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Introduction

This is your copy of the City of Franklin's Human Resources Manual. No Human Resources manual can anticipate every possible situation, but the City has provided you these general guidelines in order to give you a better understanding of what the City expects of you and what you can expect of the City.

Please refer to this manual for guidance when you have a question about the City's policies. Of course, if you still have questions, your supervisor, Department Director, and the Human Resources Department continue to stand ready to assist you as best they can.

While the City of Franklin fully intends to abide by these provisions for as long as they are in effect, you should understand that this manual does not constitute a contract between the City and any of its employees. Further, the Human Resources Manual can and may be changed, in accordance with the City's Municipal Code and state and federal laws, at the Board of Mayor and Aldermen's sole discretion at any time. No employee or other person enjoys any vested right to the continuation of any position, rules, regulations, policies, procedures, provisions, or employee benefits contained within this Human Resources Manual.

Article I – General Provisions

These Rules and Regulations shall apply to all employees and applicants of the City without regard to race, color, religion, sex, national origin, pregnancy, status as a parent, age, gender identity, sexual orientation, disability (physical or mental), family/medical history, genetic information, marital status, veteran's status, or political affiliation, but shall not apply to those persons who are specifically exempted from coverage in accordance with these regulations. These Rules and Regulations shall be administered by the Human Resources Director under the direction of the City Administrator.

Each employee of the City shall discharge their duties fairly and impartially. Determinations and decisions shall be made without discrimination on account of race, color, creed, national origin, gender identity, sexual orientation, ancestry, age, disability, veteran's status, religious belief, political or organization affiliation, kinship, or friendship.

These protections extend to all management practices and decisions, including recruitment and hiring practices, appraisal systems, promotions, training, and career development programs.

Article II – Definitions

The following words, terms, and phrases, when used in the Human Resources Manual, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning.

Absence Without Leave – Unauthorized absence and for which a leave request was either not made or denied.

Active Employee – An employee of the City who is not on unpaid leave and is not receiving short-term or long-term disability benefits from or through the City.

ADA – Federal Americans with Disabilities Act providing certain employment protections for individuals with qualifying disabilities.

Appeals – Procedures as prescribed by these regulations for appealing disciplinary actions and other individual grievances.

Applicant – An individual who has applied in writing and/or submitted a resume in response to an opening, or who has completed an application form for employment.

Application – A form or forms that are prescribed by the Human Resources Director in applying for positions with the City.

Appointment – The offer to and acceptance by a person of a position either on a regular full-time, regular part-time, or temporary basis.

Assistant City Administrator – The person or position delegated by the City Administrator with the responsibility for the overall coordination in planning, organizing, and directing the administration of assigned departments.

Base Salary – The actual salary amount in a given pay range exclusive of all pay differentials and allowances.

Board of Mayor and Aldermen – The Mayor and other members of the City Board of Mayor and Aldermen who collectively serve as the governing body of the City and are vested with the power to enact ordinances and resolutions for the City.

Calendar Year – Any twelve (12) consecutive months from a start date; also January 1 to December 31 of a given year.

Certification List – The act of establishing a list of persons considered for a position for the purpose of selection.

City – Shall mean the municipal government of the City of Franklin, Tennessee.

City Administrator – The highest-ranking appointed officer of the City, appointed by the City Board of Mayor and Aldermen.

City Business Days – Shall mean any Monday, Tuesday, Wednesday, Thursday, or Friday—except holidays observed by the City—of any week.

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

Classification Plan – The plan approved by the Board of Mayor and Aldermen upon recommendation of the Human Resources Director and the City Administrator that places jobs into pay groups.

Classified Service – The most recent period of employment with the City without a break in service as evidenced by separation from the City payroll and Human Resources records.

Closing Date – The last date established for which applications can be received for a particular position.

Compensation – The standard rates of pay that have been established for the respective classes of work.

Compensation Plan – The official schedule of pay approved by the Board of Mayor and Aldermen assigning a range of pay to pay grades.

Continuous Service – The most recent period of employment with the City without a break in service as evidenced by separation from the City payroll and Human Resources records.

Counseling – A verbal statement that may be documented in written form, made to improve an employee's job performance or job-related behavior. Counseling is not disciplinary action and is not grievable.

Critical Response Positions – Positions requiring response to service or call to duty because of a potential threat to life or property or other emergency.

Demotion – Reassignment of an employee from one position to another, the latter of which has a lower level of responsibilities and a lower maximum rate of pay and rank than the former.

Department – The primary organizational unit that is under the immediate charge of a Department Director.

Department Director – The Supervisor immediately in charge of a department, the primary organizational unit.

Departmental Rules – Any written policies, procedures, or orders established by the Department Director and approved by the City Administrator that dictate certain expectations, actions, rules, or regulations. All departmental rules shall be consistent with these rules.

Disability – A physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment or is regarded as having such impairment.

Disciplinary Action – Action that may be taken when an employee fails to carry out designated position duties and responsibilities or fails to follow departmental rules or any provisions of these Rules and Regulations.

Dismissal – The final step in disciplinary action, which terminates an employee’s employment with the City.

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

Employee – An individual who is employed by the City and is compensated through the City payroll for services performed.

Employee Development – Training programs for the purpose of improving an employee’s quality of service, productivity, and chances for advancement.

Evaluation – The system that has been established for use by supervisors to assess employee job performance.

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

Exempt Employee – A person employed in a bona fide executive, administrative, or professional capacity, as these terms are defined in regulations of the Secretary of Labor and the Fair Labor Standards Act (FLSA), and who is therefore exempt from the overtime requirements of the FLSA. To qualify for an exempt status, the requirements of the employee’s position must meet all the pertinent tests relating to duties, responsibilities, and salary as stipulated in the applicable section of Regulations, 29 CFR Part 541.

Full-Time Employee – An individual who has: (1) satisfactorily completed a probationary period and (2) been scheduled to regularly work at least forty (40) hours per week on a non-temporary basis.

Grievance – A dispute arising between employees and/or between an employee and the employee’s supervisor and/or the employee’s Department Director and/or the City relative to some aspect of employment, interpretation of regulations and policies, or some management decision (including disciplinary actions other than dismissal) affecting the employee.

Human Resources Director – The person or position delegated by the City Administrator with the authority to serve as the Human Resources Director.

Immediate Family –

- For purposes of using sick leave, “immediate family” shall mean present spouse, children (including natural, step-, and adoptive), parents, step-parents, in loco parentis, and any other individual residing within the employee’s household who is a legal dependent of the employee for income tax purposes.
- For the purpose of using bereavement leave, “family” include spouse, in-laws, parents, siblings, children, grandchildren, grandparents, stepfamily members, aunts, uncles, cousins, nieces, and nephews and any other individual residing within the employee’s household who is a legal dependent of the employee for income tax purposes.

Job Description – A written document describing the essential functions of a job, additional functions, minimum qualifications, ADA requirements, and performance indicators.

Lay-off – The involuntary, non-disciplinary separation of an employee from a position because of shortage of work, materials, or funds.

Leadership Team – Consists of the City Administrator, Assistant City Administrator(s), Department Directors, Facilities Project Manager, Purchasing Manager, Budget & Strategic Innovation Manager, Revenue & Licensing Manager, Comptroller, Management Fellow, Assistant City Recorder, and the Communications Manager.

Leave – An approved type of absence from work as provided for by these Rules and Regulations.

Leave for Adoption, Pregnancy, Childbirth, and Nursing an Infant – Leave providing time for an employee to be absent from employment for the purpose of adoption, pregnancy, childbirth, and nursing an infant.

Leave of Absence – Time off from scheduled work with permission, but without pay and without loss of seniority if reinstated. Sick leave, maternity leave, vacation leave, civil leave, educational leave, FMLA leave, and military leave are not considered a leave of absence.

Military Leave – In accordance with TCA 8-33-109, the period of fifteen (15) working days or less, with pay, per calendar year, granted to employees who are members of a Military Reserve Component. Military Leave is not charged to vacation leave.

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

Neutral Third Party – Any certified mediator, arbitrator, retired judge, or administrative hearing officer, or other trained/recognized third-party mediator, who does not have a current business relationship or position with the City of Franklin. A neutral third party may be appointed to hear disciplinary appeals and/or an appeal of grievance.

New Hire – An applicant who has accepted a conditional offer of employment from the City.

Non-Exempt Employee – A person employed in a position that is not in an executive, administrative, or professional capacity, as these terms are defined in regulations of the Secretary of Labor. An employee in this position is subject to all provisions of the Fair Labor Standards Act (FLSA).

Occupational Disability or Injury Leave – A medically excused absence from duty because of an injury or illness sustained in the course of employment and determined to be compensable (1) by the City’s workers’ compensation insurance carrier and (2) under provisions of the Workers’ Compensation law.

Official – When referring to a person, shall mean a member of the City of Franklin Board of Mayor and Aldermen.

On Call – Being available at a designated place for a designated period of time. Whether or not the employee is on call shall be judged in accordance with the FLSA Regulations as set out in 29 CFR, Part 553.221.

Overtime – Time worked by an employee in excess of the maximum hours allowed per work period under the Fair Labor Standards Act and as provided for herein. Generally, overtime is paid for all hours actually worked over 40 during a seven-day work period. However, certain public safety employees are allowed to work additional hours over a longer work period before overtime is required.

Overtime Pay – Compensation paid to an employee in accordance with federal regulations and these rules for overtime work performed.

Part-Time Employee - An individual who is scheduled to regularly work thirty (30) hours or less.

Pay Grade – Specific pay rates having a percentage relationship to one another to which all full-time positions are assigned.

Pension – The annuity payment received due to retirement from a municipal position based on age, years of service, and average monthly compensation. (See Appendices D and R.)

Performance – The way in which an employee executes assigned duties and responsibilities.

Personnel File – An official file that is maintained in the Human Resources Department for each employee and generally consists of such items as application or resume for employment, records of transfers, promotions, demotions, reinstatements, reclassifications, changes in pay, training, performance evaluations, leaves, disciplinary actions and counseling interviews, etc.

Position – Any office or employment, whether occupied or vacant, full-time or part-time, consisting of a group of essential functions, additional functions, and responsibilities legally assigned or delegated to one individual by competent, appropriate authority.

Probationary Employee – An individual who has not yet completed a probationary period.

Probationary Period – A trial period served after the initial selection process by all new employees before attaining regular status or after an employee is promoted, in which the employee is required to demonstrate his fitness for the position by the actual performance of the duty. The initial probationary period shall be twelve (12) months for all departments. During this period, either the employee or the City may terminate employment for any reason. All promotional probationary periods are for six (6) months.

Promotion – Officially authorized reassignment of an employee from one position to another, the latter of which has a higher level of responsibilities and a higher maximum rate of pay and rank than the former.

Qualifications – The requirements of education, experience, and other skills prescribed by the job description.

Rank – The order in which an applicant’s name appears on an eligible list based on the individual’s composite score in the evaluation process.

Rate of Pay – A specific dollar amount, expressed as an annual rate, a monthly rate, a bi-weekly rate, a weekly rate, or an hourly rate.

Reasonable Accommodations – Accommodations required pursuant to State and Federal Law.

Records – All records maintained on each employee, both in the Human Resources Office and the departments, such as the personnel file, attendance records, medical records, records of disciplinary actions, counseling records, pay and benefit records, training accomplishments, etc.

Removal – Separation of an employee on probation or for failure to meet legal requirements for employment.

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

Requisition – A request by a Department Director to secure a list of eligible applicants from the Human Resources Office.

Seniority – Length of service as a City employee.

Sick Leave – Approved absence due to non-occupational illness, injury, or health maintenance for the employee. Sick leave shall be considered a benefit and not a right for employees to use at their discretion.

Supervisor – Any individual having authority on behalf of the City to assign, direct, evaluate the job-related performance of, and/or discipline other employees.

Suspension – An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee, which may be with or without pay as decided by the employee’s Department Director and Assistant City Administrator, if applicable, or the City Administrator, as applicable.

Temporary Employee – An employee holding a position other than regular, which is of a temporary, seasonal, casual, or emergency nature, working less than eighteen hundred (1800) hours in a one (1)-year time period

Terminal Leave – Leave granted to a retiring employee following his/her last workday and usually consisting of unused accrued and accumulated vacation time. Certain retiring employees may also take up to one hundred twenty (120) sick days.

Terminal Pay – The compensation paid to a terminating employee following the last workday.

Terminating Employee – An employee of the City who is ending employment due to resignation, layoff, death, retirement, or dismissal.

Termination – The cessation of employment with the City due to resignation, layoff, death, retirement, or dismissal.

Transfer – Reassignment of an employee from one position to another position.

Uniformed Fire Personnel – An employee of the Municipal Government who has an inherent duty imposed to uphold and enforce the State and Municipal Codes and Regulations and other law in Fire Suppression and Prevention, and who is identifiable by wearing the uniform and insignia of the Fire Department of the City of Franklin.

Vacancy – An unoccupied budgeted position within the City.

Vacation Leave – Paid leave for approved time off from work that does not qualify for other types of paid leave. (See Article XVII, Section B)

Work Cycle – The number of hours regularly scheduled to be worked during a twenty-eight (28) day period on which overtime is based; applies only to Uniformed Fire Personnel on shift.

Work Day – Scheduled number of hours an employee is required to work per day.

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

Article III – Administration

The City Administrator shall have the responsibility for the personnel program, as set forth in Title 4, Chapter 1 of the Municipal Code and subject to the powers vested in the governing body by charter. He specifically shall:

- 1) be responsible for effective personnel administration.
- 2) designate a Human Resources Director (or combine the duties of the personnel office with that of another position) who shall be responsible for the administration and technical direction of the City's personnel program.
- 3) appoint, remove, suspend, and discipline all officers and employees of the City subject to the policies as set forth in the Municipal Code and in state law. To provide for the day-to-day operation of the City, each Department Director shall have the authority to employ, suspend, dismiss, and discipline employees under his or her control subject to the review of the Human Resources Director, confirmation by the City Administrator, and in accordance with the Municipal Code.
- 4) fix and establish the number of employees in the various City departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in the Municipal Code and the City charter subject to the approval of the governing body and budget limitations.

The Human Resources Director shall administer, under the direction of the City Administrator, the personnel program as set forth in Title 4 of the Municipal Code.

Article IV – Classification and Compensation Plan

Section A. Purpose

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

Section B. Composition of the Classification and Compensation Plan

The classification and compensation plan shall consist of:

- 1) a grouping in classes of positions in relation to one another that: a) are approximately equal in difficulty and responsibility, b) call for the same general qualifications, c) can be equitably compensated within the same range of pay under similar working conditions, and d) reflect the hierarchical structure of the organization;
- 2) class titles, together with a description of the work of the class, that identify the class; and
- 3) written specifications for each class of positions.

Section C. Use of the Classification and Compensation Plan

The classification and compensation plan shall be used:

- 1) as a guide in recruiting and examining candidates for employment.
- 2) in determining lines of promotion and in developing employee training programs.
- 3) in determining salaries to be paid for various types of work.
- 4) in providing uniform job terminology understandable by all City officers and employees and by the general public.

Section D. Administration of the Classification and Compensation Plan

The Human Resources Director is charged with maintenance of the classification and compensation plan to assure that it reflects the duties performed by each employee covered in the plan and the class to which each position is allocated. It is the Director's duty to examine the nature of the classes and to update the classification and compensation plan as necessary through changes in the duties and responsibilities of existing positions, and to periodically review the entire classification and compensation plan and recommend changes to the City Administrator. (See also "Article X – Compensation Plan" of this Human Resources Manual.)

Article V – Recruitment

Section A. Policy

It is the policy of the City to promote qualified employees to more responsible positions whenever possible. When a vacancy exists, the Department Director shall submit a Personnel Requisition to the Human Resources Director. Personnel requisitions must be approved by the City Administrator before the vacancy is advertised or posted by the Human Resources Director. It is the policy of the City that the recruitment and selection of an applicant for employment shall be based upon that individual's qualifications, competency, and potential, and shall not be influenced by race, color, religion, national origin, age, veteran's status, political affiliation, disability, or sex.

Section B. Job Postings; Transfers; Promotions

The Human Resources Director shall insure the posting of all authorized positions, as they become vacant, for the purpose of informing City employees. Once a personnel requisition has been filed, the Human Resources Director, in consultation with the Department Director, will determine whether the position should be advertised externally or internally only. The Human Resources Director shall determine if internal vacancies shall be posted to one department, selected departments, or City-wide.

All applicants must be required to complete an application online. Resumes, transcripts, training certifications, and other certifications may be attached and, in some cases, may be required in order to judge the applicant's merit and fitness.

Employees are eligible to apply to any open position in which they meet the minimum requirements. For internal promotions, the employee must have a satisfactory performance record and no adverse disciplinary action during the twelve (12) months immediately preceding the closing date for application submittal.

Section C. Residency Requirements

See "Section V. Place of Residence" under "Article XXI–General Policies and Procedures"

Section D. Rejection of Applicants

The Human Resources Director may reject any new applicant for employment if it is determined the applicant is not qualified for the job.

Section E. The Selection Process

All appointments may be subject to competitive examination. All examinations shall fairly and impartially test those matters relative to the ability and fitness of the applicant to efficiently perform the duties of the positions to be filled.

The selection process may consist of one or more of the following: a written test of required knowledge; an oral interview by the supervisor, the Department Director, and the Human Resources Director or his designee and/or an oral interview board established to assess the knowledge, skills, and abilities of the applicants; a performance test of manual skills; a physical test of the candidate's ability to perform the essential functions of the position; a written test of mental ability; or an evaluation of training and experience. The Human Resources Director will make reasonable accommodations for disabled applicants requesting such accommodations.

Section F. Conditional Offer of Employment

All offers of employment will be made by the Human Resources staff.

