigned, qualifies for an increase in wage or salary, pursuant to the table below. Education pay incentives are paid and combined with a qualifying employee's base pay, subject to the maximum wage or salary for the position to which the employee is assigned, following achievement of the advanced education and requesting participation in the program.
2. Education pay incentives are paid according to the following table:

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

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3. To become eligible for education pay incentives, qualified employees must:
 - a. earn or have earned the education from a college or university accredited by an agency recognized by the United States secretary of education; and
 - b. must cause an official transcript from that college or university to be submitted to the personnel department.
4. Education pay incentives are paid only to eligible and qualifying employees who maintain adequate, acceptable and satisfactory job performance.
5. Undergraduate education pay incentives shall be awarded regardless of college curriculum. Undergraduate coursework need not be job-related.
6. Post-bachelor's degree graduate education pay incentives shall be awarded only if the corresponding graduate degree coursework is job-related, as determined by the city manager.
7. No more than one same-level advanced education degree per employee will be recognized by the City at any particular time.
8. It is the employee's responsibility to pursue participation in the City's education pay incentive program. Participation will not be approved retroactively prior to the date the personnel department receives both the official transcript and the employee's request to participate in the program.

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SECTION V – SUBSTANCE ABUSE POLICY

A. GENERAL

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

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 all employees with a safe and secure workplace in which each person can perform his or her duties in an environment that promotes individual health and 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;

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

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B. SCOPE

This substance abuse policy applies to all employees of the City, except that the random drug and alcohol testing referenced below shall be required only of certain categories of employees identified and listed below. Post-offer/pre-employment drug abuse testing policies and procedures of this substance abuse policy apply to applicants who have been given a conditional offer of employment from the City.

C. SUBSTANCE ABUSE TESTING 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 (see Appendix F to these personnel policies and procedures) authorizing the testing and permitting release of positive alcohol test results to the personnel director, and release of positive drug test results to the City's medical review officer (MRO; see Appendix D to these personnel policies and procedures) and, if verified as positive by the MRO, to the personnel director. The substance abuse testing consent form shall provide space for employees and applicants to acknowledge that they have been notified of the City's substance abuse policy.

The substance abuse testing consent form shall set forth the following information:

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

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

D. COMPLIANCE WITH SUBSTANCE ABUSE POLICY

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

Any employee convicted of violating a criminal drug statute shall inform the head of his or her department of such conviction (including pleas of guilty and *nolo contendere*) within five days of

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the conviction occurring. Failure to so inform the City subjects the employee to disciplinary action up to and including dismissal for the first offense.

E. DRUG ABUSE TESTING

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

1. Post-Offer/Pre-Employment Testing

All applicants who have received a conditional offer of employment with the City must undergo a drug test that produces a verified negative drug screen result before commencing employment with the City. In addition, all applicants for any position for which the City requires random drug testing shall be asked if they have, within the last two (2) years:

- been employed by a DOT-regulated employer and, if so, shall be required to obtain from the personnel department and complete Section 1 thereof a form by which the City may obtain information regarding previous employer alcohol and drug test information; and
- either had a verified positive drug test result, or had a confirmed positive alcohol test result, or refused to participate in a drug or alcohol test, and any applicant that responds in the affirmative to such query shall be disqualified from employment until and unless that applicant provides the City with adequate written documentation of successful completion of the return-to-duty process through a certified substance abuse professional (SAP).

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 first to undergo drug abuse testing that produces a verified negative drug screen result before commencing work in the new position.

3. Post-Accident/Post-Incident Testing

Following any workplace accident/incident determined by supervisory personnel of the City to have resulted in significant property or environmental damage or in significant personal injury, including but not limited to a human fatality or human injury requiring medical treatment, each employee whose performance either contributed to the accident/incident or whose performance cannot be ruled out as a contributing factor to the accident/incident and/or who is reasonably suspected of possible drug use as determined during a routine post-accident/post-incident investigation and/or who receives a citation

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for a moving violation arising from the accident/incident is required to undergo post-accident/post-incident drug abuse testing. That employee must submit to a drug abuse test that produces a verified negative drug screen result prior to continuing to work for the City.

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

In instances where post-accident/post-incident drug abuse testing is to be performed, the City reserves the right to direct the medical review officer (MRO) to instruct the designated laboratory to perform testing on submitted specimens for possible illegal/illegitimate substances.

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

a. Post-Accident/Post-Incident Testing for Ambulatory Employees

Following all workplace accidents/incidents where drug testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City to the designated urine specimen collection site (see Appendix B to these personnel policies and procedures) as soon as possible but within 32 hours following the accident/incident. No employee whose involvement has not been ruled out as a contributing factor in the accident/incident shall consume illegal drugs or prescription drugs without a valid prescription prior to completing the post-accident/post-incident drug abuse testing procedures.

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

b. Post-Accident/Post-Incident Testing for Non-Ambulatory Employees

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident/incident shall consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the City appropriate and necessary information or records that would indicate only whether specified prohibited drugs (and what

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amounts) were found in the employee's body. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City or upon hiring following the implementation date.

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

4. Testing Based on Reasonable Suspicion

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

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

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

5. Random Testing

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

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

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It is the policy of the City to annually random test for drugs the same percentage of the total number of employees in the last three categories listed above as is currently required by the Department of Transportation for the first category listed above (see Appendix A to these personnel policies and procedures).

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

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

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

6. Return-to-Duty and Follow-Up Drug Abuse Testing

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

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

Follow-up drug abuse tests will be unannounced, and at least six drug abuse tests will be conducted in the first twelve (12) months after such an employee returns to duty. Follow-up drug abuse testing may be extended for up to 60 months following return to duty. In this case, the employee will be required to pay for his or her return-to-duty and follow-up drug abuse tests accordingly.

Return-to-duty drug abuse testing that produces a verified negative drug screen result will also be required of all employees who are returning from leave or special assignment in excess of six (6) months. In this situation, the employee will not be required to pay for the drug abuse testing.

F. PROHIBITED DRUGS

All drug abuse test results will be reported to the medical review officer (MRO). If positive results are verified by the MRO, they will be reported to the personnel director. The following is

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a list of drugs for which tests will be routinely conducted (see Appendix A to these personnel policies and procedures for initial test and confirmation test cutoff levels): marijuana metabolites, cocaine metabolites (benzoylecgonine), phencyclidine (PCP), amphetamines, opiate metabolites, and alcohol. The City may test for any additional substances listed under the Tennessee Drug Control Act of 1989 as amended to date or as amended in the future.

G. DRUG-ABUSE TESTING PROCEDURES

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

H. DRUG-ABUSE TESTING LABORATORY STANDARDS AND PROCEDURES

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

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

For the applicant/employee’s protection, the results of the analysis will be confidential unless the test results are positive, in which case the positive test results shall be released to the City’s medical review officer (MRO) and, if verified by the MRO, to the personnel director.

I. REPORTING AND REVIEWING

The City shall designate a medical review officer (MRO) to receive, report, and file any and all testing information transmitted by the laboratory. This person shall be a licensed health care provider with knowledge of substance abuse disorders (see Appendix D to these personnel policies and procedures).

1. The laboratory shall report test results only to the designated MRO, who will review them in accordance with accepted guidelines and the procedures adopted by the City.

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2. Reports from the laboratory to the MRO shall be in writing. The MRO may talk with the applicant/employee by telephone upon exchange of acceptable identification.
3. The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to verified positive test results to the personnel director.
4. Neither the City, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected applicant/employee, unless such results are necessary in the process of resolution of accident/incident investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having a legitimate right-to-know as determined by the City attorney.
5. The City shall not engage in “stand-down,” the practice of temporarily removing an employee from the performance of duty based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.

J. ALCOHOL ABUSE TESTING

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

1. Post-Accident/Post-Incident Testing

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

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

- a. Post-Accident/Post-Incident Testing for Ambulatory Employees

Following all workplace accidents/incidents where alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City to the

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designated breath alcohol test site (see Appendix B to these personnel policies and procedures) for a breath alcohol test as soon as possible but within two (2) hours following the accident/incident. No employee whose involvement has not been ruled out as a contributing factor in the accident/incident shall consume alcohol prior to completing the post-accident/post-incident alcohol abuse testing procedures.

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

b. Post-Accident/Post-Incident Testing for Non-Ambulatory Employees

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident/incident shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the personnel director appropriate and necessary information or records that would indicate only whether alcohol (and what amount) was found in the employee's body. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City or upon hiring following the implementation date.

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

2. Testing Based on Reasonable Suspicion

Alcohol abuse testing is required for each employee whenever there is reasonable suspicion to believe the employee is using or is under the influence of alcohol.

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

Supervisory personnel of the City making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and

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observations in writing to the personnel director within eight (8) hours of the decision to test and before the results of the tests are received by the department.

3. Random Testing

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

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

It is the policy of the City to annually random test for alcohol the same percentage of the total number of employees in the last three categories listed above as is currently required by the Department of Transportation for the first category listed above (see Appendix A to these personnel policies and procedures).

Employees selected for random alcohol abuse testing are to proceed to the testing site immediately upon notification or as soon as feasible thereafter, as directed by their supervisor.

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

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

4. Return-to-Duty and Follow-Up Alcohol Abuse Testing

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

- must submit to a return-to-duty alcohol abuse test that produces a negative alcohol screen result;
- must be referred to the substance abuse professional (SAP; see Appendix D to these personnel policies and procedures) of the City;
- must be assessed by the SAP of the City; and
- must, to the satisfaction of the SAP, comply or be in the process of complying with all recommendations of the SAP.

