

CITY OF GERMANTOWN PERSONNEL POLICIES

July 1, 2017


Mayor

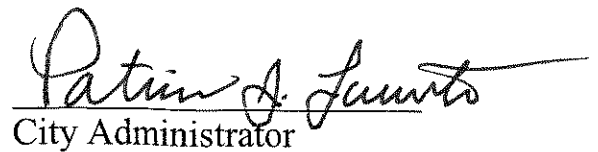

City Administrator

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ABSENTEEISM

GENERAL POLICY

Regular job attendance and reporting to work on time are expected of all City employees because the City's operations must function efficiently. To facilitate these goals, the City has implemented an occurrence-based, progressive discipline policy to minimize absenteeism.

SCOPE

All employees of the City of Germantown.

PROVISIONS

Definitions

An "absence," for the purpose of this policy, is defined as being absent for more than four hours during a workday. An absence does not include use of vacation time or bonus days that has been approved in advance by an employee's supervisor.

Tardiness issues will be addressed on a department-by-department basis.

This policy does not apply to absences approved as FMLA leave, military leave, or worker's compensation leave. The fact that an employee has accumulated sick or vacation time to cover an absence will not prevent such absence from becoming an occurrence unless the absence falls into one of these three categories.

Each absence constitutes one (1) "occurrence" under the policy. An absence of two (2) or more consecutive days for the same reason counts as only one (1) occurrence. Nevertheless, an employee who is absent two (2) consecutive workdays without notifying his or her supervisor will be deemed to have voluntarily resigned.

Occurrence-Based Progressive Discipline

- A. Attendance will be monitored daily by supervisors.
- B. An employee who accumulates three (3) occurrences in any 90-day period will receive a verbal warning. A record of this verbal warning will be kept in the employee's personnel file.

- C. An employee who accumulates an additional occurrence (for a total of four (4) occurrences) in that same 90-day period will receive a written warning. A copy of this written warning will be kept in the employee's personnel file.
- D. An employee who accumulates yet another occurrence (for a total of five (5) occurrences) in that same 90-day period will receive a one-day suspension without pay. A record of this suspension will be kept in the employee's personnel file.
- E. An employee who accumulates yet another occurrence (for a total of six (6) occurrences) in that same 90-day period will be terminated.
- F. One (1) occurrence will roll off every ninety (90) days if that employee does not accumulate an occurrence within that time period.

Employee Responsibilities

- A. Employees delayed or prevented from coming to work are expected to notify their supervisor or acting supervisor (at home or the work site) preferably sixty (60) minutes prior to the start of the shift, but no later than the scheduled start time. Employees must speak directly to their supervisor; notifying a coworker, texting or emailing does not satisfy this duty. If an employee cannot reach his/her supervisor, he or she must leave a message and a number where he or she can be reached.
- B. Employees desiring to leave work during their regular shift for illness or personal reasons must receive approval from their supervisor or acting supervisor prior to leaving the work site.
- C. If an illness is the cause of an absence, the employee shall notify the supervisor on the first day of absence and inform the supervisor how long the absence is expected to last. If unable to return on the expected date, the employee should notify the supervisor on the preceding day. An illness of more than three (3) workdays requires a doctor's statement.
- D. The City provides paid sick leave to eligible employees, but the City also expects good attendance. Abuse of sick leave will lead to discipline, up to and including termination.
- E. This absenteeism policy applies to all employees, even to employees who have sufficient vacation time to otherwise cover an absence. The fact that an employee may have vacation time available to him or her will not retroactively cover an employee's unexcused absence.
- F. Although absences of less than four hours during a workday are generally not treated as occurrences under this policy, employees are nevertheless expected to

obtain prior approval from their supervisor or Department Head in the event that they need to be absent from work for less than four hours for a doctor's appointment.

ADVERSE CONDITIONS

GENERAL POLICY

In the event of adverse conditions, all City employees are expected to report to work. Employees' safety is one of the City of Germantown's foremost concerns, but it is the policy of the City of Germantown that governmental functions shall operate on a regular schedule at all times.

SCOPE

All employees of the City of Germantown.

PROVISIONS

To receive pay for an absence related to adverse conditions, an employee will be required to use one of the following: (1) vacation day, (2) bonus day, or (3) any other form of paid time off that was earned prior to absence due to adverse conditions. Under no circumstances may sick leave be used to cover an absence caused by adverse conditions.

If an employee cannot report for a scheduled shift or day of work because of adverse conditions, the employee should contact their departmental supervisor at least thirty (30) minutes prior to the scheduled reporting time to so state.

ANTI-FRAUD POLICY

GENERAL POLICY

The City of Germantown is committed to upholding the public trust. All employees are expected to support this policy by avoiding behaviors and actions that could be perceived as embezzlement, theft, misappropriation of public funds or property, etc. Employees are expected to support efforts aimed at the prevention and detection of these activities.

SCOPE

All employees of the City of Germantown.

PROVISIONS

Employees must exercise professional and mature judgment in reporting suspected fraud so as to avoid wrongful accusations or compromising a potential investigation. A City employee who has knowledge of any violation of this policy shall in a reasonable time report this to the proper authority. The City will treat each report seriously and any individual who reports or participates in an investigation of a report of a violation shall not be retaliated against.

Reporting Procedure

To report suspected violations, an employee may, without fear of retaliation, contact his/her immediate supervisor, Department Director, Human Resources Director or the City Administrator. To ensure that the matter is properly documented and investigated, the reporting employee shall provide as many facts and details as possible in writing.

- A. Upon receiving a complaint, the City will promptly conduct a thorough investigation. It is the obligation of all employees to cooperate in such investigation.
- B. Those responsible for the investigation will maintain the confidentiality of the allegations of the complaint and the identity of the persons involved.
- C. In the event that an investigation establishes that an employee has engaged in conduct or actions constituting a violation of the Policy, the City will take immediate and appropriate corrective action up to including termination and possible legal proceedings.

Acts That May Constitute Fraud

- A. Any dishonest or fraudulent act.

- B. Forgery or intentional and inappropriate alteration of any document or account of the City.
- C. Forgery, alteration or unauthorized negotiation or presentment of a check, warrant, bank draft, or any other financial document of the City, including electronic transfer of funds.
- D. Disclosing to other parties the confidential activities engaged in or contemplated by the City.
- E. Accepting or seeking anything of material value from vendors, contractors, or other parties in exchange for or to induce favorable consideration concerning services, materials, supplies, equipment, or other work provided to the City.
- F. Destruction or disappearance of records, furniture, fixtures, or equipment.
- G. Any act of embezzlement, theft, misappropriation or fiscal irregularities.
- H. Any computer-related activity involving the alteration, destruction, forgery, or manipulation of data for fraudulent purposes of misappropriation of City-owned software.

Dishonesty

Dishonesty, including but not limited to theft, lying about matters connected with work, falsifying time records, unauthorized personal use of government property, conducting unauthorized private work on City time and giving or receiving a bribe in any form, will be grounds for serious disciplinary action, up to and including termination and possible legal action against that employee.

BEREAVEMENT LEAVE

GENERAL POLICY

The City of Germantown provides paid leaves for those employees who need bereavement leave due to the death of an immediate family member.

SCOPE

Only regular full-time employees of the City of Germantown are entitled to bereavement leave.

PROVISIONS

- A. Paid bereavement leave shall be granted in the case of the death of a member of the employee's immediate family, defined as follows:
 - Spouse
 - Parent, step-parent or person having fulfilled the role of parent
 - Mother-in-law, father-in-law, sister in-law or brother in-law
 - Child or step-child
 - Son-in-law or daughter-in-law
 - Grandparent
 - Grandchild
 - Brother or sister
- B. Time taken off as bereavement leave shall be paid at the employee's regular base rate, up to three (3) regular work days.
- C. The employee's Department Head (or, in the case of a Department Head, the City Administrator) is responsible for approving bereavement leave requests. Such leave will not be deducted from any type of leave earned by the employee.
- D. Temporary employees may request and be granted bereavement leave without pay in the subject to the same limits listed above after obtaining the express approval of the Department Head.

CALL-BACK AND ON-CALL PAY POLICY

GENERAL POLICY

The City recognizes the importance of supporting critical business functions outside of main business hours. This policy provides a framework to ensure that key City services can be adequately supported and an effective response provided to matters requiring urgent attention outside of regular business hours.

SCOPE

All regular non-exempt employees of the City of Germantown.

PROVISIONS

The HR Director and department directors will select positions that are subject to call-back and on-call status based on operational needs. Department directors will decide which employees will be assigned to call-back/on-call. These decisions should be made fairly and equitably using work-and-skill-related factors.

I. Definitions

- A. Call-Back – When employees are required to return to work from off-duty status to respond to a work-related emergency.
- B. On-Call – When employees are on off-duty status and are free to use that time for their own purposes but are required to be available to return to work to perform emergency tasks.
- C. Emergency – A matter that requires urgent attention before the start of the next working day.

II. Call-Back Pay

Employees returning to work from off-duty status to respond to an emergency will be paid a minimum of two (2) hours pay at time-and-one-half for responding to a call-back. If, however, an employee is at work and is asked to stay over his/her shift to perform an emergency task, the two-hour minimum does not apply. Time on a call-back exceeding the two-hour minimum shall be at time-and-one-half only if over forty (40) hours per week for general employees, 212 hours in the 28-day work period for firefighters, or 42.5 hours per week for police.

III. On-Call Pay

An employee is considered to be on on-call status only when assigned by the department director. On-call pay will be either a flat amount or straight-time pay for a specific period of time and will be determined by the departments in consultation with the Human Resources Department. If an off-duty employee is actually called upon to perform work while on on-call status, he or she will be paid for that work according to the call-back policy. An employee will not simultaneously receive both on-call pay and call-back pay.

CHILD PROTECTION POLICY

GENERAL POLICY

The City of Germantown is committed to providing its citizens with the highest level of service possible. As a part of those efforts, the City has adopted a Child Protection Policy, which includes the following practices designed to better safeguard our children.

SCOPE

All employees of the City of Germantown.

PROVISIONS

- A. It is the policy of the City of Germantown to train all employees and volunteers who have direct contact with children using the *Stewards of Children* program in partnership with the Child Advocacy Center. All current employees with direct contact with children have received this training. The City is committed to training all of its volunteers who have direct contact with children as well. Training will be renewed for all employees and volunteers who have direct contact with children every three (3) years. New hires into positions involving direct contact with children will be trained within six (6) months of hire. The Human Resources Department will keep a record of when each individual last received training and to schedule renewal of training.
- B. The City requires that all employees and volunteers be either *observable* or *interruptible* during a one adult – one child situation. This means that the door should be open when you are alone with a child, that someone other than you should know where you are going with a child, and that you should never leave your work premises with a child alone. If you do not observe this rule, or fail to report someone who is not observing this rule, you will be subject to discipline, up to and including termination.
- C. Reporting suspected child abuse or neglect is mandatory in Tennessee for everyone. Call the Tennessee Department of Children’s Services at 1-877-237-0004 to report abuse or neglect. You should also notify the Director of Human Resources that you have made such a report if it involves an employee or volunteer.
 1. Child abuse and neglect occur when a child is mistreated, resulting in injury or risk of harm. Abuse can be physical, verbal, emotional or sexual. Physical neglect occurs when there is a failure to provide for a child’s physical survival needs to the extent that there is harm or risk of harm to the child’s health or safety.

2. The reporter's identity will be kept confidential. The reporter is free from civil or criminal liability for reports of suspected child abuse or neglect made in good faith.
3. You do not have to be able to prove abuse or neglect in order for the duty to report to be triggered. If you have a reasonable suspicion, based on what you heard or saw, that child abuse or neglect is occurring, you must report it.
4. The act of knowingly failing to make a report is a Class A misdemeanor carrying a penalty of a fine not to exceed \$2,500. It may also subject an employee to discipline, up to and including termination.

CITY VEHICLE USE POLICY

GENERAL POLICY

City of Germantown employees who drive City vehicles, including take-home vehicles, must at all times operate them in a safe manner and adhere to all applicable traffic laws and regulations. No employee may operate a City vehicle unless he or she possesses a valid driver's license. This policy may be supplemented with a more restrictive policy in the City's discretion.

PROVISIONS

Failure of any employee to fully comply with the Vehicle Use Policy, as stated below, shall result in disciplinary action, which may include written reprimand, suspension, demotion, and/or termination.

Use By City Employees On Duty

- A. Unattended City vehicles must be locked at all times. When vehicles are not in use, keys must be removed and vehicles locked.
- B. The use of City vehicles may be permitted by personnel not on duty ONLY by appropriate authorization.
- C. Unauthorized personnel are not to operate any City vehicle at any time.
- D. City vehicles are not to be used for personal purposes at any time other than when on call. The employee is solely responsible and will be held accountable as to the use and operation of the vehicle assigned in compliance with all State and local laws.
- E. No employee of the City will operate a City vehicle while under the influence of alcohol or illegal substances. City employees are prohibited from the use, possession, and sale of drugs, alcohol, or any other controlled substance on City property or in City vehicles. Failure to comply with the intent or provisions of this policy may be used as grounds for disciplinary action.
- F. All accidents (on or off the road), whether at fault or not at fault, shall be reported to the employee's supervisor as soon as possible. Employees shall be accountable for the safety and care of vehicles assigned to them. Employees are solely responsible for the following:
 - 1. All traffic laws while operating any City vehicle or vehicular equipment.
 - 2. Any violation of such laws which result in speeding, parking, or other moving violations.
 - 3. Tickets or citations shall be paid by the employee.
- G. Authorization for use of vehicles must be approved by the immediate supervisor.

- H. No employee may operate a City vehicle unless he/she possesses a valid driver's license.
- I. Employees who operate City vehicles and vehicular equipment must be insurable at ordinary rates under the City's insurance policy.
- J. City employees are prohibited from smoking while driving or riding in City owned vehicles.
- K. When operating a City vehicle, all employees must have their seatbelts fastened when driving on public streets. Passengers must also fasten their seat belts.
- L. No employee or passenger is permitted to ride in or on any area of a City vehicle or vehicular equipment not equipped with seatbelts or which is not designated as proper occupant space while on a public street. This includes the beds of pickups, dump trucks, running boards, fenders, hoods, etc.
- M. Bumper stickers or window stickers are not permitted on City vehicles. The City of Germantown may authorize decals or other seals and identification deemed necessary; however, employees should not affix any advertisement, printed or pictures, to any part of the City vehicle or other vehicular equipment.
- N. Personal driving records for employees whose job responsibilities include the operation of a motor vehicle will be a condition of continued employment within the City.
- O. Employees shall not attach any personal items or accessories to any City vehicle or vehicular equipment without approval of the Department Head and City Administrator. Any installation of add-on accessories for City vehicles and vehicular equipment must be installed by the Fleet Services Division.
- P. If you are involved in an accident (on or off the road), immediately stop and get the names, addresses, and phone numbers of the other driver(s), and the insurance information for all who are involved in the accident. Also, get the driver's license number of the drivers, registration numbers of other cars involved, and names and addresses of occupants. It is important to get the names and addresses of all witnesses. Express no opinion as to who was at fault, and give no information except as required by the police. If the accident results in a serious injury, call a doctor or an ambulance.

Fix in your mind the location of the cars or individuals involved in the accident, both prior to the occurrence and afterwards, so that you will be able to draw a diagram. Contact your supervisor to advise him/her of the accident. You and your supervisor should complete a Supervisor's Report of Accident form, Owner Operator's Report (Tennessee Department of Safety), and the Tennessee Employer's First Report of Work Injury form (Worker's Compensation) as soon as possible after the accident and forward one (1) copy to Human Resources, one (1) copy to the Procurement Department, and one (1) copy to the Police Department.

When the accident occurs in the City of Germantown, call the Germantown Police Department. The police department should supply the Procurement Director with a copy of the accident report and you should supplement it with any information that would be of assistance in adjusting the claim.

If the accident occurs outside Germantown, you should call local authorities. The City's insurance representative will obtain a copy of that jurisdiction's accident report. In all cases you must take the primary responsibility for notifying the appropriate Procurement Department representative. Leave the entire handling of the claim to the City's insurance representative. You should make no statement, nor sign any statement, without the City's representative's approval. Insurance information is located in each City vehicle and is also available via mobile phone.

Take-Home Vehicles

If you are granted permission to take a City vehicle home, the same rules described above apply. Only a City of Germantown employee may drive the take-home vehicle and it is to be used for official City business only. No unauthorized passengers, i.e., non-City employees, are permitted. The City reserves the right to withdraw permission to take a City vehicle home in its discretion.

EMPLOYEE CLASSIFICATIONS

GENERAL POLICY

To establish the various employee classifications for the City, including full and part-time employees.

SCOPE

All employees of the City of Germantown.

PROVISIONS

I. Regular Employment

Regular employment may be either full or part-time.

A. Full-time

Full-time employees are assigned to a specific department and are typically scheduled to work forty (40) hours per week, with the exception of certain police and fire employees.

B. Part-time

Part-time employees are assigned to a specific department and are typically scheduled to work no more than twenty-nine (29) hours per week.

If a part-time employee is ultimately hired as a full-time regular employee of the City, the employee's service date for full credit for retirement eligibility, vacation and sick leave will be effective with the appointment day of full-time employment.

Eligibility for life insurance and long-term disability benefits will begin on the first day of regular full-time employment. Eligibility for health benefits will be based on the full-time hire date in accordance with the plan documents.

II. Temporary Employment

Temporary employees are hired with the expectation that their employment period will be of a limited duration.

- A. Full-Time : Temporary full-time employees are typically scheduled to work forty (40) hours per week and are ineligible for benefits except those mandated by law, such as workers' compensation coverage, overtime pay, etc.

Any employee who works full-time on a temporary basis who is ultimately hired by the City on a regular full-time basis will begin accruing sick leave and vacation leave as of the day that person becomes a regular full-time employee.

Eligibility for life insurance and long term disability benefits will begin on the first day of regular full-time employment.

- B. Part-Time: Part-time temporary employees typically work no more than twenty-nine (29) hours per week. These employees are hired with the expectation that their employment period will be of a limited duration. They are ineligible for any benefits except those mandated by law.
- C. Occasional Part-Time: Occasional part-time employees do not have a regular schedule. They work only when called in by their supervisors. They are ineligible for benefits except those mandated by law. If such employees are ultimately hired by the City, their service date will be the date of regular full-time employment. Eligibility for all City benefits will be based on this date.
- D. Seasonal: Seasonal employees are those employees who are hired for periods not to exceed six (6) months. They are ineligible for benefits except those mandated by law. If such employees are ultimately hired by the City, their service date will be the date of regular full-time employment. Eligibility for all City benefits will be based on this date.

COMPENSATION AND CLASSIFICATION PLAN

GENERAL POLICY

To attract and retain qualified personnel so as to provide for the most efficient and effective delivery of service, the City established and maintains an ongoing employee classification and compensation plan, which is intended to ensure fair and equitable salary administration for all employees.