Section G. Medical Exam

After a conditional offer of employment and prior to the first day of employment with the City, all regular full-time new hires shall be required to undergo and pass a medical examination to determine physical fitness to perform the essential functions of the position for which they have been offered employment. Such physicals shall be job-related and in accordance with the City's drug and alcohol testing policy (see Appendix I), including drug testing. Certain public safety positions may also require successful completion of a post-offer psychological exam, as required by law.

Section H. Polygraph Test

A polygraph (or other truth verification device) test shall be required of final candidates for all sworn positions within the Police Department and Fire Departments and may be required for other positions as mandated by law. Such a test shall be specific and directly related to the potential employee's performance and official duties, and to the public interest of the City.

Section I. Background Checks

After a conditional offer of employment, the City will conduct appropriate background checks. The scope and nature of this background check may vary based upon the type of position being filled.

Article VI – Hiring for Police and Fire Departments

Section A. Recruitment

It is the policy of the City of Franklin that all appointments in the Classified Service shall be based on merit, efficiency, and fitness and may be subject to competitive examination. When used, all such examinations shall fairly and impartially test the qualifications and fitness of candidates to efficiently discharge the duties of the position to be filled. Examinations may be promotional or open to outside applicants. Because of the expensive and time-consuming nature of Police Officer and Firefighter testing and the need to select the most highly qualified applicants for these public safety positions, entry level police and fire positions will only be filled through competitive examination and not by promotional list. Internal applicants are invited to apply for such positions, but will be treated like all other applicants during the screening and testing phases. Generally, for all positions above entry level, internal promotions will be made.

Section B. Applicant Screening and Review

Department Directors or their designees have the responsibility of working with the Human Resources Department to screen applicants.

Admission to examinations is open to applicants who, as determined by the Human Resources Director, meet the requirements specified in the public notice of the vacancy and who filed timely application. Each applicant whose application has been accepted for any examination will be notified of the time, date, and place of the examination. No person will be permitted to take any examination without authorization by the Human Resources Director or designee.

Section C. Types of Examinations

Examinations may be used for initial appointment or promotions in order to establish a list of eligible candidates for any position.

Section D. Rating of Education, Training, and Experience

The Human Resources Director or designee will rate all applicants for employment and promotion upon information regarding education, training, and experience in the application form, resume, performance evaluation forms, training certificates, transcripts, and other data as may be secured through the interview or from other sources. This information shall be subject to investigation as to truth and completeness. This rating may be competitive and/or qualifying. The qualifying rating may be used to determine whether to further test the applicant.

A personal interview may be conducted by one or more persons and is used to evaluate the skills, attributes, and knowledge of applicants, as well as ability to deal with others, to meet the public, and to handle stress.

Written Examination - This tool, when required, shall include a written demonstration of the applicant's knowledge and skill and the field for which the test is being held, and may include standard tests of mathematical ability.

Performance Test - This part, when required, shall involve such tests of performance as would aid in determining the cognitive ability and/or manual skills of applicants to perform essential job functions.

Physical Test - When required, this test may be either competitive or qualifying and consists of tests of job-related bodily condition, muscular strength, agility, and physical coordination. This test may be given a weight in the examination or may be used in excluding from further examination applicants who do not measure up to the minimum required standards.

Assessment Center - An assessment center tests the applicants on a number of essential job functions, including making oral and written presentations, working as a group, handling the media, counseling employees, and handling administrative work. It may also measure teamwork, sensitivity, community concerns, leadership, judgment, sense of responsibility and commitment to the organization, and the ability to think logically. To the extent possible, at least 50% of the assessors will have been trained and served on assessment panels previously.

Test Security - Test security is an important issue in ensuring fairness in a competitive selection process, especially where oral interviews or boards, written examinations, assessment centers, and performance tests are used.

Examination development team members, including clerical support staff, will not discuss the process at any time with anyone. Copies of interview questions and written test materials will be made only by the Human Resources staff and will be retained in the Human Resources Department.

Testing service provider's security protocol will be followed for any test purchased from a vendor. If the tests are developed internally, copies will be controlled and stored in a locked office in Human Resources.

Security measures will be taken during test administration.

After the examination, materials, including answer sheets, scoring sheets, stencils, and test booklets, will be stored in the Human Resources Department. The test publisher's guidelines will be strictly adhered to.

When giving feedback to candidates regarding the results of the examination, candidates will not be left alone with exam materials or be allowed to copy or take notes/photos. Test results and testing materials may be subpoenaed by the City Administrator or in court action.

Section E. Rating Examinations

Appropriate techniques and procedures will be used when rating the results of examinations in determining the relative ranking of the applicants. Minimum eligibility will be established by the Human Resources Director after discussion with the Department Director. Minimum ratings may apply also to the ratings of any part of the examination. These ratings may be established as a score or as a percentage of applicants (i.e., top 30% of applicants). Generally, any applicant who fails to attain at least this passing score shall be considered to have failed this examination and shall not be examined on any further parts if they are planned. Minimum ratings may be lowered, but not raised, after publication if more than 50% of the applicants fail to meet this score or to reach a larger pool of under-represented groups, providing these individuals meet minimum qualifications for the position.

The Human Resources Director or designee will determine a final score for each competitor's examination, computed in accordance with the weights for several parts as established by the Human Resources Director and approved by the City Administrator and set forth in the examination announcement. All applicants for the same position will be accorded uniform and equal treatment in all phases of the examination procedures, except as provided below.

Seniority and merit are considerations on promotional examinations as follows. Promotional examinations may give credit for seniority by adding points to the final score of a candidate as follows: seniority for promotional testing will be based on the applicant's most recent hire date—one (1) point will be added for each full and complete year of unbroken service that the employee is in residence and actively performing the duties of the position up to a maximum of ten (10) points. (Time served on Military Leave of Absence while employed by the City of Franklin shall be counted as "time in residence and actively performing" for the purpose of administering this rule.)

Section F. Notification and Inspection of Examination Results

Each person who takes an examination will be notified by the Human Resources Director as to the final rating and rank. An examinee who fails any part of the examination, or the total examination, shall be notified of the failure. Each person in an examination will be permitted to inspect their rating, papers, and other records of the examination by submitting a written request to the Human Resources Director in accordance with the Tennessee Open Records Act. In order to protect the integrity of the assessment, such inspection must be done within thirty (30) calendar days. Any necessary explanation of the methods by which ratings were developed will be supplied. An obvious or indisputable error in rating any phase of an examination may be appealed to the City Administrator for review in accordance with Section H of this rule.

For police and fire new-hire candidates who have made passing scores on all parts of the exam and who have been honorably discharged from or are actively serving in the Armed Forces of the United States may have five Veteran's Preference Points added to their rating.

Section G. Medical Examinations

Every prospective employee will be given a medical examination and a drug screen by a licensed physician designated by the City of Franklin before employment to determine if they meet necessary physical fitness standards for the position to which they were selected. Applicants for Police Officer vacancies and other designated positions may also be required to undergo a psychological examination with a licensed psychologist or psychiatrist to determine mental/emotional fitness. Applicants for employment will be required to undergo these examinations only after a conditional offer of employment has been made. The cost of this physical examination will be paid by the City. Applicants determined to be physically or mentally unfit for service will not be considered for appointment.

All employees of the City of Franklin may, during the period of their employment, be required by their Department Director, and with the approval of the City Administrator, to undergo periodic medical and/or psychological examinations to determine their physical and mental fitness to perform the work of the position in which they are employed. These periodic examinations will be at no cost to the employee. Determination of physical or mental fitness will be by a healthcare provider designated by the Human Resources Director and approved by the City Administrator.

When an employee of the City of Franklin is reported by the examining physician/psychologist to be physically or mentally unfit to perform work in the position for which he/she is employed, the employee may, within five (5) days from the date of his/her notification of such determination, indicate in writing to the Human Resources Director his/her intention to submit the question of his/her physical or mental unfitness to a healthcare provider of his/her own choice and at the employee's expense.

In the event there is a difference of opinion between the healthcare providers, a third physician/psychologist may be chosen by the other two providers. The third provider's decision shall be final and binding as to the physical or mental fitness of the employee. The cost of the third examination will be paid by the City.

An employee determined to be physically or mentally unfit to continue in the position in which he/she is employed may be demoted (in accordance with these rules) or separated from the City of Franklin.

Section H. Appeals on Examinations

Appeals from the decision of the Human Resources Director or Department Directors in the implementation of this chapter are as follows:

Any applicant for admission to an open competitive or promotional competitive examination who has been disqualified by the Human Resources Director may appeal to the City Administrator for consideration of his/her qualification, provided the appeal is made in writing to the Human Resources Director within seven (7) City business days of receiving the eligibility letter. In the event of the filing of such appeal with the Human Resources Director, the applicant

shall be admitted to the examination pending consideration by the City Administrator of such appeal. The City Administrator's decision shall be final.

An applicant who has taken an examination may appeal to the City Administrator for review of his/her rating on any part of such examination to assure uniform rating procedures have been applied equally and fairly. The appeal must be filed in writing within seven (7) City business days after the date on which notification of the results was sent to the applicant. A rating on any part of an examination shall not be changed unless it is found by the City Administrator that a substantial error has been made. The City Administrator's decision with respect to a review and/or change will be final, and a written decision will be sent to the applicant. Any correction found necessary in the rating will not affect a certification or appointment that may have already been made from the eligible list.

Article VII – Certification Lists

Section A. Certification Lists

Certification (cert) lists shall be created when appropriate for the position being filled. Names of applicants shall be placed upon the appropriate cert list in the relative order of their final scores as compiled in the selection process. Promotional cert lists shall remain valid for a period of one (1) year or until the list is exhausted, whichever is sooner. Original appointment lists, except for Police Officer and Firefighter, are valid for six (6) months. Police Officer and Firefighter appointment lists are valid for one (1) year. Promotional and original appointment cert list rankings may include but are not limited to experience, education, examination scores, veteran's preference, points for residency, tenure with the City, and oral interviews. A cert list may be extended by approval from the City Administrator.

Section B. Removal from Certification List

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

- 1) At the request of the eligible applicant
- 2) Failure to appear or decline an invitation for an interview or examination
- 3) When the most recent performance evaluation of an employee falls below "Effective" (if it is a promotional list)

Article VIII – Appointments

Section A. Procedure

When a vacant position is to be filled, the Human Resources Director will certify a list of the top three qualified candidates for that position. When more than one vacancy is to be filled, two names for each additional vacancy shall be added to the list. For example, five names will be certified if there are two vacancies for a position. The Department Director shall then fill the position(s) from those candidates available in this list of those with the highest qualified ratings. The Department Director is not obligated to select in rank order nor justify the reasons for the selection. All offers of employment will be made by the Human Resources staff.

The City Administrator may authorize a temporary promotional appointment of an existing employee. Employees temporarily promoted will be compensated according to Article X, Section B of this manual after assuming the full responsibilities and duties of the higher position for more than twenty (20) working days. By the conclusion of six (6) months, the employee shall either be returned to their original position or an extension must be granted by the City Administrator.

Section B. Full-Time, Part-Time, and Temporary Employees

Full-time employees shall be paid a bi-weekly or hourly rate for all hours worked. All full-time employees: (1) are eligible for group health insurance, group life insurance, and group accidental death and dismemberment coverage under the City's group policies; and (2) are eligible for pay adjustments as specified for all employees.

Part-time employees are regularly scheduled to work less than thirty (30) hours per week and are eligible for pay adjustments as specified for all employees. Part-time employees are not eligible for healthcare benefits.

A temporary employee is any employee hired to work on a temporary basis (such as a seasonal employee or as a replacement for an employee on leave of absence), regardless of the number of hours worked per week. Temporary employees do not receive benefits but are eligible for market pay adjustments as specified for all employees. Temporary employees may be dismissed at any time without right of appeal as provided herein for regular employees.

Student/Intern Appointments - The purpose of an internship is to help students gain practical experience, become acquainted with professionals in their field of interest, and develop an understanding of professional responsibilities and effective working relationships. Interns may be assigned to one department or be on a rotational assignment to several departments where they are provided with specific job assignments. Interns may be paid or unpaid. Hours for interns are flexible, depending on the intern's needs, but may not exceed fifteen hundred (1,500) hours in any consecutive twelve (12)-month period.

School Patrol - School Patrol Officers are employed in the Police Department to provide traffic control for schools during a school academic year.

Article IX – Probationary Period

Section A. Policy

The probationary period is an integral part of the City’s evaluation process and shall be utilized by the Department Director and supervisor as an opportunity to observe the probationary employee’s work, to train, to aid the probationary employee in adjusting to the position, and to dismiss any probationary employee whose performance or attendance fails to meet acceptable standards.

Section B. Duration of New-Hire Probation

All new full-time employees will be in a probationary status for twelve (12) months from the date of hire, unless extended for cause.

Section C. Evaluation and Completion of Probation

The supervisor will evaluate the performance of the probationary employee at six (6) and twelve (12) month intervals and annually thereafter. Additional evaluations may be completed prior to these intervals if necessary to address performance problems. If the performance evaluation is less than “Effective,” the probation may be extended for up to six (6) additional months, or the employee may be dismissed.

Section D. Dismissal of Probationary Employee

At any time during or upon the conclusion of the probationary period, an employee may be dismissed by the employee’s respective Department Director with or without cause and with no right to appeal as provided for regular employees herein.

Section E. Transferred or Promoted Employees

A current employee of the City shall be placed in probationary status for up to six (6) months (up to twelve (12) months if to a sworn position in either the Police Department or the Fire Department) from the time of a transfer or promotion to determine if the employee is qualified for the new position. If performance is not satisfactory in the new position, then the employee may again be transferred if a position for which the employee is qualified is available. The City makes no guarantee that a position will be available for such employee. The probationary status shall not deprive the employee of any benefits that would have been received had the employee not been placed on probation (provided the employee successfully completed the initial probationary period from the first date of hire).

Article X – Compensation Plan

Section A. Policy

The City shall provide, according to its financial ability, a fair and equitable compensation program for all employees that, at the same time, recognizes the need to be accountable for the use of public funds. The City's compensation plan is based upon prevailing wage rates, economic conditions, and labor market influences. The City administers a compensation program designed to attract and retain the best qualified talent possible, and to motivate and reward individual performance.

Section B. Administration of the Compensation Plan

The Human Resources Director, under the direction of the City Administrator, shall administer the City's compensation plan.

Plan for salary and wage administration:

- 1) All starting salaries for new hires shall be a joint decision of the respective Department Director and the Human Resources Director, subject to the approval of the City Administrator.
- 2) The minimum of the salary range for the position classification is for beginners with little to no experience.
- 3) Any starting salary above the first quartile shall require approval from the City Administrator.
- 4) Starting salary shall be documented in a letter of confirmation and acceptance of job offer to the future employee from the Human Resources Director or the City Administrator.
- 5) Depending upon annual salary budget guidelines, and other economic factors, regular employees shall be evaluated for merit-based salary adjustments annually. The individual employee's performance, attendance record, and efforts for self-improvement shall be factors in determining the adjustment of salary within the salary scale.
- 6) When an employee in one classification is promoted to a position in another classification, then the rate of pay upon promotion shall be based upon the following: A minimum of 5% of employee's current pay will be applied.
- 7) In the case of disciplinary demotion, the employee's rate of pay shall be reduced by 7.5% for the first lower grade plus 2.5% for each additional grade, but in no case shall the employee's salary be lower than the minimum nor greater than the maximum rate

of the new salary range. For voluntary demotion, the employee's salary will be set at the rate earned prior to the promotion, plus any applicable pay adjustments.

- 8) Occasionally there may be compelling reasons to grant salary increases for reasons other than performance or promotion. Such reasons may be based on labor market conditions or to correct identified salary inequities. Any such salary adjustments will be treated as an exception to policy and must be approved by the City Administrator.
- 9) In no case shall an employee's base pay be less than the minimum or more than the maximum for their current pay grade.

Section C. Adoption or Rejection of the Compensation Plan

The Human Resources Director, under the direction of the City Administrator, shall develop a uniform and equitable compensation plan consisting of a minimum, midpoint, and maximum range of pay for each class of positions. Salary ranges for each class shall be coordinated with the position classification plan and shall be based upon the ranges of pay for other classes, requisite qualifications, general rates of pay for comparable work in public and private employment in the area, cost of living data, maintenance of other benefits received by employees, the financial policy of the City, and other economic considerations. The compensation plan shall then be submitted to the Board of Mayor and Aldermen for adoption.

The compensation plan may be amended from time to time, as circumstances require, in accordance with the above provisions and approval of the Board of Mayor and Aldermen.

Section D. Payroll Processing

The City processes payroll on a biweekly basis. Pay stubs will be available online on the Friday following the end of each two-week pay period. Any required corrections identified after the payroll has been processed will be made on the next biweekly payroll. Non-exempt employees are required to approve their time cards at the end of each pay period. Supervisors must approve employee time cards by the required time and date requested by the Finance Department.

Section E. Direct Deposit

Direct Deposit is mandatory for all employees and retirees.

Section F. Overtime

Non-exempt employees required to work overtime will be paid for such overtime. Except for shift personnel of the Fire Department, overtime shall be computed on the basis of one and one-half (1½) times the regular rate of pay for the hours worked in excess of forty (40) hours per week. For shift personnel of the Fire Department, overtime shall be computed on the basis of one and one-half (1½) times the regular rate of pay for the hours worked in excess of two hundred sixteen (216) hours per twenty-eight (28)-day period. The 40 or 216 hours, as the case may be,

must be actual hours worked and shall not include sick and vacation leave. Paid holidays shall be counted as actual hours worked for the purpose of overtime calculations.

Section G. On-Call; Emergency Call-Outs

By the nature of work performed, certain departments may require employees to be on call outside of normal work hours to respond to emergencies or other immediate service requests. Each department may design its own on-call system/schedule that best fits the needs of the department. In accordance with the Fair Labor Standards Act, employees are not compensated for being in an on-call status unless the requirements placed on an employee while on call are so restrictive that the employee cannot reasonably use the time for personal benefit. Exempt and non-exempt employees may be compensated if they are on call.