Follow-up alcohol abuse tests will be unannounced, and at least six alcohol abuse tests will be conducted in the first twelve (12) months after such an employee returns to duty.

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Follow-up alcohol abuse testing may be extended for up to 60 months following return to duty. In this case, the employee will be required to pay for his or her return-to-duty and follow-up alcohol abuse tests accordingly.

Return-to-duty alcohol abuse testing that produces a negative alcohol screen result will also be required of all employees who are returning from leave or special assignment in excess of six (6) months. In this situation, the employee will not be required to pay for the drug abuse testing.

K. ALCOHOL TESTING PROCEDURES

All breath alcohol testing conducted pursuant to this substance abuse policy shall be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA). (Note: The City's police department is not permitted to perform this testing unless the test is required because of a traffic accident/incident.)

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

1. Step One:

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

2. Step Two:

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

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

If the lower of the breath alcohol measurements in Step One and Step Two is 0.04 BAL or greater, then the employee shall be considered to have failed the breath alcohol test, and he or she shall immediately be suspended from duty without pay for a minimum of 24 hours and referred to the substance abuse professional (SAP; see Appendix D to these personnel policies and procedures) of the City. Prior to returning to work for the City, such an employee must be assessed by the City's SAP and must, to the satisfaction of the SAP, comply or be in the process of complying with all recommendations of the SAP,

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and must be retested by breath analysis and found to have a BAL of less than 0.02. Failure of the breath alcohol test shall result in disciplinary action by proper officials of the City up to and including dismissal.

If the lower of the breath alcohol measurements in Step One and Step Two is 0.02 BAL or greater but less than 0.04 BAL, then the employee shall immediately be suspended from duty without pay for a minimum of 24 hours. In this situation, the employee must be retested by breath analysis and found to have a BAL of less than 0.02 before returning to duty with the City and may be subject to disciplinary action.

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

The completed breath alcohol test form shall be submitted to the personnel director and, if the result was 0.04 BAL or greater, then also to the SAP.

L. SUBSTANCE ABUSE EDUCATION AND TRAINING

1. Supervisory Personnel Who Will Determine Reasonable Suspicion Testing

Training of supervisory personnel who will determine whether an employee must be tested based on reasonable suspicion is to include at a minimum two 60-minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One 60-minute period shall focus on recognizing reasonable indicators of drug abuse, and one shall focus on recognizing reasonable indicators of alcohol abuse.

The City will sponsor a drug-free awareness program for all employees.

2. Distribution of Information

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

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

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M. CONSEQUENCES OF A VERIFIED POSITIVE DRUG TEST RESULT, A CONFIRMED POSITIVE ALCOHOL TEST RESULT, AND/OR REFUSAL TO TEST

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

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

If a current employee tests positive for alcohol (0.02 BAL or greater), or if a current employee's positive drug test result has been verified by the City's medical review officer (MRO), or if a current employee refuses to test for drugs and/or alcohol, then that employee is subject to immediate removal from any safety-sensitive function and may be subject to disciplinary action up to and including dismissal. Factors to be considered in determining the appropriate disciplinary response include: the employee's work history, length of employment, current work assignment, current job performance, and existence of past disciplinary actions. The City may choose to allow employees to participate in an education and/or treatment program approved by the City's Employee Assistance Program as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment.

Refusing to submit to an alcohol or controlled substances test means that the employee: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this policy; (2) fails to provide an adequate urine specimen or sample for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this policy; or (3) engages in conduct that clearly obstructs the testing process. In any case the health care provider or breath alcohol technician shall provide a written statement to the City explaining the refusal to test.

N. VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL USE

In the event that an employee is either dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, then that employee should voluntarily discuss his or her problem with the respective department head in private. 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 duty and put on leave pending completion of the

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treatment. Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

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

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

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall provide the personnel director with a written statement from the substance abuse professional (SAP; see Appendix D to these personnel policies and procedures) of the City that indicates satisfactory compliance, or satisfactory progress toward compliance, with the recommendations of the SAP. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol follow-up testing requirements. The respective department head and the personnel director of the City will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in disciplinary action up to and including dismissal.

These provisions apply to voluntary disclosure of a substance abuse problem by a current employee. Voluntary disclosure provisions do not apply to applicants.

O. 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.

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SECTION VI – SEXUAL HARASSMENT POLICY

A. GENERAL

The City will not tolerate sexual harassment of its employees. The City has adopted this policy on sexual harassment to try to prevent sexual harassment from occurring in the workplace, and will take immediate, positive steps to stop such harassment when it occurs.

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

B. PROHIBITED ACTIONS AND BEHAVIORS

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

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

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

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C. MAKING SEXUAL HARASSMENT COMPLAINTS

An employee who believes he or she is or has been subjected to sexual harassment should immediately contact a city official (listed below) with whom the employee feels the most comfortable. Complaints may be spoken or made in writing to the employee's immediate supervisor, the employee's department head, the personnel director, the city manager, the city attorney, the mayor, and/or the city council. The harassment complaint form included as Appendix G to these personnel policies and procedures may be used but is not required.

Employees have the right to circumvent the employee chain-of-command when selecting the person to whom to make the complaint about sexual harassment.

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

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

D. REPORTING AND INVESTIGATING SEXUAL HARASSMENT COMPLAINTS

The personnel director is the person the City designates as the investigator of sexual harassment complaints against employees. In the event the sexual harassment complaint is against the personnel director, the investigator shall be the city attorney.

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

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

The investigator then shall:

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

E. ACTION ON COMPLAINTS OF SEXUAL HARASSMENT

Upon receiving an investigation report of a sexual harassment complaint, the city manager or city attorney shall immediately review the report. If the city manager or city attorney determines that the report is not complete in some respect, he or she may question the person complaining of

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sexual harassment, the person against whom the complaint has been made, witnesses to the conduct in question, or any other person who may have knowledge about the alleged harassment.

Based upon the report and his or her own investigation (if a separate investigation is made), the city manager or city attorney shall, within five (5) City business days of receiving the investigation report, determine whether the conduct in question constitutes sexual harassment. In making that determination, the city manager 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. Whether sexual harassment took place will be determined on a case-by-case basis.

If the city manager determines that the harassment complaint is founded, he or she shall take immediate and appropriate disciplinary action against the offending employee, consistent with his or her authority under the charter, ordinances, resolutions, and these policies and procedures governing his or her authority to discipline employees.

In the event the complaint of sexual harassment is against the city manager, then the city attorney shall serve in place of the city manager in the context of reviewing the report of the investigation, and shall advise the city council on what if any disciplinary action should be taken against the city manager.

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

In all events, an employee against whom a complaint of sexual harassment has been made shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the investigation, or else risk being disciplined for taking any such retaliation.

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

F. OBLIGATION OF EMPLOYEES

Employees are not only encouraged to report instances of sexual harassment, they are obligated to report them.

Employees are also obligated to cooperate in every harassment investigation. The obligation includes, but is not necessarily limited to, coming forward with evidence about a person accused

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of such conduct, fully and truthfully making written reports, and answering questions when required to do so by an investigator.

Employees are also obligated to refrain from making frivolous accusations of sexual harassment in bad faith.

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

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SECTION VII – OTHER EMPLOYMENT POLICIES

A. POLITICAL ACTIVITY

Political activity of employees is regulated by charter sections 3.06 and 6.14 and T.C.A. sections 7-51-1501, 7-51-1503 and 38-8-351, all of which are hereby incorporated herein by reference.

B. TRAVEL POLICY

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

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

The travel policy of the City is presented in full in the City's purchasing manual, as published by the finance department. Any employee who travels on behalf of the City is expected to possess and to have reviewed a copy of the current travel policy. Employees may obtain a copy of the travel policy from their supervisor or department head.

C. USE OF CITY VEHICLES, MACHINERY AND EQUIPMENT

1. All City vehicles, machinery and equipment are for official use only, except as delineated below.
2. No person other than an employee authorized by his or her department head may operate a City vehicle or piece of machinery or equipment. Drivers of vehicles must have a valid and current Tennessee driver's license.
3. Persons who are neither current officials nor current employees of the City are prohibited from riding in any City vehicle unless so authorized by the supervisor of the employee operating that vehicle.
4. No City vehicles, machinery or equipment may be operated outside of Columbia city limits by any employee unless so authorized by the supervisor or department head of that employee.

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5. Employees are expected to use City vehicles, machinery and equipment in a safe manner, in accordance with manufacturers' specifications, and as directed by each employee's supervisor. In particular, employees are to wear seatbelts whenever operating any vehicle or machinery so equipped. Under no circumstances shall the vehicle, machinery or equipment be operated while the operating employee is under the influence of alcohol or any drugs that could adversely affect the employee's ability to operate the same both safely and efficiently.
6. Any damage to any City vehicle, machinery or equipment, including that from normal wear and tear, shall be reported to the employee's supervisor as soon as practicable. Failure to do so on the part of the employee responsible for any such damage may result in disciplinary action up to and including dismissal.
7. All employees who handle City equipment are responsible for its care and security while under their control. The loss, damage or waste of City property or equipment through negligence, carelessness, or improper care or use may be grounds for disciplinary action up to and including dismissal. The employee responsible for such loss, damage or waste may be charged for the property in question or any repair, recovery or replacement costs.
8. At the time of separation of employment, and prior to receiving final moneys due, the employee shall return to his or her department any and all assets, books, keys, manuals, records, uniforms, tools and other items of City property in the employee's care and custody, certification to this effect shall be made by the employee's supervisor or department head, and all moneys due the City because of any shortages shall be deducted from the employee's separation pay or otherwise collected.
9. No employee is permitted to use City equipment for private gain or advantage to himself or herself or another private person or group, except as delineated below.
10. The city manager may authorize certain employees to drive their assigned city-owned vehicles to their place of residence after normal working hours, but the vehicle may be utilized only for commuting and not for personal purposes, except as delineated below.