SCOPE

All regular full-time employees.

PROVISIONS

I. Classification Plan

- A. All job classifications should accurately reflect job content, responsibilities and qualifications.
- B. The authorized job classification compliment (staffing level) shall be established by the budget.
- C. All job reclassifications and/or additional classifications require approval by the City Administrator and Mayor.

II. Compensation Plan

- A. To assure a high quality work force and equitable compensation for comparable work, the compensation plan will take into account the responsibility of the work, the level and difficulty of the work, the compensation needed to compete in the labor market and to stay on alignment with other government agencies.
- B. Based on external-internal equity considerations as well as the job market, adjustments will be made to the compensation plan and employee salaries as reflected in the approved operating budget and salary plan. These adjustments will become effective on July 1st of the year.
- C. Promotional increases may occur at any time during the year and will be calculated by taking into account various relevant factors.

Eligibility

All regular full-time employees will be eligible for increases in compensation as listed above, as recommended by the Department Head and approved by the City Administrator and Mayor.

Any exceptions to the above guidelines require the approval of the City Administrator and Mayor.

Status Sheets

All personnel actions require the completion of a status sheet and obtaining the required approvals before initiation of salary adjustments or any other personnel transaction.

Personnel transactions requiring status sheets include, but are not limited to, employment, promotions, changes in compensation, classification or grade, merit raises, changes in work assignments, transfers from one department to another, housing allowances, suspensions, layoffs and terminations.

Pay Period

An employee classification will determine whether he/she will be paid on a weekly or bi-weekly basis.

COMPUTER USE POLICY

GENERAL POLICY

This policy is established to define the manner in which City of Germantown employees will utilize the City's computer network, electronic mail and the Internet in their employment by the City of Germantown. Communication by electronic mail and the use of the Internet is encouraged when utilized as a means of enhancing an employee's abilities or capabilities of job performance. Employees are reminded that use of electronic mail or the Internet by a municipal employee on the City's network has no guarantee of confidentiality or privacy. Messages or images transmitted via electronic mail or the Internet on the City's network may be subject to public disclosure under the State of Tennessee Open Records Act. Employees who violate any of the provisions of this policy may be subject to disciplinary action, up to and including termination.

The City's use of a cloud-based email system will permit employees to access their City email accounts outside of the workplace through their personally-owned devices. Use of these devices to access the City of Germantown computer network does not create any greater expectation of privacy than employees have when using City-issued computers or devices.

Unless directed in writing by their supervisor, non-exempt employees are NOT required to check or respond to emails outside of working hours. If a supervisor does require non-exempt employees to check and respond to emails outside of working hours, any time spent doing so should be reported IN WRITING to the employees' supervisor on the first working day following such work. It is the employees' responsibility to report any work performed outside of normal working hours.

SCOPE

All employees having access to electronic mail or the Internet through City of Germantown employment, whether through City-issued or personally-owned devices.

PROVISIONS

All files, messages, information or images sent, received or maintained by a City employee on the City's computer network, including through devices such as smart phones, tablets or laptops, during employment are the exclusive property of the City of Germantown, and employees may have no expectation of privacy in such files, messages or other information. The City of Germantown reserves the right to monitor or audit computer use, including access to the Internet through the City's network, and to access any and all electronic mail messages in the employee's City email account at any time to:

- A. Ensure compliance with City policies, City ordinances, state law and federal law.

- B. Retain or access information necessary to the business of the City from an employee's electronic mail when he or she is not in the office or is leaving the employ of the City.
- C. Satisfy requirements at the direction of a court of competent jurisdiction.
- D. Be used in the course of an investigation of possible breach of this policy or applicable law.
- E. Provide aid any time there is reasonable suspicion to conclude that a crime is being committed through utilization of electronic mail or the Internet.

Disclosure of the contents of electronic mail will be on a need to know basis and will be minimized where possible. Electronic mail will not be accessed to satisfy idle curiosity.

User Responsibilities

Employees using the City's network to access electronic mail or the Internet are responsible for the following:

- A. Limiting use to official and necessary business.
- B. Responding promptly to messages.
- C. Protecting electronic mail messages, files and records from unauthorized release to third parties.
- D. Identifying the sender on any electronic mail message.
- E. Ensuring that electronic mail messages are retained and filed properly in accordance with City policies.
- F. Reporting any observed violations of this policy to their supervisor.
- G. No purchases over the Internet or through electronic mail that violate City procurement procedures.
- H. No transmission of City information without the prior approval of department head.
- I. Transmission of certain information may require the production of a hard copy.
- J. No use of unauthorized software or unauthorized copies of software.

Use of an employee's City email account or the Internet on the City's network to conduct personal business, to send or receive harassing, threatening, offensive, abusive, racist, discriminatory, or sexually explicit messages or images, or to access non-work-related sites on the Internet could result in disciplinary action per the City of Germantown disciplinary policy. Use of personally-owned

devices, including cell phones, smart phones, tablets and laptops, to conduct personal business during working time should be limited to important emergency family or family-related communications. Usage of such devices that adversely affects productivity of the employee or work group will be subject to disciplinary action. Usage of such devices that results in the employee committing an unsafe act or being involved in an avoidable on-the-job accident, will be subject to disciplinary action.

Password Policy

- A. All passwords should be reasonably complex and difficult for unauthorized people to guess. Employees should choose passwords that are at least eight characters long and contain a combination of upper- and lower-case letters, numbers, and punctuation marks and other special characters. These requirements will be enforced with software when possible.
- B. All passwords must be changed regularly, with the frequency varying based on the sensitivity of the account in question. This requirement will be enforced using software when possible.
- C. All passwords are to be treated as sensitive information and should therefore never be written down or stored on-line unless adequately secured.
- D. Employees may never share his/her passwords with anyone else, including co-workers, managers, and administrative assistants. Everyone who needs access to a system will be given his/her own unique password. A password may be shared with known IT staff when necessary for technical support, however the user should change his/her password once that support is complete.
- E. Employees may never share their passwords with any outside parties, including those claiming to be representatives of a business partner with a legitimate need to access a system.
- F. Whenever possible, two factor authentication should be used in conjunction with passwords.

Additions, Changes Or Deletions To Web Page Information

Changes to the City Web Page which pertain to meeting agendas, event schedules and other public or internal postings will be made by the authorized department web editor and approved before publishing by an assigned webmaster.

Employees who violate any of the provisions of this policy may be subject to disciplinary action as prescribed in the City of Germantown disciplinary policy.

DISCIPLINARY ACTION

GENERAL POLICY

To establish general guidelines for disciplinary actions.

SCOPE

All employees of the City of Germantown.

PROVISIONS

- A. Violations of the following rules will be dealt with depending on the incident's severity and/or frequency. The following rules are by no means inclusive, but do represent the most obvious actions that will result in disciplinary action.
- B. The employee's supervisor and/or Department Head are responsible for notifying the Human Resources Department and the City Administrator of all disciplinary action, which will help to ensure fair and equitable treatment of all City employees.
- C. Examples of conduct which could cause disciplinary action:
 - 1. Abusive and/or inconsiderate treatment of the public or co-workers;
 - 2. Conviction of a criminal charge;
 - 3. Willful or negligent destruction of City property;
 - 4. Theft, deceit or other dishonesty;
 - 5. Reporting to work under the influence or possession of, or use of alcohol or illegal drugs, or the use of same on duty;
 - 6. Excessive tardiness, absences or abuses of leave of absence, sick leave, or other forms of leave;
 - 7. Unsatisfactory performance;
 - 8. Insubordination (defined as rudeness, cursing, or yelling at a supervisor) and/or failure to follow instructions and job assignments; or

9. Violation of rules and regulations of the department, of this manual or any other misconduct which might discredit an employee, his or her department, or the City.
- D. The type of disciplinary action will depend on the severity of the offense. All written documentation of discipline should cite the specific violation or violations. Types of disciplinary action include:
1. Oral reprimand
 2. Written reprimand
 3. Probation with conditions
 4. Suspension: With pay or without pay depending upon judgment of Department Head, City Administrator and Mayor
 5. Demotion
 6. Termination

The decision to impose discipline will be made by the appropriate department head. The types of disciplinary actions listed above are not necessarily imposed in the order listed. Serious violations may result in discipline up to and including immediate termination. The Human Resources Director is available to consult with the department head on the decision to impose discipline. Employees suspected of rule violations may be suspended without pay pending the completion of an investigation.

All discipline, including an oral reprimand, must be in writing. Documentation of discipline will be maintained in the employee's personnel file. The City Administrator shall be advised of the decision to place an employee on disciplinary probation by forwarding to him/her copies of the documentation reflecting such probation.

An employee receiving discipline involving a suspension, demotion or dismissal may request review by the City Administrator by sending a written request for review to the City Administrator within three (3) days of receiving notice of the discipline. Such request for review shall set forth the reason(s) review is requested. Employees who are still in their initial probationary period are ineligible for such review.

If the discipline imposed is termination, the employee shall be suspended without pay pending review by the City Administrator.

In reviewing the matter, the City Administrator will conduct such investigation as he/she deems necessary. The employee seeking review may present facts, arguments or documents he/she deems relevant to the review. Any such presentation shall be in writing unless the City Administrator determines, in his/her sole discretion, that an interview with the employee would be appropriate. Attorneys may not participate in this process on behalf of the employee.

If the City Administrator upholds the discipline, it shall be considered effective on the date the initial determination was made by the Department Head. If the City Administrator reverses the discipline, any documentation reflecting such discipline shall be removed from the employee's personnel file.

If the employee is reinstated, such reinstatement will be effective on the date of the initial termination decision, and the employee will be paid any wages due for the time the matter was under review.

The City Administrator's decision regarding disciplinary action shall be final.

DRESS CODE

GENERAL POLICY

The following standards for proper attire are outlined to maintain the image and professionalism of City employees.

SCOPE

All employees of the City of Germantown.

PROVISIONS

I. Clothing

- A. In departments where uniforms are furnished, they must be worn during working hours. The uniforms should be neat and clean when the employee arrives for work and maintained to the best of the employee's ability throughout working hours.
- B. Where uniforms are not furnished, appropriate attire for the day's calendar should be worn.
 1. The minimum appropriate attire is dress slacks and a shirt with a collar for men (or a polo-style shirt); for women, a dress, skirt and blouse (or top), or dress slacks and blouse (or top).
 2. The following attire is unacceptable: t-shirts, sweatpants or workout attire, cutoffs or shorts, flip flops, tank-tops, halter tops, miniskirts or jeans of any color. In all cases, clothing shall not contain any lewd, suggestive or other types of wording, pictures or figures, which would reflect negatively on the City of Germantown.
 3. It is important for City of Germantown employees to project an image of professionalism. Body piercing jewelry is not permitted except for earrings in the earlobes for women. Gauges and similar stretching jewelry should not be worn. Employees are encouraged to wear clothing that will minimize the appearance of visible tattoos. Visible tattoos will not be permitted in the workplace, regardless of when acquired, if they contain one of more of the following characteristics:

Any image that the City of Germantown, in its reasonable business judgment, determines is inappropriate for the employee's position, including but not limited to:

- Nudity or sexually explicit images
- Depictions of weapons, including guns, knives, axes, swords, or spears
- Skulls, coffins, depictions of death
- Profanity
- Gang or drug-related words or symbols
- Ethnic or racial slurs or symbols
- Images or words that are discriminatory on the basis of race, sex, national origin, age, disability, religion, sexual orientation or gender orientation
- Images that are overtly political
- Images that cover the majority of the employee's exposed skin
- Tattoos on the face

Some City departments may adopt more restrictive policies.

II. Good Grooming

- A. Cleanliness and good grooming are essential elements in portraying the image of the City.
- B. Hair length should be maintained to establish a neat appearance.
- C. Mustaches and beards should be neatly trimmed.

III. Accommodations

Any employee who seeks a religious accommodation relating to this policy should contact the Human Resources Department.

DRUG AND ALCOHOL TESTING POLICY

GENERAL POLICY

The City of Germantown recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the City of Germantown to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of the City of Germantown are public employees and must foster the public trust by preserving employee 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 of Germantown has adopted this drug and alcohol testing policy effective January 1, 1996. This policy complies with 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; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a Commercial Driver's License (COL); and Department of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing.

SCOPE

This policy shall apply to all employees and volunteers of the City of Germantown.

PROVISIONS

It is the policy of the City of Germantown that the use of illegal drugs or alcohol by its employees and volunteers as described below is strictly prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to discipline, up to and including termination of employment. Prohibited conduct includes but is not limited to:

- A. Being on duty or performing work in or on City property while under the influence of illegal drugs and/or alcohol;
- B. Being under the influence of legally prescribed or over-the-counter medications if such medications would impair an employee's ability to safely and effectively perform his/her job;
- C. Engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on City property or City vehicles;

- D. Refusing or failing a drug and/or alcohol test administered under this policy;
- E. Providing an adulterated, altered, or substituted specimen for testing;
- F. Use of alcohol within four hours prior to reporting for duty on an employee's schedule or use of alcohol while on-call for duty; and
- G. Use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties.

In order to educate employees and volunteers about the dangers of illegal drug and/or alcohol abuse, the City shall sponsor an information and education program for all employees and volunteers.

Information will be provided on the signs and symptoms of illegal drug and/or alcohol abuse; the effects of illegal drug and/or alcohol abuse on an individual's health, work and personal life; the City's policy regarding illegal drugs and/or alcohol; and the availability of counseling. The Human Resources Director has been designated as the municipal official responsible for answering questions regarding this policy and its implementation.

All City of Germantown property and any containers brought on to the property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, lunch boxes, packages, purses, brief cases, computer bags, files, and lockers. Employee-assigned lockers that are locked by the employee is also subject to inspection by the employee's supervisor in the presence of the employee after reasonable advance notice, unless such notice is waived by the City Administrator.

Any employee convicted of violating a criminal drug statute (i.e., use, possession, intent to sell, etc.) shall inform the director of his department of such conviction (including pleas of guilty or nolo contendere) within five days of the conviction occurring. Failure to so inform the City subjects the employee to disciplinary action up to and including termination for the first offense. If applicable, The City will notify the federal contracting officer pursuant to applicable provisions of federal law.

Consent Form

Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the City's

Human Resource Director, or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the City's drug and alcohol testing policy.

The consent form shall set forth the following information:

- A. the procedure for confirming and verifying an initial positive test result;
- B. the consequences of a verified positive test result; and
- C. the consequences of refusing to undergo a drug and/or alcohol test.

The 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 system.

Compliance with Substance Abuse Policy

Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The following are examples of actions that will be deemed a failure to test: (1) failure to report to the testing facility within the time specified by the City; (2) submission by an applicant or employee of a urine sample that is not his/her own or is diluted or adulterated; (3) failure to provide an adequate urine or breath sample when directed, and it is determined through a required medical evaluation that there is no medical explanation for the failure; (4) failure to remain at the testing site until the testing is completed; (5) failure to cooperate with any part of the testing process. A refusal to test shall be grounds for immediate removal from consideration for applicants and immediate termination for employees. In any case the physician or breath alcohol technician shall provide a written statement to the City of Germantown indicating a refusal to test.

Drug and Alcohol Testing

Certain illegal drug and alcohol testing procedures are necessary to protect persons participating in workplace drug and alcohol testing programs. Therefore, in balancing the interests of employees and the welfare of the general public, the City of Germantown concludes that fair and accurate testing for illegal drugs and alcohol in the workplace is in the best interest of all.

An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test.

- A. Applicants: All applicants for employee status who have received a conditional offer of employment with the City of Germantown for a safety-sensitive position or one requiring a commercial driver's license (CDL) must take a drug test (but not an alcohol test) before receiving a final offer of employment.
- B. Transfer: Employees transferring to any other department and/or another position within the City that is safety-sensitive or requires a CDL shall undergo drug testing (but not an alcohol test).
- C. Post-Accident/Post-Incident Testing: Employees whose performance either contributed, or cannot be discounted as a contributing factor, to a work-related motor vehicle accident or other work-related accident or incident will be subject to post accident alcohol and drug testing under the following circumstances:
1. Employees in safety-sensitive positions or positions requiring a CDL will be tested where the accident (incident) involved;
 - a. a human fatality;
 - b. a citation issued to the employee;
 - c. property or environmental damage; or
 - d. human injury requiring medical treatment.
 2. Employees in non-safety-sensitive, non-CDL positions will be tested under the circumstances described in (a)(i), (a)(ii), (a)(iii) or (a)(iv) above, if, in addition to such circumstances, there is a reasonable suspicion that the employee is under the influence of illegal drugs at the time of the accident or incident.
 3. General Procedures: Post-accident (post-incident) testing shall be carried out as soon as possible, but in no event later than 32 hours following the accident (incident). Employees who are not in need of immediate medical attention will be taken by City personnel to the collection facility; employees who are in need of immediate medical attention will have the specimen collected by medical personnel or the designated testing facility after appropriate care has been rendered
- D. Testing Based on a Reasonable Suspicion: An alcohol and/or drug test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of alcohol or illegal drugs.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief should be based on recent, physical, behavioral, or performance indicators of possible illegal drug or alcohol use. Examples include slurred speech, alcohol on breath, abnormal behavior, abnormally dilated or constricted pupils, flushed face, excessive unexplained absences, difficulty walking, constant sniffing, constant fatigue or hyperactivity, possession of illegal drugs or alcohol, observed use or information about use from reliable sources.

Supervisory personnel of the City of Germantown making a determination to subject any employee to drug or alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the Human Resource Director within 24 hours of the decision to test and before the results of the urine drug tests are received by the department.

- E. Random Testing: Only employees of the City of Germantown possessing or seeking to obtain a commercial driver's license (CDL) are subject to random urine drug testing. It is the policy of the City of Germantown to annually random test for illegal drugs at least 50 percent, and to annually random test for alcohol at least 10% of the total number of drivers possessing or obtaining a commercial driver's license (CDL).
- F. Return-to-Duty and Follow-Up: Any employee of the City of Germantown who has had a positive, confirmed test for alcohol or illegal drugs and who is permitted to return to work must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

The employee may be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee in a safety-sensitive position or one requiring a CDL who is returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

Prohibited Substances

All drug results will be reported to the Medical Review Officer (MRO). If verified by the MRO, they will be reported to the Director of Human Resources. The following is a list of drugs for which tests will be routinely conducted.

- A. Amphetamines
- B. Marijuana
- C. Cocaine

- D. Opiates
- E. Phencyclidine (PCP)
- F. Alcohol, and
- G. Depressants

The City of Germantown may test for any additional substances listed under the Tennessee Drug Control Act of 1989, as amended from time to time. The definition of “illegal drug” also includes drugs for which the employee or volunteer has no valid prescription.

Collection Procedures for Drug Testing

Testing will be accomplished as non-intrusively as possible. Affected employees, except in cases of random testing, will be taken by a supervisor or designated personnel of the City of Germantown to a drug test collection facility selected by the City of Germantown, where urine will be taken from the employee in privacy (unless an attempt to submit an adulterated specimen or other inappropriate conduct requires observed collection). The urine sample will be immediately sealed by personnel overseeing the specimen collection 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 of Germantown to perform the analysis on collected urine samples.