If a non-exempt employee is called back to work for an emergency after the normal work shift has ended and after the employee has left the work premises, then compensation for the extra hours worked shall be at a rate of one and one-half (1½) times the regular rate of pay. A callback is not an extension of regular duty hours or prearranged scheduled overtime by the employee's supervisor, or scheduled training or meetings. No less than two (2) hours shall be granted for such time in a single day. In the event an employee is called back to work more than once in a day, there must be a break of two hours between the end of one call and the beginning of the next. If there is not a break of two hours, then the time will be counted from the first call.

Section H. Holiday Pay

Employees working on rotating shifts or in emergency response may be required to work holidays. These employees (including those that are FLSA exempt) required to work the holiday will receive regular pay and holiday pay. If these employees are in an overtime status, they will receive time and half pay if they physically work all hours. However, in no event will the employee be paid at one and a half (1½) times the straight time rate for more than the first eight (8) hours, or twelve (12) hours for uniformed Fire employees. Time worked on the holiday after the first eight (8) hours, or twelve (12) for uniformed Fire Personnel on shift, will be paid at the regular straight time rate. Police Officers and others on an approved ten (10) hour shift will be paid ten (10) hours of holiday pay. Part-time employees will receive five hours of holiday pay if they work at least one day during the week in which the holiday falls.

Holidays that occur on a regular day off of a rotating shift employee will be paid at the straight time rate of pay for eight (8) hours, or twelve (12) hours for uniformed Fire employees. Employees may not float holidays.

Holidays that fall in the middle of periods of paid sick or vacation leave will be charged as holidays. Employees are not paid for holidays while on terminal leave, leave without pay, suspension without pay, or workers' compensation.

Active employees will be paid for the holiday. Employees who are on disciplinary suspension or administrative leave without pay before or after the holiday will not be eligible for holiday pay.

See Article XVII, Section A for a list of the City-observed holidays.

Section I. Service Recognition

The City Administrator will determine how the City acknowledges years of service.

Section J. Terminal Pay

Employees who are eligible for retirement may be paid for unused sick leave allowance as of the effective date of retirement (at the employee's regular straight time rate of pay in effect as of the date of retirement) up to a maximum of one hundred twenty (120) sick days plus any accrued vacation leave, or they may be granted an equal amount of paid terminal leave in pay-period increments immediately preceding retirement at the employee's choosing. Only retiring employees are entitled to compensation for unused sick leave.

All terminal pay shall be paid at the employee's regular rate of pay at the time of termination from the City. Terminal pay shall be paid lump sum on or by the regular payday for the pay period during which the employee separates from the City. Any request to pay terminal pay other than lump sum must be approved by the Human Resources Director and City Administrator.

Article XI – Promotions

Section A. Policy and Procedures

It is the policy of the City of Franklin to hire employees for entry level positions, to provide training and development for employees, when necessary, and to offer employees promotions to higher level positions when deemed appropriate. The employee must have both a satisfactory performance record and no adverse disciplinary actions during the twelve (12) months immediately preceding the closing date for application submittal.

The Human Resources Director will certify the names of the top three (3) qualified candidates ranked highest on the appropriate promotion list. When more than one vacancy is to be filled, two names for each additional vacancy shall be added to the list. (Two (2) vacancies = five (5) names; three (3) vacancies = seven (7) names.) The Department Director shall then fill the position(s) from among those candidates available in this highest qualified rating. The Department Director is not obligated to select in rank order nor to justify the reasons for the selection.

Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation. Promotions will be made to vacant, budgeted, and/or authorized positions.

All promotional appointments shall be for a six (6) month probationary period. During the probationary period, the employee may be rejected at any time without charges, right of appeal, and hearing when, in the judgment of the Department Director, the quality of the employee's work is not such as to merit continuation in the position.

An employee rejected during the probationary period from a position to which he/she has been promoted or who voluntarily requests to be reinstated to a position in the same class from which they were promoted may be reinstated to a position in the class from which he/she was promoted unless he/she is discharged as provided in these Rules and provided that such a position is available. The employee shall be reduced to the rate of pay in effect immediately prior to the promotion.

Section B. Promotional Eligibility

Eligibility will be determined by the job requirements in the job description.

Section C. Promotion Without Examination

In exceptional cases, the City Administrator may authorize the promotion without competition of an eligible employee upon receipt of a written statement from the Department Director showing that the duties performed by the employee nominated are natural preparation for the higher position, that such employee is entitled to promotion by reason of service and effective performance, and that no other employee of the department meets the foregoing conditions.

In the event the Human Resources Director determines that the number of employees qualified and/or interested to compete in a promotional examination is no more than two (2), he/she, without further examination, may certify as eligible for promotion the names of these persons qualified to the Department Director. The Department Director may then select any eligible employee who has been certified in this way.

Article XII – Performance Evaluation Program

The performance appraisal is a systematic method of evaluating and strengthening employee performance. Supervisors shall review and discuss with employees any performance or conduct issues that need improvement. Together the supervisor and the employee shall develop goals to improve job skills and enhance job performance. A performance evaluation shall be conducted for all employees, both full-time and part-time, at least once each fiscal year. Newly hired probationary or promoted City employees shall receive evaluations at six (6) months and at the end of their probationary period. Once the probationary period has ended, supervisors shall evaluate their employees along with the regular evaluation period. The Department Director has discretionary authority to conduct other evaluations during the year, as may be necessary, due to repeated problems in an employee's job performance, promotional considerations, lay-offs, or other circumstances that may warrant a special evaluation.

Performance evaluations may be used in conjunction with a merit-based rate-of-pay adjustment to be implemented in July of each year, if approved by the City Board of Mayor and Aldermen. All merit-based pay raises shall be preceded by and be based upon a completed performance evaluation. The employee's signature does not necessarily indicate agreement with the contents of the evaluation, only that the employee has been made aware of it. Employees may include comments to their evaluation.

If an employee scores at or below the determined minimum score, they are placed on a three (3) month probationary period and are re-evaluated at the end of that time period. The employee will not be eligible to apply for any openings or promotions during this probationary period. Specific written expectations must be given to the employee as to how the performance must improve. If performance does not improve, termination may result.

An employee who feels their performance appraisal is not correct shall have the right to appeal the appraisal to the City Administrator through the Human Resources Director. The appeal shall be submitted to the Human Resources Director within ten (10) City business days from the date the employee receives the evaluation in the online evaluation system. The City Administrator will make the final decision regarding the performance appraisal rating. Ratings cannot be grieved under the City's grievance policy.

All evaluations become part of the City's official personnel file for that employee. Individual performance evaluations are subject to the Tennessee open records law.

Article XIII – Employee Development and Training

Section A. Employee Development and Training

Both the City of Franklin and employees benefit when employees are well trained. Training employees within each department unit leads to improved organizational development, increased productivity, and enhanced service. This is generally accomplished best through on-the-job or in-service training with occasional or mandated specialized offsite training. Training opportunities will be provided uniformly, equally, and fairly. If an employee does not attend a required training, they are subject to disciplinary action up to termination.

Section B. Safety Education and Training

All employees are required to take every precaution in the prevention of accidents to themselves, other employees, and the public. The Human Resources Department shall have the basic responsibility for coordinating a program of safety education and training. Offered trainings include, but are not limited to, drug and alcohol, bloodborne pathogens, civil treatment, confined space, distracted driving, and CPR/First Aid.

The City of Franklin Safety Manual governs safety procedures and policies.

Section C. Specialized Training

All full-time employees of the City of Franklin and certain probationary employees (for example, critical response positions) are eligible for job-related, specialized training assignments upon approval of the Department Director within departmental budget constraints. All out-of-state travel and training must be approved in accordance with the Travel Policy (Appendix O).

Attendance at outside training shall follow the Fair Labor Standards rules. If training ends before the normal work shift, the employee must return to the work site. If the training is not required, leave with pay may be authorized by the Department Director.

Each employee on assignment to specialized training shall maintain satisfactory performance in the prescribed course of study.

The department will pay all training costs, including necessary and required tuition, books, and expenses. However, such expenses will be paid no more than twice for any required course. Should the employee fail a mandatory examination twice, the employee desiring to take the course and/or examination again will bear the cost of the training and will attend on his/her time, utilizing vacation leave or leave without pay. Employees must successfully complete the Police Academy or Basic Firefighter Academy on the initial attempt. Failure in these programs will result in immediate termination of the probationary employee.

Article XIV – Disciplinary Actions

Section A. Application

This Article applies to all regular City employees who have completed their respective probationary periods, with the exception of the City Administrator, who serves at the will and pleasure of the Board as described in Article XVI of the City Charter.

Employees included in the Leadership Team, as defined in Article II of this Manual, are held to a higher standard than other employees for conduct and performance. Because of this, progressive discipline may not be applicable. The Leadership Team consists of employees in positions of high responsibility who understand that inappropriate conduct and/or unsatisfactory performance may result in more severe discipline (up to and including termination on a first offense) than would be imposed on employees not a part of the Leadership Team.

Section B. Policy

A Department Director, with the review of the Human Resources Director and the approval of the Assistant City Administrator (if applicable) and the City Administrator, and in accordance with the provisions of this Article, may demote, dismiss, or suspend without pay for not more than ten (10) calendar days in any calendar year (except that suspensions may be extended pending any investigation and hearing) any employee for any one or more of, but not limited to, the following reasons.

- 1) Dishonesty, immoral conduct, insubordination, unsatisfactory performance of duties, failure to adhere to these Rules and Regulations or other written instructions, or any other action or inaction, whether on-duty or off-duty, that negatively reflects on the employee or the City of Franklin; any other willful failure on the part of the employee to conduct himself/herself properly; or any willful violation of the provisions of the Municipal Code, Human Resources Manual, or approved departmental guidelines.
- 2) Failure to adhere to the City's policy on discrimination, which shall include any act of harassment.
- 3) Drug abuse, refusal to participate in a City-approved rehabilitation program deemed needed by the City Administrator from substantiating evidence, or refusal to submit to pertinent testing in accordance with a City-approved drug and alcohol testing program.
- 4) An employment history with the City that demonstrates a consistent pattern of disciplinary and/or performance problems and a lack of corrective action by the employee, despite documented warnings and counseling efforts by the City to encourage improvement, so as to cause sufficient doubt as to whether continued employment is in the best interests of the individual and/or the City.

- 5) Any other act or failure to act as set out in these Rules and Regulations and the Personnel Ordinance, which, in the judgment of the City Administrator, is sufficient to show that the person is an unsuitable and unfit employee.

Section C. Disciplinary Guidelines

It is the policy of the City to utilize disciplinary action to correct job behavior and/or performance problems when justified for cause. Disciplinary action shall be remedial rather than punitive in nature whenever possible, with the organizational objective of directing and motivating employees to fully carry forth their work obligations to the City. Employees shall be informed of standards of conduct and performance. These Rules and Regulations shall be fairly and consistently applied considering the seriousness of the infraction, mitigating circumstances, previous work record, and other relevant criteria.

In order for disciplinary action to be documented, it must be filed in the Human Resources Department.

Any supervisor may take corrective action by orally counseling employees as necessary. This action may be taken in an effort to correct a situation that, if uncorrected, may require more serious disciplinary action. In most instances, counseling notices should be written by the employee's immediate supervisor and must be concurred by the Department Director.

Disciplinary action is the basic responsibility of the Department Director, and all supervisors are expected to follow the chain of command in providing notification of possible violation of these rules to the Department Director, Assistant City Administrator, and/or City Administrator. Furthermore, supervisors are expected to participate in the disciplinary process, which may include recommending a departmental hearing, attending such hearing, and providing input into the final outcome. It is a dimension of performance evaluation and employee development extended to help the employee develop knowledge, skills, and abilities.

An employee may not be disciplined for any of the following reasons:

- Conditions controlled by equal opportunity laws, such as race, religion, national origin, sex, disability, veteran's status, age, or any other legally protected status, including filing a complaint with the Equal Employment Opportunity Commission or Tennessee Human Rights Commission,
- Reporting occupational health or safety violations,
- Refusing to perform an unusual work assignment that the employee believes is hazardous or even life-threatening, or
- Refusing to perform an act that is in clear violation of the law.

Corrective Actions:

- 1) Oral Reprimand - Oral notification to an employee by the employee's supervisor of performance or conduct that does not meet job expectations. This notification shall include an explanation of the proper performance or conduct expected and a warning that continued activity shall result in additional disciplinary action. An Oral Reprimand shall be documented in the employee's personnel file in the Human

Resources department. An Oral Reprimand may be issued without a departmental hearing.

- 2) Counseling Letter - A formal notification to an employee by the employee's supervisor detailing performance or conduct that does not meet job expectations, including an explanation of the proper performance or conduct expected, and a warning that continued activity shall result in additional disciplinary action. A Counseling Letter may include reinstatement of probationary status for a period of time of up to six (6) months, which may be extended as necessary. A copy of this notification shall be forwarded to the Human Resources Department for inclusion in the City's official personnel file for that employee. A Counseling Letter may be issued without a departmental hearing.
- 3) Disciplinary Probation - In addition to, or in lieu of, a warning letter, suspension, or demotion, or other disciplinary sanctions, as found in Section 8 of this Rule, Department Directors may determine that an employee should be placed into a disciplinary probationary period. Disciplinary Probation is for a maximum period of twelve (12) months. During a disciplinary probation period, an employee is placed on notice that his/her conduct and work performance will be more carefully scrutinized by supervisory personnel in the chain of command, and that further disciplinary action for the same or similar infractions will be more severe. While an employee is in a disciplinary probationary period, he/she will not be considered for promotional opportunities. Disciplinary Probation may be issued without a departmental hearing or may be issued in conjunction with other discipline after a departmental hearing.

The normal progression of discipline, excluding the Leadership Team, shall be as follows:

- 1) Written Reprimand - In situations where an oral warning and/or counseling letter has not resulted in the expected improvement, or when more severe initial action is warranted, the Department Director may issue an official written reprimand. The reprimand should be initiated as soon after the incident as is responsibly possible, but only after the departmental hearing. This letter will contain a specific statement of the charges. A copy of the reprimand shall be forwarded to the Human Resources Department for inclusion in the City's official personnel file for that employee.
- 2) Suspension Pending Investigation and/or Hearing - Suspension pending investigation and/or hearing is an action taken by the City Administrator and Department Director when it is determined that removal of the employee from work is in the best interests of the public and/or the City because the employee is deemed to pose a danger to the supervisor, the employer, or others or is causing significant disruption in the workplace. Such suspension shall be made with pay unless otherwise authorized by the City Administrator and shall not exceed thirty (30) calendar days. However, extensions to this 30-day period may be made by the City Administrator on the basis of extenuating circumstances, for example, pending adjudication in the Court system

for a crime. Whenever there is a suspension without pay, the Human Resources Department shall immediately notify Payroll in writing to stop the pay. During suspension pending investigation, no retirement benefits shall accrue. If the suspension leads to disciplinary action that results in termination, then the days during which the employee was suspended shall not be counted towards retirement benefits. If no disciplinary action is taken, or disciplinary action is taken short of termination, then the time for which the employee was suspended shall be restored and shall be counted towards retirement benefits. The investigation may be conducted in-house or by an agency outside the City, at the joint decision by the Human Resources Director and the City Administrator. At the conclusion of thirty (30) calendar days, if adjudication is pending or the internal investigation remains active, the City Administrator may extend the suspension. Upon completion of the investigation, a departmental hearing shall be held. At the conclusion of the investigation and subsequent departmental hearing, an employee suspended without pay may be reimbursed for lost wages only at the discretion of the City Administrator.

- 3) Suspension – A Department Director may suspend an employee in the Classified Service without pay for any length of time considered appropriate, up to, but not to exceed, five (5) working days (three (3) working days for Uniformed Fire Personnel) for any specific offense after a departmental hearing is conducted. No more than one (1) suspension for any similar offense shall be allowed in a one (1)-year time period. Total suspension time for disciplinary measures shall not exceed an accumulation of ten (10) working days (six (6) working days for Uniformed Fire Personnel) during the year for violations of any rules. The suspension should be initiated as soon after the incident as is reasonably possible, but only after a departmental hearing. The employee will receive written notification of the suspension, at least twenty-four (24) hours before the suspension becomes effective. A copy of the suspension will be placed in the City’s official personnel file for that employee.
- 4) Demotion - Demotion is an appropriate disciplinary action when the employee has committed a serious offense and management has lost confidence in the employee’s ability to function effectively in the current position, but he believes the employee can contribute positively in a less responsible position. A demotion will always result in a reduction of pay in accordance with Article X, Section B. The demotion will be initiated only after a departmental hearing, and a copy of the notice of demotion will remain permanently in the employee’s personnel file.
- 5) Other Disciplinary Sanctions - The primary focus of discipline is to correct behavior. There may be occasions when disciplinary actions other than, or in addition to, a written reprimand, suspension, demotion, and/or disciplinary probation may be appropriate to bring about the necessary changes in behavior. Examples of these actions include, but are not limited to: referral to the Employee Assistance Program (see Article XXI, Section W); mandatory remedial training, such as driver’s education, safety or supervisory training, suspending driving privileges. Sanctions may only be initiated after a departmental hearing or investigation for cause and reviewed by the Human Resources Director and approved by the City Administrator.

- 6) Dismissal - A Department Director may dismiss an employee for just cause. The dismissal should be initiated as soon after the incident as is reasonably possible, but only after a departmental hearing. The Department Director's decision to dismiss will be in writing and will specify the penalty and reasons for the decision and must be reviewed by the Human Resources Director and approved by the City Administrator. The letter will contain a statement that the Human Resources Department is responsible for contacting the employee regarding the status of fringe retirement benefits. A copy will be placed permanently in the employee's Personnel file.

However, there are offenses that are of such a severe or a serious nature that the normal progression of discipline will not be followed. Based on the severity of the first offense, disciplinary action can be started at steps other than the Oral Reprimand step.