D. DRIVING RECORDS

Any employee who is required as an employment condition to possess and maintain a valid Tennessee driver's or commercial driver's license in order to perform functions of their City job must immediately, or at the latest upon reporting for duty the next workday, inform his or her supervisor should his or her license become denied, expired, restricted, suspended, or revoked any time during employment with the City. Occasional review of employees' driving records will be conducted by the personnel department or the various department heads or both to assure adherence to this policy. Any employee who is required as an employment condition to possess and maintain a valid Tennessee driver's or commercial driver's license in order to perform functions of their City job, whose license is not currently valid, and who has not so informed his or her supervisor of such invalidity, shall be subject to disciplinary measures.

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E. PARKING

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

F. SOLICITATIONS FOR DONATIONS OR CONTRIBUTIONS; PEDDLING

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

G. PERSONAL TELEPHONE CALLS

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

Emergency personal telephone calls may be made or received any time. Examples of emergencies are illness of or injury to a member of the employee's family, changed plans regarding an employee's transportation home from work, or extreme weather conditions. The cost of any long-distance personal telephone calls, even of an emergency nature, shall be paid by the caller and/or the employee and not the City. Lengthy personal phone conversations on non-emergency matters may result in disciplinary action.

H. TELEPHONE COURTESY

The telephone is often the only contact citizens have with the City. Telephone courtesy is essential. When employees answer general telephone lines, they should state "City of Columbia" and, if appropriate, the department's name. Employees who answer a direct line or a transferred call should identify the department's name if appropriate and state their own name. Employees are to treat each caller with the same courtesy that they would appreciate themselves, and are to treat every call as if it were extremely important.

I. DRESS CODE

Although the City has no formal dress code for non-uniformed employees, such employees are to wear clothing suitable to the type of work done and to the environment in which the employee works. Clothing should be neat, clean, and in good taste, and should not constitute a safety hazard. Employees are to consult with their supervisor or department head for guidance on and

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interpretation of this policy. Items of casual clothing that, in the opinion of the department head, are inappropriate for a work environment or disruptive to other employees will not be permitted. Employees arriving at work dressed inappropriately will be sent home to change, with no pay for time so spent unless vacation leave is used. Repeated violations of the dress code may result in disciplinary action.

J. WORKPLACE VIOLENCE AND HARASSMENT

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

Under no circumstances are the following items permitted on City property, including City-owned parking areas, except when issued or sanctioned by, and carried and used within the scope of employment for, the City:

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

Charges of violence and harassment shall be reported to any supervisor, including the personnel director, city manager and the mayor. The harassment complaint form included as Appendix G to these personnel policies and procedures may be used but is not required. The personnel director is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the city manager may request that the chief of police provide assistance to the personnel director or assume responsibility for the investigation. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action.

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

To the extent they are not in conflict herewith and to the extent they are applicable hereto, policies and procedures pertaining to complaints of, investigations of and other responses to alleged sexual harassment shall be utilized in response to allegations of workplace violence and non-sexual harassment.

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K. GAMBLING

The City takes the position that gambling among its employees can lead to bad morale, hard feelings, and financial hardships. Therefore, gambling is prohibited on City property and/or during City-paid work time and will be a cause for discipline. This includes all competitions where money is wagered, such as cards, dice, lotteries, betting pools, dog/horse races and/or the like. Any employee who engages in gambling will be subject to discipline up to and including dismissal.

L. CITY PROPERTY ASSIGNED TO INDIVIDUAL EMPLOYEES

All City property is subject to inspection by authorized personnel and officials at any time without notice. There should be no expectation of privacy in or on such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers. Even if such property, the use of which may even be assigned to individual employees, is locked by the employee, it is still subject to such inspection. Employees are expected to furnish their own lock and key so they will have control over access to such property. Liability for loss or damage to content of such property cannot be assumed by the City. Employees may be requested to open such property for periodic housekeeping, inspections, or other occasions when it is appropriate and/or necessary, as there is no expectation of privacy. Any suspicious activity around such property, as well as break-ins and thefts, should be reported to the employee's supervisor or department head as soon as possible.

M. BULLETIN BOARDS

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

N. SUGGESTIONS

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

O. ACCEPTING GRATUITIES

No employee shall accept on his or her own behalf any money, other considerations, or favors from anyone other than the City as remuneration for performing an act that he or she would be required or expected to perform in the regular course of his or her duties. No employee shall accept from anyone other than the City, directly or indirectly, any gift, gratuity, or favor of any kind that might reasonably be interpreted as an attempt to reward or influence his or her actions with respect to City business.

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P. USING TOBACCO PRODUCTS

Because the smoking of tobacco products poses a threat not only to the user but to non-users as well, and in order to provide a clean and healthy environment for all employees and visitors and to promote a positive impression of the City operations with the general public, the smoking of tobacco products inside City-controlled buildings and spaces is prohibited. Department heads shall designate smoking areas outside of and in close proximity to City buildings and spaces where employees typically work; however, no employee shall be permitted to smoke directly in front of any City-controlled building or space including walkways and parking lots typically used by the public. This policy also applies to City vehicles when occupied by more than one person. This policy does not apply to open-air facilities unless smoking therein is prohibited by other policies. Employees who violate this policy will be subject to disciplinary action. Visitors and other non-employees who violate this policy shall be advised by employees of the policy and requested to extinguish smoking materials or to move to a designated smoking area.

In order to provide a clean environment for all employees and visitors and to promote a positive impression of the City operations with the general public, the smokeless use of tobacco products by employees while acting within the scope and in the course of their employment for the City shall be prohibited except at the discretion of the employee's department head.

Q. BUSINESS INTEREST

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

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

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

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R. PERSONNEL RECORDS

1. Collection, Retention, and Use of Personal Information
 - a. The personnel department shall serve as the official and central depository of all personnel records of the City and shall maintain a separate personnel file of each employee's employment records. Medical information about each employee shall be kept confidentially and separate from the personnel files.
 - b. Each department head shall maintain a separate personnel file on each employee in his or her charge, including copies of performance evaluations (performance evaluation originals are to be placed in the personnel department's personnel file for that employee) plus attendance records, notes, memos, letters, or other information related to an employee's job performance. A department head's personnel file for a particular employee shall be transferred to the personnel department's personnel file for that same employee when that employee separates from the City.
 - c. Payroll data, including time sheets and records on the accrual and use of leave with pay, shall be kept by the finance department. Both the personnel department file and the departmental file may include information about an employee's wage or salary history and attendance records.
 - d. Supervisors may keep separate personnel files on their subordinates, but only with the knowledge and consent of the department head. Only information regarding these employees' job performance may be kept in these files. A supervisor's personnel file for a particular employee shall be transferred to the personnel department's personnel file for that same employee when that employee separates from the City.
 - e. Employment-related information will be collected from employees or applicants whenever possible, but the City may use outside sources for other information.
2. Access To Employee Records
 - a. The personnel director will control, pursuant to law, access to the personnel department's personnel files. Department heads and supervisors may not divulge the contents of their respective personnel files except to their superiors, on request, or to those whom the department head finds have a legitimate need to know the information, and then only pursuant to official procedure.
 - b. An employee may review the personnel department's personnel file for himself or herself at any time during normal business hours of the City, but only in the presence of an authorized representative of the personnel department.
 - c. Employees may take notes or may request the personnel department representative to copy any of the file's contents on duplicating equipment.

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- d. Any question about the information's accuracy must be referred to the employee's department head or to the personnel director. If the employee disagrees with any information found therein, the employee may place a written disagreement, which will be attached to the specific document, in the files.
- e. Any external request for information from any personnel files maintained by the City must be referred to the personnel department. Only the personnel director, the employee's department head and the city manager are authorized to disclose information about employees to outside inquirers, and then only in compliance with the redacting provisions of T.C.A. § 10-7-504.
- f. The City will disclose personnel information to prospective employers of current or former employees as necessary. In most cases, such disclosures will be limited to confirming the dates of employment, title or position, job location, and wage and salary.

S. WORKPLACE SAFETY

- 1. It is the policy of the City to provide a safe and comfortable work environment for all employees. The City has established workplace safety procedures and regulations that comply with regulatory requirements and which are intended to increase safety consciousness among all employees. It is City policy to maintain a constant vigilance of all workplace safety programs, and where workplace safety standards are found to be deficient, the City shall take immediate action to correct the situation. The City adheres to the philosophy that the safety of the employees and the public is a high priority. The city manager retains overall responsibility for oversight of the City's workplace safety program.
- 2. The city manager shall appoint a workplace safety director who is responsible for the development and effective implementation of the City's workplace safety program. The workplace safety director is charged with the responsibility for the preparation and promulgation of a City's workplace safety manual, with amendments as necessary, for advance approval by the city manager, to meet compliance with federal and state workplace safety standards and laws. The plans and programs contained therein shall be at least as stringent as the federal and state standards on the same issues and shall include the following:
 - a. The workplace safety committee members and/or the workplace safety coordinator shall have the right to enter, at any reasonable time, any work area under the control of the City, and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment, and materials therein, and to question privately any supervisor or employee.
 - b. The workplace safety coordinator or the workplace safety committee chairman may require the attendance of employees, and may interview employees and require the

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presentation of evidence, under oath, for the purpose of confirming or supplementing findings.