For random testing, a minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random urine drug testing and the actual presentation by the employee to the collection site for specimen collection. If an employee is unavailable (i.e., vacation sick day, out of town, work-related causes, etc.) to produce a specimen on the date random testing occurs, the City of Germantown may omit that employee from that random testing or await the employee's return to work.

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).

As specified earlier, in the event of an accident (incident) occurring after regular work hours, the supervisor or designated personnel shall take the employee(s) to the testing site within 32 hours where proper collection procedures will be administered.

Urine specimens will be tested using split specimen procedures. Each urine specimen is subdivided into two containers labeled as a primary and a split specimen. Both containers are sent to a laboratory. Only the primary specimen is opened and used for the urinalyses. 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 DHHS-certified laboratory for analysis. The employee will be required to pay for his or her test(s).

The results of the initial screening, if positive, will be confirmed by the laboratory using gas chromatography/mass spectrometry or similar techniques and evaluated by the MRO. An

employee with a positive, confirmed test result will be given the opportunity to explain to the positive test results to the MRO before the results are released to the City. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify the Director of Human Resources or his/her designee.

Collection Procedures for Alcohol Testing

Breath specimens for alcohol testing will be taken at a designated collection facility by a Breath Alcohol Technician (BAT) who is not a City employee using an Evidential Breath Testing (EBT) Device. Employee scheduled for post-accident testing must be taken to the designated breath alcohol test site within **two hours**, but in no event later than eight hours following the accident. For random blood alcohol testing, a minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random alcohol testing and the actual presentation of the employee at the collection site.

If the test results in an alcohol concentration of 0.02 or higher, a confirmation test must be performed. If the confirmation test results in an alcohol concentration of 0.02 or higher, the test is confirmed positive.

Reporting And Reviewing

The City of Germantown shall designate a Medical Review Officer (MRO) to receive, report, and file drug and alcohol testing information transmitted by the laboratory/BAT. This person shall be a licensed physician with knowledge of substance abuse disorders.

- A. The laboratory/BAT shall report test results only to the designated (MRO) who will review them in accordance with the accepted guidelines and the procedures adopted by the City of Germantown.
- B. Reports from the laboratory/BAT to the MRO shall be in writing or by fax. The MRO may talk with the employee by telephone upon exchange of acceptable identification.
- C. The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the respective department head, the Human Resources Director, his or her designee and the employee.
- D. Neither the City of Germantown, the laboratory, collection site personnel nor the MRO shall disclose any drug or alcohol test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of a legal or administrative proceeding brought by the employee, 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.

Education And Training

- A. Supervisory Personnel Who Will Determine Reasonable Suspicion Testing: Training supervisory personnel who will determine whether an employee must be tested based on reasonable cause will include at the minimum two 60-minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable illegal drug use and alcohol use. One 60-minute period will be for drugs and one will be for alcohol.

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

- B. Distribution of Information: The minimal distribution of information for all employees will include the display and distribution of:
1. Informational material on the effects of drug and alcohol abuse;
 2. An existing community services hotline number, available drug counseling, rehabilitation, and employee assistance programs for employee assistance.
 3. The City of Germantown policy regarding the use of prohibited drugs and/or alcohol; and
 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

Consequences of A Confirmed Positive Drug and/or Alcohol Test Result

Job applicants with a confirmed, positive test for drugs or alcohol will be denied employment with the City of Germantown.

If a current employee's positive drug and/or alcohol test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and may be subject to disciplinary action up to and including termination.

Disciplinary guidelines for positive testing:

- A. First positive test, automatic three days off without pay or termination.
- B. Second confirmed positive test warrants immediate termination.

Should the City of Germantown decide to impose discipline short of termination, an employee with a positive, confirmed test for illegal drugs or alcohol will be required to

consult with a substance abuse professional, who may recommend participation in an education and/or treatment program approved by the City of Germantown Employee Assistance Program as a condition to returning to work. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment. The substance abuse professional may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head and Human Resource Director of the City of Germantown 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-up care conditions, or subsequent failure of any drug test under this policy will result in disciplinary action up to and including termination of employment.

Voluntary Disclosure of Drug and/or Alcohol Use

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

These provisions apply to voluntary disclosure of a substance abuse problem by any employee of the City of Germantown. Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test. Employee with a positive, confirmed test for drugs or alcohol are subject to disciplinary action up to and including termination of employment as specified elsewhere in this policy. Voluntary disclosure provisions do not apply to applicants.

Leave for substance abuse treatment will be counted as family and medical leave to the extent the employee is eligible for such leave. Employees who are not eligible for FMLA leave are entitled to an unpaid leave of up to thirty (30) consecutive calendar days for substance abuse treatment. The employee must first use all vacation, sick, and compensatory time available.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional (SAP) of the City of Germantown. The substance abuse professional may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head and Human Resource Director of the City of Germantown 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-up care conditions, or subsequent failure of any drug test under this policy will result in disciplinary action up to and including termination of employment.

Employees who test positive for illegal drugs or alcohol and are not terminated, or who voluntarily disclose illegal drug or alcohol abuse, will not be able to work with restricted driving privileges (light duty). The substance abuse professional must release the employee to return to full driving status and the employee must pass the follow-up test prior to returning to work.

Exceptions

This policy does not apply to possession, use or possession of alcohol and/or illegal drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement, intoxilyzer demonstrations). In all such cases, it is the individual employee's responsibility to ensure that job performance is not adversely affected by the possession, use, or provision of alcohol or illegal drugs.

Definitions

Alcohol: The formulation of ethyl alcohol, hydrated oxide of ethyl or neutral spirits from whatever source or by whatever process produced.

Drug: Any substance other than alcohol capable of altering the mood, perception, pain level, or judgment of the individual consuming it.

Employee (for the purpose of this document): Any person, *full-time, part-time or volunteer* hired or enlisted by the City of Germantown or performs services on behalf of the City of Germantown municipal services.

Established Collection Site(s): During regular working hours (M -F, 8 a.m.-5 p.m.), to the designated collection site is the Methodist Minor Health Care facility, 8071 Winchester Road, Memphis, TN. After normal working hours, (any time after 5 p.m.) or on weekends, the designated testing site is Germantown Methodist Hospital, 7691 Poplar Ave. Germantown, TN.

Illegal Drugs: Any substance for which the possession, sale, distribution, manufacture, or use by unlicensed persons is prohibited by law, but not when used pursuant to a valid prescription or when used as otherwise authorized by law.

Medical Review Officer: (MRO) the certified physician responsible for receiving and analyzing laboratory results.

Over-the Counter Medication: Substances that are not legally controlled and are available without a medical prescription, but which, when improperly or inappropriately used, may

hamper the ability to perform assigned duties or impair judgment, alertness, and any other physical, emotional, and mental capacities.

Prescription Drugs: Controlled and non-controlled substances for which possession and use are legal when prescribed by a licensed medical provider.

Radom Selection Basis: A mechanism for selection of employees that results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected.

Reasonable Suspicion: A belief based on specific objective facts and reasonable inferences drawn from those facts. Reasonable suspicion of being under the influence of alcohol or illegal drug use is based on behavioral and performance factors which include, but are not limited to, slurred speech, alcohol on breath, abnormal behavior, abnormally dilated or constricted pupils, flushed faced, excessive unexplained absences, difficulty in walking, constant sniffing, constant fatigue or hyperactivity, possession of illegal drugs or alcohol.

Safety-Sensitive Position(s): A position, which is directly related to public health and safety, protection of life and property, law enforcement or municipal security. Safety sensitive positions can include, but are not limited to, the operation, maintenance or repair of motor vehicles, heavy machinery, equipment or apparatus; the operation, maintenance and repair of vehicles requiring a commercial driver's license; carrying a firearm for law enforcement purposes. The Federal Transit Administration regulation 655.45 requires random testing for drugs and alcohol for all employees that perform safety-sensitive functions. Safety-sensitive function is defined in Part 655.4, as any of the following duties, when performed by employees of recipients, sub-recipients or operators:

- A. Operating a revenue service vehicle including when not in service;
- B. Operating a non-revenue vehicle, when required to be operated by a holder of a Commercial Drivers License;
- C. Controlling dispatch or movement of a revenue service vehicle;
- D. Maintaining (repairs, overhaul, etc.) a revenue service vehicle or equipment.
- E. Carrying a firearm for security purposes

Under the Influence: The presence in a person's urine sample of an illegal drug or in a person's breath sample of alcohol at or above the cut-off level for a positive test result.

EDUCATIONAL ASSISTANCE

GENERAL POLICY

The City of Germantown recognizes that Germantown's most valuable resource is its employees. Well-trained employees are more efficient and productive and contribute to the high level of service the City provides to its residents. The City recognizes that many employees may begin employment with the City and develop career plans or wish to assume responsibilities that require additional formal education. The City further recognizes that adult learners face challenges that traditional students do not. The City's educational assistance program is designed to benefit the City, assist employees in their professional development and in advancing their careers by encouraging voluntary academic studies that contribute to improved performance and career development.

The City shall provide educational assistance for regular, full-time employees for certain expenses incurred when they successfully complete optional courses designed to improve their performance in their current positions or to prepare them for additional responsibility. Eligible courses include optional college courses, continuing education courses, or work-related seminars. While successful completion of a course of study improves an employee's educational background, such accomplishment does not obligate the City to reward participants with promotion, transfer, reassignment, compensation increase, or other employment-related benefits.

SCOPE

This policy shall apply to regular, full-time employees who work at least forty (40) hours per week and have completed at least six (6) months continuous full-time or full-time equivalent service with the City *before* beginning the subject course work. The six-month rule may be waived if the City requires the course work or seminar.

PROVISIONS

- A. Employees who want to enroll in an accredited college degree program under this policy must complete a plan of study on the form provided by Human Resources *before* taking any courses. Not all college degree programs are eligible for this policy. For example, a degree in business might be eligible but a degree in history would not. The degree program must be job related and/or career related within the City of Germantown. Employees who wish to pursue a college degree under this policy *must* complete the plan of study form, consult with a college advisor, and discuss their degree plans with their supervisor and department head before enrolling in the degree program or signing up for classes. The employee will review and update the approved course of study on an annual basis with their supervisor and department head to determine its ongoing relevancy. The City will not pay for any courses taken without prior approval. Each course must be applied for separately using the City's educational assistance form available from Personnel. Department heads are responsible for identifying each employee's development needs, and for certifying the applicability of the proposed college degree program to the employee's present or future position with the City. Employees who enroll in the degree program and who quit the program must repay the

educational assistance funds expended for all courses taken that, as determined by the City, were not directly related to their job.

- B. Employees who are not enrolled in a college degree program may apply to attend seminars or take college courses that are directly related to their current job assignment and will improve their ability to perform their job. Each course must be applied for separately using the City's educational assistance form available from Human Resources. Each course will be evaluated on its individual merits in accordance with the requirements of this policy. Department heads are responsible for identifying each employee's development needs, and for certifying the applicability of the course or seminar to the employee's present or future position with the City.
- C. Employees must receive and submit proof of a grade of C or better, or a certificate of completion for non-graded courses, to qualify for reimbursement. Employees enrolled in a college degree program must maintain an overall grade point average (GPA) of 2.5 or better in order to remain in the program. *If an employee fails to maintain the appropriate GPA, he or she will not be eligible to participate in the Educational Assistance program until the grade point average reaches the appropriate level.*
- D. The City will reimburse employees, or the educational institution, for the full amount of tuition and academic fees up to the maximum of \$1,800.00 per fiscal year. The City Administrator must approve exceptions to this maximum reimbursement. Receipts for expenditures and documentation of grades are required before disbursement of funds. The employee is responsible for the costs incurred for college entrance exams; graduate schools entrance exams, transportation, parking, textbooks, supplies, and other costs over and above the tuition and academic fees. Lifelong learning or portfolio assessment fees are not covered under this policy. If an employee receives other educational assistance, such as scholarships, grants, subsidies, or student loans, the City will reimburse the employee for qualified expenses not covered by any other educational assistance, not to exceed the annual maximum. Educational assistance costs shall be charged to the employee's department.
- E. College courses taken under this program must be scheduled outside the employee's regular work hours. All course work must be accomplished on the employee's time. Class attendance is not to take priority over work to be performed.

When a department head requires that an employee take a seminar or course that is directly related to assigned responsibilities, such attendance is considered part of the regular work schedule.

- F. Courses repeated or audited will not be reimbursed.
- G. Participants must remain a City employee through the end of the course(s) in which enrolled. If a participant leaves employment within 4 years of using the City's educational assistance program, the participant shall reimburse the City according to the following schedule on the total (cumulative) amount used.

Employee Leaves Within

0 to 12 months
12+ to 24 months
24+ to 36 months
36+ to 48 months
48+ months

Employee Pays Back

100% of the total amount used
75% of the total amount used
50% of the total amount used
25% of the total amount used
No payback required

- H. City Administration is responsible for administering this policy, including supportive counseling of department heads. Department heads shall review all forms and forward the signed forms to Human Resources for review. Human Resources shall forward the forms to Administration for approval.
- I. Once signed by the City Administrator and the Mayor, the forms shall go to Human Resources for forwarding to the Finance Department for processing the disbursement of funds to the employee or educational institution.
- J. Employees are responsible for accurately completing and submitting the necessary documents to their department head prior to course registration. Requests for reimbursement must be made to the City Administrator not more than one month after receiving notice of course completion and/or final grade.
- K. The City may deny assistance where the course or the degree pursued is not of sufficient benefit to the City of Germantown. Employees who receive unsatisfactory performance evaluations will be dropped from the program.
- L. This benefit is not guaranteed and is dependent upon funding levels in each department's annual operating budget.
- M. Employees are not eligible for educational assistance benefits as of the 31st day of any leave of absence and for the remainder of the leave of absence.

Maximum Annual Benefit

The maximum assistance to be provided to an eligible employee during a fiscal year is \$1,800.00. To be eligible for educational assistance, employees must meet all requirements outlined in this policy. Employees should carefully read through the policy and complete the appropriate paperwork *before* enrolling in any educational program or registering for a college course or seminar.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

GENERAL POLICY

The City of Germantown is committed to equal employment opportunities to all applicants and employees.

SCOPE

This commitment to equal employment opportunity governs decisions related to selection, advancement, promotion, and salary increases, which are based on merit and performance. This fundamental policy is emphasized throughout the City of Germantown. Every managerial employee has the responsibility for implementation of this policy.

PROVISIONS

This policy is reflected in many aspects of our daily operations:

- A. Each applicant who seeks employment with the City is given a fair and unbiased evaluation of his or her capabilities.
- B. Every employee has full access to all City sponsored programs, such as educational assistance, training, recreational programs, and social activities.
- C. Our pay structure is designed to ensure that jobs requiring substantially equivalent skill, effort, and responsibilities are properly compensated to avoid discrimination.

The City's hiring, compensation, benefits, training, promotion, transfer, and job assignment practices are administered consistently with statutes and regulations pertaining to equal employment, including those pertaining to race, religion, color, sex, age, national origin/ethnicity/ancestry, genetic information, and disability, and any other basis protected by federal, state, or local laws. The City further provides reasonable accommodations for qualified individuals with disabilities in accordance with federal and state law. Qualified individuals who require a reasonable accommodation should discuss those potential accommodations with their supervisor. It is an employee's responsibility to notify the City of his or her need for a reasonable accommodation, and to provide medical documentation upon request. Any medical information submitted pursuant to such a request will be kept confidential.

The City identifies itself as an equal opportunity employer in advertising for employees, in its recruiting brochures, employee manuals, and in all day-to-day practices.

EMPLOYEE CONFLICT RESOLUTION PROCEDURE

GENERAL POLICY

The purpose of this policy is to provide a procedure where employees may resolve disputes or complaints concerning the terms or conditions of their employment.

SCOPE

All employees of the City of Germantown.

PROVISIONS

The City of Germantown is committed to providing a workplace in which its employees feel valued and can be productive. One of the ways the City carries out this commitment is by providing an orderly process to address problems at work, whether they are conflicts between coworkers or between employees and supervisors or complaints of unfair treatment or policies. The City will treat any complaints brought under this procedure as confidentially as possible while still permitting it to investigate and attempt to resolve the problem.

Procedures

Step 1: Speak to your direct supervisor about the problem. If your supervisor's conduct is at issue, or if a resolution can't be reached within five working days, then proceed with the next step. It is often helpful to put your complaint in writing, but you may also discuss it verbally.

Step 2: Contact your Department Head. You can either explain the situation in writing or set up an appointment time to discuss the issue. In order to ensure that he or she has a clear picture of the problem, the Department Head may request that you put your complaint in writing if you have not already done so. The Department Head will meet with you individually to discuss your problem. If the problem involves the Department Head, or the problem is not resolved within five working days, continue with the next step.

Step 3: Contact Human Resources to set up an appointment to discuss the situation. Human Resources will review the process that has occurred to date and attempt to formulate a solution. If Human Resources is unsuccessful in doing this after five working days, you may proceed to step four.

Step 4: If the problem has not been resolved to your satisfaction through Steps 1-3, you may request a meeting with the City Administrator. The decision of the City Administrator shall be final.

EXIT INTERVIEWS

GENERAL POLICY

City employees will generally have an exit interview by the Human Resources Department upon termination, resignation, or retirement, in order to obtain information that will be used to reduce future turnover and to improve working conditions.

SCOPE

All regular full-time employees of the City of Germantown.

PROVISIONS

- A. After the Mayor's approval of the status sheet terminating employment, but prior to the employee's last day, each City employee will be released from work by his/her supervisor to report to the Human Resources Office to receive an exit interview.
- B. The confidentiality of each exit interview will be maintained. However, the information obtained from all of the existing employees of a particular department will be available for use by the Department Head.
- C. Final paychecks will not be released prior to the exit interview.

Exit Interview and Final Paycheck Procedure

- A. Immediately upon the notification of resignation of an employee, the Department Head will request a letter of resignation and prepare a status sheet. The status sheet should then be forwarded to the Personnel Office with a copy of the letter of resignation attached.
- B. When possible, the final check will be issued after the status sheet has been signed. The final check will be issued with the other payroll checks unless extraordinary circumstances arise (as defined by the City Administrator). If an employee leaves prior to the issuing of payroll checks and a check cannot be cut, arrangements will be made to either mail the final check or make arrangements for the employee to pick it up from Human Resources. When it is not possible to get the status sheet signed by the cutoff for payroll, the Human Resources Office will notify the Payroll Clerk, so that further delay of the final check is not caused, but in no case will the final check be issued without a time sheet signed by the Supervisor or the Department Head, whichever is appropriate.
- C. All final payroll checks will be issued to the Human Resources Office to be distributed at the conclusion of the exit interview, unless other arrangements are approved by the Human Resources Office.