The guidelines listed below are provided for use by Department Directors in determining the appropriate level of discipline for various types of misconduct. The examples given are not intended to be all-inclusive nor are they intended to be mandatory or limiting the Department Director's discretion or authority to discipline employees. The Department Director shall consider the employee's previous work record and any mitigating circumstances that may be ascertained during the disciplinary investigation. This list may not apply to the Leadership Team.

- 1) First Group Offenses - include those types of behavior that are the least severe in nature, but which require corrective action in the interest of maintaining a productive and well-managed work force. Initial corrective action for these infractions would normally be an Oral Reprimand or Counseling Letter. If the condition is not corrected, the employee shall be subject to increasing levels of progressive discipline. First Group Offenses include, but are not limited to, the following:
 - Unsatisfactory attendance or excessive tardiness
 - Abuse of City time
 - Obscene or abusive language
 - Inadequate or unsatisfactory performance
 - Failure to process Approval of Outside Employment Form (see Appendix J)
 - Failure to comply with the Human Resources manual, appendix to the manual, and approved departmental policies, except as otherwise specified herein
- 2) Second Group Offenses - include acts and behaviors that are more severe in nature than First Group Offenses. Initial corrective action for these offenses would normally consist of a Written Reprimand, Suspension, or Demotion. Subsequent infractions of this type should result in more severe disciplinary action, depending upon the circumstances surrounding the infraction. Second Group Offenses include, but are not limited to, the following:

- Insubordination, which is defined as failure by an employee to follow a supervisor's directive, perform assigned work, or otherwise comply with applicable written policies or procedures.
 - Harassment of any type, including sexual harassment or any other inappropriate behavior.
 - Neglect of duty, carelessness, or negligence in the use of City property.
 - Disgraceful personal conduct or profane, abusive, or threatening language toward the public, supervisors, or fellow employees while on duty.
 - Use of City equipment for personal advantage.
 - Violation of safety rules or Tennessee traffic laws while driving a City vehicle.
 - Failure to report an accident involving City Property (including a City vehicle) regardless of the amount of damage.
 - Failure to personally notify the supervisor within one (1) working day of notification by the courts or Department of Motor Vehicles when the employee's driver's license and driving privileges have been suspended, revoked, or restricted for any reason, or having been cited by a law enforcement agency for DUI or a vehicle accident involving loss of life or serious bodily injury whether such occurred on or off duty; loss of an employee's driver's license and driving privileges by due process of law when the operation of a motor vehicle is required by the employee's job description.
 - Failure to personally notify the supervisor within one (1) working day of any arrest.
 - Unauthorized absences or use of leave privileges.
 - Violation of any lawful or reasonable regulation, order, or directive made or given by a supervisor, Department Director, Assistant City Administrator, or City Administrator.
 - Gambling on City property or during work hours.
 - Failure to report to work without proper notice to the appropriate supervisor.
 - Unauthorized use or misuse of City property, equipment, technology, or records.
 - Knowingly making false or malicious statements that harm or destroy the reputation, authority, or official standing of a City employee or official.
 - Employee misconduct such as any action or inaction, whether on-duty or off-duty, that negatively reflects on the employee or the City of Franklin.
- 3) Third Group Offenses - includes acts and behavior of such a serious nature that a first occurrence normally warrants dismissal. Third Group Offenses include, but are not limited to, the following:
- Possession or use of alcohol or the illegal possession or use of controlled substances while on duty, unless in the performance of duties.
 - Reporting to work when physical or mental ability is impaired by alcohol or the unlawful use of a controlled substance.
 - The theft or deliberate destruction of City-owned or controlled property, including supplies, inventory (including criminal evidence and lost & found items), materials, fuel or fuel products, tools, machinery, or equipment.

- Willfully falsifying, damaging, or the theft of City or employee records including vouchers, reports, insurance claims, leave and time reports, and employment applications.
 - Failure to report within two (2) business days to the employee's Department Director, Assistant City Administrator (if applicable), and to the City Administrator the employee's receipt from any local, state, or federal regulatory agency of an administrative complaint, warning, or other written notice of violation or non-compliance with applicable law or regulations concerning employee's work for the City.
 - Unsatisfactory employment or Personnel record, as evidenced by reference/record check, of such nature as to demonstrate unsuitability for employment.
 - Political pressure or bribery to receive an advantage or appointment, or to influence a City employee in his/her duties.
 - Directly or indirectly obtaining or supplying information regarding examinations to which, as an applicant, he/she is not entitled.
 - Threatening other employees or acts of physical violence or fighting while on duty, while representing the City, or on City property.
 - Unauthorized sleeping during work hours.
 - Unauthorized possession or use of firearms, dangerous weapons, or explosives.
 - Participation in any kind of work slow-down, sit-down, or similar concerted interference with City operations.
 - Disorderly or immoral conduct, a misdemeanor involving moral turpitude, or the conviction of a felony while in the employment of the City, or other acts, occurring either on or off-duty, that are of such a nature that to continue the employee in the current capacity could constitute negligence in regard to the City's duties to the public or other employees or negatively impact the City's ability to meet its obligations.
 - Accepting gifts, favors, or services that might reasonably tend to improperly influence an employee in the discharge of official duties or give the appearance of such undue influence.
 - Use of official position or authority for personal profit or political advantage such as participating in political activities while on duty and/or using City resources on or off duty while participating in political activities.
 - Insubordination that constitutes a serious breach of discipline or shows a disregard for safety.
- 4) Multiple offenses may result in the following disciplinary action:
- Exceeding three (3) written reprimands within a twelve (12)-month time period may result in a three (3)-day suspension without pay.
 - More than one (1) suspension for any similar offense within a twelve (12)-month time period may result in termination.
 - Being suspended without pay for more than ten (10) working days within a twelve (12)-month time period may result in termination.

All disciplinary action shall be supported by evidence strong enough to bear the burden of proof of just cause for such disciplinary action upon review by the Human Resources Director and Assistant City Administrator (if applicable) and approval of the City Administrator.

Unless the work infractions are of a similar recurring nature or are of such a serious nature as to warrant consideration regardless of when they occurred, infractions should not be counted against an employee for progressive discipline purposes that extend beyond a two (2)-year period.

In addition to the loss of pay resulting from disciplinary suspensions, other forms of discipline that may be invoked include denial of annual merit increases and demotion in pay grade, rank, and salary.

These procedures are designed to be utilized strictly as guidelines, and it is expected that Department Directors shall use their individual discretion when applying and/or recommending discipline. These guidelines are not in any way designed to restrict the Department Director from using judgment based on factual findings and consistent in handling previous disciplinary matters.

Section D. Departmental Hearing

Except in the case of suspension pending investigation and/or hearing, all disciplinary actions that are noted above as requiring a departmental hearing shall be taken only after the employee (excluding the City Administrator who works at the pleasure of the Board) has had a hearing conducted by the Department Director or City Administrator if the employee is a Department Director or Assistant City Administrator. The written notice of such hearing must be personally delivered to the employee at least two (2) City business days before the hearing date. In those instances where the employee cannot be personally contacted, a registered letter will be mailed to the employee's last known address. The same time limitations shall suffice. This notice shall contain a statement of the charges and the time, date, and location of the hearing and the employee's hearing rights. At the hearing, the employee may present testimony, personally, and of others, present/give evidence, and cross-examine witnesses. Attorneys are not permitted to participate on behalf of either party. However, attorneys may be available for consultation by either party outside the room where the hearing is being conducted. The Department Director or City Administrator will render a written decision no later than ten (10) working days after the conclusion of the hearing, with copies to the Human Resources Director, Assistant City Administrator (if applicable), and City Administrator. The Department Director or designee shall personally deliver a copy of the decision to the employee. If the employee is unavailable or in unusual circumstances, the disciplinary action letter may be sent to the employee by certified, registered mail. All disciplinary action is subject to the review of the Human Resources Director and approval of the Assistant City Administrator (if applicable) and of the City Administrator.

An employee may choose to waive their right to a disciplinary hearing. A written waiver must be submitted to the Human Resources Director by the close of business the day prior to the hearing. The Human Resources Director will notify the appropriate Department Director or City Administrator of the waiver. If the Departmental Hearing is waived, then the Department Director (or City Administrator if the employee is a Department Director or Assistant City Administrator) will make their decision based on the information gathered and/or received prior to the hearing.

In waiving their right to a disciplinary hearing, the employee also waives their right to appeal any disciplinary action issued by the Department Director or City Administrator for the infraction. Should an employee not submit a written waiver for the hearing and not attend the hearing, then the lack of attendance will be considered as a waiver. If an employee does not attend the hearing, then the resulting discipline cannot be appealed.

For more information regarding Hearings, see Appendix S.

Section E. Appeals

The purpose of an appeal is to provide the basis for making a determination of whether the discipline issued to the employee was reasonable under the circumstances. Any regular employee who has received disciplinary action following a Departmental Hearing shall have the right to appeal the decision (except in those instances where the right of appeal is specifically denied by the Municipal Code) by making a written request, to be submitted to the Human Resources Director within five (5) City business days after receiving official notification of disciplinary action.

- 1) Upon receiving the request for an appeal, the Human Resources Director shall set the date, time, and location for an appeal, and shall notify the employee, the Supervisor, the Department Director, the Assistant City Administrator (if applicable), and the City Administrator of this information. The hearing shall be set for a date that is not less than five (5) City business days from the date of notification. Any changes to date or time shall be approved by the Human Resources Director.
- 2) The Human Resources Director will appoint a neutral third party (arbitrator) to be the final decision-maker.
- 3) Upon receipt of the appeal, the Human Resources Director shall immediately forward in its entirety: (a.) a copy of the alleged action, (b.) all previous dispositions, and (c.) all prior paperwork in connection with the disciplinary action, including statements and previously related disciplinary actions to the arbitrator for their consideration.
- 4) The employee's personal attorney may be present at the hearing or the employee may have a Human Resources representative present. The City Administrator may request the City Attorney to attend the hearing in order to serve on behalf of the City. The hearing shall be audiotape recorded and/or a court reporter shall transcribe the hearing. The appealing employee shall be responsible for his/her own expenses for attorney fees.
- 5) During review of the disciplinary action, the City Administrator, City Attorney, and Arbitrator shall have the right of subpoena, to examine witnesses under oath, to compel the attendance of City employees/witnesses, and to require the production of evidence by subpoena in accordance with the Municipal Code. Employees are required to inform Human Resources of their witnesses at least five (5) days prior to

the appeal hearing. City employees who are called as witnesses are obligated to attend the appeal hearing and to be truthful in their responses.

- 6) Within ten (10) City business days of the conclusion of the hearing, the arbitrator shall render a written decision to the employee, the employee's Department Director, Assistant City Administrator, and the Human Resources Director.
- 7) The arbitrator's decision shall be final and binding, subject only to such judicial relief as may be provided under state or federal law.
- 8) The arbitrator may revoke, modify, or sustain the disciplinary action being appealed.
- 9) The action being appealed may be resolved at any step by mutual concurrence of both parties. Copies of all settlement agreements shall be in writing and provided to the employee, City Administrator, City Attorney, and the Human Resources Director and all parties involved for permanent file.

Section F. Reimbursement of Lost Wages

If at the conclusion of the appeal process an employee is found to have received discipline without sufficient or adequate cause or merit, then that employee shall be reinstated effective immediately to the same position held prior to the discipline. In such a case, if the employee was suspended without pay pending the results of the appeals hearing, then that employee shall be reimbursed for all lost wages for the hours of work for which the employee would have been otherwise normally scheduled, and all benefits, leave time, etc., shall be reinstated/reimbursed.

Article XV – Non-Disciplinary Transfers, Demotions, Separations, and Reinstatements

Section A. Transfers

A transfer is a lateral movement of an employee from one position to another at relatively the same pay range between positions of the same class or a different class. Transfers may be made within a department or between departments. A transfer is not the assignment of an employee from one shift to another without a change in duties or job title. Transfers may be made as a result of the following:

- 1) Layoff
- 2) Abolishment of a position
- 3) Further training and development of an employee in another position that would be beneficial to the future staffing needs of the City
- 4) To provide accommodation for a disability
- 5) Other reasons determined to be justifiable by the Department Director, Human Resources Director, and City Administrator

To be transferred, an employee must meet the minimum qualifications for the position and the move must be in the best interests of the City. Regular employees who are transferred at their own request shall serve a probationary period of six (6) months. Regular employees who are transferred at management's discretion shall not be subject to an additional probationary period.

Section B. Demotions (Non-Disciplinary)

A Department Director may demote an employee in the Classified Service to a position of lower grade in which the employee meets the minimum qualifications for any of the following reasons:

- 1) Because the employee's current position is being abolished and the employee would otherwise be laid off.
- 2) Because another employee returning from authorized leave will occupy the position to which the employee is temporarily assigned.
- 3) The employee does not possess the necessary qualifications to render satisfactory service in the position they hold.
- 4) The employee voluntarily requests such demotion.

When an employee is demoted, the compensation shall be in accordance with Article X, Section B. All notices of demotion will be in writing, specifying the reasons for the demotion, and shall be placed in the employee's personnel file.

Section C. Types of Separation

Types of separation may include, but are not limited to the following:

Resignation - Any employee may resign from City service by presenting a letter of resignation to the Department Director. Any unauthorized absence from work by an employee for a period of three (3) consecutive working days (two (2) consecutive work shifts for shift personnel of the Fire Department) will be considered job abandonment and a voluntary and immediate resignation by that employee.

Disability – An employee may be separated from the City Service or demoted when it has been determined that the employee cannot continue to satisfactorily perform the essential duties of the position due to a physical or mental disability and no reasonable accommodation can be made. All determinations of physical or mental disability will be by a licensed, practicing medical doctor or medical doctors.

Retirement – When an employee meets the conditions as set forth in the Summary Plan Document, they may elect to retire and receive all benefits earned under the City’s Retirement Program. Official notice of such intended action must be submitted by the employee in writing to the Human Resources Director within the prescribed time limits as set out in the Summary Plan Documents (see Appendix D or Appendix R). Retiring employees who qualify may be eligible for terminal leave (see Article X, Section J and Article XVIII, Section F).

Termination – Termination of regular employees shall be in accordance with Article XIV. Termination of probationary employees shall be in accordance with Article IX. Termination of temporary employees shall be in accordance with Article VIII, Section B.

Lay-offs - Nothing herein shall be construed as affecting the power of the Board of Mayor and Aldermen to abolish positions in the classification plan upon recommendation of the City Administrator as prescribed in Title 4, Chapter 1 of the Municipal Code. Employees transferred, demoted, or laid-off shall have the right of appeal and hearing in such cases. Seniority shall be observed in affecting such reduction in personnel, and the order of lay-off shall be in the reverse order of total cumulative time served in the Classified Service upon the effective date of the lay-off. Lay-offs shall be made within positions, and all provisional employees in the affected position or positions shall be laid-off prior to the lay-off of any employee. For the purpose of determining order of lay-off, total cumulative time shall include time served on military leave of absence (as stated in the Municipal Code Title 4, Chapter 2, Section 4-216).

Section D. Rehired Employees

A rehired employee shall be credited with prior accumulated service for retirement purposes only, provided the date of rehire is less than one (1) year from the official date of separation from the City payroll. For purposes of vacation, sick leave, promotional processes, and

other benefits, they shall be considered a new employee. Part-time employees' years of service do not count towards retirement.

A retired employee in pay status under the City Retirement Program at the time of retirement shall be permitted to return to service with the City temporarily and continue to be eligible to receive such benefits provided all the following conditions are met:

- During the calendar year, the retired employee shall not work more than nine hundred sixty (960) hours. Holidays are considered in the calculated hours.
- During the re-hire period, the full-time salary or wages payable to such retired employee shall not exceed an amount equal to the sum of sixty percent (60%) of the total full-time salary or wages received by the retired employee in the last full calendar year immediately prior to employment.
- The retired employee does not return to service until the expiration of at least sixty (60) calendar days from the retired employee's effective date of retirement unless the retired employee returns to service in a position wherein the retired employee renders no more than one-half (1/2) the time or hours the retired employee was scheduled to work prior to retirement and no other qualified persons are reasonably available to fill the position as determined by the City in its sole discretion.
- Should the period of return to service or the salary or wages exceed the limits specified above for any rehire period, any monthly annuity or other payment under the Plan shall be reduced for the following twelve (12)-month period by the greater of the following:
 - a) Each hour worked in excess of the nine hundred sixty (960) hours per rehire period limitation shall result in the loss of one-twentieth (1/20) of the monthly annuity or other payment being made to the rehired employee; or
 - b) Any compensation received in excess of the 60% of full-time salary or wages per rehire period limitation shall reduce the monthly annuity or other payment being made to the retired employee by the ratio that such compensation exceeds the limitation. The Plan shall have the right to obtain reimbursement for payments in excess.
- The retired employee will not accrue any additional Years of Credited Service during the retired employee's period of reemployment with the City.

Article XVI – Grievance and Appeals Procedure

Section A. Policy

It will be the policy of the City to provide a procedure for the presentation of grievances when circumstances of misunderstanding or disagreement arise involving employees. The grievance procedure set forth below is to assure employees that their problems and complaints shall be considered fairly, rapidly, and without reprisal.

Section B. Definition

A grievance is a dispute arising between employees and/or between an employee and the employee's supervisor and/or the employee's Department Director and/or the City relative to some aspect of employment, interpretation of regulations and policies, or some management decision affecting the employee. A grievance may arise from an employee's complaint about or disagreement with any of the following:

- Some aspect of employment and/or employment conditions, other than as excepted below;
- A relationship between the employee and the employee's supervisor and/or the employee's Department Director and/or the City;
- A relationship between the employee and other employees;
- The application or interpretation of regulations and/or policies;
- Management or administrative decisions or directives affecting the employee's health, safety, workplace, equipment, or material used; and
- Other related items, other than as excepted below.