- c. The City emphasizes the necessity for all employees to recognize and report workplace safety and health problems, to avoid unsafe working conditions, and to learn and practice acceptable workplace safety techniques.
 - d. All employees shall be informed of applicable procedures and standards set forth by the Tennessee Occupational Safety and Health Act.
3. The city manager shall appoint a workplace safety coordinator who, under the direction of the workplace safety director, is responsible for the administration of the City's workplace safety program and serves as the primary liaison within the City organization for workplace safety purposes.
 4. A workplace safety committee shall be created, to be comprised of seven representatives from the City organization. The workplace safety coordinator shall coordinate and direct the operations of the workplace safety committee. The duties of the workplace safety committee shall be prescribed in the workplace safety manual. Active and full-time regular employees interested in serving on the workplace safety committee may, upon the consent of their respective department head, make application in January of each odd numbered year to the workplace safety director. Based on the applications received, the workplace safety director may appoint these representatives for two-year terms, commencing in March of each odd numbered year. No individual shall serve for more than three consecutive terms. The workplace safety director shall attempt to diversify membership on the workplace safety committee to encompass representation from different departments and employee groups' expertise in workplace safety matters, plus to any other criteria determined beneficial to the workplace safety committee.

T. WELLNESS PROGRAM

The wellness program, under the direction of the wellness committee and the personnel department and subject to budgetary constraints, promotes the physical and mental wellness of employees and their families. Participation in the wellness program is mandatory for all current full-time employees who are either regular or probationary and who were hired by the City on or after September 1, 1997. All other employees may choose and are encouraged but not required likewise to participate in the City's wellness program.

U. USE OF CITY-PROVIDED TECHNOLOGY

1. General.

City technology, including telephones (both land-line and mobile), pagers, voice-mail, computers, electronic-mail, printers, typewriters, photocopy machines and facsimile machines, are designed and intended for use by employees and officials of the City for the conducting of the City's official business. Such technology is not intended for

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personal use, especially of a commercial nature. In particular, such technology is not to be used to advertise the availability for sale of privately owned personal property or services.

2. Computer system.

The computer system is owned by the City. Users shall adhere to the policies set forth here. Violations of the policy will be dealt with in the same manner as violations of other City policies and may result in disciplinary action ranging from a written reprimand to dismissal.

The use of the computer system is a privilege, not a right, and inappropriate use may result in cancellation of those privileges. The computer services coordinator will notify the finance director or city manager of inappropriate computer system use. The city manager may at any time deny, revoke or suspend the computer access of any user.

Use of the system constitutes the user's consent to the City monitoring use of the system. Electronic mail (e-mail) downloads and material viewed are not private but, rather, public records. Those who administer the system have access to all files.

Computer system activity can be monitored by authorized personnel in the event suspicion of inappropriate use is occurring, such as, but not limited to: vandalism (defined as any malicious attempt to harm or destroy data of another user, intentionally damaging program files, uploading, downloading or creation of computer viruses), harassment of any kind toward another individual, presence of fraudulent or obscene material, use of the computer for illegal activity and any attempt, successful or failed, through action or inaction, to compromise the security of the system.

Specific rules include the following:

- a. Acceptable Use – The purpose of the computer system is to assist employees in the performance of their duties as an employee. The use of an employee's account, an employee's individual computer and the network must be in support of the objectives of the City and/or the employee's department.
- b. Security on any computer system is a high priority, especially when the system involves many users. If an employee identifies a security problem, the employee is obligated to notify the computer services coordinator and his or her department head. Employees are obligated not to demonstrate the problem to other users.
- c. Employees are obligated not to use another individual's login name or password or Internet account.
- d. Under no circumstances is any software/CD to be brought in from outside sources and loaded onto any computer without notification to and approval from the computer

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services coordinator. Any user identified as a security risk or having a history of problems with the computer system may be denied access.

- e. All used diskettes should be scanned for viruses before using them, and again upon return if they have been borrowed.
- f. E-Mail – All users are expected to read all e-mail sent to their account. The individual is responsible for the proper use of the resource, including proper password protection. E-mail that is older than three months may be deleted, subject to law regarding retention of public records, after a two-week notification.

All electronic mail (“e-mail”) is a local government record or property and is considered a public record, subject to public inspection, under the Tennessee Public Records Act. Employees are advised that they have no legitimate expectation of privacy with regard to their electronic communications.

The City reserves the right to monitor messages and the use of the computer by employees. Supervisors shall have the authority to inspect and extract the contents of any equipment, files, calendars or electronic mail of their subordinates in the normal course of their supervisory duties. Technology support personnel shall have the authority to inspect and extract any content.

- g. The configuration of hardware shall not be altered without prior written approval by the computer services coordinator. This includes, but is not limited to, memory, processor or monitor upgrades, and other component changes such as CD-ROMS, system boards or hard drives.
- h. The computer services coordinator shall review all and must approve of the issuance of any purchase orders containing computer related items.
- i. Access to the Internet is provided for employees to conduct research and communicate with others. Access to the Internet can be revoked at any time if it is or has been used in an inappropriate manner. The Internet is intended to be used mainly for business related links and downloads, provided that employees follow the guidelines regarding acceptable material. The City will not be responsible for any damages an employee may suffer through use of the Internet. This includes loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by its negligence or employee errors or omissions. Use of any information obtained via the Internet is at the employee’s own risk. The City specifically denies any responsibility for the accuracy or quality of information obtained through this service. Employees may be held responsible for any damages suffered by the City as a result of employee misuse of the Internet.
- j. Virus checks are to be performed on all files downloaded from the Internet.

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- k. Employees are prohibited from using the City's computer system in the following manner:
 - i. intercepting, eavesdropping, recording, or altering another person's e-mail message;
 - ii. forwarding chain letters;
 - iii. adopting the identity of another person on any e-mail message, attempting to send electronic mail anonymously, using another person's electronic identity or allowing another person to use one's own electronic identity for e-mail, access to the Internet or access to the City's computer network;
 - iv. misrepresenting oneself or one's affiliation with the City in any e-mail message;
 - v. composing, forwarding or otherwise sending e-mail that contains racial, religious, or sexual slurs or jokes, or harassing, intimidating, abusive, or offensive material to or about others;
 - vi. using e-mail for any personal commercial or promotional purpose, including personal messages offering to buy or sell goods and services;
 - vii. accessing inappropriate Internet Web sites such as ones that display pornography except in the normal course of an authorized police investigation; and/or
 - viii. sending or receiving any software in violation of copyright laws.
- 3. Two-way radios.
 - a. Be professional and courteous.
 - b. State one's message clearly and concisely and be brief and to the point.
 - c. Talk in a normal, even tone of voice. Shouting tends to cause distortion and should be avoided.
 - d. Use of violent, abusive or profane language that is offensive to others will not be tolerated.
 - e. Call other employees by designated vehicle or unit number.
 - f. Avoid unnecessary comments or conversation.
 - g. Use the telephone for non-essential or lengthy conversations.
 - h. Avoid repetition.

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- i. Avoid pauses in speech with the microphone keyed.

V. INFECTIOUS DISEASE CONTROL POLICY

In providing municipal services, employees may come in contact with life-threatening infectious diseases that can be transmitted through job-related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses. For those purposes, the City has established a comprehensive set of rules and regulations governing the prevention of such discrimination and potential occupational exposure to infectious diseases. If an employee would like a copy of these rules and regulations, they should ask their department head or the personnel department for one.

W. UNIFORM USE AND RESPONSIBILITY

The City provides uniforms for various job classifications. The City desires to have uniforms that are well maintained to emphasize the professionalism of the workforce and to promote the pride in the City. Uniforms issued by the City are City property, are the responsibility of the employee, and are not to be worn other than while on the job for the City and, optionally, while commuting to and from work for the City. At the time of separation of employment, and prior to receiving final moneys due, the employee shall return to his or her department any uniforms in the employee's care and custody, certification to this effect shall be made by the employee's supervisor or department head. All moneys due the City because of any shortages shall be deducted from the employee's separation pay or otherwise collected.

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SECTION VIII – SEPARATIONS, DISCIPLINE, APPEALS AND GRIEVANCES; NOT A CONTRACT

A. SEPARATIONS

All separations of employees from positions with the City shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, completion of service, layoff, disability, death, retirement, and dismissal. At the time of separation and prior to final payment of all remaining compensation due and payable, all records, assets, and other City property in the employee's custody shall be transferred to the department. Any amount due because of shortages shall be withheld from the employee's final compensation. The date of separation shall be the last date an employee is on active-employee status.

All full-time and part-time employees, other than temporary/seasonal employees, who are voluntarily separating from the City's employ will have scheduled an exit interview with the personnel director or his or her designee. The main purpose of this interview is to ascertain whether the reason for an employee's separation is founded upon a misunderstanding that might be corrected by either the City or the employee, or upon any dissatisfaction with City working conditions. Any information that may improve future working conditions in the City is always welcome.