- D. The Human Resources Office will verify with the Supervisor and/or the Department Head that all equipment, uniforms and keys have been returned prior to the exit interview.

FAMILY AND MEDICAL LEAVE POLICY

GENERAL POLICY

The City will, in accordance with the law, provide eligible employees with unpaid, job-protected leave for the following reasons:

- § For the birth of an employee’s child and to care for that child;
- § For the placement of a child with the employee for adoption or foster care and to care for the newly placed child;
- § When the employee is unable to perform the functions of his/her position because of his/her own serious health condition;
- § To care for a spouse, child, or parent who has a serious health condition;
- § Because of a qualifying exigency arising out of the fact that the spouse, child or parent of the employee is on active duty (or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation); or
- § To care for a spouse, child, parent, or next of kin who is a covered service member with a serious injury or illness.

SCOPE

All employees of the City of Germantown who have been employed at least twelve months and who have worked at least 1,250 hours within the previous twelve-month period are eligible for this leave. Time spent on paid or unpaid leave does not count toward the 1,250-hour minimum. Some exceptions may apply for those among the highest paid ten percent of the City employees. Consult the Human Resources Department.

PROVISIONS

Definitions

For the purposes of this policy, a serious health condition includes:

- A. In-patient care at a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider;

- B. Prenatal care or incapacity due to pregnancy;
- C. An illness lasting more than three consecutive, full calendar days that also involves:
 - 1. In-person treatment by a health care provider, nurse, physical therapist or similar provider two or more times within thirty days of the first day of incapacity, with the first visit occurring within seven days of the first day of incapacity; or
 - 2. In-person treatment by a health care provider on at least one occasion within seven days of the first day of incapacity, which results in a regimen of continuing treatment.
- D. Incapacity because of or treatment for a chronic serious health condition that requires periodic visits at least two times per year by a health care provider;
- E. Incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
- F. Any period of absence to receive multiple treatments or for a condition that, if left untreated, would likely result in a period of incapacity of more than three days.

For purposes of this policy, a qualifying exigency applies to members of the Armed Forces, National Guard or Reserves who are on active duty or who are called to active duty for a contingency operation in a foreign country. An employee whose spouse, son, daughter, or parent has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to twelve weeks of leave for reasons relating to or affected by the covered family member's call-up or service. The qualifying exigencies include:

- A. Addressing any issues arising out of the short-notice deployment (seven calendar days or less prior to deployment) of a covered family member;
- B. Attending military events and related activities such as official ceremonies, family support programs and informational briefings related to the active duty or call to active duty status of a covered family member;
- C. Addressing childcare arrangements and certain school activities as a result of the active duty or call to active duty status of a covered family member;
- D. Making certain financial and legal arrangements as a result of the active duty or call to active duty status of a covered family member;
- E. Attending counseling for the employee, the covered military member or child of the covered military member, the need for which arises out of the active duty or call to active duty of the covered family member;
- F. Spending time with a covered family member who is on short-term, temporary rest and recuperation leave during the period of deployment;

- G. Participating in certain post-deployment activities such as arrival ceremonies, reintegration briefings for a period of 90 days following termination of the covered family member's active duty status; and
- H. Addressing issues related to the death of a covered family member while on active duty status, such as meeting and recovering the body and making funeral arrangements.

In its discretion, the City may permit an employee to take qualifying exigency leave for other activities arising out of the active duty or call to active duty status of a covered family member. Further information about the types of activities that may constitute a qualifying exigency can be obtained from the Human Resources Department.

Military Caregiver/Covered Service Member Leave

Eligible employees are entitled to up to 26 weeks of leave in a single twelve-month period to care for a covered service member of the Armed Forces, including the National Guard and Reserves, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, therapy or is otherwise in outpatient status or on the temporary disability retired list. Those persons on the permanent disability retired list are not covered service members. Veterans with a serious injury or illness are covered service members if they were members of the Armed Forces during the five-year period preceding the time of the medical treatment, recuperation or therapy. For purposes of this leave, a serious illness or injury is one incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties, or an illness or injury incurred before active duty that was aggravated by service in the line of active duty. To be entitled to such leave, the eligible employee must be the spouse, son, daughter, parent or next of kin (i.e., nearest blood relative other than spouse, son or daughter, or parent) of a covered service member.

Notice From Employee Is Required

An employee must provide at least 30 days' advance notice to the City before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for the serious health condition of the employee or family member, or the planned medical treatment for the serious injury or illness of a covered service member.

If 30 days' advance notice is not practicable, the employee should notify the City as soon as practicable, which in most cases will be the same day as, or the next business day after, the employee becomes aware of the need for leave.

For qualifying exigency leave, or when the approximate time of the need for leave is not foreseeable, the employee must provide notice to the City as soon as practicable. This generally means that notice must be provided no later than the employee's starting time for work. Failure to provide adequate notice may lead to delay or denial of the leave request.

Employees must report any absences due to the unscheduled use of intermittent leave to their direct supervisor before the scheduled start of the work day.

An employee must provide sufficient information to make the city aware that the employee needs FMLA-qualifying leave. Calling in “sick” without providing more information will not be considered sufficient notice to entitle an employee to FMLA leave. An employee giving notice must explain the reasons for the needed leave so as to allow the City to determine whether the leave qualifies as family and medical leave. Employees also have an obligation to respond to the City’s questions to determine if a leave request is FMLA-qualifying. If an employee fails to explain the reasons for the leave, or fails to respond to reasonable inquiries concerning the leave request, leave may be denied.

Total Amount Of Leave

Eligible employees may request up to a maximum of twelve weeks of leave (measured backwards from the date the employee last used such leave) within any twelve-month period leave to care for a family member with a serious health condition or for the employee’s own serious health condition.

Eligible employees may request up to four months of leave for the birth or adoption of a child or for the placement of a child with the employee for adoption or foster care. Married employees are restricted to a combined total of four months of leave for the birth or adoption of a child or for the placement of a child with the employee for adoption or foster care.

Married employees are restricted to a combined total of twelve weeks of leave to care for a parent (but not parent in-law) who has a serious health condition. If the leave is taken to care for a child with a serious health condition or for the employee’s own serious health condition, then the spouses may each take twelve weeks of FMLA leave.

Eligible employees are entitled up to a total of 26 weeks of leave during any single twelve-month period for covered service member leave. For purposes of this type of leave, the City measures the twelve-month period forward from the date the employee’s leave to care for a covered service member began. During this twelve-month period, the employee is limited to a combined total of 26 weeks of family and medical leave for any qualifying reason. This means that leave taken for other FMLA-qualifying reasons will be deducted from the available 26 weeks. In the event that married employees both work for the City and take leave during a single twelve-month period to care for a covered service member with a serious injury or illness, they are limited to a combined total of 26 weeks of leave.

For purposes of calculating the amount of leave used by an employee, a holiday will count as FMLA leave in cases where the employee is using FMLA leave in increments of one week. In cases where the employee is using FMLA leave in increments of less than one week, however, the holiday will not count against the employee’s FMLA leave entitlement unless the employee was otherwise scheduled and expected to work on the holiday.

Intermittent And Reduced Schedule Leave

If medically necessary for the care of a seriously ill family member or the employee’s own serious health condition, leave may be taken intermittently or on a reduced schedule. The health care provider’s statement supporting such leave must specifically state that intermittent or reduced schedule leave is medically necessary. The employee seeking intermittent or reduced schedule leave must make reasonable efforts to schedule any planned medical treatment so as not to disrupt unduly the City’s operational needs. Employees are ordinarily expected to consult with the City prior to the scheduling

of such treatment in order to work out a treatment schedule which best suits the needs of both the employee and the City. The City reserves the right to transfer an employee taking such leave for planned medical treatment to an alternative position, with equivalent pay and benefits, which better accommodates intermittent or reduced schedule leave.

Substitution Of Paid Leave Required

FMLA-qualifying leave will run concurrently with any applicable paid leave, such as sick leave and vacation days. Workers' compensation leave will also run concurrently with FMLA-qualifying leave. This substitution of paid leave does not extend the length of the leave, but rather renders a portion of it paid. Once all applicable paid leave has been exhausted, the remainder of the leave will be unpaid.

Certification Requirements

In most instances, the City requires employees seeking FMLA leave for their own serious health condition, the serious health condition of a family member, or the serious illness or injury of a covered service member to provide appropriate medical certification of the need for the leave.

The City may also require certification of the need for leave for a qualifying exigency, including, but not limited to, a copy of the covered service member's active duty orders or other documentation that he or she is on active duty and the dates of such service. Such certification must be provided no later than fifteen (15) calendar days from the date the City requests such documentation. Forms for such certification are available from the Human Resources Department. If the certification provided is determined by the City to be incomplete or insufficient, the employee will have up to seven (7) calendar days to cure any deficiency. **Failure to provide complete and sufficient certification may lead to delay or denial of the leave request.** The City reserves the right to request clarification or authentication of the medical certification from the health care provider.

Continuation Of Benefits While On Leave

The City will continue to provide health insurance benefits for the full period of the approved medical leave. Employees will be responsible for paying their portion of the insurance premiums in order to maintain coverage during any unpaid portion of the leave period. If the employee's portion of the premium is not paid in a timely manner, the employee's group health insurance coverage may lapse during his/her FMLA leave. If the employee does not return to work after his/her FMLA leave, the City reserves the right to recover all group health insurance premiums paid by the City for the employee's health insurance coverage unless the failure to return to work was for reasons beyond the employee's control.

Benefits accruals, such as vacation time, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

Secondary Employment While On Leave

Any continuation of secondary employment while on medical leave must be approved by the Department Head in writing, after consulting with HR. Secondary employment that is inconsistent with the employee's medical leave status will not be approved.

Status Reports, Recertification, And Returning To Work

The City reserves the right to request periodic status reports from the employee while on leave, or to request periodic recertification by a health care provider (at the employee's expense). The City also reserves the right to request a second medical opinion (at the City's expense). If the second opinion differs from the first, a final and binding third medical opinion (at the City's expense) by a health care provider mutually agreed upon by the City and the employee will decide the matter.

Employees will be expected to report to work on the next scheduled working day following the expiration of their leave. In cases where the last day of leave is not specified, or when the employee is able to return to work sooner than the date specified, the employee is expected to provide the City with at least two business days' notice of the date the employee intends to return to work, so that the employee's return to work can be properly scheduled. Upon return to work, the employee will be reinstated to his or her original position, if it is available, or to a position with equivalent pay, benefits and other terms and conditions of employment.

HOLIDAYS

GENERAL POLICY

The City of Germantown recognizes certain days during the year as paid holidays. These are:

1. New Year's Day
2. Martin Luther King Jr.'s Birthday
3. Presidents Day
4. Good Friday
5. Memorial Day
6. Independence Day (July the Fourth)
7. Labor Day
8. Thanksgiving Day
9. Day After Thanksgiving
10. Christmas Eve
11. Christmas Day

SCOPE

All regular full-time employees of the City.

PROVISIONS

I. General

- A. Employees who work or who have approved absences (paid or unpaid approved leave) from all the hours of their regular scheduled shift the day before and the day after the holiday are to receive one day of pay at their regular base rate.
- B. Employees are not eligible for holiday pay as of the 31st day of any leave of absence and for the remainder of the leave of absence.
- C. Any employee required to work a regular shift on a designated holiday is to receive a substitute holiday scheduled by the Department Head who will make every effort to schedule the substitute holiday at the convenience of the employee during the current fiscal year. When a holiday occurs on a day not to be worked by an employee (regular day off), the Department Head shall reschedule another day off during the pay period when the holiday (for other employees) occurred.

- D. When an observed holiday falls on a Saturday, it will be observed on the preceding Friday. When it falls on a Sunday, it will be observed on the following Monday.
- E. In an emergency, which requires overtime work on the holiday, the provisions of the "Overtime" section shall apply.
- F. Employees who work a normal 8 a.m. to 5 p.m. Monday through Friday schedule, if required to work on a holiday, will be paid as follows: Regular pay for holiday plus rate of time and one-half on the basis of hours worked or will be given time off at rate of time and one-half on the basis of hours worked, and may be taken at any time approved by the Department Head.
- G. Additional pay for holidays will appear in the paycheck for the period in which the holiday falls.

II. Police and Fire Departments

Since Police and Fire Department personnel do not receive holidays off (except for the Department Heads and secretaries) the Police Department and Fire Department personnel will be paid for holidays when meeting one or more of the following criteria:

- A. It is their regularly scheduled workday.
- B. It is their regular day off.
- C. They are on an approved absence.
- D. They are on approved vacation.
- E. Those employees who do not work because of illness on any given holiday, and it is their regular work day, will be charged holiday time off. This means they will be paid for the holiday but will not receive their regular shift pay nor pay for Sick Leave or Personal Leave.
- F. Holiday pay will not be paid if the employee was absent without approved leave the last scheduled workday before the holiday or the first scheduled workday after the holiday.
- G. Employees are not eligible for holiday pay as of the 31st day of any leave of absence and for the remainder of the leave of absence.
- H. The rate of pay for holidays will be as follows:
 - 1. Police Lieutenants, Police Officers, Senior Police Officers will be paid eight and one-half (8.5) hours of pay for each holiday. The Police Chief, the

Deputy Chief, Police Captains, Inspectors, the Police Chief's secretary, data entry clerks will not receive extra holiday pay.

2. Fire Department shift employees will be paid twelve (12) hours of pay for every holiday. The pay shall be calculated at the rate of pay at the time each holiday occurred. The Fire Chief, Assistant Fire Chief, Deputy Fire Chief, Technical Service and Safety Officer, the Chief's secretary, Assistant Fire Prevention Officer and the Fire Prevention Officer will not receive extra holiday pay.

JURY DUTY

GENERAL POLICY

It is the policy of the City of Germantown that employees selected for jury duty should fulfill this duty where possible.

SCOPE

All employees of the City of Germantown.

PROVISIONS

- A. When receiving a summons for jury duty, the employee shall submit a copy of such summons to their supervisor immediately upon receipt. The supervisor shall forward a copy to the Personnel Office.
- B. Employees will be paid their usual compensation, plus the amount of the fee or compensation received for serving as a juror. Out-of-pocket expenses, such as meals, parking and mileage reimbursed by the court may be retained by the employee.
- C. All employees serving on jury duty shall be excused from work and shall be charged jury duty on their time sheet. No deductions of this time off shall be placed against an employee's sick leave or vacation time. Accrual of sick leave, vacation leave and similar benefits shall continue during jury duty leave.
- D. Any time spent on jury duty does not count toward "time worked" in the computation of overtime pay.
- E. If employees on jury duty serve less than three (3) hours on any given day, they are expected to return to work on that day. All employees on jury duty shall return to work as soon as possible after completion of jury duty, but no later than the following workday after being released by the Court.
- F. Court appearances for any reason other than jury duty or testifying on the City's behalf (at the request of one's supervisor) shall require the use of personal leave, vacation leave or unpaid leave.

LACTATION BREAK POLICY

GENERAL POLICY

To provide non-exempt employees with unpaid break time and a private location that they may use to express breast milk for their newborn or infant children.

SCOPE

All non-exempt employees of the City of Germantown.

PROVISIONS

The City of Germantown provides its non-exempt employees who are nursing mothers with a reasonable amount of unpaid break time in which to express breast milk during the first year of their baby's life. Employees wishing to take advantage of this policy may take such breaks in designated private spaces that will also have a place to store the expressed milk. Ask your supervisor for the location of the break room closest to your work space.

Employees taking lactation breaks must clock out at the beginning of the break and clock in at the end of the break. Please work with your supervisor to schedule such breaks at a time mutually convenient to you and your department.

LIGHT DUTY POLICY

GENERAL POLICY

To provide temporary work for employees who cannot perform some or all of the essential functions of their job due to injury, illness, disability, or pregnancy-related restrictions.

SCOPE

All employees of the City of Germantown.

PROVISIONS

The City has a limited number of temporary light duty positions that it will make available on a first-come, first-serve basis to employees who provide medical documentation from their healthcare provider that they are unable to perform one or more essential job functions because of illness, injury, disability or pregnancy-related restrictions. Failure to supply such documentation will lead to denial of the light duty request. If no light duty positions are available at the time the employee requests such a position, the employee will be required to use applicable leave. The City will not create a light duty job for purposes of this policy.

The length of time during which an employee may be assigned to a light duty position will vary according to the individual circumstances of the employee, but in no event will an employee be assigned to a light duty position for greater than one (1) year from the date the employee was first assigned the position.

An employee who qualifies for Family and Medical Leave cannot be required to take a light duty position.

Temporary assignment to a light duty position may be considered an accommodation of a disability under the Americans with Disabilities Act (ADA) depending on the circumstances of the employee's situation. The City is not required to offer a light duty position to an employee if doing so would create an undue hardship. Under no circumstances will a light duty job be made permanent as a reasonable accommodation under the ADA or otherwise.

In order to place an employee on light duty status, the Department Head, or his or her designee, must notify Human Resources and provide a copy of the employee's medical documentation. HR will monitor employees placed on light duty status to determine the employee's progress towards recovery, the likelihood or expected date of the employee's return to full duty, requests

for accommodations, and the employee's use of leave and make appropriate recommendations to the Department Head.

A police officer in light duty status will take no law enforcement action unless failure to do so would result in serious injury or death to the officer or another person. An officer in light duty status may not operate a marked police vehicle.

Any continuation of secondary employment while on light duty must be approved by the Department Head in writing, after consulting with HR. Secondary employment that is inconsistent with the employee's light duty status will not be approved.

Employees on light duty status are responsible for providing additional medical documentation on a regular (at least monthly) basis or whenever requested to do so by the City.

MILITARY LEAVE

GENERAL POLICY

City employees (as stated below) who are, or will become an active member of the Armed Forces of the United States or a member 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 leave of absence from their respective duties for required military duty, without loss of time, pay, regular leave or vacation, impairment of efficiency rating or any other rights or benefits to which they would otherwise be entitled. The use of military leave will not affect an employee's date of employment or length of service.

SCOPE

All regular full-time employees of the City.

PROVISIONS

Length of Leave and Rate of Pay

- A. The employees shall receive his/her full City pay for all military leave, not to exceed twenty (20) working days in any one (1) calendar year. This covers summer camp, weekend training and other types of military leave, as listed below, only when the leave days conflict with working days.
- B. Additional leave without pay may be granted to cover military leave in excess of twenty (20) working days per calendar year. Employees may, but are not required to, use their vacation to cover such leave.

Re-employment Rights

If the employee complies with the relevant provisions of federal law governing the application for reemployment after release from the military, upon return from the military leave of absence the City will return the employee to the same position or a like position with the same seniority, status, vacation, pay and other benefits as if the employee had remained on the job continuously, unless the City's circumstances have so changed as to make reemployment impossible or unreasonable.

Those returning from military leave must notify the City of their intent to return to work within fourteen (14) days for leaves of absence of one (1) to six (6) months or within ninety (90) days for leaves of more than six months. Those returning from leaves of less than one (1) month must report to work on the first scheduled work day following their completion of training.