A grievance may not arise from any of the following:

- Performance Evaluations
- Pay and/or other forms of compensation including employee fringe benefits, or changes thereto;
- Any disciplinary action; and
- Demotions, transfers, and lay-offs because of the abolishment of positions.

Section C. Grievance Procedure

The following procedure is to be followed to resolve an employee grievance. The purpose of the procedure is to determine what is fair and just, rather than who is right. The City encourages free and open discussion between employees and supervisors for effective communication and understanding pertaining to work-related matters.

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

Director. Throughout the grievance procedure, whenever a specific number of City business days are allowed to submit a grievance or to respond to a grievance finding, then the “business days” in question shall be those normal to the person responsible for the next action. The “business days” do not include days of vacation, sickness, suspension, scheduled days off, etc.

If a grievance develops, the following steps shall be taken:

- 1) The employee should discuss the matter with their supervisor as soon as the grievance develops. The supervisor shall make every reasonable effort to resolve the matter.
- 2) If the matter is not resolved, the employee shall submit in writing to the supervisor a complete statement as to what the employee feels the grievance to be and a suggested solution within five (5) City business days. A designated form shall be used for grievances. The forms may be obtained from the Department Director or the Human Resources Director. The supervisor or department director shall respond in writing within five (5) City business days of receiving the employee’s written grievance. At this step and the following steps, copies of the grievance form (see Appendix B) and the response shall be forwarded immediately to the Human Resources Department.
- 3) If the supervisor or Department Director’s response is not satisfactory to the employee, the employee may submit the grievance to the Human Resources Director within three (3) City business days of receiving the supervisor’s response.
- 4) At any point, an employee may submit the grievance directly to the Human Resources Director.
- 5) The Human Resources Director shall obtain all information from the employee filing the grievance and their supervisor and/or other parties named in the grievance. The Human Resources Director will notify the appropriate Department Director that a grievance has been filed. The Human Resources Director will informally meet with the employee, the Department Director, and others as necessary to informally discuss the grievance and possible solutions. The Department Director shall provide the employee with a written response within five (5) City business days following such meeting. The Human Resources Director shall make a copy of the grievance and all responses thereto a part of the City’s official personnel file for that employee. In the event a grievance is filed against a Department Director or Assistant City Administrator, or in the event any employee who reports, either directly or indirectly, to the Human Resources Director submits a written grievance, or in the event the Human Resources Director submits a written grievance, then no such informal discussion shall be held and the matter shall be forwarded to the City Administrator as an appeal of a grievance.

Section D. Appeals of Grievance

- 1) If the employee is not satisfied with the decision rendered by the Department Director, then the employee may, within five (5) City business days of receiving the

Department Director's determination, appeal that determination to the City Administrator and request a grievance hearing.

- 2) The City Administrator shall, within two (2) weeks of receiving the written appeal, set the date, time, and location for a grievance hearing, and shall notify the employee, the supervisor, the Department Director, the Assistant City Administrator (if applicable), and the Human Resources Director of this information. The grievance hearing shall be set for a date that is not less than five (5) City business days but not more than ten (10) City business days after the City Administrator notifies these individuals of the date.
- 3) The Human Resources Director has the authority to appoint a neutral third party (mediator) to be the final decision-maker in lieu of the City Administrator when it is determined that a neutral third party is in the best interests of the City.
- 4) It is the responsibility of the employee to appear at the scheduled grievance hearing. If the employee fails to appear and has no justifiable reason for failing to appear, then the appeal shall be dismissed.
- 5) The City Administrator or mediator shall have the authority to interview witnesses under oath, to compel the attendance of City employees, to require the production of information by employees, and to request attendance and production of information by non-employees. At a minimum, the persons to be interviewed by the City Administrator or mediator at the grievance hearing shall include the employee submitting the grievance and the employee's supervisor or other person whose action is being reviewed. The employee may provide a list of others whom the City Administrator or mediator may also interview to the extent the City Administrator deems it practical and/or necessary to do so.
- 6) The grievance hearing shall be recorded.
- 7) The City Administrator or mediator shall have ten (10) City business days from the conclusion of the hearing to render a decision. The decision shall be in writing and shall include the reasons for the decision. The City Administrator's or mediator's decision shall be final and binding in all cases, except that the decision may be appealed to a court of law of competent jurisdiction.

Article XVII – Leaves and Absences

Section A. Holidays

Holidays - The following days shall be declared official holidays for the Municipal Government employees and other such days as may be designated by the Board of Mayor and Aldermen:

New Year's Day	January 1
Martin Luther King's Birthday	3rd Monday in January
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Friday after Thanksgiving	4th Friday in November
Christmas Day	December 25th
Bonus Christmas Day	The workday before or after Christmas Day

The City Administrator annually sets the date observed as the Bonus Christmas Day.

When a holiday falls on a Saturday, the Friday before the holiday will be observed as the holiday. When a holiday falls on a Sunday, the following Monday shall be observed as a holiday. Floating holidays are not allowed.

Employees required to work when their scheduled shift falls on any City-observed holiday shall receive compensation in accordance with Article X, Section H of these Rules and Regulations.

Section B. Vacation Leave

All full-time employees of the City shall accrue vacation leave monthly. An employee must be in a paid status with the City for at least 50% of the month in order to accrue vacation leave for that month. Employees on sick leave, terminal leave, job-related disability/injury leave, layoff, leave without pay, absent without leave, or any combination of the above for more than 50% of the month will not accrue vacation leave time during that month. Employees on disciplinary suspension of one (1) or more days or suspension pending investigation or disciplinary hearing (unpaid) shall not be eligible to accrue vacation leave during the month of suspension. Employees may not borrow against future vacation leave before it is earned and accrued.

Vacation leave shall be accrued on the following basis unless otherwise designated by the City Administrator:

Years of Service	Vacation Hours Accrued per Month (40-hour employee)	Vacation Hours Accrued per Month (Uniformed Fire Employees)
0–3 years	6.67	10.00
4–6 years	10.00	15.00
7–9 years	12.00	18.00
10–14 years	14.00	21.00
15+ years	16.00	24.00

Vacation will be computed on the number of standard work hours in a week. For vacation leave purposes, the term “workday” as it applies in this section shall be computed on an eight (8)-hour basis for forty (40)-hour-per-week employees and twelve (12) hours for uniformed Fire employees on a twenty-eight (28)-day cycle.

Vacation leave shall not accrue until the end of the first full calendar month of employment or appointment. An employee starting to work at any time after the first working day of the calendar month shall not have accumulated vacation leave until the end of the following calendar month. For vacation leave purposes, rehired employees shall be considered as new employees.

Vacation leave, which is to be scheduled as far in advance as possible, may be used at the employee’s discretion, provided the Department Director approves it. Department Directors may approve earned vacation leave if the operational requirements of the department can still be met despite the employee’s absence. Exempt employees will not be required to take leave for less than one working day, except where FMLA is applicable. Employees should request time off using the timekeeping system.

Any vacation leave may be scheduled at the approving supervisor’s discretion and in accordance with any approved departmental guidelines. Generally, vacation leave should not exceed ten (10) consecutive working days. However, under unusual or special circumstances, Department Directors may approve requests for more than ten (10) consecutive days of vacation after considering the following:

- Whether the vacation leave is being asked in lieu of sick leave, as maternity leave, or for military service beyond military leave.
- The effect of the employee’s absence on the functioning and workload of the organization.
- The time needed by the employee to complete a special project or trip.
- The lapse in time from the employee’s last extended vacation.

All employees are strongly encouraged to use vacation leave in the year in which it is earned. For internal control requirements, employees responsible for financial information or systems (Revenue Management, Finance, Purchasing, and department financial personnel (collections, payroll, payments, and purchasing)) must take at least five (5) consecutive workdays of leave each calendar year. The five (5) consecutive workdays may span more than one workweek and may include leave other than vacation for the workdays. Non-scheduled days (including weekends off, holidays off) may be within the five (5) consecutive workday period but

are not counted as workdays. This requirement begins with the first full calendar year of service following the end of the employee’s one (1)-year probationary period. Any exceptions to this policy require written approval in advance of the end of the calendar year by the City Administrator.

Department Directors should ensure that work schedules allow employees to use vacation leave in a timely manner. However, full-time employees may carry forward from one calendar year to the next the maximum number of days that could be earned in the previous year. In the event an employee has a greater accumulation than the maximum entitlement at the end of any calendar year, the carry-forward amount will be reduced to the maximum, and the employee may roll into sick leave no more than five (5) excess days at the straight rate (forty (40) hours for all employees and sixty (60) hours for Fire Personnel on shift). Under no circumstances will active employees be paid or credited for more than these amounts.

Employees being separated from City service for any reason will be paid for their unused vacation leave. Payment will be figured at the straight time rate in effect on the termination date.

Section C. Personal Days

Full-times employees who are hired before July 1 will receive two (2) personal days per calendar year. If hired on or after July 1, full-time employees will receive one (1) personal day. Part-time employees will receive one (1) personal day per calendar year regardless of start date. Personal days must be taken in full-day increments with approval from supervisor. Personal days do not carry over and must be used in the calendar year. Unused personal days will not be paid out to any employee leaving City service.

Section D. Sick Leave

All active full-time employees shall accrue sick leave monthly up to an unlimited maximum number of working days. Sick leave shall not accrue until the end of the first full calendar month of employment. An employee starting to work after the first workday of the calendar month shall not have accumulated a day of sick leave until the end of the following calendar month. Employees may not borrow against future sick leave before it is earned and accrued. Sick leave taken that extends beyond earned sick leave credits shall be charged to vacation leave or to leave without pay.

Sick Leave shall accrue on the following basis:

Hours Scheduled to Work per Year	Sick Leave Accrued for Each Completed Month of Service	Annual Accrual Rate
2,080	8 hours	96 hours per year
2,808	12 hours	144 hours per year

An employee must be in a paid status with the City for at least 50% of the month in order to accrue sick leave for that month. Employees on sick leave, terminal leave, job-related disability/injury leave, layoff, leave without pay, or absent without leave for more than 50% of the month will not accrue sick leave time during that month. Employees on disciplinary suspension of one (1) or more days or suspension pending investigation for a disciplinary hearing (unpaid) shall not be eligible to accrue sick leave during the month of suspension.

Part-time employees are not eligible for the accrual of sick leave. For sick leave purposes, rehired employees shall be considered as new employees regardless of the reason(s) for separation.

The employee may use sick leave for the following purposes:

- for personal illness, non-occupational injury, or absence due to pregnancy, childbirth, or related medical conditions;
- for the illness of any members of the employee's immediate family (see Article II, definition of "Immediate Family");
- for personal doctor and dental appointments; and
- for doctor and dental appointments for any members of the employee's immediate family (see Article II, definition of "Immediate Family") whenever the employee must accompany that family member to that appointment.

Sick leave may not be used as personal time and may not be used at any time while an employee is at work on a second job, regardless of health status. Use of sick leave following notice of resignation must be supported by a valid doctor's statement.

Employees must notify the immediate supervisor or the Department Director no later than thirty (30) minutes before the beginning of the scheduled work shift for the department. Lesser limits may be required by the Department Director for "critical response" positions and in accordance with approved departmental guidelines. Employees must notify their supervisor as far in advance as possible of foreseeable sick leave usage, such as doctor appointments, therapy sessions, etc. Furthermore, employees are expected to make every effort to schedule such foreseeable absences in such a way as to not unduly disrupt City operations. If the absence is for three (3) consecutive working days or longer, a written statement from a licensed physician may be required. Supervisors shall notify Human Resources after more than three (3) consecutive days absent for FMLA tracking. Additionally, after the equivalent of five (5) occurrences of sick leave have been taken in any twelve (12) month period, the Department Director may require a physician's statement for the approved use of any sick leave during the next twelve (12) month period. All doctor's excuses and sick leave slips shall be forwarded to the Human Resources Director by the Department Director.

Any accrued and unused sick leave shall become null and void upon an employee's termination, with the exception of eligible retirees.

Employees who abuse sick leave or deliberately make false or misleading statements or claims regarding the necessity for sick leave shall be subject to the loss of such benefits, dismissal, or such other disciplinary action as the Department Director deems necessary.

Employees who become ill during the period of their vacation may request that their vacation leave be changed to sick leave pending proof of a doctor's statement. The employee shall be required to return to work when cleared by competent medical authority as determined by the Director of Human Resources.

Section E. Sick Leave Donation

Any employee with twelve (12) months or more of continuous service who has exhausted all paid leave (including sick and vacation) due to a serious, long-term illness of the employee or an immediate family as defined in Article II and who has entered a leave-without-pay status for at least five (5) consecutive days may submit a request to the Human Resources Department for "donation of sick days." The request shall include a doctor's statement explaining the nature of the illness and the anticipated date for returning to work, provided this information has not already been received. The City Administrator, Human Resources Director, and Department Director will determine if the request is valid. If so, then the Human Resources Department will send a request to all City departments asking for sick leave donations. Employees may donate up to five (5) sick days and should contact the Human Resources Director to complete the necessary forms in order to make the transfer. No employee may receive more than eighty (80) transferred sick days while in the service of the City. The confidentiality of the employees requesting and giving donated sick leave will be protected. The employee may be retroactively paid for the first five (5) leave-without-pay days, providing he/she receives sufficient donations.

Section F. Leave for Adoption, Pregnancy, Childbirth, and Nursing an Infant

The purpose of this section is to provide time for employees to be absent from employment for the purpose of adoption, pregnancy, childbirth, and nursing an infant, where applicable. Except when the employee uses accrued paid leave, leave for adoption, pregnancy, childbirth, and nursing an infant is otherwise considered and treated as leave without pay. Whether paid or unpaid, such leave shall also be considered and treated as FMLA leave (see Section G of this Article).

The City shall adhere to the provisions of the Tennessee Maternity Leave Act of 1987 as may be amended or superseded. This act is set forth in T.C.A. Section 4-21-408, "Leave for adoption, pregnancy, childbirth and nursing an infant." Any employee may obtain a copy of this act from the City's Human Resources Department.

The above referenced act provides that an employee who has been employed for at least twelve (12) consecutive months as a full-time employee may be absent from employment not to exceed four (4) months for adoption, pregnancy, childbirth, and nursing an infant. The City shall treat such leave for anyone with less than twelve (12) consecutive months of service as it would any non-job-related illness or injury.

The act also provides that an employee is to give three (3) months advance notice (unless prevented from doing so because of emergency medical necessity or because the notice of adoption received was less than three (3) months in advance) of his/her anticipated date to commence leave, the anticipated length of leave, and his/her intent to return to full-time employment. The employee must comply with these provisions in order to be eligible for all rights and provisions of the act.

Sick and vacation leave will accrue in accordance with Sections B and D of this article.

If an employee's job position is so unique that the City cannot, after reasonable efforts, fill that position temporarily, then the City is not obligated to reinstate the employee at the end of the leave period.

If an employee works part-time or full-time for another employer during the period of leave, then the City is not obligated to reinstate the employee at the end of the leave period.

Section G. Family and Medical Leave (FMLA)

The following content outlines the City of Franklin's policies in compliance with the federal Family and Medical Leave Act of 1993 (FMLA). Not every detail can be included in this policy; however, it is our intent to comply with the provisions of the FMLA, as may be amended from time to time. Any changes to the law shall supersede this policy. The following policy and all terms and conditions set forth herein shall be construed and applied in accordance with the FMLA.

Employees may choose to use leave without pay if they have five (5) days or less of accrued vacation time and five (5) days or less of accrued sick time.

1. General Provisions

It is the policy of the City of Franklin to grant up to twelve (12) weeks of family and medical leave during any twelve (12)-month period in accordance with the Family and Medical Leave Act of 1993 and up to twenty-six (26) weeks of leave in any twelve (12)-month period in compliance with the expansion of FMLA under The National Defense Authorization Act. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave as specified in this policy.

2. Basic Leave Entitlement

Eligible employees may take family and medical leave for up to twelve (12) weeks for one of the reasons listed below:

1. the birth of the employee's child and to care for that child;
2. placement of a child with the employee for adoption or foster care and to care for the newly placed child;

3. to care for the employee's spouse, child, or parent who has a serious health condition (see Serious Health Condition); and
4. the employee's own serious health condition (see Serious Health Condition).

3. Military Family Leave Entitlements

Eligible employees may take leave up to twelve (12) weeks to address certain qualifying exigencies when a spouse, son, daughter, or parent is on active duty or is called to active duty status in the National Guard or Reserves in support of a contingency operation. Qualifying exigencies include non-medical and non-routine activities such as attending military events, counseling activities, post-deployment activities, making financial and legal arrangements, or childcare arrangements.

Eligible employees may take up to twenty-six (26) weeks of leave to care for a spouse, son, daughter, parent, or next of kin who is a service member in the Regular Armed Forces, National Guard, or Reserves and who has incurred a serious injury or illness in the line of duty while on active duty.

4. Eligibility

Employees who have worked for the City for a minimum of twelve (12) months and worked a minimum of one thousand two hundred fifty (1,250) hours in the preceding twelve (12) months may be eligible for family and medical leave. The City calculates family and medical leave on a twelve (12)-month rolling period. Hence, each time an employee takes family and medical leave, the remaining FMLA leave entitlement would be any balance of the twelve (12) weeks that has not been used in the preceding twelve (12) months.

Employees on military leave will be given credit for any months and hours of service he or she would have been employed while on military leave for purposes of determining eligibility for FMLA.

Eligible part-time employees may take FMLA leave in proportion to the number of hours they normally work for the City per week.

If the leave is requested for the purposes of caring for a newborn child or a newly placed adopted or foster child, the leave must be taken before the end of the twelve (12) months following the birth or placement.

If the employee and the employee's spouse are employed by the City, they are entitled to a combined leave of up to twelve (12) weeks in a twelve (12)-month period for the birth, adoption, or placement of a child for foster care or to care for a sick parent.