1. Resignation

In the event an employee decides to leave the City's employ, a two-week notice shall be given to his or her supervisor so that arrangements for a replacement can be made. In such a case, employees shall be expected to return any/or all City equipment assigned by their date of separation. 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 City employment, his or her employee benefits package shall be the same as for any new employee beginning work for the first time, except that a returning employee who had received a refund of his retirement plan contributions may, within twelve (12) months of being rehired, request to buy back, for retirement purposes only, prior credited service, pursuant to the City's employees' retirement plan.

2. Completion of service

Temporary/seasonal employees who complete their term of employment are expected to return any/or all City equipment assigned by their date of separation.

3. Layoff

Pursuant to section 6.13 of the charter, whenever it may be deemed to be in the interest of efficiency or economy and recommended by the city manager, the city council may by ordinance provide for a reduction in the number of employees in any department; provided, however, that in the event of any such reduction in the number of civil service

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employees thereby relieved from duty in any particular department shall be the ones who have served the shortest period of time in that department when such abolition or reduction occurs. Any civil service employee thus relieved from duty shall thereafter be given preference in filling the position formerly held by him or her if said position shall be subsequently reinstated. Said preference shall be granted, however, only after said employee shall pass the examination and otherwise meet the rules, regulations and requirements prescribed by the civil service board.

A laid-off employee who is reinstated as an employee within 90 days from the date he or she was laid off shall be reinstated with full benefits as if he or she had not been laid off except that he or she shall not accrue additional leave with pay during the time laid off.

4. Disability

The City may be forced to dismiss an employee when he or she cannot perform the essential functions of the job because of a physical or mental disability that cannot be accommodated without undue hardship or that poses a direct threat to the health and safety of others. Action may be initiated by the employee or the City, but in all cases it must be supported by medical evidence acceptable to the city manager, and the disability must prevent the employee from performing the essential functions of the job. The City may require an examination at its own expense to be performed by a licensed physician health care provider of its own choosing.

In the event an employee has exhausted his or her accrued leave with pay, if any, and any family and medical leave then remaining, then the City may be forced to dismiss the employee if he or she is unable to perform his or her job or another available job for which he or she is qualified even with reasonable accommodation. Should the employee later be able to return to work, upon presentation of certification by a doctor, he or she shall be given preference for employment in a position for which he or she is qualified, with the approval of the city manager. Said preference shall be granted, however, only after said employee shall pass the examination and otherwise meet the rules, regulations and requirements prescribed by the civil service board. If such an employee returns to City employment, his or her employee benefits package shall be the same as for any new employee beginning work for the first time.

5. Death

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

6. Retirement

Whenever an employee meets the conditions set forth in the City's employees' retirement plan, he or she may elect to retire and receive all benefits earned under that plan.

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Employees should contact the personnel department for information regarding the City's employees' retirement plan.

Plan participants are eligible to retire with full retirement benefits at age 55 with a minimum of thirty (30) years of credited service or at age 65 with a minimum of five (5) years of credited service required. Plan participants are eligible to retire with reduced retirement benefits at age 55 with a minimum of fifteen (15) years of credited service.

There is no mandatory retirement age for employees.

7. Dismissal (see "Discipline, Dismissal" below).

B. DISCIPLINE

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

1. Oral Reprimand

The supervisor shall issue a memorandum stating the date of the oral reprimand, what was said to the employee, and the employee's response. The memorandum is to be signed by the issuing supervisor. The subject employee shall be asked to sign the memorandum to indicate that he or she has seen the document and to acknowledge receipt of the employee's copy. Should the employee refuse to sign the memorandum, the supervisor will obtain a witness to sign and date the form and so indicate the employee's refusal to sign. Such a memorandum documenting an oral reprimand is to be placed in the supervisor's and/or the department head's personnel file for that employee and is not to be placed in the personnel department's personnel file for that employee unless the matter is subsequently addressed by additional discipline.

2. Written Reprimand

In situations where an oral reprimand has not resulted in the expected improvement or when more severe initial action is warranted, a written reprimand may be sent to the employee. The supervisor administering the written reprimand shall confer with and advise the employee that the action is a written reprimand and emphasize the seriousness of the problem; cite previous corrective actions and/or informal discussions relating to the offense; identify the problem and/or explain the offense; inform the employee of the consequences of continued undesirable behavior; detail corrective actions and identify dates by which the corrective actions shall be taken. The employee shall be asked to sign

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the written reprimand to indicate that he or she has seen the document and to acknowledge receipt of the employee's copy. Should the employee refuse to sign the written reprimand, the supervisor will obtain a witness to sign and date the form and so indicate the employee's refusal to sign.

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

3. Suspension

An employee may be suspended with or without pay by his or her department head with the approval of the city manager.

A written notice of proposed suspension, explaining the reason for the proposed suspension and offering the employee a pre-determination hearing, shall be provided by the department head to the employee by no later than the close of business on the first City business day following the effective date of the proposed suspension.

Upon an employee's request for a pre-determination hearing received by the personnel department within three (3) City business days of the employee receiving the notice of proposed suspension, the employee shall be granted such a hearing, to be held within five (5) City business days of the personnel department's receipt of the employee's request for same.

The pre-determination hearing shall include the employee, the employee's supervisor, the employee's department head, the personnel director and the city manager. In the unavoidable absence of the employee's supervisor, the employee's department head, the personnel director or the city manager within the permitted time-frame, such individuals may appoint others to represent themselves. The purpose of the pre-determination hearing is to provide a more formal opportunity for the employee to challenge the proposed suspension before the final decision is made as to whether to suspend. The city manager shall render the final decision as to whether to suspend within five (5) City business days of the conclusion of the pre-determination hearing.

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

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4. Dismissal

The city manager may dismiss an employee for just cause that is for the good of the City. Reasons for dismissal may include, but shall not be limited to: misconduct, negligence, incompetence, insubordination, unauthorized absences, falsifying records, or violating any charter provisions, ordinances, or these policies. Examples include:

- a. incompetence or inefficiency in performing duties;
- b. conviction of a criminal offense or of a malfeasance involving moral turpitude;
- c. violating any lawful and reasonable regulation, order, or direction made or given by a superior, or insubordination that constitutes a serious breach of discipline;
- d. while acting within the scope and in the course of employment for the City, using or being under the influence of any alcoholic beverage;
- e. while acting within the scope and in the course of employment for the City, using or being under the influence of any illegal drug, prescription drug without a legal prescription, prescription drug other than in accordance with a legal prescription, or non-prescription drug other than for the manufacturer's indicated symptoms and in accordance with the manufacturer's recommended dosages unless otherwise directed by a licensed health care provider;
- f. theft, destruction, carelessness, or negligence of City property;
- g. disgraceful personal conduct or language toward the public, the city council, the civil service board, other officials of the City or fellow employees;
- h. verbal or physical conduct that harasses, disrupts or interferes with an employee's work performance or which creates an intimidating, offensive or hostile work environment, including violence of any kind, verbal harassment, physical harassment, and visual harassment, or the threat thereof, whether in the workplace or during work time or both;
- i. unauthorized absences or abuse of leave privileges;
- j. incapacity to perform the essential functions of a job because of a permanent or chronic physical or mental disability that cannot be reasonably accommodated;
- k. accepting any valuable consideration that was given with the expectation of influencing the employee in performing his or her duties;
- l. falsifying records;

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- m. materially falsifying a statement of fact on, or omitting material information from, his or her employment application;
- n. using official position for personal advantage;
- o. loss of an employee's driver's license and driving privileges by due process of law in the case of an employee appointed to any position for which a driver's license is required to perform functions of the job; or
- p. willful, egregious or persistent violation of any provisions of the charter, the code, or these personnel policies and procedures.

A written notice of proposed dismissal, explaining the reason for the proposed dismissal and offering the employee a pre-determination hearing, shall be provided by the department head to the employee by no later than the close of business on the first City business day following the effective date of the proposed dismissal.

Upon an employee's request for a pre-determination hearing received by the personnel department within three (3) City business days of the employee receiving the notice of proposed dismissal, the employee shall be granted such a hearing, to be held within five (5) City business days of the personnel department's receipt of the employee's request for same.

The pre-determination hearing shall include the employee, the employee's supervisor, the employee's department head, the personnel director and the city manager. In the unavoidable absence of the employee's supervisor, the employee's department head, the personnel director or the city manager within the permitted time-frame, such individuals may appoint others to represent themselves. The purpose of the pre-determination hearing is to provide a more formal opportunity for the employee to challenge the proposed dismissal before the final decision is made as to whether to dismiss. The city manager shall render the final decision as to whether to dismiss within five (5) City business days of the conclusion of the pre-determination hearing.

If the final decision following the pre-determination hearing is not to dismiss, then the employee, if already on leave pending the outcome of the pre-determination hearing, shall be returned to regular duty with full pay for the length of that leave. If an employee fails to present himself or herself at a scheduled pre-determination hearing or fails to request a pre-determination hearing within three (3) City business days of receiving the notice of proposed dismissal, then the proposed dismissal shall become final. All records associated with either an unchallenged or a challenged but affirmed dismissal shall become a permanent part of the personnel department's personnel file for that employee.

C. APPEALS

Pursuant to section 6.15 of the charter, any civil service employee, within ten (10) days after any disciplinary action, may appeal to the civil service board such action taken against him or her.

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Such appeal shall be made in writing and delivered to the personnel director serving in his or her capacity as clerk to the civil service board. Upon receipt of an appeal of disciplinary action, the civil service board shall, in accordance with section 6.15 of the charter, set a date and time for a hearing and shall carefully consider all evidence presented. The employee shall have the right to be represented at the hearing by an attorney, shall have the right to confront and examine all witnesses, and may introduce on his or her own behalf any evidence relevant to the charges specified against him or her. The civil service board shall then make a decision as to sustain, modify or overrule the disciplinary action. The decision of the civil service board shall be final and binding in all cases except that the civil service board's final decision may be appealed to a court of law of competent jurisdiction, pursuant to section 6.18 of the charter.