Procedure for Requesting Military Leave

All requests for military leave must be submitted at least ten (10) days in advance of the date of departure when possible. This request must be submitted in writing for approval by the Department Head and the City Administrator. Advance leave checks may be requested by the employee with approval to be granted unless the request creates a substantial hardship to the City. The advance checks shall be limited to the twenty (20) days of paid leave covered by this policy.

MOBILE DEVICE POLICY

GENERAL POLICY

This policy defines the requirements for employees' use of mobile devices, both City owned or personally owned, to conduct business on behalf of the City. Mobile devices are a valuable tool in conducting business. It is the City of Germantown's policy to protect and maintain safety, security, and privacy while using these tools.

SCOPE

- A. This policy covers what devices may be used, requirements for use, revocation of use, and loss/theft notification by users to the City.
- B. This policy covers the process for the configuration of mobile devices, both City owned and personally owned, used for conducting City business.
- C. This policy does *not* discuss whether an employee or job function qualifies for use of a mobile device and therefore assumes that that determination has already been made by the appropriate management authority.
- D. This policy does *not* discuss whether an employee should or should not be issued or granted use of a City owned mobile device and therefore assumes that that determination has already been made by the appropriate management.
- E. This policy does *not* discuss the procurement of a mobile device. Procurement of a City owned device shall be handled in accordance with City purchasing policies. Procurement of personally owned devices are the responsibility of the employee.
- F. The goals of this policy are as follows:
 - 1. Provide employees with requirements on notifying the City should any mobile device be misplaced, lost or stolen.
 - 2. Define how the City will respond to incidents where a mobile device is lost or stolen.
 - 3. Define the security requirements for protecting any mobile device to reduce the risk of confidential information exposure through loss and/or theft of a mobile device.
 - 4. Provide employees guidance on what personal mobile devices can be used within the City, and how they may and may not be used

5. Define security requirements and support services provided by the City of Germantown for personally owned mobile devices.
- G. Exceptions may be granted by the Director of Information Technology.

PROVISIONS

I. USE OF PERSONAL MOBILE DEVICES FOR CONDUCTING CITY BUSINESS

- A. City staff may use a personally owned mobile device for conducting City business only after receiving management approval and provided the mobile device meets Information Technology (IT) Department's minimum requirements, which are included in the Computer Hardware Standards on the City Intranet site.
- B. City staff who employ a personal device to support their work at City of Germantown must sign the City of Germantown Personal Mobile Device User Agreement prior to being granted access to City networks and systems.
- C. City staff may not use a device that is owned by another individual or another business entity for City business.
- D. Guidelines and procedures for City Staff members to follow when activating an authorized personally owned mobile device for City business are contained in the City Intranet.

II. MINIMUM DEVICE REQUIREMENTS

- A. The base management requirements, such as Operating Systems and other characteristics, change from time-to-time. Users desiring to use a mobile device whether personally owned or City provided should consult the Computer Hardware Standard document on the City Intranet Site prior to purchasing or utilizing a device to see the most up to date requirements. Questions or clarifications should be directed to the IT Department.
- B. Users may not use a device that has been "jailbroken", "rooted" or has been subject to other similar processes which are designed to overcome limitations that carriers and/or manufacturers put on mobile devices.

III. SUPPORT SERVICES

- A. The City IT department will be responsible for configuration of City owned devices. City staff using personal devices will be responsible for configuration of their own devices following instructions provided by City IT.
- B. The IT Department will not offer support for personally owned device. The user shall be primarily responsible for support issues and will need to leverage vendor, manufacturer, and/or carrier services to support their personal devices.

IV. DEVICE MANAGEMENT CONTROLS

- A. All mobile devices will be excluded from accessing the City's network and email prior to a request being submitted and approved by to departmental management, and then the IT Department.
- B. City IT may install, or require the user to install, management and monitoring software on the device to aid in validating security requirements and troubleshooting City related issues. This software may not be removed or tampered with while the device is being used for City business.
- C. From time to time, mobile device users may be asked to present their device to IT for a software update, or receive instructions on how to download and update themselves. Mobile device users must promptly comply with these requests.
- D. Passwords of at least 4 characters will be enforced on mobile devices
- E. Password changes will be enforced at no greater than 365 day intervals.
- F. Mobile devices will be locked requiring password entry after 15 minutes of inactivity.
- G. Devices will be automatically wiped after ten (10) failed login attempts.
- H. Users of mobile devices which are approved to access Criminal Justice Information (CJI) Systems or CJI data shall adhere to all requirements set forth in the most recent FBI CJIS Security Policy.

V. APPLICATION AND DATA MANAGEMENT

- A. Storing of Confidential City Information on mobile devices or on unapproved Internet or "Cloud" based services is prohibited.

- B. Users may not transmit Confidential City Information on an unauthorized mobile device and at no time may utilize a private or personal email account to transmit Private City Information.
- C. Users are required to delete all City data from Backups or other non-City provided data stores when transitioning to a new personal device or when they are no longer using the device to support their business duties.
- D. Download of applications may be restricted, or applications may be removed, if those applications are considered inappropriate or they are considered a threat or significant risk to the City network environment.
- E. No unsigned applications are allowed on devices unless provided by the City.
- F. Mobile devices are used as convenience and productivity enhancing tools. Due to their somewhat volatile nature, the data on these devices is considered as transient convenience copies. Users are required to maintain a copy of any data that needs to be retained per the City Records Management Policy on a city file system other than the mobile device.

VI. NOTIFICATION OF DECOMMISSIONING, LOSS OR THEFT

- A. If a user replaces or upgrades a device, (s)he is responsible for contacting IT to have the decommissioned device removed from the management system on its last day of service.
- B. If a mobile device covered under this policy cannot be located, the user is responsible for reporting the loss to IT by the next business day after the loss.
- C. Theft of a mobile device covered under this policy must be reported to IT as soon as possible after the theft is discovered
- D. Wiping policies as described below in the “Device Wipe” section are applicable.

VII. DEVICE WIPE

- A. Depending upon the features the device supports, a wipe may apply to the entire device contents.
- B. Mobile devices covered under this policy, either a City owned or an authorized personally owned device may be wiped under the following circumstances:

1. The device is identified as stolen.
2. The device has been reported as lost.
3. The User resigns or is terminated from the City.
4. The device user has ceased using the device to support City work.
5. The device has not contacted the management system in 30 or more days.
6. The City believes that the information on the device is not maintained within policy, the device is not sufficiently secure, the device user has violated any portion of this policy, or has any other legitimate business reason to believe that a wipe is necessary.

VIII. REVOCATION OR TERMINATION OF MOBILE DEVICE PRIVILEGES/ACCESS

- A. Personnel failing to report a mobile device as decommissioned, lost or stolen may have future mobile device access privileges revoked and the user may be subject to disciplinary action per the Personnel Rules and Regulations.
- B. The City may terminate a user's permission to utilize personal mobile devices for City business at any time.
- C. User privileges automatically expire upon separation from employment.
- D. Users are required to remove all City data from their mobile device upon suspension of privileges.

Any violation of this policy or violation of other City computer or communication device use policies on a mobile device may result in suspension of an employee's privilege to use a mobile device and/or disciplinary action

NEPOTISM

GENERAL POLICY

Employment selection, recruitment, promotion, and other personnel actions shall be made on the basis of qualifications. The City shall strive to eliminate the potential for favoritism, personal preference and discrimination through fair employment standards. The employment of relatives (nepotism) can create challenges with respect to fair and impartial personnel and administration. As such, relatives of current employees will be hired by the City of Germantown only pursuant to the requirements of this policy. Current employees who become relatives may remain employees only subject to the guidelines established by this policy.

SCOPE

All employees of the City of Germantown.

PROVISIONS

Relatives of a current City of Germantown employee may be employed by the City of Germantown as long as the job they are hired for is not in the chain of command of the City employee to whom they are related. "Relative" is defined as any blood relation up to and including the third generation or any legal relationship such as husband, wife, mother-in-law, father-in-law, brother or sister-in-law, stepson or daughter, or any other relationship created by operation of law. In the event of a dispute, the question of whether a City employee is related to an applicant or another City employee will be decided by the City Administrator with input from the Director of Human Resources.

Current employees who become relatives will not be allowed to continue employment with the City of Germantown if such employment will place them in each other's chain of command. Management shall attempt to reassign or relocate one of the individuals without loss of salary or promotional potential, but if this is not feasible, one of the two relatives will have to find an alternate position or employer. Initially, the decision of who will relocate will be left up to the two relatives, but if neither of the two makes a choice, the City Administrator shall have the authority to terminate the employee whose termination is in the best interest of the City.

Applicants and/or employees who are aware that the hiring or current employment of a relative may place them in each other's chain of command must immediately disclose their relationship to Human Resources. Failure to disclose such a relationship will be cause for the termination of the employee(s) and/or removal of the applicant from consideration for employment. For example, if two employees become related by marriage and are in each other's chain of

command, but fail to notify Human Resources of this relationship, both employees will be terminated.

Under no circumstance will a relative of an Alderman or the Mayor be granted employment with the City of Germantown.

OPEN DOOR POLICY

GENERAL POLICY

The City of Germantown has an open door policy. This means that every manager's door is open to every employee. The purpose of this open door policy is to encourage open communication, feedback, and discussion about any matter of importance to an employee. Our open door policy means that employees are free to talk with any manager at any time.

SCOPE

All employees of the City of Germantown.

PROVISIONS

If any area of your work is causing you concern, you have the responsibility to address your concern with a manager. Whether you have a problem, a complaint, a suggestion, or an observation, the City administration wants to hear from you. By listening to you we are able to improve as an organization and to foster employee understanding of the rationale for practices, processes and decisions.

Areas involving sensitive subjects, including an alleged breach of the ethics policy, alleged harassment or discrimination, alleged workplace violence, or similar allegations should immediately be brought to the attention of the relevant Department Head, the Human Resources Director, or the City Administrator.

Most problems should be resolved in discussions with your immediate supervisor; this is encouraged as your first effort to solve a problem. However, the open door policy means that you can also discuss your issues and concerns with the next level of management. No matter how you approach your problem, complaint or suggestion, managers at all levels in the organization will listen and try to bring about a solution or a clarification.

OVERTIME / COMPENSATORY TIME

GENERAL POLICY

Non-exempt employees of the City of Germantown will receive overtime pay when they work more than a certain threshold of hours per applicable work period. For most non-exempt employees, this threshold is forty (40) hours per seven-day work week; for non-exempt Fire Department employees involved in fire protection activities, this threshold is 212 hours per 28-day period; and for non-exempt Police Department employees involved in law enforcement activities, this threshold is 42.5 hours per seven-day work week. Employees are not eligible for overtime on a daily basis.

SCOPE

All non-exempt employees of the City.

PROVISIONS

I. Overtime Work and Overtime Pay

- A. The Department Head may require an employee to work more hours than those in a normal work schedule, if the safety or welfare of the residents of the City demand such action or if the proper functioning of the City Government so dictates. Department Heads shall make every effort to apportion overtime work equitably.
- B. Prior written approval of the City Administrator is required before regular overtime work is scheduled. Regular overtime is defined as continuing functions performed by non-exempt employees in addition to their normal work schedule on a pre-arranged and routine basis. Employees who work overtime without obtaining prior written approval will be subject to discipline, up to and including termination.. Department Heads shall authorize and report to the City Administrator other overtime on an emergency or as-needed basis.
- C. Overtime pay is paid out at the rate of one-and -one-half times the employee's regular hourly rate.
- D. Exempt employees are expected to work whatever schedule as may be necessary for the proper operation of the department to which they are assigned, and are not entitled to receive overtime pay. Work in addition to a customary schedule is not to be considered overtime and is not to be accumulated for purposes of receiving compensatory time off. Upon approval by the City Administrator, the work schedules

of these employees may be irregular as long as such schedules conform to expected standards. If an exempt employee has worked an exceptional number of hours, whether on a specific project or over a long period of time to meet departmental needs, he or she may be given additional paid time off in the discretion of his or her supervisor, subject to approval by the City Administrator.

- E. The work schedule for all employees who may be entitled to overtime pay shall be computed on a full workweek's (28 days for the Fire Department) schedule.
- F. Any paid leave (vacation, sick, compensatory time, bonus, United Way, food drive, holiday, etc.) shall not count toward computing time worked for overtime pay. The balance of a shift day not completed due to an on-the-job injury or illness shall count toward meeting the overtime threshold.
- G. Hours worked during a call-out count toward the overtime threshold.
- H. Police and Fire Personnel are free to trade time; however, traded time has no impact on entitlement to overtime. The only hours counted toward overtime are those actually worked.
- I. If a full-time City employee works part-time in another capacity for the City, this time counts toward overtime in the full-time position.

II. Compensatory Time

- A. At a supervisor's discretion, compensatory time at the rate of one-and-one-half hours per hour of overtime worked may be given in lieu of overtime pay.
- B. No employee shall be allowed to accrue more than 40 hours of compensatory time before overtime payment in cash is required.
- C. Employees having built up compensatory time may, and are encouraged to, use compensatory time in lieu of vacation, sick leave or bonus days. Use of compensatory time requires a request to the supervisor with reasonable notice and will normally be granted unless it would unduly disrupt the work schedule. Supervisors may schedule time off to reduce an employee's accrued compensatory time balance.
- D. Upon termination, employees will be reimbursed at the greater of their current hourly rate or the average hourly rate for the last three years for all accrued compensatory time. The compensatory time generated at a 1.5 rate would be counted as 1.5 hours per 1.0 hour worked; consequently, the hourly pay is not multiplied by 1.5.

PAY CORRECTION PROCEDURES

GENERAL POLICY:

To provide exempt employees with a process by which to identify potential errors relating to reductions from pay and to give the City an opportunity to correct promptly any such errors or omissions.

SCOPE:

All exempt employees of the City of Germantown.

PROVISIONS:

The City pays its employees according to the requirements of the Fair Labor Standards Act (“FLSA”), which governs which employees must be paid overtime (i.e., non-exempt employees) and which employees are exempt from the payment of overtime (i.e., exempt employees). In general, the FLSA requires that exempt employees be paid on a salary basis, and deductions from such salary may be permitted on a very limited basis for such things as:

- For absences of one or more full days for personal reasons
- For absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide sick pay plan
- For absences due to a work-related illness or injury where the employee is laws compensated for the loss of salary under the applicable worker’s compensation
- For penalties imposed in good faith for infractions of safety rules of major significance
- For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.
- For partial day absences pursuant to intermittent family and medical leave

The City is committed to avoiding improper deductions for exempt employees and will act promptly to remedy any situation in which such a deduction may have been made by reimbursing the employee for any such improper deductions not later than the first pay day upon

which the reimbursement reasonably may be made following a determination that the deduction was improper.

Any employee who believes that a deduction from salary is improper should discuss the matter with the Human Resources Department. The City will promptly (normally within two business days) make a determination as to whether the deduction is proper. If the City decides the deduction was improper, reimbursement will promptly be made. If the City decides the deduction was proper, the employee will be furnished a written explanation of the decision. The employee should ordinarily initiate this inquiry within two business days after being paid or being notified of the deduction unless special circumstances justify later action.

If any deduction is found to have been made improperly, the City shall make a sincere and good faith effort to avoid any such improper deductions in the future for the employee and any similarly situated employees

PERFORMANCE EVALUATIONS

GENERAL POLICY

It is the policy of the City of Germantown that employees should in most instances receive performance evaluations once a year.

SCOPE

All regular employees of the City of Germantown.

PROVISIONS

A. Types of Performance Evaluations:

1. Scheduled Evaluations

Annual evaluations will be completed by the end of the designated quarter and forwarded to the Human Resources Office for processing. Employee reviews may be held any time during his/her time of employment. This review will be at the discretion of each respective Department Head.

2. Probationary Evaluations

All probationary employees of the City will be evaluated via a Performance Evaluation Form no less than once every three (3) months. The Performance Evaluation Form and a Status Sheet shall be forwarded to the Human Resources Office for processing.

3. Special Evaluations

Special evaluations (via a Performance Evaluation Form) may be required when considering an employee for a promotion, special wage adjustment or other special circumstances.

B. In most cases, the performance evaluation will be conducted by the immediate supervisor and reviewed by the Department Head. When this is not possible, the Department Head or a person designated by the Department Head will conduct the evaluation.

- C. The employee, his or her immediate supervisor, and the Department Head should sign the performance evaluation form.
- D. The employee will receive a copy of the completed performance evaluation.

PERSONAL LEAVES OF ABSENCE

GENERAL POLICY

The City of Germantown, under special circumstances, may grant a leave of absence without pay to an employee as may be justified under that employee's particular circumstances while respecting the operational needs of the City.

SCOPE

All employees of the City of Germantown.

PROVISIONS

- A. Requests for a personal leave of absence must be in writing. To be eligible for a personal leave of absence, an employee must have exhausted all of his or her paid and unpaid leave.
- B. The Department Head and City Administrator will review and approve or deny any such written requests.
- C. Any approved leaves of absence will normally be of a duration of no longer than thirty (30) days, but may be extended with written approval from the Department Head and City Administrator at up to thirty (30) day intervals.
- D. Requests for such leave will be evaluated on an individualized basis and will be dictated in part by the direct need of the employee and the City.
- E. Any benefits that require a payroll deduction will be the responsibility of the employee to pay to the Finance Department at the beginning of the leave of absence.
- F. All benefit accruals (such as vacation, sick, bonus hours, etc.) will cease to accrue when an employee is absent from work for any reason for more than 30 days. This will be applicable for all approved leave from work such as sick leave, vacation, leave without pay (personal leaves of absence), FMLA, short term disability, long term disability, as well as absence from work due to a workers' compensation illness/injury.

PERSONNEL FILES

GENERAL POLICY

Because of the various responsibilities of the Human Resources Department, it is essential that employees' personnel files contain accurate and relevant information related to employee performance and conduct.

SCOPE

All employees of the City of Germantown.

PROVISIONS

I. General

The assistance of all departments is requested in assuring that the Human Resources Department files include all relevant employee information including the following:

Copies of written reprimands and all disciplinary actions, discrimination complaints, commendations, certificates of completion of any special training, class or degree programs, requests for military leave, performance evaluations, status sheets, requests for employment verification and other related personnel documents.

Medical leave requests and any medical records shall be maintained in a separate confidential file. Results of physical examinations shall also be maintained in separate confidential files.

II. Employee Access to Their Own Files

A. City employees will be permitted access to their employment files during normal office hours in the Human Resources Office and in their own departments. Employees wishing to examine their files during working hours must have the permission of their supervisor or Department Head to leave the job. No permission is necessary if the employee wishes to visit the Human Resources Office on his/her own time. A member of the Human Resources Office or home department staff must be present during this examination.

B. An employee may request correction of any alleged misinformation contained in these files. If this request is denied, the employee will receive an explanation of the reason thereof, and will be permitted to place a concise written statement of disagreement in the file.