5. Intermittent Leave and Reduced Leave Schedules

Leave due to a serious health condition may be taken intermittently or on a reduced leave schedule when that type of scheduling is medically necessary as certified by the healthcare

provider. Intermittent or reduced leave schedules for routine care of a new child can be taken only with the City's approval. The employee and his or her supervisor must mutually agree upon the schedule. Employees on intermittent or reduced leave schedules may be temporarily transferred to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule. Intermittent or reduced leave may be spread over a period of time longer than twelve (12) weeks, but it will not exceed the equivalent of twelve (12) workweeks total leave in a twelve (12)-month period.

Leave due to qualifying exigencies may also be taken on an intermittent basis.

6. Serious Health Condition

A serious health condition, as defined by the Department of Labor, means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility
2. a period of incapacity requiring absence of more than three (3) consecutive calendar days from work, school, or other regular activities that also involves continuing treatment by or under the supervision of a healthcare provider
3. any period of incapacity due to pregnancy, or for prenatal care
4. any period of incapacity or treatment thereof due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.)
5. a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.)
6. any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that would likely result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.)

7. Leave Request and Notification Procedures

Procedure for Requesting Leave for: 1) the birth of a child or in order to care for the child; 2) the placement of a child for adoption or foster care and to care for the newly placed child; 3) to care for a spouse, child, or parent with a serious health condition; or 4) the serious health condition of the employee

EMPLOYEE RESPONSIBILITIES - Employees requesting this type of FMLA leave must provide verbal notice of the needed leave to the Benefits Manager. Employees must provide sufficient information (state a qualifying reason, explain reason leave is needed, provide anticipated timing and duration) to allow the HR department to determine if the leave may qualify for FMLA protection.

When subsequently requesting leave for the same FMLA-qualifying reason for which leave has previously been provided, employee must specifically reference the qualifying reason or state "FMLA" leave.

If the leave is foreseeable, the employee is required to notify the Benefits Manager at least thirty (30) days prior to the requested leave. Otherwise, such request must be submitted as soon as is practicable. This 30-day advance notice is not required in cases of emergency or other unforeseen events such as premature birth or sudden changes in a patient's condition. Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may be exempt from this 30-day notice.

An employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order to minimize disruptions to the City's operations.

Employees may also be required to provide a certification and periodic recertification supporting the need for leave.

EMPLOYER RESPONSIBILITIES - The HR department will provide individual notice of eligibility as well as rights and responsibilities to each employee requesting leave within five (5) business days or as soon as practicable. If not eligible, the employee will be notified of the reason for ineligibility.

Procedure for Requesting Leave for: 1) a covered family member's active duty or call to active duty in the Armed Forces, or 2) to care for an injured or ill service member

EMPLOYEE RESPONSIBILITIES - All employees requesting this type of FMLA leave must provide verbal notice with an explanation of the reason for the needed leave to the Benefits Manager. Leave may commence as soon as the individual receives the call-up notice.

Employee will be required to provide certification for the leave.

EMPLOYER RESPONSIBILITIES - The HR department will provide individual notice of rights and obligations to each employee requesting leave within five (5) business days or as soon as practicable.

8. Designation as FMLA

The City may designate leave as FMLA-entitled leave if information received by Human Resources indicates that the employee's absence from work qualifies under the Family and Medical Leave Act regardless of whether the employee requested FMLA leave. A Designation Notice will be provided to the employee by the HR department.

9. Medical Certification

The City reserves the right to verify an employee's request for FMLA leave. If an employee requests leave because of a serious health condition or to care for a family member with a serious health condition, the City requires that the request be supported by certification from the healthcare provider of either the eligible employee or the family member, as appropriate. If the City has reason to question the original certification, it may, at the City's expense, require a second

opinion from a different healthcare provider chosen by the City. That healthcare provider may not be employed by the City on a regular basis. If a resolution of the conflict cannot be obtained by a second opinion, a third opinion may be obtained from another provider, and that opinion will be final and binding.

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

Any required certifications or other documentation must be furnished by the date he or she is notified that such certification or documentation is required. Any costs associated with completion of the medical certification will be the responsibility of the employee. If the certification is for the employee's serious health condition and is the result of a work-related injury, the City will reimburse the employee for this cost upon presentation of the applicable receipt.

Certification is not required for parental leave; however, employees will be required to provide documents evidencing birth, adoption, legal custody, or foster placement.

10. Certification of Qualifying Exigency for Military Family Leave

Employees requesting this type of service member FMLA leave must provide proof of the qualifying family member's call-up or active military service. Completion of a certification form will be requested as well as documentation such as a copy of the military orders or other Armed Forces communication.

11. Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave

Employees requesting this type of service member FMLA leave must provide documentation of the family member's or next of kin's injury, recovery, or need for care. Completion of a certification form will be requested. Additional documentation may include a copy of the military medical information, orders for treatment, or other official Armed Forces communication pertaining to the service member's injury or illness incurred on active military duty that renders the member medically unfit to perform his or her military duties.

12. Use of Accrued Leave and Coordination with Other Leave

Sometimes more than one type of leave may apply to a situation. Where allowed by law, leaves shall run concurrently and be counted against the employee's FMLA entitlement.

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all accrued sick or vacation

leave prior to being eligible for unpaid leave. Sick leave will run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

An employee who is taking leave for the adoption or foster care of a child must use all paid vacation leave prior to being eligible for unpaid leave.

Workers' compensation leave, to the extent that it qualifies, will be designated as FMLA leave.

13. Benefits Continuation

The City will maintain health and dental insurance benefits during periods of FMLA leave without interruption. During this time, the employee must pay for his or her share of the premiums and/or any other payroll deductible insurance policies, or the benefits may not be continued.

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

14. Return to Work

While on leave for FMLA qualifying reasons, the employee is required to contact his or her immediate supervisor or Department Director periodically. The purpose of this contact is to report the status of the leave and the approximate return to work date.

If FMLA leave is for the employee's own serious health condition that may prevent him or her from performing the essential functions of the job, the employee will be required to provide a fitness-for-duty statement from the treating medical professional before returning to work. After receipt of this statement, the City may, at its discretion and expense, require a second opinion. Employees in safety-sensitive positions who have been absent from duty due to medical leave of a nature or duration that could affect his or her ability to perform the job may be required to undergo evaluation by a physician chosen by the City before returning to regular duty.

At the end of the FMLA leave, employees will be reinstated to their regular job or to an equivalent position. Employees cannot be guaranteed return to their exact previous duties and/or assignment. Employees are expected to promptly return to work when the circumstances that necessitated leave no longer exist.

An employee unable to return to work after taking all leave in accordance with the FMLA may request additional leave (with pay, if available, or without pay) with proper medical certification of the employee's serious health condition. In order to maintain proper staffing, the maximum additional leave normally allowed will be no more than three (3) calendar months. However, as a reasonable accommodation, a qualified employee with a disability who is unable to

return to work after having exhausted the additional three (3) calendar months leave may be offered a brief extension of time to return to work depending on the business needs and the expectation of when the employee may be able to return to work.

15. Key Employee

Certain highly compensated key employees may be denied reinstatement when necessary to prevent “substantial and grievous economic injury” to the City’s operations. A “key” employee is a salaried eligible employee who is among the highest paid ten percent (10%) of employees within seventy-five (75) miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

16. Other Employment

Employees who have received City approval to work on an outside job shall not be allowed to work at their outside job while on FMLA leave with the City except in cases where the employee is utilizing vacation leave to receive full pay while on leave.

17. Extended Leave after Exhaustion of FMLA Leave

Any portion of an employee’s absence for a FMLA-qualifying event that extends beyond the twelve (12) weeks in a twelve (12)-month period will be considered in accordance with the various other leave provisions of the City.

18. Consequences of Failure to Comply

If an employee fails to provide notices and certifications set forth in this Section, leave may be delayed or denied.

19. Additional Information

See Appendix C for FMLA information.

Section H. Americans with Disabilities (ADA/ADAAA Policy)

The Americans with Disabilities Act (ADA) and the American with Disabilities Amendments Act (ADAAA) are federal laws that require employers with fifteen (15) or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of the City of Franklin to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the City’s policy to not discriminate against qualified individuals with disabilities in regard to application

procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

Disability

“Disability” refers to a physical or mental impairment that substantially limits one or more major life activities of an individual, or a record of such impairment. An individual with a disability is qualified if he or she can perform the essential functions of the job with or without reasonable accommodation.

Reasonable Accommodation

The City of Franklin will seek to provide reasonable accommodation for a known disability or at the request of an individual with a disability. Many individuals with disabilities can apply for and perform the essential functions of their jobs without any reasonable accommodations. However, there are situations where a workplace barrier may interfere. A reasonable accommodation is any change or adjustment to the job application process, work environment, or work processes that would make it possible for the individual with a disability to perform the essential functions of the job.

There are three types of reasonable accommodations that may be considered:

1. Changes to the job application process so that a qualified applicant with a disability will receive equal consideration for the job opportunity;
2. Modifications to the work environment so that the qualified individual with a disability can perform the essential functions of the job; and
3. Adjustments that will allow a qualified individual with a disability to enjoy the same benefits and privileges of employment as other similarly situated employees without disabilities.

Essential Job Functions

For each position, the job description typically will identify essential job functions. The Human Resources Department will generally review job descriptions on a periodic basis to evaluate job functions designated as essential. If there are any questions about the job requirements, they should be directed to the immediate supervisor or director.

Requesting a Reasonable Accommodation

An employee with a disability is responsible for requesting an accommodation from the Human Resources Department and providing medical documentation regarding the disability when requested. Once medical documentation is received, the Human Resources Department will work with the employee to identify possible reasonable accommodation and to assess the effectiveness of each in allowing the employee to perform the essential functions of the job, or to enjoy the same benefits and privileges of employment as similarly situated employees without disabilities. Based on this interactive process, a reasonable accommodation will be selected that is most appropriate for both the City and the individual employee. While an individual’s preference will be considered, the City is free to choose between equally effective accommodations with consideration towards expense and impact on the rest of the organization.

A request of reasonable accommodation may be denied if it would create an undue hardship for the City. Factors to be considered when determining whether an undue hardship exists include: the cost of the accommodation, the City's overall financial resources, the financial resources of the particular location at which the accommodation is to be made, the number of employees at the location, the total number of employees of the organization, and the type of operation.

Safety

All employees are expected to comply with applicable safety procedures. The City will not place qualified individuals with disabilities in positions in which they will pose a direct threat to the health and safety of others or to themselves. A direct threat means a significant risk to the health or safety of one's self or others that cannot be eliminated by reasonable accommodation. The determination that an individual with a disability poses a direct threat will be made by the Human Resources Department and will be based on factual, objective evidence. A written copy of the determination will be given to the employee so that he or she may submit additional information and/or challenge the determination that he or she poses a direct threat.

Confidentiality

All information obtained concerning the medical condition or history of an applicant or employee will be treated as confidential information, maintained in a separate medical file, and disclosed only as permitted by law.

Complaint Procedure

It is the policy of the City to prohibit any harassment or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he or she has been subject to such treatment, or has witnessed such treatment, the situation should be reported using the harassment complaint procedure. Any employee found to have engaged in retaliation against an employee for making a request for reasonable accommodation under this policy will be subject to immediate disciplinary action up to and including termination.

Section I. Bereavement Leave

Regardless of length of employment, full-time employees shall be allowed up to three (3) days paid leave in the event of the death of a member of the employee's family. In the event that death in the employee's family requires additional time for an out-of-town trip or for other good and sufficient reasons, the Department Director may authorize such additional days leave that will be counted against the employee's accrued sick or vacation leave. Family members include spouse, in-laws, parents, siblings, children, grandchildren, grandparents, stepfamily members, aunts, uncles, cousins, nieces, and nephews. If additional time is justifiable as determined by the employee's Department Director, it may be charged to sick or vacation leave. Vacation leave may be granted to attend additional funerals. Verification of the death may be required for approval of leave under this policy. Employees may make a request for other bereavement leave to the City Administrator. The granting of the leave will be considered on a case-by-case basis.

Section J. Jury Duty / Civil Leave

An employee's supervisor or Department Director shall authorize civil leave with pay in order that employees may serve required jury duty, provided the need for such leave is requested by the employee as far in advance as possible. The employee shall have the option of receiving full pay from the City for civil leave by assigning to the City the amount earned from the court. Otherwise, the City shall pay the difference between the employee's regular salary and the amount earned from the court. Employees on night shift will be excused from work on the shift immediately preceding the first day of jury duty. After the first day, if the employee serves more than three hours, then the employee shall be excused from his next scheduled shift within twenty-four (24) hours of such day of jury duty.

Section K. Voting Leave

In accordance with state law, all employees entitled to vote in national, state, or municipal elections shall, when necessary, be allowed sufficient time off, as determined by the Department Director, to exercise their voting right before the closing of the polls where they are registered. Voter registration and poll closing time will be verified by the Department Director.

Section L. Military Leave

Any regular employee of the City who is a member of the United States Army Reserve, Navy Reserve, Air Force Reserve, or Marine Reserve, or the Tennessee National Guard, is entitled to military leave with pay while engaged in "duty or training [including weekend drills] in the service of this state, or of the United States, under competent orders." Such an employee should notify their Department Director at least two (2) weeks in advance of the leave, if at all possible, or immediately if orders are received less than two (2) weeks from departing for duty.

Upon presentation to the City of official orders, such an employee shall be allowed such leave with pay for any such duty or training not exceeding twenty (20) working days in any one calendar year (T.C.A. 8-33-109). In the event such duty or training exceeds twenty (20) days in a calendar year, then the employee may request in writing that such excess time be charged to the employee's accrued and unused vacation leave, if any, but not to any accrued and unused sick leave. It shall be the employee's responsibility to arrange to attend monthly Reserve or Guard meetings on regular off time.

In addition to the twenty (20) days of paid leave as provided by state law, an employee called into active military duty who so requests shall be paid by the City on a monthly basis for up to six (6) months the difference, if any, between the employee's monthly military compensation and the employee's base monthly City compensation by the City, which shall not exceed one thousand dollars (\$1,000) per month per employee. An employee called into active military duty who so requests shall be allowed while on active duty to maintain all insurance benefits available through or provided by the City to the employee on the terms and conditions as if the employee remained actively employed by the City. At the time the employee provides Human Resources with a copy of active duty orders, the employee shall also provide Human Resources with written documentation verifying base military pay amount. If the employee's base military pay exceeds his or her base City pay, no supplement will be provided.

Any supplement provided by the City will be paid in the same manner as a normal payroll check and will be paid on normal City paydays. The supplemental pay will be subject to all applicable payroll taxes. If the employee's supplemental pay is not sufficient to cover all current voluntary deductions (i.e., insurance, deferred compensation, United Way, etc.) the employee must either notify the City to cease those deductions, if allowed by law, or the employee may make a payment directly to the City to cover those deductions.

The employee has the option to use accrued vacation time during the military leave to continue receiving full pay from the City. If vacation time is used, any City supplemental pay would only begin after vacation time has been exhausted. Since the employee will receive paid leave benefits from the military, accrual of City vacation and sick leave will not continue for any employee receiving an active duty military pay supplement from the City.

For the first thirty (30) days of active duty military leave, the employee will continue to be covered under the City's group health insurance plan. As provided by federal law, the employee will be covered under the military's insurance program and cease to be covered under the City's group insurance plan after the first thirty (30) days. The employee will be eligible to re-enroll in the City's group insurance plan upon return to City employment.

If an employee covers a spouse or other dependents under the City's group health insurance plan, the spouse and/or dependents will have the option of switching to the military insurance program after the first thirty (30) days or continuing coverage under the City's group health insurance plan as provided by federal law. If the employee's spouse and/or dependents choose to continue coverage under the City's group health insurance plan, the spouse and/or dependents will be placed in the appropriate COBRA coverage tier (i.e., individual, individual plus children). The employee will be required to pay the same amount towards spouse and/or dependent COBRA coverage as he was paying under the group plan, and the City will pay the remaining amount. The employee's share may be paid either via payroll deduction from the supplemental pay provided for above, if applicable, or direct payment to the City.

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

Employees who are the spouse, son, daughter, parent, or next of kin may take up to twenty-six (26) work weeks of FMLA leave to care for a member of the Armed Forces as set forth in Section G of this article.

Section M. Terminal Leave

Retiring employees who meet criteria under the City's retirement plan may be paid for up to one hundred twenty (120) days accrued sick leave and any unused vacation leave. If the employee elects to take terminal leave in pay period increments, the number of whole days (partial days will be dropped) will be divided by five (5) to determine the number of weekly pay periods of terminal leave. The same formula will apply for employees selecting to be paid in a lump sum. In some instances, the election to take payment as terminal leave rather than lump sum may give

the employee a break on his/her taxes. Retiring employees on terminal leave shall not accrue vacation or sick leave.

Section N. Absenteeism/ Absence Without Leave

An employee who has a justifiable reason to be absent must request time off as far in advance of the scheduled shift starting time as possible.

Employees who have an unexcused absence from work may be subject to dismissal.

Employees are not permitted to leave work early without permission of their supervisor.

All employees, exempt and non-exempt, must obtain proper approval for absences. Employees who are absent without leave may be subject to appropriate disciplinary action up to, and including, dismissal as determined by the Department Director. An employee who fails to report for work must personally notify his immediate supervisor or Department Director giving reason for such absence not later than thirty (30) minutes after the beginning of the first scheduled workday. Failure of an employee to comply with this notification requirement for three (3) consecutive working days (two (2) consecutive work shifts for on shift Fire employees) may be considered as an “abandonment of position” and an automatic resignation.

Employees who are absent without leave are not compensated for that day(s) and are not entitled to sick leave or vacation leave accrual for that month. Department Directors are held accountable for accurate reporting of employees who are absent from duty for any reason. Employee who are absent on approved leave without pay are entitled to accrue sick and vacation leave for that month. Failure to accurately report leave may result in disciplinary action up to and including dismissal. Notification shall not nullify the possibility of disciplinary action.