D. GRIEVANCES

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

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

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

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A grievance may not arise from any of the following:

- disciplinary actions involving the employee (a separate appeals process is available for disciplinary actions; see “Discipline” and “Appeals” above);
- personnel actions pertaining to position classifications, or changes thereto;
- the pay plan and/or other forms of compensation including employee benefits, or changes thereto including reclassifications; and
- the abolishment of positions and any resulting demotions, transfers or lay-offs.

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

An employee with a grievance has a right to:

1. a grievance hearing as specified in this policy;
2. receive written notification of the reason for the action that led to the grievance;
3. be represented at all stages of the grievance proceedings by legal counsel retained at the employee’s own expense;
4. present witnesses in his or her own behalf and cross-examine witnesses presented in support of the City’s action;
5. examine and copy all documents that will be used by the City as justification for its actions; and
6. be free from threats, coercion, intimidation, or discrimination from other employees because he or she has made complaints, testified, or assisted in any manner in the above-stated grievance procedures.

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

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

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

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1. The employee should discuss the matter with his or her supervisor as soon as the grievance develops or as soon as possible thereafter. The supervisor shall make every effort to resolve the matter informally.
2. If the matter is not resolved, the employee shall, as soon as possible after the employee's effort to resolve the matter with the supervisor, submit in writing to the same supervisor a complete statement as to the nature of the grievance, and one or more suggested solutions.
3. The supervisor shall then promptly investigate the circumstances surrounding the grievance, discuss the matter with the appropriate department head, and take action, if possible. The supervisor shall, within five (5) City business days of receiving the written grievance, prepare a written report of the findings, conclusions, decisions and actions taken or to be taken, if any, resulting from his or her investigation of the grievance, and provide the employee and the department head each with a copy of the report.
4. If the supervisor's written response is not satisfactory to the employee, the employee may submit the grievance directly to the employee's department head within five (5) City business days of receiving the supervisor's written response.
5. The department head shall, within five (5) City business days of receiving the grievance from the employee, provide the employee with an opportunity to meet informally with the department head to discuss the grievance. The department head then, within five (5) City business days of that informal meeting or of receiving the employee's written declination of an opportunity to meet informally, shall provide the employee with a written response to the grievance.
6. If the department head's written response is not satisfactory to the employee, then the employee may submit the written grievance to the personnel director (or, in the case of the department head and the personnel director being one and the same, then to the city attorney) within five (5) City business days of receiving the department head's written response.
7. The personnel director (or city attorney) shall obtain all information in its entirety from the department head, including the supervisor's written report and the department head's written response, informally discuss the grievance with the employee, the department head and others as necessary, and make a written determination within ten (10) City business days of receiving the grievance from the employee. The personnel director's (or city attorney's) determination is not intended to substitute his or her judgment for that of the employee's supervisor and department head but, rather, is to declare whether the grievance procedures followed to date have been appropriate and whether the management decisions made to date are reasonable under the circumstances. The personnel director shall place a copy of the grievance and all written responses thereto, including the personnel director's (or city attorney's) determination, into the personnel department's personnel file for that employee.

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8. If the personnel director's (or city attorney's) determination is not satisfactory to either the employee or the employee's department head, then either one may, within five (5) City business days of receiving the personnel director's (or city attorney's) determination, request a grievance hearing to be held by the city manager (or, in the case of the department head and the city manager being one and the same, then to the city attorney).
9. The city manager (or city attorney) shall, within ten (10) City business days of receiving the written request for a grievance hearing, set the date, time and location for a grievance hearing, and shall notify the employee, the supervisor, the department head and the personnel director of this information. The grievance hearing shall be set for a date that is not less than five (5) City business days but not more than ten (10) City business days after the city manager (or city attorney) notifies these individuals of the date.
10. It is the responsibility of the employee to appear at the scheduled grievance hearing. If the employee fails to appear and has no justifiable reason for failing to appear, then the matter shall be dismissed.
11. In his or her capacity as grievance hearing officer, the city manager (or city attorney) shall have the authority to interview witnesses under oath, to compel the attendance of employees, to require the production of information by employees and to request attendance and production of information by non-employees. At a minimum, the persons to be interviewed by the city manager (or city attorney) at the grievance hearing shall include the employee submitting the grievance and the employee's supervisor or other person whose action is being reviewed. The aforementioned individuals may provide a list of others whom the city manager (or city attorney) may also interview to the extent the city manager (or city attorney) deems it practical and/or necessary to do so.
12. The employee may hire an attorney and may have the attorney present at the grievance hearing. The city manager may request the city attorney to attend the grievance hearing in order to serve in an advisory capacity. The grievance hearing may be audiotape recorded.
13. The city manager (or city attorney) shall have ten (10) City business days from the conclusion of the hearing to render a decision. The decision shall be in writing and shall include the reasons for the decision. The city manager's (or city attorney's) decision shall be final and binding in all cases except that it may be appealed to a court of law of competent jurisdiction.

E. POLICIES DO NOT CONSTITUTE A CONTRACT

This is not an employment contract. This document is a statement of current policies, practices, and procedures. No provision of these personnel policies and procedures shall be deemed to give employees any more property rights in their jobs than may already be given by the charter. The City reserves the right to alter or change any or all of these personnel policies and procedures without prior notice to employees.

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SECTION IX – CLASSIFICATION PLAN

A. PURPOSE

The classification plan, as approved by the city council, provides a complete inventory of all positions in the City's service and an accurate description for each employment class. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the City service.

B. COMPOSITION OF THE CLASSIFICATION PLAN

The classification plan shall consist of:

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

C. USE OF CLASS TITLES

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

D. USE OF JOB DESCRIPTIONS

Job descriptions are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Job descriptions are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.

E. USE OF THE CLASSIFICATION PLAN

The classification plan is to be used:

1. as a guide in recruiting and examining candidates for employment,
2. in determining lines of promotion and developing employee training programs,
3. in determining wages or salaries to be paid for various types of work,

Personnel Policies and Procedures of the City of Columbia, TN

4. in determining personal service items in departmental budgets, and
5. in providing uniform job terminology understandable by all City officers and employees and by the general public.

F. ADMINISTRATION OF THE CLASSIFICATION PLAN

The city manager is charged with maintaining the classification plan of the City so that it will reflect the duties performed by each employee in the service of the City and the class to which each position is allocated. It is the duty of the city manager to examine the nature of the position classes, make such changes in the classification plan as are deemed necessary by changes in the duties and responsibilities of existing positions, and periodically review the entire classification plan and recommend to the city council appropriate changes in allocations or in the classification plan itself. The city manager may delegate any or all of these duties and responsibilities to the personnel director.

G. ALLOCATION OF POSITIONS

Whenever a new position is established or duties of an old position change, the respective department head shall submit in writing a comprehensive job description listing in detail the duties of such a position. The city manager shall investigate, or shall cause the personnel director to investigate, the actual or suggested duties, and shall recommend to the city council the appropriate class allocation or the establishment of a new class. The city council shall then consider approving such recommendations.

H. REQUEST FOR RECLASSIFICATION

Any employee who considers his or her position to be improperly classified shall submit his or her request to the immediate supervisor who shall review the justification for the request. If the department head or supervisor finds that there is merit in the request, he or she shall immediately transmit his or her recommendation to the city manager. If the department head/supervisor finds the request is not justified, he or she shall advise the employee of his or her decision and also the employee's right to forward the request to the city manager. The city manager's decision regarding a request for reclassification shall be final and binding and may not be grieved.

Personnel Policies and Procedures of the City of Columbia, TN

SECTION X – PAY PLAN

A. PURPOSE

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

B. COMPOSITION OF THE PAY PLAN

The pay plan for the City shall include minimum and maximum pay rates for each existing pay grade (position classification).

C. MAINTENANCE OF THE PAY PLAN

The city manager shall from time to time make, or shall cause the personnel director from time to time to make, comparative studies of all factors affecting the level of pay ranges and will recommend to the city council such changes in the pay ranges as appear to be in order. Such adjustments will be made by increasing or decreasing the pay ranges. The pay rate for each employee will be adjusted in conformity with the pay range for that class as approved by the city council.

D. USE OF PAY RANGES

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

The minimum rate established for a class is the normal hiring rate except in those cases where unusual circumstances (such as inability to fill the position at the hiring rate or exceptional qualifications of an applicant) appear to warrant employing an individual at a higher rate in the pay range. Any department head desiring to appoint an applicant to start at a rate of pay above the minimum must submit a written justification to the city manager for approval. Written authorization from the city manager must be obtained by the personnel department before any applicant may be appointed at a starting rate of pay above the minimum for the corresponding position's pay range.

E. RATES OF PAY

The city manager shall establish, within the classification and pay plans approved by the city council, all rates of pay paid by the City. Due consideration shall be given to duties performed, responsibilities, technical knowledge and skills required to perform the work satisfactorily, the labor market, and availability of people having the desired qualifications.

Personnel Policies and Procedures of the City of Columbia, TN

F. MINIMUM WAGES

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

G. CALL-BACK

Employees not exempt from the overtime pay provisions of the FLSA who are called back to work after the normal work shift has ended and after having left the work premises to perform previously unscheduled work for the City shall be guaranteed pay for a minimum of four (4) hours, all of which shall count as time worked for purposes of calculating overtime. No such guaranteed minimum shall be provided to employees who are exempt from the overtime provisions of the FLSA and who are called back to work.