- C. Access to an employee's personnel file will be limited to the employee, the Human Resources Department Staff, Department Heads and those others who will be directly involved in making a decision as to terms and conditions of employment of the subject employee.
- D. Except when authorized by a statement signed by the employee or former employee, no information concerning the employee will be given to an outside source other than confirmation of employment, dates of employment, job title and department unless otherwise required by law.
- E. All "reference checks" must be made through the Human Resources Department.
- F. Employees must promptly inform the Human Resources Department of changes in their address, telephone number, marital status, beneficiaries or other pertinent information.

**PROHIBITION AGAINST HARASSMENT AND
MANDATORY REPORTING POLICY**

GENERAL POLICY

The City of Germantown provides a workplace free from discrimination, intimidation, and harassment on the basis of any protected characteristic.

SCOPE

All employees of the City of Germantown.

HARASSMENT PROHIBITED AND MANDATORY REPORTING POLICY

The City does not tolerate harassment of any kind, including sexual harassment or harassment based on race, gender, age, religion, genetic origin, national origin/ancestry, or disability. Harassment includes, but is not limited to, offensive physical behavior or verbal remarks such as jokes, slurs and other offensive conduct.

Sexual harassment includes but is not necessarily limited to the following behavior:

- A. Unwelcome sexual advances or requests for sexual favors;
- B. Repeated unwelcome requests for dates or a relationship;
- C. Telling obscene jokes or stories or making sexually suggestive remarks or comments with sexual overtones;
- D. Displaying images or videos showing nudity or with sexual overtones;
- E. Physical contact such as patting, pinching or deliberately brushing against another's body;
- F. Leering, staring, or sexual gestures;
- G. Offering or promising employment benefits in exchange for sexual favors; and
- H. Making or threatening reprisals after a negative response to sexual advances.

If an employee believes he/she has been subjected to or witnessed harassment, he/she must report it either to his/her supervisor, or if the employee is uncomfortable reporting it to his/her supervisor, then it should be reported to the Human Resources Department. Confidentiality of complaints will

be maintained to the maximum degree possible (but cannot be guaranteed in all instances) while still allowing the City to investigate and resolve matters effectively.

The City strives to investigate complaints of harassment promptly. Where appropriate, disciplinary action, up to and including termination, may be taken. No one will be retaliated against for bringing a complaint or otherwise providing good-faith assistance in the investigation of a complaint of harassment.

SECONDARY EMPLOYMENT

GENERAL POLICY

City employees shall not engage in secondary employment that would in any way adversely affect the employee's job performance with the City.

SCOPE

All employees of the City of Germantown.

PROVISIONS

- A. Employees engaged in secondary employment must notify their Department Head as to the nature and extent of that secondary employment.
- B. City employees may not engage in additional employment that in the City's judgment, in any manner interferes with proper and effective job performance, results in a conflict of interest, or may subject the City of Germantown to public criticism or embarrassment.
- C. If the employee's Department Head determines that such secondary employment is disadvantageous to the City, the employee will be notified in writing that he or she must terminate either the secondary employment or employment with the City of Germantown.
- D. Employees are ineligible for sick leave if the need for such leave arises from an injury or occupational illness sustained during their secondary employment.
- E. Employees are ineligible for any other paid benefits if the need for such benefits (whether injury, illness, or otherwise) arises from their secondary employment.

SICK LEAVE AND DISABILITY LEAVE POLICY

GENERAL POLICY

Regular full-time employees will earn one (1) day per month as sick leave. In general, paid sick leave may be granted when an employee is incapacitated by a non-occupational injury or illness or for diagnosis and/or treatment.

SCOPE

All regular full-time employees of the City of Germantown.

PROVISIONS

I. SICK LEAVE

Sick leave shall accrue to each employee's account on each payday in which it is earned.

A. During Probationary Period:

- 1) Eligible non-police and non-firefighter employees earn sick leave during the new hire probationary period but are not eligible to use such sick leave under this policy until after successfully completing their six (6) months probationary period, or any extensions thereof.
- 2) Eligible police and firefighter employees also accrue sick leave during their probationary period, but they are not eligible to use accrued sick leave until they have completed six (6) months of their probationary period.

B. After Probationary Period: After being credited with initial sick leave as stated above, each eligible employee shall earn sick leave at the rate of one (1) day per month worked. One sick day is the equivalent of eight (8) hours for non-police and non-firefighter employees; eight-and-one-half (8.50) hours for police officers, senior police officers, and police lieutenants; and twelve (12) hours for firefighters and other fire department personnel.

- C. Coverage of absence by sick leave shall begin with the first day of absence when due to non-work-related illness or injury. Abuse of sick leave shall be cause for disciplinary action, up to and including dismissal.
- D. Under certain circumstances, an employee will be required to submit sufficient proof of illness, such as a doctor's written statement, in order to use sick leave. Such statements shall normally be required for sick leave in excess of three (3) workdays. Resolving any questions about the doctor's statement shall be the responsibility of the employer's supervisor.
- E. Regardless of the reason, all time away from work must be approved (according to each department's internal policies and/or City-wide policies), by the employee's department head / immediate supervisor prior to or contemporaneously with the use of the leave. Merely having leave available does not function as a guarantee that time away from work may be taken or will be approved.
- F. Knowingly falsifying leave forms by the employee and/or the employee's supervisor shall be cause for disciplinary action, up to and including dismissal.
- G. Employees shall be paid their regular rate of pay for time taken as approved sick leave.
- H. Sick leave does not count in computing time worked for payment of overtime.
- I. For employees hired before January 1, 2018, sick leave may be carried over from year to year and may be accumulated without limit. For employees hired after that date, sick leave will be capped at 1000 hours.
- J. Sick Leave Accruals may be used:
 - 1. Regular, full-time employees may use sick leave accruals for the following reasons: (a) non-work-related injury or illness; (b) healthcare appointments; (c) diagnosis and/or treatment.
 - 2. Sick leave accruals may also be used to cover absences for injury/illness/healthcare appointments/diagnosis and/or treatment due to the serious health condition of a member of the employee's immediate family. An "immediate family member", means an employee's spouse, child, or parent, as those terms are defined by the Family and Medical Leave Act ("FMLA"). An employee must indicate the relationship with the immediate family member on the City's Leave Form in order to be approved to use their sick leave accruals for their immediate family member.
 - 3. If the employee requesting to use sick leave to care for a family member fails to identify his/her relationship with the immediate family member on the City's Leave Form, the employee's vacation accruals will be used. Vacation accruals

will also be used for any other time the employee is away from work for personal time off, vacation, and / or time away from work to look after non-immediate family members.

4. In the absence of sick leave accruals, an employee must use other accruals such as vacation, bonus, etc. Leave without pay can only be used if no accrued paid leave is available.
5. Sick leave accruals may not be used to cover absences due to a death in the employee's immediate family. Such absences are instead covered under the City's Bereavement policy.

K. All Benefit Accruals Will Cease When:

1. All benefit accruals (such as vacation, sick, bonus hours, etc.) will cease to accrue when an employee is absent from work for any reason for more than 30 days. This will be applicable for all approved leave from work such as sick leave, vacation, leave without pay, FMLA, short term disability, long term disability, as well as absence from work due to a workers' compensation illness/injury.
2. Holiday pay, educational assistance and other job-related benefits will also not be paid on the 31st day of an employee's absence from work and onwards.

L. When Employment Ends at the City:

1. Employees who resign or are dismissed from the City at any time during their tenure with the City shall not be paid any of their accrued sick leave and shall lose all accrued sick leave credits.
2. Employees at the time of retirement who were hired before March 1, 2006, will receive at his/her regular rate of pay compensation for one-half of his/her then-accrued sick leave.
3. Employees at the time of retirement who were hired on or after March 1, 2006, will receive at his/her regular rate of pay compensation for one-half of his/her then-accrued sick leave, but not more than a maximum of six hundred (600) hours of accrued sick leave.
4. Employees hired after January 1, 2018 will not receive payout of accrued sick leave upon retirement.

II. SHORT TERM DISABILITY (STD) LEAVE

A. Eligibility:

1. Short term disability (STD) leave may be provided to eligible employees on the thirty-first (31st) calendar day after their non-work- related illness or disability begins; payments will be made on the employee's regular payday.
2. To be eligible for STD benefits, the employee must be unable to perform every duty of their job with the City, and must be under the regular care of a licensed physician.
3. The employee's physician must certify that the employee has a qualifying disability by using the FMLA forms.
4. If an employee's illness or injury would not entitle him/her to leave under FMLA, then that employee will not be eligible for STD benefits.
5. No employee will qualify for STD payments if he or she is employed in any outside position where they are paid for services performed.
6. The City may require the employee to submit medical records or to an examination by a physician of the City's choice and at the City's expense as a condition to receiving STD benefits.
7. Part-time regular employees shall not be eligible for STD benefits or leave until such time that they become full-time regular employees.

B. Payment:

1. Employees must use their accrued sick leave available to them during their thirty (30) day elimination period for STD. In the absence of sick leave accruals, an employee must use other accruals such as vacation, bonus, etc. Leave without pay can only be used if no other accruals are available.
2. Employees will begin receiving STD benefit payments on the thirty-first (31st) day of the full-time employee's illness / disability, provided the above-mentioned eligibility requirements are met and the FMLA leave has been approved by the HR department.
3. Once STD benefit payments begin, they will continue for up to sixty (60) days from the date of initiation of STD benefits.
4. STD payments will be equal to sixty-six and two-thirds (66 2/3%) of the employee's regular rate of pay, less certain other payments or entitlements received by the employee as a result of the illness or injury. Offsets may include salary, retirement benefits or benefits from any outside source for which the City has paid any part of the cost, such as Social Security or other local, state, or federal benefits; and any other benefit payments provided by law, excluding any benefits payment attributable to military service.

5. During the sixty (60) days of the STD benefit period, the City will automatically supplement the employee's pay with a fraction of their accruals (such as vacation, bonus, etc), so that the employee receives 100% of their regular rate of pay. An employee may choose not to use their accruals during this sixty (60) days STD benefit period by notifying the HR department of this decision in writing.
6. STD benefits are intended to compensate employees for serious, long-term injuries or illnesses that completely prevent them for performing their job duties. The City assumes that if any employee is on STD, he or she is unable to leave town for a vacation. However, there may be rare instances in which, based on the nature of the employee's job duties and/or his specific illness or injury, the City may approve an employee's vacation while he or she is still on STD leave. Employees on STD leave who wish to leave town for vacation must receive approval in advance from Human Resources before taking such a vacation. If such vacation is approved, the employee must use his/her vacation time for that period; he or she will not be paid STD benefits again until the employee returns from vacation. If an employee goes on vacation while on STD leave without seeking advance permission, he or she will be disqualified from receiving any further STD for this particular illness or injury.

III. LONG TERM DISABILITY (LTD) LEAVE

A. Eligibility:

1. Employees are eligible for Long Term Disability (LTD) benefits starting on the ninety-first (91st) day of their illness or disability OR after 12 weeks of FMLA leave.
2. To be eligible, an employee must remain unable to perform every duty of their occupation with the City, and must be under the regular care of a licensed physician.
3. Part-time regular employees are not eligible for LTD benefits or leave until such time that they become full-time regular employees.

B. Approval / Denial:

1. Approval or denials of LTD claims are subject to the discretion of the City's LTD insurance carrier at that time. The City is not involved in this decision.
2. All LTD forms and documentations must be completed and submitted to the LTD insurance carrier no later than 3-4 weeks before the start of the suggested LTD benefit date. This will include LTD forms being completed by the employee's physician certifying that the employee has a qualifying disability. Any delay in paperwork could result in the delay in approval/denial of the LTD claim.

3. If there is any delay in approval / denial of the LTD claim, from the LTD insurance carrier, the employee will be paid through the sick, vacation, and bonus accruals available during this waiting period. Leave without pay may only be used when there is no other accrual available.
4. If LTD benefits are denied by the insurance carrier, an employee must return to his/her regular position at the City. Failure to do so shall be a cause for disciplinary action, up to and including dismissal.

C. Payment:

1. Once the LTD claim is approved by the City's LTD carrier, LTD payments usually begin on the ninety-first (91st) day of the employee's illness or disability.
2. LTD payments are made directly from the City's LTD insurer carrier to the employee on a monthly basis. An employee cannot supplemental his/her pay through accruals while receiving LTD benefits.
3. LTD benefits will be equal to 66 2/3% of the employee's regular rate of pay, not to exceed \$6,000/monthly, less certain other payments or entitlements as may be specified by the LTD insurance carrier, for up to twenty-four (24) months if the employee cannot work at the type of occupation in which he/she normally engages.
4. LTD benefits will continue past twenty-four (24) months only if the employee is unable to work at any reasonable occupation. Consult the LTD insurance carrier's plan documents, which are on file in the Human Resources Office, for further details. Total disability income cannot exceed 70% of pre-disability earnings, and shall be coordinated with Social Security benefits.

D. Employees will remain on "active" employee status at the City for a maximum of three (3) months after their 12 weeks of FMLA leave. This means a total of six (6) months of disability leave (12 weeks of FMLA/STD leave and 3 months of LTD leave). This timeframe applies regardless of when the LTD benefits are actually approved by the insurance carrier. Once the six (6) months period has passed, the employee will be deactivated from the City and all final payments will be released. The department may choose to recruit and fill this position thereafter. The employee may choose to reapply for job opportunities at the City through the City's Human Resources department in the future.

E. Health plan coverage will be extended to the employee and his/her dependents that are currently on the City's insurance plan for a maximum period of three (3) months after the 12 weeks of FMLA leave. As the employee is no longer on the City's payroll, the City will invoice the employee on a monthly basis during these three (3) months. Failure in receiving the health insurance premium payments in a timely

manner during these three (3) months will result in cancellation of the City's health insurance coverage.

- F. LTD benefits are subject to change depending on the terms and conditions the City agrees to with the current LTD insurance carrier. See LTD plan documents for more information located in the Human Resources department.

IV. BONUS DAY ACCRUALS

- A. Eligibility: A regular full-time employee who completes his/her probationary period and any extensions thereof (or six (6) months of continuous, full-time employment in the case of firefighters and police employees) and an additional four (4) months of continuous employment, without missing any time other than for vacations or holidays, will be eligible for one (1) bonus day for every four-month accrual period in which they do not miss work for other than vacation or holidays, up to a maximum of three (3) days during any twelve (12) month period. The four (4) month accrual periods are as follows:

1. July 1st through October 31st
2. November 1st through last day in February
3. March 1st through June 30th

- B. Each bonus day awarded must be used within twelve (12) months from the date it is awarded or it will be automatically forfeited.
- C. The use of bonus days must be scheduled in advance with the employee's designated supervisor.
- D. Bonus day accrual will also be forfeited by four (4) cumulative hours of absence from work for other than vacation or holidays during each four-month period.
- E. Knowingly falsifying leave forms by the employee and/or the employee's supervisor shall be cause for disciplinary action, up to and including dismissal.

SMOKE-FREE WORKPLACE

GENERAL POLICY

The City takes the health of its employees seriously. Because of the health risks associated the use of tobacco products and secondhand smoke, the City has adopted a smoke-free workplace policy to help ensure a healthy working environment for all of its employees.

SCOPE

All employees of the City of Germantown.

PROVISIONS

Definition

“Tobacco use” means smoking or otherwise using any of the following products including, but not limited to, cigarettes, clove cigarettes, cigars, cigarillos, pipes, electronic (e-cigarette) cartridges/flavored liquids, and smokeless tobacco.

General Prohibition

Tobacco use is prohibited in all City-owned buildings, vehicles and facilities. Tobacco use outside of City buildings is limited to designated areas. In addition, ashtrays are not permitted in any City-owned building.

Personal Vehicle Exception

Employees may use tobacco products inside their personal vehicles on City-owned property.

Signage

A sign using the words “NO SMOKING” and/or the international no smoking symbol will be conspicuously posted, either on public entrances to any facility or in a position clearly visible on entry into the facility.

“NO SMOKING” signs will also be prominently displayed in areas where hazardous materials, records or supplies are susceptible to damage from fire, ashes and smoke, and other areas where occupational safety or health hazards may exist.

Violations

Violations of this policy will subject employees to disciplinary action, up to and including termination.

**CITY OF GERMANTOWN
PERSONNEL POLICIES**

SOCIAL MEDIA POLICY

GENERAL POLICY

The City of Germantown endorses the secure, responsible use of social media to enhance work-related communication, collaboration and information exchange, streamline processes and foster productivity. This policy establishes the City’s position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media, but rather social media in general, as advances in technology will occur and new tools will emerge.

Social media provides a new and potentially valuable means of assisting the City and its personnel in meeting community outreach, problem-solving, communication and related objectives. This policy establishes guidelines for use of social media by City of Germantown employees. The City also recognizes the role that these tools play in the personal lives of some City employees. The personal use of social media can have a bearing on City employees in their official capacity. As such, this policy provides information of a precautionary nature as well as certain prohibitions on the use of social media by City employees.

SCOPE

All City employees

PROVISIONS

I. Definitions

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions or comments. The term is short for “Web log.”

Page: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself/herself on a social networking site.

Social Media: A category of Internet-based resources that integrates user-generated content and user participation. This includes, but is not limited to, social networking sites

(Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs and news sites (Digg, Reddit).

Social Networks: Online platforms where users can create profiles, share information and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken word, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content rather than static web pages. Some use this term interchangeably with social media.

Wiki: Web page(s) that can be edited collaboratively.

II. On-The-Job Use:

City personnel seeking to represent the City via social media outlets shall do the following:

- A. Obtain permission from the City Administrator or his/her designee prior to engaging in such activity.
- B. Conduct themselves at all times as representatives of the City, and accordingly, adhere to all City of Germantown standards of conduct and observe conventionally accepted protocols and proper decorum.
- C. Identify themselves as an employee of the City.
- D. Not post, transmit, or otherwise disseminate confidential or proprietary information without permission from the City Administrator or his/her designee.
- E. Not conduct political activities or private business.
 1. The use of City computers by City employees to access social media is prohibited without authorization.
 2. City employees' use of personally owned devices to manage the City's social media activities or in the course of official duties is prohibited without permission from the City Administrator or his/her designee.
 3. Employees shall observe and abide by all copyright, trademark and service mark restrictions in posting material to electronic media.

III. Personal Use:

City personnel shall abide by the following for the personal, off-duty use of social media:

- A. As public employees, City employees are cautioned that their speech and related activity on social sites will reflect upon their position and the City of Germantown.

Therefore, employees engaged in the personal use of social media, whether it be the employee's own sites, the sites of others, media pages, professional sites or other information exchange forums, must not state or imply that they are speaking or acting on behalf of the City of Germantown or presenting or representing the interests of the City.