Section O. Tardiness

It is understood that all employees are expected to report to work at their scheduled time. Tardiness detracts from the City’s ability to meet its commitments. Tardiness is defined as being late for scheduled work time and must be documented by the supervisor. Tardiness may be cause for prompt disciplinary action. In addition, leaving work early without permission is disruptive and may be cause for disciplinary action.

Article XVIII – Other Employee Benefits

NOTE: The City reserves the right to amend, modify, or discontinue the benefits and plans offered under this Article, including making any changes to the benefits, eligibility, and employee premiums and/or contribution requirements for the group health insurance and welfare plans provided for herein.

Section A. Group Life and AD&D Insurance Program

The City provides to each full-time employee an official life insurance and accidental death and dismemberment (AD&D) insurance coverage under a group policy.

Section B. Group Health Insurance Program

The Group Health Insurance Program shall be available to all full-time employees consistently working at least thirty (30) hours per week, and officials.

Section C. Vision Insurance

In conjunction with the group health insurance program, the City provides vision insurance.

Section D. Long-Term Disability Insurance Program

The City provides, at no cost to the employee, a long-term disability insurance program for full-time employees. All active, full-time employees who have completed three (3) calendar months of continuous service with the City of Franklin and who become totally disabled to perform the essential duties of their job by reason of injury, sickness, or pregnancy may become eligible for long-term disability benefits subject to all the terms and conditions of the policy and as provided. Long-term disability benefits are payable only following a ninety (90)-day period of total disability and shall provide up to 60% of the employee's base salary including a combination of social security disability, worker's compensation, disability pensions, and any other sources of income up to a maximum of six thousand dollars (\$6,000) per month.

Benefit eligibility for the first ten (10) years of total disability shall be based upon the employee's inability to perform the material and substantial duties of the employee's own occupation. Benefit eligibility after the first ten (10) years of total disability shall be based upon the employee's inability to perform any gainful occupation for which the employee is reasonably qualified by education, training, and experience. The maximum benefit payment period shall be based upon the employee's age at the time of disability and the employee's standard social security retirement date.

All claims for long-term disability benefits shall be governed by the specifications of the long-term disability insurance policy in its entirety. Insurance carriers, policy specifications, and benefits are subject to change.

Employees receiving long-term disability benefits from or through the City shall not receive credit for or accrue any paid holidays, vacation leave, or sick leave, and shall be considered inactive employees of the City.

Section E. Dental Insurance

In conjunction with the group health insurance program, the City provides dental insurance under the same terms and conditions as the group health insurance program.

Section F. Retirement Plan

All full-time employees hired on or after 1/1/2017 must participate in the Tennessee Consolidated Retirement System (TCRS) Original Defined Legacy Plan. Employees are required to contribute 5% of their pre-tax gross wages to their retirement plan. An employee is vested after five (5) years of membership with TCRS. A vested member is guaranteed a monthly benefit once retirement requirements are met. Benefits are determined by a set formula: $\text{Accrual Factor (1.5\%)} \times \text{Average Final Compensation (average highest five (5) consecutive year salaries)} \times \text{Years of Service} = \text{Monthly Benefit with/without Benefit Improvement Percentage (BIP)}$.

Retirement eligibility:

- Service Retirement: age 60 and vested or thirty (30) years of service regardless of age (unreduced benefit)
- Early Retirement: age 55 and vested (reduced benefit)
- 25-Year Early Retirement: upon completion of twenty-five (25) years of services, but have not reached age 55 (reduced benefit)

Additionally, after two (2) years of service, a TCRS member may contribute to a 457(b) plan with up to 2% matching from the City into a 401(a) plan. The contributions from the City are 100% vested.

For more information regarding TCRS, see Appendix R.

Full-time employees hired before 12/31/2016 are in closed plans. Information can be found in the Human Resources department.

Section G. Supplemental Insurance

Several different types of supplemental insurance programs are available for purchase by employees through payroll deduction.

Section H. City-Supplied Equipment and Uniforms

In many circumstances, the City issues equipment such as cell phones, computers, personal safety devices, or other equipment deemed necessary to perform the job duties required by the employee's position.

The City provides or pays a portion of the cost of uniforms and equipment (such as cell phones, computers, personal safety devices, etc.) deemed necessary for employees to carry out their day-to-day work.

If an employee loses or damages the equipment or uniforms, other than in the line of duty, or if they are not returned at the time of termination, then the City may require the employee to pay for replacement items in accordance with the Uniform and Equipment Agreement. The City requires employees to sign certain agreements as provided in Appendix E upon issuing such uniforms or equipment.

Section I. Employee Assistance Program (EAP)

Confidential professional assistance is offered to any employee or family member of an employee who feels an experienced counselor could help resolve a personal problem. The EAP offers assistance in the areas of marriage, family, children, financial, legal, alcohol abuse, drug and substance abuse, grief, anxiety, depression, stress, and other personal or emotional problems. Although there is no charge for this service, costs may be incurred if a counselor recommends outside help. However, the EAP will work to minimize the employee's costs by locating a qualified referral source that may be covered in part or completely by insurance. See Article XXI Section W for procedures to implement supervisor referral to the EAP.

Section J. Tuition Reimbursement

The City of Franklin recognizes that certain positions in the Classified Service may require educational courses, levels, and degrees that may not be held by current employees. Current employees serving in positions requiring such education levels when the requirements were instituted or changed will be grandfathered into the position. However, those employees will be encouraged to obtain the required educational levels. As an incentive to educational advancement, the employee may be reimbursed for educational expenses.

Requests for tuition assistance and college reimbursement will be approved by the City Administrator upon recommendation of the Department Director and the Human Resources Director, in accordance with the following criteria:

The educational program is directly applicable to job situations as determined by the City Administrator, in consultation with the Human Resources Director after review of the job description and/or course program. Individual courses may be approved if required as part of the program if not applicable to the job. Reimbursement will not be approved for employees whose last annual performance evaluation was not at or above "meets expectations" or who has not completed his/her initial probationary period. The training per credit hour must not exceed the cost of education at an equivalent Tennessee Board of Regents institution. City recognizes three (3) semesters per year—max of nine (9) credit hours per semester or twenty-seven (27) credit hours per year. Courses must be offered through a degree-granting college or university accredited by a regional accrediting agency recognized by the U.S. Secretary of Education.

Employees are prohibited from receiving double-funding for education (i.e. academic scholarships, veteran's benefits, grants, etc.). The employee must certify that he/she is not receiving financial aid from any other source.

Approvals will be received before the employee registers for the course. Requests received after the employee has registered will not be approved.

The City will reimburse the employee for approved tuition upon receipt of the necessary evidence of course completion and after necessary costs have been invoiced by an accredited university. The employee shall submit to the Director of Human Resources the quarter or semester grade report, a copy of the registration form reflecting tuition and lab fees, and the cash register receipt for books for reimbursement by the City no more than thirty (30) days after the end of the quarter/semester. Tuition reimbursement is always conditional to availability of funds approved by the Board of Mayor and Aldermen. The employee will receive reimbursement based on the following schedule:

100% reimbursement for a grade of A or B,
50% reimbursement for a grade of C,
0% reimbursement for any other grade.

Employee agrees that City has the right to deduct all amounts paid for tuition from employee's final pay settlement if employee is separated from his/her employment: (a) within twelve (12) months after receiving an associate degree; (b) within twenty-four (24) months after receiving a bachelor's degree; (c) within thirty-six (36) months after receiving a graduate degree; or (d) any time prior to receiving an associate degree, bachelor's degree, master's degree, or juris doctorate. If the amount so deducted does not fully cover the tuition, employee shall arrange payments with City for the outstanding balance, according to the provisions of Paragraph 2 of the Tuition Reimbursement Agreement (see Appendix F). The City follows all IRS rules relating to the provision of tuition reimbursement benefits.

If an employee separates from their employment, employee will refund a prorated share of the educational expenses provided to the employee per the Tuition Reimbursement Agreement.

GED Completion - The City of Franklin recognizes that GED completion is a significant academic achievement for adult learners. The City of Franklin will pay a one-time one-thousand-dollar (\$1,000) incentive to those employees who achieve high school equivalency through the GED program, providing the equivalency test is taken while in the City's employ.

The City follows all IRS rules relating to the provision of educational incentives.

Article XIX – Workplace Accident and Injury Policy

Section A. Purpose and Eligibility

Maintaining a safe workplace is essential to the City of Franklin’s operations, and it is the City’s policy to promote safety on the job and comply with applicable laws regarding safety in the workplace. The health and well-being of employees is foremost among the City’s concerns. For this reason, employees are expected to assist the City in maintaining safe working conditions. Employees are required to follow common-sense safety practices and correct or report any unsafe conditions to their supervisor or to Risk Management. Similarly, employees are required to report any workplace accidents, injuries, and illnesses to their supervisor or to Risk Management. This policy applies to all employees while at work or engaged in work-related activities. The City of Franklin provides workers’ compensation insurance benefits to all employees who experience an injury or illness that arises out of the course and scope of employment.

Section B. Procedures

Employees are required to report to work during each scheduled workday able to safely and competently perform their job duties. If employees are unable to safely or competently perform their job duties for any reason, they are required to inform their supervisor. Additionally, employees who observe or experience unsafe working conditions are required to immediately report the unsafe working conditions to their supervisor or to Risk Management.

All accidents and injuries involving employees, even those that are not serious, must be reported immediately to their supervisors. Employees who experience a work-related accident or injury will be required to complete the appropriate forms within twenty-four (24) hours and cooperate with the City in complying with its recording, reporting, and investigation obligations. Where an accident causes serious bodily injury that results in an overnight hospital stay or death of an employee, the supervisor shall immediately notify their Department Director and the Risk Manager. Failure to follow proper procedure may result in disciplinary action.

Similarly, all accidents and injuries involving the City’s customers, vendors, contractors, or any other person who is on company premises, even accidents and injuries that are not serious, must be immediately reported to Risk Management.

It is only through full knowledge of every accident or injury that the City can become a safer, healthier place to work for everyone. Employees’ notification to the City of unsafe working conditions or of workplace accidents, injuries, or illnesses is essential to enforcing this policy. Employees may be assured that they will not be penalized in any way for reporting unsafe working conditions or workplace accidents, injuries, or illnesses.

Employees off work on occupational disability or injury leave shall receive compensation in accordance with the Tennessee Department of Labor regulations. In addition, if the work-related accident, injury, or illness results in the employee being placed on occupational disability or injury leave, the injured employee will be paid through the City of Franklin for the first seven (7)

workdays. The City strives to bring employees back to work as soon as possible following a work-related accident, injury, or illness. Thus, while employees are on the job-injury leave, they should stay in contact with Risk Management regarding their expected return to work date. While under medical care for a workers' compensation injury, employees are not permitted to work any secondary employment. They are only allowed to resume their secondary employment after they have a full-duty release from their treating workers' compensation physician.

For injured employees who return to work on light-duty status, any time spent at medical or physical therapy appointments as follow-up treatment for any occupational injury or illness shall be considered City work up to two (2) hours and shall not be charged against any of the employee's accrued paid leave used to supplement workers' compensation payments. Any time over two (2) hours away from work will be charged against the employees accrued paid leave.

Pursuant to the City's ADA/ADAAA policy, when requested the City will provide a reasonable accommodation for any known physical or mental disability of a qualified individual, provided the requested accommodation does not create an undue hardship for the City or pose a direct threat to the health or safety of others in the workplace or of the requesting employee. Once the City is aware of the need for an accommodation, the ADA Coordinator or their designee will engage with the employee in an interactive process to identify possible accommodations.

Article XX – Harassment, Workplace Violence, and Retaliation

Section A. Definition of Sexual Harassment and Other Forms of Harassment

The definition of sexual harassment includes sexually offensive or inappropriate conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women. Also prohibited under this policy is harassing conduct directed toward employees on the basis of race, sex, age, national origin, color, disability, veteran’s status, religion, or in retaliation for involvement of any protected activity. Consequently, this policy applies to officers and employees of the City of Franklin, including but not limited to full and part-time employees, elected officials, permanent and temporary employees, employees covered or exempt from the Human Resources Manual or other regulations of the municipal government, and employees working under contract for the municipality.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the form of pinching; grabbing; patting; propositioning; making either explicit or implied job threats or promises in return for submission to sexual favors; telling inappropriate sex-oriented stories; displaying sexually explicit or pornographic material, no matter how it is displayed; or sexual assault on the job by supervisors, fellow employees or, on occasion, non-employees when any of the foregoing unwelcome conduct affects employment decisions, makes the job environment hostile, distracting, or unreasonably interferes with work performance practice and is absolutely prohibited by the municipal government.

Harassment based upon race, sex, national origin, color, disability, age, veteran’s status, or religion might include words, gestures, behaviors, or actions that diminish employees, makes the job environment hostile, affects employment decisions, and/or interferes with work performance. It is the intent of this policy to treat all complaints seriously and to utilize the same complaint processing procedure.

Section B. Definition of Workplace Bullying

The City of Franklin defines bullying as repeated mistreatment of one or more people by one or more employees/vendors. It is abusive conduct that includes:

- **Verbal bullying.** Slandering, ridiculing, or maligning a person or his or her family; persistent name-calling that is hurtful, insulting, or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Physical bullying.** Pushing, shoving, kicking, poking, tripping, assault, or threat of physical assault; damage to a person’s work area or property.
- **Gesture bullying.** Nonverbal gestures that can convey threatening messages.
- **Exclusion.** Socially or physically excluding or disregarding a person in work-related activities.

Individuals who feel they have experienced bullying should report this to their supervisor or to Human Resources. All employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible to allow the City of Franklin to take appropriate action.

Section C. Making Harassment Complaints

The municipality may be held liable for the actions of all employees with regard to harassment and, therefore, will not tolerate the harassment of its employees. The City will take immediate, positive steps to stop it when it occurs. By law, the City is responsible for acts of harassment in the workplace where the City (or its agents or supervisory employees) knows or reasonably should have known of the conduct, unless it can be shown that the City took immediate and appropriate corrective action. The municipality may also be responsible for the acts of non-employees, with respect to the harassment of employees in the workplace, where the municipal government (or its agent or supervisory employees) knows or reasonably should have known of the conduct and failed to take immediate corrective action. Prevention is the best tool for the elimination of harassment. Therefore, the following rules shall be strictly enforced. An employee who feels he/she is being subjected to harassment should immediately contact one of the persons below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- The employee's immediate supervisor;
- The employee's Department Director;
- The employee's Assistant City Administrator;
- The City's Human Resources Director; or
- City Administrator.

Employees have the right to circumvent the employee chain of command in selecting which person to whom to make a complaint of harassment. Regardless of to whom of the above persons the employee makes a complaint of harassment, the employee should be prepared to provide the following information:

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

- 5) Whether the employee has previously reported the harassment and, if so, when and to whom.

Section D. Reporting and Investigation of Harassment Complaints

The Human Resources Director or their designee is the person designated by the municipal government to be the investigator of complaints of harassment against employees. In the event the harassment complaint is against the Human Resources Director, the investigator shall not be a municipal employee, but shall be an investigator contracted with and appointed by the City Administrator. When an allegation of harassment is made by an employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the Department Director with a copy to the Human Resources Director. If the complaint is lodged against the Department Director or an Assistant City Administrator, the City Administrator will be the responsible official for reviewing these actions. Upon conclusion of the investigation, the investigator shall prepare a report of the findings to the Department Director. The report shall include the written statement of the person complaining of harassment, the written statement of witnesses, the written statement of the person against whom the complaint of harassment was made, and a recommendation for disciplinary action, if any.

Upon receipt of a report of the investigation of a complaint of harassment, the Department Director shall immediately review the report. If the Department Director determines that the report is not complete in some respect, he/she may request additional statements be taken from the person complaining of harassment, the person against whom the complaint has been made, witnesses to the conduct in question, or any other person who may have knowledge about the harassment. Based upon the report and his/her review of the information, the Department Director shall, within a reasonable time, determine whether the conduct of the person against whom a complaint of harassment has been made constitutes harassment. In making that determination, the Department Director shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person complaining. The determination of whether harassment occurred will be made on a case-by-case basis. If the Department Director determines that the complaint of harassment is founded, he/she shall take immediate and appropriate disciplinary action against the employee guilty of harassment, consistent with his authority under the municipal charter, ordinances, or rules governing his authority to discipline employees. Disciplinary action for harassment shall be governed by the same rules governing disciplinary actions generally (see Article XIV). The disciplinary action may include demotion, suspension, dismissal, warning, or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis. A written record of disciplinary actions taken shall be kept, including verbal reprimands. In all events, an employee found guilty of harassment shall be warned not to retaliate in any way against the person making the complaint of harassment, witnesses, or any other person connected with the investigation of the complaint of harassment.

In cases where the harassment is committed by a non-employee against a municipal government employee in the workplace, the City Administrator shall take whatever lawful action against the non-employee is necessary to bring the harassment to an immediate end. Employees must notify a supervisor when harassment is committed.

Section E. Obligation of Employee

Employees are obligated to report instances of harassment. Employees are also required to cooperate in every investigation of harassment. The obligation includes, but it is not necessarily limited to: coming forward with evidence, both favorable and unfavorable, for a person accused of such conduct; fully and truthfully making written reports; or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad-faith accusations of harassment. Disciplinary action may also be taken against any employee who fails or refuses to cooperate in the investigation of a complaint of harassment or who files a complaint of harassment in bad faith.

Section F. Workplace Violence and Harassment

It is the policy of the City of Franklin to promote a productive, safe, and healthy work environment for all employees, customers, vendors, contractors, and members of the general public and to provide for the efficient and effective operation of the City's activities. The City of Franklin will not tolerate verbal or physical conduct by an employee that harasses, disrupts, or interferes with another's work performance or creates an intimidating, offensive, or hostile environment.