H. OVERTIME PAY AND COMPENSATORY LEAVE

Employees who are not exempt from the overtime pay provisions of the FLSA shall be compensated at a rate of one and one-half (1-½) times the employee's regular rate of pay for any overtime work.

1. Overtime work for non-exempt employees of the City is any time worked for the City over and above the FLSA overtime threshold. Except for shift personnel of the fire and police departments, overtime is paid for any time worked over 40 hours during the seven-day workweek. Shift personnel of the fire department are paid overtime for any time worked in excess of 212 hours per 28-day work period. Shift personnel of the police department are paid overtime for any time worked in excess of 86 hours per 14-day work period.
2. Leave with pay other than sick leave and compensatory leave taken during a particular work period is included in time worked during that same work period for purposes of computing overtime. No other form of leave taken during a particular work period is included in time worked during that same work period for purposes of computing overtime.
3. Overtime work must be authorized in advance by the employee's supervisor or department head or the city manager.
4. Overtime worked by these same employees may alternatively be paid with compensatory leave, accrued at a rate of one and one-half (1-½) times the overtime worked, according to the employee's preference expressed to his or her supervisor prior to working the overtime and subject to the supervisor's approval. No more than 40 hours of unused compensatory leave may be accumulated by any non-exempt employee.

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I. ON-CALL TIME

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

When an on-call employee is called out, he or she shall receive four (4) hours minimum pay, all of which shall count as time worked for purposes of calculating overtime. Additional personnel called in by the on-call person and authorized by the supervisor or department head shall be paid in accordance with the call-back provisions above.

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

J. OUT-OF-RANK PAY

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

1. If the city manager chooses to promote an employee on a temporary basis but for at least twenty (20) complete and consecutive workdays or shifts, or and only in the case of shift personnel of the fire department for nine (9) or more complete and consecutive shifts, to a position with higher rank and status than the position to which he or she is appointed and normally assigned, then the employee will be compensated, beginning with the first day of such temporary promotion, at a rate of pay commensurate with the duties performed and equal to the minimum rate of pay for the pay range to which the higher position is classified or his or her current rate of pay multiplied by 107%, whichever is greater, but not to exceed the maximum rate of pay for the higher position.
2. When an employee either is required by the City, is required by temporary disability, or volunteers to work temporarily but for at least twenty (20) complete and consecutive workdays or shifts, or and only in the case of shift personnel of the fire department for nine (9) or more complete and consecutive shifts, either in a position with lower rank and status than the position to which he or she is appointed and normally assigned or in restricted duty when medically necessary as certified by a health care provider, instead and in place of the position to which he or she is appointed and normally assigned, then the employee will be compensated, beginning with the first day of such reassignment, at a rate of pay commensurate with the duties performed and equal to his or her current rate of pay divided by 107%, but not less than the minimum rate of pay for the pay range to which the lower position is classified, and not to exceed the maximum rate of pay for the lower position.

Personnel Policies and Procedures of the City of Columbia, TN

K. PAY PERIODS AND PAYCHECKS

Pay periods are either one (1) week, two (2) weeks or one (1) month in duration and are scheduled to begin and end at 12:00 a.m. on designated Sundays. Employees should ask their supervisor how long the pay period is for their position. If employees have questions about their work time, wage or salary, or paycheck, they should bring it to the attention of their department head within the pay period in question or as soon as possible thereafter.

All current employees hired on or after January 3, 1997 are required to have their payroll checks deposited via direct deposit into the financial institution of their choice. Current employees hired prior to January 3, 1997 may choose and are encouraged but not required likewise to participate in the City's payroll direct deposit program.

The City shall issue to a separating employee his or her final paycheck including separation pay by the regular pay day for the pay period that includes the employee's separation date. In the event of the death of an active employee, the final paycheck including separation pay and the employee death benefit if applicable shall be paid to his or her designated beneficiary.

L. PAYROLL DEDUCTIONS

By law the City is required to deduct, where applicable, from an employee's pay federal income and payroll tax withholdings, and any duly authorized garnishments. Specifically, the following deductions may be made:

1. Federal Income Tax: Federal income tax withholdings are deducted from employees' paychecks based on the number of dependents claimed by the employee. Employees are required to keep on file with the City a completed copy of the federal Internal Revenue Service form W-4 ("Employee's Withholding Allowance Certificate"), and to file a replacement form W-4 if and whenever any employee-supplied information therein becomes out-of-date. In the event of changes in the employee exemption status or in the number of allowances claimed or additional amounts, if any, to be withheld from each paycheck, a revised form W-4 must be filed before payroll deduction adjustments will be made.
2. Social Security: Social Security payroll tax withholdings will be deducted from employees' paychecks according to the Social Security Act. The finance director shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.
3. Medicare: Medicare payroll tax withholdings will be deducted from employees' paychecks in accordance with law.
4. Others: The following other City-authorized deductions may be made from an employee's pay only with the employee's signed consent:
 - a. group health, dental and vision insurance premiums;

Personnel Policies and Procedures of the City of Columbia, TN

- b. individual life and medical insurance premiums;
- c. pre-tax savings for unreimbursed medical and dependent daycare expenses;
- d. deferred compensation contributions;
- e. credit union deposits;
- f. pension plan contributions;
- g. United Way donations; and
- h. upon separation, the value of any and all unreturned assets, books, keys, manuals, records, uniforms, tools and other items of City property in the employee's care and custody.

M. LONGEVITY PAY

The City has a longevity pay plan that provides annual payments to active employees who are both full-time and regular as a reward for this service to the City. Qualifying employees begin participating in the program after three years of full-time service. Longevity pay is paid annually and is calculated at the rate of \$50 for each year of eligible service, retroactive to the first year of such service, except for such employees who were hired by the City before January 1, 1990 for whom longevity pay after years of service 25 through 29 equals \$1,500 per year and after years of service 30 through 39 \$2,000 per year but after all other years of service is the same as for qualifying employees hired by the City on or after this same date.

Longevity payments are made by a separate payroll check and are distributed the month following each employee's longevity anniversary date. The dollar value of longevity pay is considered wage or salary compensation for purposes of calculating income taxes and retirement.

Personnel Policies and Procedures of the City of Columbia, TN

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Personnel Policies and Procedures of the City of Columbia, TN

SECTION XI – MISCELLANEOUS PROVISIONS

A. AMENDMENTS

Amendments or revisions of these personnel policies and procedures may be recommended for adoption by the city council. Such amendments or revisions of these personnel policies and procedures shall become effective after approval by resolution of the city council.

B. SEVERABILITY

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

C. CONFLICT WITH CHARTER

These personnel policies are believed to be written within the framework of the charter of the City, and state law, but, in case of conflict, the charter takes precedence.

D. POLICIES DO NOT CONSTITUTE A CONTRACT

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

Personnel Policies and Procedures of the City of Columbia, TN

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APPENDICES

to the

**PERSONNEL
POLICIES and PROCEDURES**

of the

City of Columbia, Tennessee

Personnel Policies and Procedures of the City of Columbia, TN

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Personnel Policies and Procedures of the City of Columbia, TN

APPENDIX A – DRUG AND ALCOHOL TEST STANDARDS

<u>Type of drug or metabolite</u>	<u>Cutoff Level, Initial Test (ng/mL)</u>	<u>Cutoff Level, Confirmation Test (ng/mL)</u>
1. Marijuana metabolites	50	
a. Delta-9-tetrahydrocanna-binol-9-carboxylic acid (THC)		15
2. Cocaine metabolites (Benzoylecgonine)	300	150
3. Phencyclidine (PCP)	25	25
4. Amphetamines	1,000	
a. Amphetamine		500
b. Methamphetamine		500
		(Note to lab: specimen must also contain amphetamine at a concentration of greater than or equal to 200 ng/mL.)
5. Opiate metabolites (see note 6 below)	2000	
a. Codeine		2000
b. Morphine		2000
c. 6-acetylmorphine (6-AM)		10
		(Note to lab: test for 6-AM in the specimen. Conduct this test only when specimen contains morphine at a concentration greater than or equal to 2000 ng/mL.)
6. Alcohol	0.02 BAL	0.02 BAL

Additional notes:

1. Additional substances listed under the Tennessee Drug Control Act of 1989 as amended may be tested at the cutoff level customarily used by the selected laboratory.
2. Cutoff levels are subject to change as DOT rules change.
3. All cutoff concentrations except for alcohol are expressed in nanograms per milliliter (ng/mL.)
4. On an initial drug test, the lab must report a result below the cutoff concentration as negative. If the result is at or above the cutoff concentration, the lab must conduct a confirmation test.
5. On a confirmation drug test, the lab must report a result below the cutoff concentration as negative and a result at or above the cutoff concentration as confirmed positive.
6. The lab must report quantitative values for morphine or codeine at 15,000 ng/mL or above.