- B. City personnel shall not post, transmit, or otherwise disseminate any confidential or proprietary information such as social security numbers, personal health information, or attorney-client communications, to which they have access as a result of their employment without written permission from the City Administrator or his/her designee.
- C. City employees are cautioned not to display the Official Seal of the City of Germantown, the name of the City of Germantown, department logos, or City vehicles on their personal web pages in such a manner as to give the appearance of an official site of the City of Germantown.
- D. When using social media, City employees should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, City employees are prohibited from the following:
 - Speech about co-workers, supervisors or the City containing vulgar, obscene, sexually explicit, threatening, intimidating, or harassing language, images, or acts and statements; or speech that ridicules, harasses, maligns, disparages, or otherwise expresses bias against any person(s) on account of race, religion, sex, age, national origin, disability, or any other protected characteristic.
- E. City employees should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
- F. City employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the City at any time without prior notice.
- G. Reporting violations – Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his/her supervisor immediately for follow-up action.
- H. Any violation of this policy will result in discipline, up to and including termination.

SOLICITATIONS

GENERAL POLICY

The intent of this policy is to minimize disruption of City employees' assigned work, City operations in conjunction with the sale of commercial goods and services on City property, and to provide an approval process for all solicitations.

SCOPE

All employees of the City of Germantown.

PROVISIONS

- A. All requests to sell and/or distribute commercial goods and services must be approved in advance by the City Administrator. If approved, commercial solicitation will be limited to a schedule established by the Department Head where the solicitation is to occur.
- B. Each Department Head shall make their employees aware of this policy by posting it on all employee bulletin boards located within their respective departments.

SUGGESTION AWARD PROGRAM

GENERAL POLICY

The knowledge, insight and ingenuity of City employees are valuable resources and are essential to the efficient operation of the City Government. The City Administration wishes to develop the full potential of this resource by maintaining a system for financial rewards/awards for money saving and/or operations improvement suggestions.

SCOPE

All regular, non-exempt employees. Suggestions inside or outside of an employees' area of responsibility are eligible. Elected officials, exempt employees[?], and appointed attorneys are ineligible.

PROVISIONS

I. Criteria for Selection of Suggestion

- A. Only written suggestions on the approved form will receive consideration. Co-authoring suggestions is permissible.
- B. Eligible types of suggestions:
 - 1. Improvements in productivity (saving money, saving time)
 - 2. Improvements in safety
 - 3. Improvements in methods or procedures
 - 4. Improvements in equipment, materials, or tools
 - 5. Reduction or elimination of waste
 - 6. Other cost reduction efforts
- C. In lieu of making a more detailed list of eligible and ineligible categories, the Administration reserves the right to insure a rational approach to the selection process, not becoming constrained with technicalities.
- D. Suggestions must provide solutions, not merely point out a problem.
- E. Suggestions must be original – new to the operation of the City of Germantown.

- F. If more than one identical suggestion is received, only the first application shall be processed.

II. Amount of the Award

- A. Fifteen (15%) percent (a minimum of \$25.00 but not to exceed \$1,000) of the first year's dollars savings of the suggestion shall be paid as a bonus to the employee(s) authoring the suggestion. Co-authors shall split the award.
- B. Valuable suggestions, which cannot show a tangible financial savings, shall be eligible to receive a discretionary award of between \$25 and \$500.

III. Method for Consideration of Suggestions

All suggestions shall be reviewed by a committee composed of the City Administrator, the Assistant to the City Administrator, the applicant's Department Head (unless the Department Head is the applicant) and the Chairman of the Human Resources Advisory Committee. It is the intent that all suggestions shall be processed and a decision made within sixty (60) days of receipt, and shall be made in accordance with the City's financial procedures. All suggestions are protected for two years from date of application.

IV. Rules For Suggestions Award Program

- A. AWARD: Fifteen (15%) percent of the first year's dollar savings, not to exceed a \$1,000 payment (\$25 minimum). Valuable suggestions which cannot show a tangible financial savings are eligible for \$250-\$500 awards. Awards will be paid in full as soon as possible, hopefully within 60 days.
- B. ELIGIBLE EMPLOYEES: All regular, non-exempt employees. Joint applications by two or more employees will result in any award being divided equally among those employees.
- C. ELIGIBLE SUGGESTIONS: (a) Improvements in quality, productivity, efficiency or safety; (b) Improvements in methods and/or procedures; (c) Improvements in equipment, materials, and/or tools; (d) Improvements through extended life of equipment; (e) Reduction or elimination of waste and/or duplication; (f) Other cost reduction efforts.
- D. SUGGESTIONS NOT ELIGIBLE FOR CONSIDERATION: (a) Personnel grievances; (b) Salary, classification, time and leave, or fringe benefit matters; (c) Recommendations regarding routine or obvious maintenance; (d) Recommendations regarding program or quality of service reductions; (e) Suggestions concerning work already in progress or under consideration; (f)

Suggestions which duplicate or nearly duplicate previously submitted suggestions; (g) Suggestions which fail to offer a constructive solution to a problem; (h) Requests for additional equipment of a common nature or for obvious replacements, repairs, or maintenance; (i) Suggestions which involve employee convenience only without providing any additional benefit to the City (such as the location of vending machines, etc.); (j) Suggestions for the correction of obvious errors in printed material and (k) Suggestions that in the opinion of the selection committee are not in the best interest of the City.

TRAVEL POLICY

GENERAL POLICY

Upon occasion, City employees, appointed and elected officials may be called upon to travel out of town at City expense while conducting official business, representing the City at conferences or conventions, or while attending training seminars, etc. City employees, appointed and elected officials are expected to exercise the same care in incurring expenses that they would if traveling on personal business.

SCOPE

All employees, appointed and elected officials of the City of Germantown.

PROVISIONS

- A. Authority for Travel – All out-of-town travel by City employees, appointed and elected officials and the incurrence of expenses shall be approved in advance of departure by the responsible Department Head, Key Business Executive, Assistant City Administrator, City Administrator or Mayor. Approval by the Department Head must be contingent on the fact that the cost of the travel is within the proper budgeted line items.

Travel within Shelby County or two hundred miles one-day travel (not overnight) within the State of Tennessee requires Department Head or Assistant City Administrator approval. (Air travel requires City Administrator and/or Mayor approval)

The travel approval shall be requested on a Travel Request Form submitted to the City Administrator's Office. An approved copy will be returned to the requesting department and represents the authority to travel. The original must be kept to be used for reimbursement of appropriate expenses. One approved copy will go to the Finance Department, while the other will stay with Administration.

SEPARATE travel requests are required for each person traveling.

- B. Travel Advances – After receiving travel approval, the employee, appointed and elected official may receive a travel advances only for the hotel, registration, etc. NO TRAVEL ADVANCE WILL BE MADE FOR MEALS OR AUTO ALLOWANCE.

Funds for "Other Expenses" or "Miscellaneous" shall not exceed \$10 per day in those categories, unless detailed justification is provided. An Expense Report Form with receipts must be prepared and submitted within ten (10) working days of return or end of the month whichever is practical.

The Assistant City Administrator of Finance & General Services may refuse an advance (i.e., hotel, airfare, registration, etc.) to any employee if that employee is or has been delinquent in accounting for previous advances.

Travel advances must be kept a minimum whenever possible. Pre-payment of registration fees, use of travel agencies and billing of the City for expenses are authorized and encouraged to keep travel advances to a minimum.

The Finance Department will prepare a monthly report of all outstanding travel advances for submittal to City Administration.

Advances from petty cash or other sources will not be provided for incidental expenses, such as lunch for the interviewee, since lunches and other expenses will be reported on the expense report form.

- C. Mode of Travel – Approved air travel shall be at coach or tourist class when available. Travel by private or charter aircraft shall be limited to situations where air travel is justified and commercial air service is not available or practical because of time constraints. Reimbursement for travel by private or charter aircraft shall not exceed the cost of commercial non-discounted coach air service where available. If commercial service is not available, reimbursement shall be \$.45 per land mile between departure and destination point. When more than one employee, appointed and elected official is sharing the same aircraft, reimbursement for the second and subsequent employees or elected official shall be the Internal Revenue Service standard travel allowance per mile.

Employees, appointed and elected officials should use city vehicles when possible. The use of the employee, appointed and elected official's personal car may be authorized by the approving authority. The allowance for such use shall be the rate recommended by the State of Tennessee. The route shall be by the most reasonably direct route. In approving the use of a personal car in long-distance travel, the approving authority shall take into account travel time, cost, and convenience of the employee, appointed and elected official. In no case shall the reimbursement for the use of a personal car exceed the amount of a round trip airfare at coach or tourist rate if available.

Car rental may be authorized when other forms of transportation are not available, when rental is less expensive than other forms of transportation, or when it is most convenient and effective means of transportation.

Use of a City-owned car may be authorized when it appears to be the appropriate means of travel. Overnight use of City-owned vehicles requires the approval of the City Administrator.

- D. Expense Reimbursement – Travel expenses that will be reimbursed are confined to those necessary to the approved travel. An expense report form will be submitted to the Finance Department within ten (10) working days or end of the month whichever is more practical of employee, appointed or elected official's return with all appropriate receipts attached.

Request for reimbursement of travel expenses must be reviewed and approved by the appropriate Department Head, Key Business Executive or Assistant City Administrator. Such approval must be noted on the claim before submittal to the Finance Department for processing. The Department Head, Key Business Executive or Assistant City Administrator shall make certain that the expense report form is properly filled out and all documentation attached before approving for payment. A copy of the approved Travel Request signed by the City Administrator must accompany the expense report.

All travel claims and reimbursement requests will be processed through the Finance Department. Reimbursement for expenses of budgeted travel of a routine nature and amount will be approved by the Assistant City Administrator of Finance & General Services.

Reimbursement for expense of travel not previously budgeted or approved and expenses of an unusual nature or amount will require the approval of the Assistant City Administrator of Finance & General Services and City Administrator.

If the spouse of an employee, appointed and elected official accompanies the employee, appointed and elected official on approved travel, the employee, appointed and elected official must pay for all additional costs of transportation, meals, registration and any lodging costs over and above the single rate.

E. Expense Report Form –

1. Transportation: Travel arrangements made through travel agencies will be billed directly to the City. The employee, appointed and elected official must send ticket stubs, etc. to the Finance Department for attachment to the travel bureau's invoice. This is necessary documentation required before the travel bureau invoice will be paid.

If the employee, appointed and elected official personally makes transportation arrangements, ticket stubs, etc. must be attached to the Expense Report.

When a City vehicle is authorized, the reimbursement requested for gas expense and/or gas tickets covering the amount for which reimbursement is requested must be attached to the Expense Report. NO TRAVEL ADVANCE WILL BE GIVEN FOR MILEAGE.

When a personal car is used, the total number of miles for which reimbursement is being requested must be included on the Expense Report. Enter miles from and to on days of travel in the Expense Report. NO TRAVEL ADVANCE WILL BE GIVEN FOR MILEAGE.

2. Meals

- a. The City will reimburse the employee, appointed and elected official for meals incurred when on approved travel. RECEIPTS FOR ACTUAL MEAL EXPENSE WILL BE REQUIRED. The limit per meal (including tips) shall

be \$10.00 for breakfast, \$12.00 for lunch and \$27.00 for dinner. If for any reason a particular meal expense exceeds the established amount, the city will only reimburse up to the limited meal expense.

- b. If meals are included in the registration or paid by others, they are not reimbursable.
- c. One must leave Germantown before 6:30 a.m. to be reimbursed for breakfast, before noon to be reimbursed for lunch, and arrive in Germantown after 7:00 p.m. to be reimbursed for dinner

3. Lodging

Receipts are required for all lodging for which reimbursement is being requested.

- a. The City will reimburse basic single room hotel rates for an employee, appointed and elected official at the business destination.
- b. The City will reimburse no more than the single room rate for the hotel in which the meeting or conference is held.
- c. Additional costs incurred due to the employee, appointed and elected official being accompanied by a spouse or other individuals not involved in City business are not allowable costs. Such costs would include the additional expense of a double room, extra meal costs and spouse's entertainment at sponsored events.

4. Registration

Registration expense not previously paid by the City must be reported in the Expense Report. Receipt for registration must be attached.

5. Miscellaneous

Car rental expense must be reported in the Expense Report. Attach rental agreement and receipt.

Taxi expense must be reported in the Expense Report. Enter the date, amount and purpose of the taxi trip; i.e., \$10.00 taxi from airport to hotel.

Parking expense must be reported on the Expense Report. Attach parking receipt if available.

Telephone expense may or may not be an appropriate City expense while traveling. When requesting reimbursements for such expense, enter in Expense Report, enter telephone number called and the nature of the communication. Five Dollars (\$5.00) per day will be allowed for personal telephone calls.

Whenever possible, calls to the office from out of town locations will be made collect.

Miscellaneous items for allowable travel expenses for which reimbursement is being requested should be listed under “Other Expenses” in the Expense Report Form. Expense for reimbursement under this category must be identified and receipts attached. This excludes tips for meals.

- F. Questions regarding the travel requests or reimbursements may be directed to the City Administrator’s Office or the Finance Department.
- G. Conference Report Submittal
 - 1. Conferences shall include all those events conducted for professional improvement purposes. Seminars conducted to provide specific technical training or regularly scheduled organization business meetings will not be included in this definition.
 - 2. Conference reports should include conference purpose and information received at the conference, which is relevant to department or City programs and operations. Major policy and endorsement decisions arrived at by the sponsoring organization at the conference should be reported, as well as significant contributions made by the employee. Reports should recap the entire conference as it applies to City of Germantown program and needs.
 - 3. Reports should be submitted to the City Administrator within seven (7) days of return from the conference. Following review, reports may be distributed to City managerial and professional staff, depending upon the topic.
- H. Any exceptions to the rules must be approved by the Mayor and/or City Administrator.

VACATION LEAVE

GENERAL POLICY

The City of Germantown grants its employees paid vacation leave for the purpose of rest and recreation from daily work routine.

SCOPE

All regular full-time employees.

PROVISIONS

Accrual

Employees shall accrue annual leave per payday at a rate equivalent to 1/12th of their annual accrual allowance, defined as follows:

<u>Years of Service</u>	<u>Length of Vacation Allowance</u>
0-5 years	Ten (10) work days per year = 1.54 hours for forty (40) hour general employees, 3.08 for eighty (80) hour general employees (3.27 hours for Police personnel other than forty (40) hour a week employees), (4.62 for Fire personnel other than forty (40) hour a week employee).
Over 5 years	10 working days plus one (1) day for each year over five (5) years. Accrual rates will be calculated per years of service over 5 years.

The maximum annual accrual shall be thirty (30) days. Accrued vacation can be taken at any time after it has been earned (with the consent of the employee's Department Head), except that new non-police and non-firefighter employees, though they accrue vacation leave upon starting employment with the City, will not be eligible to use such leave until completing their six-month probationary period or any extensions thereof. Newly hired police and firefighters will not be eligible to use their accrued vacation until completing six (6) months of their probationary period.

Scheduling

The Department Head shall have the responsibility and the authority for scheduling vacations. If two or more employees request the same vacation time to be taken during the period of January 1st through June 30th and the supervisor cannot accommodate both requests due to workloads, then the employee with the longer length of service shall be given preference if the request was made in writing at least thirty (30) days prior to the first day of leave. Failure of the more/most tenured employee to meet the thirty (30) day notice shall cause the priority to revert to a first come, first serve basis.

Every effort will be made to schedule vacations for employees at their convenience, however, the Department Head has the right to revise vacation schedules when workload necessitates it.

Vacation leave must be taken in multiples of one (1) hour.

For firefighters, they must submit vacation requests in writing to their Battalion Chief by December 1st for the following year. The Battalion Chief shall assign vacation on a seniority basis. After December 1st vacation requests shall be on a first-come, first-serve basis and must be taken in six (6) hour increments.

Roll Over of Vacation Leave

All vacation days may be carried over each July 1.

Pay In Lieu of Vacation

Full-time employees may sell a portion of their vacation leave to the City. Employees may choose to exercise this option two times in a fiscal year. Requests must be made for whole days only (no half days). Requests for pay in lieu of vacation must not exceed two hundred (200) hours and leave a balance not less than forty (40) hours, fifty-six (56) hours fire, forty-two and one half (42.5) hours police). Payment will be calculated at the employee's regular hourly rate. The employee must take forty (40) hours, fifty-six (56) hours fire, forty-two and one half (42.5) hours police vacation leave during the fiscal year the payment is made. Requests must be turned in and approved no later than two weeks prior to the payroll which the check will be issued. All requests must be approved by respective Assistant City Administrator, Human Resources Director and City Administrator.

Vacation Reimbursement upon Retirement or Termination

Employees shall be paid up to two hundred (200) hours, (two hundred eighty (280) hours for firefighters and two hundred twelve (212) hours for police employees) for accrued vacation time upon termination or retirement. Employees who are still on probation will not receive accrued but unused vacation pay upon termination.

Automatic Substitution of Vacation Leave for Sick Leave

If an employee who requests to use sick leave to care for a family member fails to identify his/her relationship with the immediate family member on the City's Leave Form, the employee's vacation accruals will be used. Vacation accruals will also be used for any other time the employee is away from work for personal time off, vacation, and / or time away from work to look after non-immediate family members.

Cessation of Benefits Accruals

All benefit accruals (such as vacation, sick, bonus hours, etc.) will cease to accrue when an employee is absent from work for any reason for more than 30 days. This will be applicable for all approved leave from work such as sick leave, vacation, leave without pay, FMLA, short term disability, long term disability, as well as absence from work due to a workers' compensation illness/injury.

VOLUNTEER POLICY

GENERAL POLICY

Volunteers are a valuable resource in enhancing and improving the City's ability to provide efficient and effective services to the Germantown community. They also provide a greater diversity in the workforce; as well as bring a fresh perspective and expanded skill set to City services and programs.

In addition, volunteers can improve or promote the quality of their own lives as well as the lives of those people they interact with in the course of their volunteering. Volunteering allows the volunteer to enhance his or her own skills, make contacts for possible employment and community involvement, and feel satisfied that he or she has contributed to the greater good.

This policy formalizes the volunteer program and defines the responsibilities of the City as well as the volunteers. It is designed to enable the City, through its various departments, to accept volunteers, reduce volunteer risk and protect the interests of the City, its volunteers, and the community it serves.

SCOPE

The City's volunteer policy applies to all persons who perform voluntary service through the City for the Germantown community, and provides such persons with the terms and conditions of their voluntary service to the City.

PROVISIONS

All volunteers are expected to abide by City's policies and regulations that govern their actions. Failure to comply may result in termination of the volunteer role.

A. Definition

City volunteers are uncompensated individuals who perform services directly related to the business of the City for their benefit, to support the humanitarian, charitable or public service activities of the City, or to gain experience in specific endeavors. The

City also accepts volunteers who must complete community service hours related to a court order.

A volunteer must be officially accepted and enrolled by the City prior to performance of the task. To be officially accepted and enrolled as a volunteer by the City, the volunteer must be at least:

1. Between 14 and 17 years of age and have the consent of his or her parent / legal guardian, OR
2. 18 years of age

The City of Germantown does not accept minor volunteers younger than 14 years of age. An exception might be made for volunteers younger than age 14 years IF;

1. The volunteer activity is required for school credits, AND
2. A parent/legal guardian accompanies the volunteer at all times of the volunteering activity.