Annual Minimum Drug and Alcohol Random Testing Rates Required by the Federal Motor Carrier Safety Administration of the United States Department of Transportation, as of calendar year 2003

- Random drug testing rate: 50%
- Random alcohol testing rate: 10%

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Personnel Policies and Procedures of the City of Columbia, TN

APPENDIX B – DESIGNATED DRUG TESTING COLLECTION FACILITIES

For random testing

Lacy & Associates, Inc.
501 Metroplex Drive, Suite 105
Nashville, TN 37211
TEL: 615/831-3784
FAX: 615/831-0350

For non-random testing

During normal business hours

CORE Physicians
1114 West Seventh Street
Columbia, TN 38401
TEL: 931/388-9706

Maury Regional Northside Medical Plaza
1600 Nashville Highway
Columbia, TN 38401
TEL: 931/540-4270

Maury Regional Hospital Ambulatory Care Center
1218 Trotwood Avenue
Columbia, TN 38401
TEL: 931/540-4140

Before or after normal business hours

Maury Regional Hospital Emergency Room
1224 Trotwood Avenue
Columbia, TN 38401
TEL: 931/381-1111

Personnel Policies and Procedures of the City of Columbia, TN

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Personnel Policies and Procedures of the City of Columbia, TN

APPENDIX C – DESIGNATED DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) CERTIFIED LABORATORY

For initial testing:

Laboratory Corporation of America
1120 Statesline Road
South Haven, Mississippi 38671
662/342-1286

For split-specimen testing:

Northwest Toxicology, Inc.
1141 East 3900 South, Suite A-110
Salt Lake City, Utah 84124
800/322-3361

Or:

Laboratory Corporation of America
3308 Chapel Hill/Nelson Highway
Research Triangle Park, NC 27709
TEL: 800/833-3984

Personnel Policies and Procedures of the City of Columbia, TN

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Personnel Policies and Procedures of the City of Columbia, TN

APPENDIX D – DESIGNATED MEDICAL PROFESSIONALS

Panel of Health Care Providers for City-job-related injuries

CORE Physicians
1114 West Seventh Street
Columbia, TN 38401
TEL: 931/388-9706

Family Health Group
Maury Regional Medical Plaza, First Floor
854 West James M. Campbell Boulevard
Columbia, TN 38401
TEL: 931/380-0075

Maury Regional Hospital Ambulatory Care Center
1218 Trotwood Avenue
Columbia, TN 38401
TEL: 931/540-4140

Medical Review Officer (MRO)

For random and non-random drug abuse testing for any employee who, or applicant for a position that, IS subject to random testing

Choice Point
100 South University Avenue, Suite 401
Little Rock, AR 72205
TEL: 800/762-3623

For random and non-random drug abuse testing for any employee who, or applicant for a position that, is NOT subject to random testing

CORE Physicians
1114 West Seventh Street
Columbia, TN 38401
TEL: 931/388-9706

Substance Abuse Professional (SAP)

Occupational Health Consultants of America (OHCA)
3401 West End Avenue, Suite 308
Nashville, TN 37203
TEL: 800/955-6422
TEL: 615/292-4327

Personnel Policies and Procedures of the City of Columbia, TN

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Personnel Policies and Procedures of the City of Columbia, TN

APPENDIX E – SUBSTANCE ABUSE POLICY EMPLOYEE ACKNOWLEDGMENT FORM

City of Columbia

If I am an applicant for employment by the City, then I understand that the City's offer of employment is conditional upon my passing a post-offer/pre-employment drug test.

If I am an employee, I have received a copy of the City substance abuse policy and agree without reservation to follow its stipulations, including the consequences of a verified positive drug test result, a confirmed positive alcohol test result and/or refusal to test. In particular:

- If I am an employee who is currently assigned to a position (1) that is within the suppression personnel of the fire department, (2) that is within the sworn personnel of the police department, (3) for which a commercial driver's license is required in order to perform any functions of my City job, or (4) in which I am required to work directly with minor children not employed by the City in order to perform any functions of my City job, then I understand that I will be required to participate in random drug and alcohol testing programs of the City.
- If I am an employee who is not currently subject to random drug testing and who seeks to change jobs to any position that is subject to random drug testing, then I understand that I shall be required first to undergo drug abuse testing that produces a verified negative drug screen result before commencing work in the new position.
- I understand that I will be required to undergo drug and/or alcohol testing for cause.
- I understand that I may be subject to dismissal either if I refuse to take required drug and/or alcohol testing or if I do not pass required drug and/or alcohol testing.

_____ Name of Applicant or Employee	_____ Social Security Number
_____ Department	_____ Supervisor
_____ Signature of Applicant or Employee	_____ Date
_____ Signature of Witness	_____ Date

Personnel Policies and Procedures of the City of Columbia, TN

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Personnel Policies and Procedures of the City of Columbia, TN

APPENDIX F – SUBSTANCE ABUSE TESTING PROCEDURES AUTHORIZATION, CONSENT AND ACKNOWLEDGMENT FORM

City of Columbia

As an applicant or an employee, I hereby authorize, consent to and acknowledge that I am scheduled to undergo drug and/or alcohol testing in accordance with the City's substance abuse policy. The test for alcohol will be a breath analysis test. The drug test will involve an analysis of a urine specimen or sample, which I will provide at a designated site. The purpose of the drug test will be to test for the presence of any one or more of the following substances: marijuana metabolites, cocaine metabolites (benzoylecgonine), phencyclidine (PCP), amphetamines, opiate metabolites, and/or any additional drugs listed in the Tennessee Drug Control Act of 1989 as amended. I authorize qualified personnel to take and have analyzed appropriate specimens to determine if drugs and/or alcohol are present in my body. I acknowledge that any positive drug screen test results will be made available by the testing laboratory to the City's medical review officer (MRO) and, if verified by the MRO, to the personnel director. Any positive alcohol screen test results will be made available to the personnel director.

As an applicant, I am aware that a confirmed and verified positive drug test result, or refusing to test for drug abuse, will cause the City's conditional offer of employment to me to be withdrawn.

As an employee, I am aware that a confirmed and verified positive substance abuse test result, or refusing to test for substance abuse, may lead to disciplinary action up to and including dismissal. I will present a copy of this form to the collection site when I report for my drug/alcohol test. I also understand that failure to provide adequate breath for testing without a valid medical explanation, failure to provide an adequate urine specimen or sample for controlled substances testing without a valid medical explanation, and engaging in conduct that clearly obstructs the testing process are the same as refusing to test.

_____ Name of Applicant or Employee	_____ Social Security Number
_____ Department	_____ Supervisor
_____ Signature of Applicant or Employee	_____ Date
_____ Signature of Witness	_____ Date

Personnel Policies and Procedures of the City of Columbia, TN

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Personnel Policies and Procedures of the City of Columbia, TN

APPENDIX G – HARASSMENT COMPLAINT FORM

City of Columbia

Name of Complainant _____ Date _____

Job Title _____ Department _____

Name of Immediate Supervisor _____

Statement of Complaint

(Be specific. Please read the sexual harassment policy statement or the workplace violence and harassment policy statement before completing this section.)

Date of Incident _____

Name(s) of Person(s) Accused of Wrongdoing _____

Name(s) of Witness(es) _____

Description of Incident. (Describe actions of all persons involved, including yourself)

Has any adverse employment action been taken against you in regards to this incident? _____

Have you reported this incident previously? Yes/No (circle one)

If yes, when and to whom? _____

Recommendation or Request _____

Employee's signature _____ Date _____ Time _____

Complaint submitted to (check one)

____ city manager ____ city attorney ____ personnel director ____ mayor/council member
____ supervisor or department head _____

(name, title & department)

Signature of City official who received complaint _____

Date and time received _____

Personnel Policies and Procedures of the City of Columbia, TN

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Personnel Policies and Procedures of the City of Columbia, TN

**APPENDIX H – CITY PROPERTY EMPLOYEE
ACKNOWLEDGMENT FORM**

City of Columbia

As an employee, I hereby acknowledge and understand that, at the time of separation of employment, and prior to receiving any final moneys due, it is my duty and I am expected to return to my department any and all assets, books, vehicles, keys, manuals, records, uniforms, tools, machinery, equipment and other items of City property in my care and custody. I also acknowledge and understand that such City property is to be in good working order, that certification to this effect is to be made by my supervisor or department head. I also acknowledge and understand that all moneys due the City because of any shortages, the value of any and all unreturned City property in my care and custody, and the value of any damage to any City property, other than from normal wear and tear, shall be deducted from my separation pay or otherwise collected from me. By signing this agreement I acknowledge that I understand the terms specified herein and agree for the withholding of said funds from my last paycheck issued by the City.

_____ Name of Applicant or Employee	_____ Social Security Number
_____ Department	_____ Supervisor
_____ Signature of Applicant or Employee	_____ Date
_____ Signature of Witness	_____ Date

Personnel Policies and Procedures of the City of Columbia, TN

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Personnel Policies and Procedures of the City of Columbia, TN

APPENDIX I – PERSONNEL POLICIES AND PROCEDURES EMPLOYEE ACKNOWLEDGMENT FORM

City of Columbia

As an applicant or an employee, I hereby acknowledge that I have received and do now possess a complete and current copy of the Personnel Policies and Procedures of the City of Columbia dated _____, 2003. I agree without reservation to follow and abide by the personnel policies, procedures, rules and regulations contained therein.

I understand that these personnel policies and procedures do not constitute an employment contract. Rather, they are a statement of current policies, practices, and procedures. No provision of these personnel policies and procedures shall be deemed to give employees any more property rights in their jobs than may already be given by the charter. The City reserves the right to alter or change any or all of these personnel policies and procedures without prior notice to employees.

_____ Name of Applicant or Employee	_____ Social Security Number
_____ Department	_____ Supervisor
_____ Signature of Applicant or Employee	_____ Date
_____ Signature of Witness	_____ Date

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