A volunteer must enjoy working with all types of people and show a genuine concern for the City and the community members. A willingness to work hard, get dirty, and pitch in wherever needed. The ideal volunteer is self-motivated, mature, sensitive, dependable, and a team player.

B. Policy Administration

Generally, administration of volunteers and a volunteer program will be the responsibility of the department for which the volunteer works. Departments are responsible for creating their specific department procedures to coordinate their volunteer program and to meet expectations outlined in this policy. Overall program coordination will be under direction of the Human Resources Department and the City Administrator.

C. Prohibited Activities

Volunteers will not replace paid employees but serve to supplement and enhance existing services to the Germantown community. Volunteer services are generally limited to humanitarian, charitable or public services.

City volunteers are also prohibited from performing the following activities:

- Participating in an activity considered inappropriate for City employee
- Entering into any contract on behalf of the City
- Cash handling without the direct supervision of a City employee
- Working with infectious or potentially infectious agents, including human blood
- Participating in media interviews concerning City matters without permission of the volunteer's supervisor
- Working as a Disaster Service Worker Volunteer without permission and appropriate certification from the appropriate City authority

Any exception to the above, must be identified by the department manager, entered in the *Scope of Activity* Google spreadsheet and approved in advance by the Human Resources Department and City Administrator.

Volunteer programs and activities will be monitored and evaluated on an on-going basis by the department manager or his/her designee in conjunction with other involved staff members.

ON-BOARDING PROCEDURE

Scope of Activity: Departments utilizing volunteers must notify the Human Resources Department by filling out the *Scope of Activity* Google spreadsheet located on Google Drive. Each department manager or his/her designee will be responsible for entering, maintaining and updating the spreadsheet pertaining to his/her own department, in a timely manner. Information provided should be clear, specific and accurate so that the City can manage/prevent possible risk.

Recruitment: Potential volunteers will complete an “*Application Form–Volunteer*” and the “*Acknowledgement & Release Form*” and submit it to the department manager or his/her designee. Parental consent and age verification will be needed for all minors between the ages of 14-17 years. The City of Germantown does not accept minor volunteers younger than 14 years of age. Submission of an application shall not be construed as, nor implied as, acceptance of any individual into the volunteer program.

Selection: Volunteers will be interviewed by the department manager or his/her designee and activities will be assigned in accordance with skills of the volunteer and needs of the volunteer program. A background check will be conducted on all volunteers 18 years of age and older, where the volunteer activity will require direct contact with children.

Public Safety Volunteers, Reserves and other volunteers that are working in a law enforcement/peace officer capacity shall be subject to a complete background investigation including fingerprinting, as well as any physical & psychological examinations, polygraph and drug screening, similar to the screening used for City employees performing law enforcement duties.

If the selection process discloses any information which indicates a potential volunteer is precluded from working in certain situations or fulfilling department requirements, the City is under no obligation to accept or retain that volunteer.

Orientation: In order for both the City and volunteers to have a complete understanding of the conditions of volunteering, volunteers must complete an orientation where the City policies to which the volunteers are subject to, will be discussed. Departments are responsible for conducting orientation for volunteers that work in their department within the first week of work. Once completed, the department manager or his/her designee must forward the “*Checklist-Volunteers*” along with the personnel file of the volunteer to the HR department.

Policy and Procedure: Policy and procedures regulating volunteer duties must be discussed in all volunteer orientation sessions. Specific emphasis must be given to work safety and risk management/exposure to the City. This policy should be furnished to and discussed with volunteers.

Training: Volunteers will receive an overview of their volunteer assignment and, as appropriate, a written list of duties and expectations, hours of service, supervision, necessary forms, confidentiality, call in, dress code, etc. On the volunteer's first day, the department manager or his/her designee will distribute and review the City's Child Protection Policy with all volunteers that directly interact with children. Volunteers receiving the Child Protection Policy will also be required to receive the Child Protection training. It is the responsibility of the department manager or his/her designee to consistently notify the Human Resources Department (through the *Checklist – Volunteers*) with a list of all volunteers who require this training. See Child Protection policy for more information.

Document Management: The Human Resources Department will be the only department that will maintain the electronic copy of the volunteer's file which will include; Application Form, Acknowledgement & Release Form, Background Consent & Results (if applicable), signed policy agreements, Checklist, etc.

Supervision: Volunteers will be supervised by permanent City employees as to assignments, performance, activity, use of equipment, etc. Performance problems will be corrected or the volunteer service terminated. Supervisors are to consult with Human Resources if they experience issues with the volunteer. The volunteer's supervision or his/her designee is responsible for making sure volunteer hours are tracked and reported, where required.

Separation: Volunteers serve at the pleasure of the City. Accordingly the services of a volunteer can be terminated by the City without notice or cause.

Attendance: The City relies heavily on our scheduled volunteers. Volunteers should keep their department manager or his/her designee's phone number readily accessible. Should anything happen prior to the volunteer's scheduled shift or event, the volunteer should contact his/her department manager or his/her designee as soon as possible. The City understands that circumstances may arise that interfere with a volunteer's ability to fulfill his/her scheduled commitment.

Dress Code: Department manager or his/her designee will go over the appropriate attire in their department. Volunteers represent the City at all times and their dress attire should reflect this.

Computer Usage (if applicable): See City's Email & Internet Use Policy and Social Media Policy for more information.

Drugs and Alcohol: Possession, use, or being under the influence of illegal drugs or alcohol while on duty in a volunteer capacity is strictly prohibited.

Harassment: The City takes any kind of harassment very seriously and will not tolerate harassment by or towards volunteers. Harassment is defined as any verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of his/her race, color, religion, gender, national origin, age, or disability or involves unwelcomed sexual overtures, advances, or comments. Any matter of this nature must be brought to the attention of the Human Resources Director at (901) 757-7274, so immediate corrective action can be taken.

Conflict of Interest: Volunteers, like employees, are required to disclose any business, commercial or financial interest they may have, where such interest might be construed by a reasonable person as being in real, potential or apparent conflict with the services they are performing. A determination may be made by the City to end or modify a volunteer's assignment if a serious conflict of interest exists, if the volunteer cannot or chooses not to modify or end such conflict on his or her own accord.

Use of City Affiliation: A volunteer may not use his/her affiliation as a volunteer with the City in connection with partisan politics, religious matters, or community issues contrary to positions taken by the City

Speaking on Behalf of the City: Volunteers may not represent themselves as anything other than a volunteer of the City while performing duties as a volunteer, and may not in any way imply that they have authority to speak on behalf of the City.

Confidentiality Statement: The City is committed to maintaining clients and customers right to protection of their personal information. Staff and volunteers in the City must be committed to maintaining the privacy and confidentiality customers/clients; particularly their personal and personal health information subject to HIPAA. Breaches of privacy put the City at risk of legal consequences.

Misappropriation of supplies: There will be no removal of the City's property without the approval of the department manager or his/her designee. Upon termination of the volunteer activity, volunteers are required to return any and all City property to the department manager or his/her designee immediately.

Workplace safety: Safety is important to all of us. Volunteers should conduct themselves in a way that promotes safety of themselves, City employees and any member of the public. Volunteers should never put themselves or others into a situation that makes them fearful or uncomfortable. If a volunteer feels uncomfortable conducting a volunteer activity, the volunteer should notify the department manager or his/her designee immediately.

Volunteer injury: Any personal injury that occurs while volunteering for the City should immediately be reported to the department manager or his/her designee. Volunteers are not covered under the City's insurance for injury to themselves. Please see the "*Volunteer Acknowledge and Release Form*" for more information.

Volunteer feedback: The City encourages volunteers to make suggestions, voice concerns and give ideas about how the City fulfills its mission to the community. We are always looking for new ideas so if you have any ideas to share, please speak with the department manager or his/her designee.

Minors in a Workplace:

These guidelines are from the TN Department of Labor to be followed when a minor is hired in a workplace. Although volunteers are not City employees, it is the City's best practice to follow these very same guidelines for all our minor volunteers as well.

Minors 14 and 15 years of age may NOT be enrolled in volunteer activities:	Minors 16 and 17 years of age may NOT be enrolled in volunteer activities:
<ul style="list-style-type: none"> ● During school hours; 	<ul style="list-style-type: none"> ● During those hours when the minor is required to attend classes;
<ul style="list-style-type: none"> · Between 7:00 p.m. and 7:00 a.m., if the next day is a school 	<ul style="list-style-type: none"> ● Between the hours of 10:00 pm and 6:00 am, Sunday through Thursday evenings preceding a school day, except with parental or guardian consent. Then, the minor may work until midnight no more than 3 of the Sunday through Thursday nights.
<ul style="list-style-type: none"> · Between 9:00 p.m. and 6:00 a.m. 	
<ul style="list-style-type: none"> · Past 7:00 p.m. from Labor Day to June if the next day is a school day 	
<ul style="list-style-type: none"> · More than 3 hours a day on school days 	
<ul style="list-style-type: none"> ● More than 18 hours a week during school weeks; 	
<ul style="list-style-type: none"> ● More than 8 hours a day on non-school days; 	
<ul style="list-style-type: none"> ● More than 40 hours a week during non-school weeks. 	
<ul style="list-style-type: none"> · No later than 7:00 p.m. on school days 	
When School Is NOT In Session:	
<ul style="list-style-type: none"> · Can work no more than 8 hours a day 	
<ul style="list-style-type: none"> · Can work no more than 40 hours per week · Can work no later than 9:00 p.m. 	

See *Child Labor Act* from State of TN for more information OR visit <https://www.tn.gov/workforce/article/child-labor>

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VOTING LEAVE

GENERAL POLICY

The City encourages all employees to exercise their right to vote. For those employees who cannot vote because of their work schedules, the City offers voting leave.

SCOPE

All employees of the City.

PROVISIONS

When Voting Leave is Available

Any person entitled to vote in an election held in Tennessee may take leave on the day of the election for a reasonable period of time, not to exceed three (3) hours, necessary to vote during the time the polls are open in the county in which the employee is a resident. An employee who uses leave to vote will not be subjected to any penalty or reduction in pay.

If the employee's scheduled working time begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls of the county in which the employee is a resident, the employee may not take time off under this policy.

Reservation of Right to Specify When Leave May Be Taken

The City reserves the right to specify the hours during which the employee may be absent pursuant to his or her use of voting leave.

WORKERS' COMPENSATION / JOB RELATED INJURIES

GENERAL POLICY

To cover, in accordance with the laws of the State of Tennessee, City employees with respect to on-the-job injuries or illnesses incurred as a direct result of employment.

SCOPE

All City employees.

PROVISIONS

I. Reporting Procedure For On-The-Job Injuries

- A. Any employee who is injured on the job must report that injury to their supervisor within twenty-four (24) hours after the occurrence. All job-related injuries must be reported no matter how minor they may appear. It is the responsibility of the employee's immediate supervisor to fill out the required Tennessee Department of Labor Workers' Compensation form *Employer's First Report of Work Injury Or Illness (Form C-20)*. The use of this form is required to file a claim. Time should be taken to fill in each line. Unanswered or blank lines could result in delayed processing or denial of the claim. Failure to report an injury in a timely manner by the employee may result in a denial of the claim.
 1. In addition, the injured employee's supervisor should fill out the *Supervisor Accident and Insurable Loss Report*.
 2. Both forms need to be submitted (by hand, fax or email scan) to HR within 24 hours of the work-related injury.
- B. HR will forward the *Form C-20* to the City's TPA Risk Service Provider within one (1) working day of its receipt of the report of injury.
- C. If the injured employee seeks medical attention, HR will provide the injured employee the initial panel of physicians list on the *Agreement Between Employer/Employee Choice of Physicians (Form C-42)*.
 1. The injured employee will have the right to choose a physician (i.e., a Medical Provider) from the list provided. The physician selected by the employee becomes the "authorized treating physician" and the employee must accept treatment from that physician and should not seek treatment from any other medical provider. Any change in medical provider by the employee must receive prior approval from the City's TPA Risk Service Provider Adjuster assigned to the case.

2. The *C-42 form* must indicate the name of the physician (i.e. Medical provider) chosen by the injured employee, be signed by the employee and forwarded to HR who will then proceed to make the appointment with the Medical Provider chosen by employee.
3. If the authorized treating physician refers the injured employee to a specialist, the City's TPA Risk Service Provider will prepare a specialist panel of physicians list on the *Agreement Between Employer/Employee Choice of Physician (Form C-42)* and forward it to the injured employee. The injured employee will have the right to choose a physician from the list provided, sign the form and return it. The appointment with the specialist will be coordinated between the injured employee and the TPA Risk Service Provider.
4. HR will also provide the City's TPA Risk Service Provider Adjuster with a statement of the injured employee's wages on the *Wage Statement (Form C-41)*. The wage statement will reflect the gross wages earned by the injured employee, including overtime, bonuses, etc. for each week for the fifty-two (52) weeks prior to the injury. If the injured employee has worked for less than fifty-two (52) weeks, the statement will show all of the weeks worked and gross wages earned each week.
5. The City's TPA Risk Service Provider will in most cases accept or deny the claim within fifteen (15) days of its knowledge of the injury. The City's TPA Risk Service Provider has the ultimate decision as to the compensability of any reported injury.

II. Other Provisions

- A. Any continuation of secondary employment while on workers' compensation leave must be approved by the Department Head in writing, after consulting with HR. Secondary employment that is inconsistent with the employee's leave status will not be approved.
- B. An injured employee is prohibited from using vacation leave while on light duty or while removed from duty.
- C. Injured employees will be compensated in accordance with Tennessee law:
 1. Temporary Disability Benefit begins only after the authorized treating physician takes an employee off work. No temporary disability benefits are due for the first seven (7) days of disability resulting from the injury, but if disability extends beyond that period, temporary disability benefits will commence on the eighth (8th) day after the injury. In the event, however, that the disability from the injury exists for a period as long as fourteen (14) days, then temporary payments shall be calculated beginning with the day following the injury.
 2. Disability benefits are based on sixty-six and two-thirds (66 2/3) percent of the employee's gross average weekly wage for the last fifty-two (52) weeks worked

prior to the injury, subject to the minimum and maximum benefits established by law.

- D. During the first seven (7) days following the date of injury, the City will compensate the injured employee at 100% of their regular earnings. The employee will be coded as On the Job Injury (OJI) for those days.
 - 1. This income will be processed through the City's regular payroll and will be taxed accordingly.
 - 2. At no time after the seven (7) day waiting period will the employee receive wages or salary from the City while out on OJI.
- E. If the claim is approved by the City's TPA Risk Service Provider, workers' compensation payments will begin on the eighth (8th) day.
 - 1. Workers' compensation checks are made payable to the employee and will be paid by the City's TPA Risk Service Provider. Checks are mailed to the City's HR department. Injured employees must pick up their checks from the HR department.
 - 2. The City will allow the employee the option (through the *Workers' Comp Supplemental Agreement Form*) of using their available Sick Leave Accrual first, followed by their available Vacation Leave Accrual to compensate for lost wages. The employees may also choose not to use their accruals during this time.
- F. If the City's TPA Risk Service Provider denies the claim, then the employee should consult with HR regarding any other leave options.
- G. Light duty work may be assigned on a case by case basis when recommended by the authorized treating physician. If there is no light duty available, then the employee will be taken off duty. Any light duty work must meet the restrictions set by the authorized treating physician. No light duty work is guaranteed to any injured employee.
- H. The employee is responsible for making appropriate arrangements to pay the employee's portion of insurance premiums or other wage deductions while out on workers' compensation leave. Employees who have questions regarding such arrangements should consult with the HR department about possible options.
- I. At no time after the fourteen (14) day waiting period may the employee receive both workers' compensation disability benefits from the City's TPA Risk Service Provider and wages or salary from the City for the same period of time.
- J. Workers' compensation leave will run concurrently with FMLA leave.
- K. All benefit accruals (such as vacation, sick, bonus hours, etc.) will cease to accrue when an employee is absent from work for any reason for more than 30 days. This will be applicable for all approved leave from work such as sick leave, vacation, leave without pay, FMLA, short term disability, long term disability, as well as absence from work due to a workers' compensation illness/injury.

- L. Workers' compensation benefits and leave will be denied if the employee fails a post-incident alcohol/drug test.
- M. There are several circumstances under which the temporary disability benefits may stop. They generally include:
 - 1. When an injured employee is released by the authorized treating physician to return to work without restrictions, or with light duty restrictions that can be accommodated.
 - 2. If an injured employee refuses to comply with a reasonable request for medical examination, accept medical treatment, or light duty work (if it is available and meets restrictions), compensation may be stopped for the period of time in which the employee fails to comply.
 - 3. When an injured employee has reached maximum medical improvement (MMI), and the compensability of the injury has not been contested.
- N. It is the responsibility of the injured employee to stay in contact with his/her supervisor, informing them **once a week** of the latest prognosis of the injury and their work status, as stated by the authorized treating physician. Prior to the employee's return to work, the employee must submit a doctor's written statement to Human Resources indicating approval to return to full duty.
- O. It shall be the responsibility of management to ensure that workers' compensation leave is not abused. Members of management must take corrective action when such abuse is observed or suspected.

WORKPLACE VIOLENCE POLICY

GENERAL POLICY

Nothing is more important to the City of Germantown than the safety and security of its employees. Threats, threatening behavior, or acts of violence against employees, visitors, guests or other individuals by anyone on City of Germantown property will not be tolerated. Violations of this policy will lead to disciplinary action, which may include dismissal, arrest, and prosecution.

SCOPE

All employees of the City of Germantown.

PROVISIONS

Employees who bring weapons of any kind onto City property are subject to discipline, up to and including discharge. The sole exception to this rule is that City employees who possess valid handgun carry permits may, in strict conformance with Tennessee law, store such firearms and ammunition in their personal vehicles so long as any firearms are concealed from ordinary observation and locked within the trunk, glove box, or interior of an employee's vehicle or in a container securely affixed to the vehicle.

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on City of Germantown property shall be removed from the premises by the Police Department as quickly as safety permits and shall remain off City of Germantown premises pending the outcome of an investigation. The City of Germantown will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

No existing City of Germantown policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

All City of Germantown personnel are responsible for notifying their immediate supervisor of any threats, which they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when the behavior is job related or might be carried out on a City controlled site, or is connected to City employment. Employees

are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the immediate supervisor is not available, personnel should report the threat to any other member of the management team.

All individuals who apply for or obtain a protective or restraining order that lists City of Germantown locations as being protected areas must provide to the City Administrator a copy of the petition and declarations used to seek the order and a copy of any temporary protective or restraining order which is granted.

The City of Germantown understands the sensitivity of the information being requested of employees and will keep records made pursuant to this policy as confidential as possible without impairing its ability to conduct a proper investigation and protect its employees and citizens.