No employee or non-employee shall be allowed to harass any other employee—equal to, subordinate, or superior in position—or any non-employee by exhibiting behavior including, but not limited to, the following:

Verbal Harassment. Verbal threats toward persons or property; the use of vulgar or profane language directed towards others; disparaging or derogatory comments or slurs; offensive flirtations or propositions; verbal intimidation, exaggerated criticism, or name-calling; or spreading untrue and malicious gossip about others.

Non-Verbal Harassment. The use of suggestive body language, use of hand signs, or any additional suggestive, intimidating, or lewd gestures such that any reasonable person would deem them inappropriate.

Physical Harassment. Any physical assault, such as hitting, pushing, kicking, holding, impeding, or blocking the movement of another person.

Visual Harassment. Derogatory or offensive posters, cartoons, publications, or drawings.

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

- all types of firearms, switchblade knives, and knives with a blade longer than four inches;
- dangerous chemicals;

- explosives or blasting caps;
- chains; or
- other objects carried for the purposes of injury or intimidation.

Charges of violence and harassment may be reported to any supervisory employee of the City, including the Human Resources Director, City Administrator, and the Mayor. The Human Resources Director is charged with investigating all cases of workplace violence and harassment. Depending on the severity of the charges or whether a crime is committed, the City Administrator may request that the Police Chief provide assistance to the Human Resources Director or assume responsibility for the investigation. All employees are required to assist in the course of the investigation by providing testimony, statements, and evidence, as required. Failure to cooperate may result in disciplinary action.

When a non-employee is found to be harassing an employee, necessary and appropriate steps shall be taken to ensure the harassment does not continue.

Copies of the investigative report with recommendations for appropriate action will be turned over to the Department Director or City Administrator as appropriate for further action. Disciplinary action up to, and including, termination may be taken against any employee who commits acts of workplace violence and harassment.

Section G. Retaliation

The City of Franklin prohibits all forms of retaliation against any individual who complains in good faith about workplace discrimination or harassment or reports in good faith about conduct that violates City policy. This policy also protects individuals who participate in the investigation of any such complaint or report.

It is the City's policy to encourage discussion of workplace issues and to help protect others from being subjected to inappropriate behavior. Violation of this policy may result in disciplinary action up to and including dismissal.

Any employee who believes he or she has been retaliated against shall immediately inform their supervisor or the Human Resources Department.

Section H. Open-Door Policy

The City of Franklin Human Resources Department and the City Administrator have an open-door policy, and employees are welcome to discuss any aspect of their employment without fear of retaliation.

Article XXI – General Policies and Procedures

Section A. Employee Conduct

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

Section B. Political Activity

In accordance with T.C.A. Sections 7-51-1501 through 7-51-1503, all City employees shall:

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

Provided, however, that:

- 1) employees of the City shall not participate in any such political activities while on-duty for the City;
- 2) employees shall not use City equipment or any other City resources either on or off duty while participating in political activities; and
- 3) employees shall not seek election or appointment to City office.

Any willful violation or violation through negligence of any of this policy shall be sufficient grounds for the discharge of any employee guilty of such violation.

Section C. Records

The Human Resources Director shall maintain adequate records of all personnel activities and transactions, the proceedings of any and all hearings and appeals as they relate to personnel administration, this Human Resources Manual, the record of every applicant as required by applicable record retention standards, and the employment record of every employee.

The City abides by the Tennessee Open Records Act, TCA Title 10, Chapter 7.

Section D. Outside Employment

No full-time employee of the City of Franklin shall accept or engage in additional employment outside the official hours of duty without the written approval of the Department Director with concurrence by the Human Resources Director (see Outside Employment Request Form in Appendix J). The Outside Employment Request Form must be renewed by January 31st of each year. The employee may appeal disapprovals to the City Administrator. Approval may be granted after determining whether outside employment will cause, or can cause, a conflict of interest; is incompatible with the employee's position with the City; will interfere with the satisfactory performance of the employee's duties; or is likely to reflect discredit upon or create embarrassment for the City. Outside employment shall not be performed for a minimum of eight (8) hours prior to the employee's shift for the City unless otherwise approved by the Department Director. If the second job interferes with performance at the City, the employee will be counseled and appropriate steps to correct the deficiencies will be taken. Any employee engaging in approved outside employment must notify the Department Director and the Human Resources Director in writing of his place of employment, working hours, duties of such employment, and telephone number or place of permanent contact on the Outside Employment Request Form.

Employees may not accept or continue any outside employment if the work unreasonably inhibits the performance of any duty of their position with the City. Employees are to be reminded that the City of Franklin is their primary employer and that the City will not schedule around the requirements of the employee's second job. Further, employees may not perform outside employment while on sick leave. Exceptions may be granted if an employee is returned to limited duty by a physician and the City cannot accommodate the work constraints but the secondary employer can without further injury or increased recovery time.

The City's medical insurance will not cover claims or illnesses sustained while on duty at the employee's second job.

Section E. Business Dealings

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

- Full-time, part-time, and temporary employees of the City may contract to supply goods and products to the City and/or render services for the City, provided:
 - (1) any service that would be rendered must not be one the employee might provide in the normal scope of their regular duties;
 - (2) the employee would be required to compete for the City's business in the same manner as any other prospective supplier or service provider;
 - (3) the business relationship between the City and the employee must not present a conflict of interest nor a conflict of time with the employee's regular duties;

(4) the business relationship between the City and the employee is not prohibited by the City's ethics policy; and

(5) the business relationship between the City and the employee is authorized in advance by the City Administrator, and if the relationship is to be for more than one (1) year, it is annually re-authorized by the City Administrator.

Section F. Acceptance of Gratuities

No employee shall accept or solicit any money or other consideration or favor from anyone other than the City for the performance of an act that the officer or employee would be required or expected to perform in the regular course of employment; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind that might reasonably be an attempt to influence the individual's actions with respect to City business. For further explanation, see Title 1, Chapter 7, Section 1-705 of the Municipal Code (see Appendix K).

Section G. Use of Information

Employees may not disclose any information obtained in their employment that is made confidential under state or federal law except as authorized by law. Furthermore, employees may not use or disclose information obtained in their employment for financial gain for themselves or any other person or entity. For further explanation, see Title 1, Chapter 7, Section 1-706 of the Municipal Code (see Appendix K).

Section H. Use of City Time, Facilities, Resources

No employee shall use or authorize the use of City time, facilities, supplies, inventory, materials, tools, machinery, equipment, or other resources for private gain or advantage to himself/herself or any other private person or group; provided, however, that this prohibition shall not apply when the Board of Mayor and Aldermen has authorized the use of such resources of the City, and the City is paid at such rates as are normally and customarily charged by private sources for comparable services. For further explanation, see Title 1, Chapter 7, Section 1-708 of the Municipal Code (see Appendix K).

Section I. Use of Position

No employee shall make or attempt to make private purchases in the name of the City, nor otherwise use or attempt to use status as a City employee to secure unwarranted privileges or exemptions. For further explanation, see Title 1, Chapter 7, Section 1-709 of the Municipal Code (see Appendix K).

Section J. Use of City-Provided Technology

See Appendix L, *Computer, Internet, and Email Policy*

Section K. Use of Social Media Policy

See Appendix Q, *Social Media Policy*

Section L. Employee Cell Phone Policy

See Appendix M, *Wireless Telecommunications Equipment Policy*

Section M. Additional Department Provisions

Due to the emergency and paramilitary nature of their work, the Fire and Police Departments may have supplemental rules and regulations that are more stringent than rules and regulations applied to employees of other departments.

Additionally, all other departments may have supplemental rules and regulations that are specific to the work-related goals and mission of that department.

Supplemental rules and regulations will be consistent with the City's Human Resources Manual and are subject to review and approval by the Human Resources Director and the City Administrator.

Section N. Nepotism and Employee Relationships

Except as authorized by the City Administrator due to a lack of acceptable and practical options, no applicants for employment shall be hired and no employees shall work or be placed in positions within the same department or under the direct or indirect supervision or accountability of a family member (as defined in Article II for bereavement leave purposes). Additionally, the City Administrator, Assistant City Administrators, HR Director, City Attorney nor any employees of the HR Department and Law Department shall have family members employed by the City (any exceptions at the time of adoption of this rule shall be grandfathered in).

If after adoption of these Rules and Regulations two employees in the same department should marry or otherwise become in violation of this section by marriage or adoption, then those employees must notify their supervisor prior to the adoption or marriage. Human Resources, the employees' supervisor, Department Director, and the employees will meet to determine whether specific accommodations may be made. To the extent accommodations are approved, such accommodations should be documented and approved by the City Administrator, Human Resources Director, Department Director, and the employees. A transfer to a vacant position in another department is a possibility. An employee who is allowed to transfer under these circumstances must meet the minimum qualifications of a vacant, budgeted position and must have had an overall satisfactory rating on the last performance evaluation. If such a transfer cannot be arranged, then the employees shall be asked to determine which of them will leave City employment. If accommodations are not feasible then, with affected employee suggestions, the City Administrator in consultation with the HR Director shall determine which employee must resign to resolve the situation. Each situation will be determined on a case by case basis.

It is a violation for a supervisor to have a romantic or intimate relationship with any employee in their department.

Section O. Employee Licenses and Certifications

All employees are responsible for maintaining current and valid licenses and certifications necessary to perform job duties. For example, any employee required to operate a City vehicle or equipment must possess the appropriate type of valid driver's license at all times. Any employee receiving a salary supplement for certification as a paramedic is responsible for re-certifying himself/herself on a timely basis. Any expiration or revocation of valid licenses or certifications required for the job or for which a salary supplement is received must be reported immediately to the employee's supervisor. An employee's failure to immediately report expiration or revocation of a required certificate or license shall be subject to disciplinary action in accordance with Article XIV. The City shall conduct periodic checks of required licenses and certifications to insure employees keep them valid and current.

Section P. Smoking Policy

All buildings owned and maintained by the City of Franklin are smoke free. Smoking is prohibited within twenty-five (25) feet of all entrances, passageways, operable windows, and ventilation systems owned and maintained by the City of Franklin. All city-owned, -operated, and -maintained vehicles are smoke free. This policy also includes smokeless tobacco, e-cigs, and vaping.

Section Q. Hours of Work, Shift Differential, Attendance, and Inclement Weather

Hours of Work: All non-exempt employees, except for Uniformed Fire personnel, shall work forty (40) hours per week with special provisions made in departments that require additional hours to meet existing conditions or emergency contingencies. Administrative offices will be open from 8:00 a.m. until 5:00 p.m. Monday through Friday. The workweek for all employees is Sunday through Saturday, except Fire Department employees on-shift. Those employees work a twenty-eight (28)-day cycle.

Shift Differential: Employees who work morning shifts that begin before 5:00 a.m. or afternoon/evening shifts that begin at 2:00 p.m. or later are eligible for shift pay. Whereas shift pay is typically in departments with a 2nd or 3rd shift, other hourly employees are eligible if they begin work at the times listed above and work a minimum of two (2) hours. Shift pay rate is only applied to hours worked from 2:00 p.m.– 7:00 a.m.

Attendance: Employees will be in attendance at assigned workstations or locations at established starting times in accordance with general departmental regulations and these Rules. Employees are required to adhere to the City's time and attendance procedures including, but not limited to, clocking in and out and completing leave requests. All attendance records shall be maintained and reported to the Finance Department by a time specified by the Comptroller.

Inclement Weather: Generally, inclement weather does not warrant the closing of City facilities or activities, and every employee is expected to make every attempt to report to work as usual. Some City operations and activities must continue regardless of, or because of, the weather conditions. Employees who must perform these activities are considered emergency personnel and are designated as such under specific or all circumstances by the City Administrator in conjunction with individual Department Directors. Public Safety personnel and the Risk Manager are designated as emergency personnel under all circumstances. Employees in other departments, for example the Street Department, may be declared emergency personnel depending upon their job function and the equipment they operate. These employees are expected to report to work under all weather conditions. Emergency personnel who fail to report to work will be charged with leave without pay.

Department Directors, regardless of department or function, are expected to report to work.

If local weather conditions make it impossible for non-emergency personnel to report to work, the employee is expected to notify the supervisor in the same manner as for any other absence. Employees may use either vacation leave, personal day, approved work from home, or if the employee has no accumulated leave, leave without pay.

If an employee is late due to severe weather conditions, the employee will not lose paid time unless the delay is longer than one (1) hour. Delays of longer than one (1) hour will be charged to vacation leave, taken as leave without pay, or made up within the workweek, with the approval of the Department Director or supervisor.

If weather conditions become progressively worse during the course of the day, all employees will be expected to finish out their work schedule unless granted leave or unless contrary instructions are received from the City Administrator. Only the City Administrator can approve closing all activities, operations, and functions in any department, facility, and/or building.

Section R. Professional Conduct and Dress Code Policy

Professional conduct: Employees are representatives of the City of Franklin and, as such, are expected and encouraged to conduct themselves at all times in a manner so as not to bring discredit upon the City. Any contact with the general public should be handled in a professional manner. Professionalism, politeness, and courtesy are essential. Lack of courtesy and professionalism may result in disciplinary action.

Dress Code: Employees are expected to dress and groom in a manner that reflects good taste and is appropriate for the type of work performed. Maintaining basic standards of personal hygiene is a requirement. Employees should ensure their personal hygiene will not be offensive to others around them. This includes—but is not limited to—scented body products, perfume/cologne, oral hygiene, and body odor.

Specific dress codes vary based on the position held and whether the job requires the use of a uniform. Attire should be neat, clean, and professional and should project a positive image for the City.

Identification badges shall be visible and in the possession of employees during work hours and when meeting with the public.

Employees are required to adhere to the following guidelines:

1. Clothing should be worn and fit in such a manner that it does not expose the abdomen, chest, or buttocks areas.
2. Clothing should be free of sexually related references, political messages, foul language, or messages that suggest or promote the use of illegal drugs or alcohol.
3. Visible tattoos should adhere to the following policy: employees are prohibited from displaying any tattoos, body art, or markings of an offensive, provocative nature or that are obscene and/or advocate sexual, racial, ethnic, or religious discrimination or that undermine the City's values or are contrary to generally accepted business standards. Tattoos on the face are prohibited, except for cosmetic tattoos with a natural appearance (eyes, lips, or eyebrows.)
4. Employees may not wear beachwear, sports jerseys (except on designated days), vendor logos, work-out attire, or distracting, offensive, or revealing clothes on any day of the workweek.
5. In departments where uniforms are required to be worn, all employees are expected to wear the uniform according to departmental policy. All uniforms are expected to be kept neat, clean, and professional. Depending on the department an employee is assigned to, the City may either furnish a uniform or pay the employee a uniform allowance.
6. Employees wearing clothing with the City of Franklin logo shall be mindful of the public perception when in public places.

An employee who does not meet the standards of this policy will be subject to corrective actions, which may include leaving the work location to correct the dress code violation. Any work time missed because of failure to comply with this policy may be charged to vacation, and repeated violations of this policy may be cause for disciplinary action.

City-Issued Clothing: In accordance with Article XVIII, Section H. City-Supplied Equipment and Uniforms, employees required to wear a City-issued uniform will be required to sign a Uniform and Equipment Agreement (Appendix E). Furthermore, employees are prohibited from wearing their uniform while not on duty (unless they are traveling to or from work). City uniforms shall not be altered.

From time to time, a Department Director may choose to order clothing with the City of Franklin logo for their employees. Such items should never be given to charities or individuals not employed by the City of Franklin. Should an employee be separated from employment at the City

of Franklin, these items should be returned to Human Resources prior to the employee receiving their final paycheck.

Violations of the City's dress code policy may be grounds for disciplinary action.

Section S. Use of City-Owned Vehicles

See Appendix N, *Vehicle Use Policy*

Section T. Travel

See Appendix O, *Travel and Expense Policy*

Section U. Strikes/Union Activity

It is recognized that employees have the right to join labor organizations. However, all union activity is to be conducted off City property and outside working hours. Further, City equipment and materials may not be used to conduct union business. Employees of the City of Franklin shall not be a party to, participate in, or instigate any strike against the City. Employees are prohibited from being a member of, or soliciting any employee to join, any labor union that authorizes the use of strikes by municipal employees.

Section V. Place of Residence

As a condition of employment, all Department Directors, the Risk Manager, and regular employees of the City of Franklin determined to be in "critical response" positions (as defined in Article II of these Rules) shall continuously maintain a place of residence that will permit the employee to report for work at the required time, both during normal and emergency periods, regardless of road and weather conditions. Department Directors will establish emergency response guidelines regarding time and/or distance. Failure to comply with these provisions may be cause for dismissal.

All Department Directors and the Risk Manager, employed or selected after January 1, 2020, must establish and continuously maintain a residence within thirty-five (35) miles of the city limits of Franklin, Tennessee, within twelve (12) months of employment. Any exemptions from these requirements must have prior approval from the City Administrator. The Police Chief and the Fire Chief must maintain a residence within the City of Franklin.

Section W. Employee Assistance Program

The employee assistance program (EAP) is designed to help all City of Franklin employees and their family members cope with problems before they become unmanageable. The EAP is confidential and designed to protect employee's privacy.

There are times when mandatory referrals may be needed. The City Administrator, Assistant City Administrators, or Department Directors, with guidance from the Human Resources Director, may make mandatory referrals to EAP.

The City of Franklin's EAP Program is operated by outside consultants and is available free of charge to employees and family members living in the immediate household. Except under the circumstances outlined above, all information is confidential.

Article XXII – Amendments; Severability; Conflicts

Section A. Amendments and Changes

The provisions of this Human Resources Manual may be amended by formal resolution of the Board of Mayor and Aldermen. The Board of Mayor and Aldermen enjoys the right to amend the Human Resources Manual, in accordance with the Municipal Code and state and federal laws, at any time. No employee or other person enjoys any contractual or vested right to the continuation of any rules, regulations, policies, procedures, provisions, or employee benefits contained within this Human Resources Manual. The provisions of all employee benefits covered in this document are subject to annual appropriation by the Board of Mayor and Aldermen. In addition, all benefits offered through third parties are subject to the terms and conditions of the service contract between the City and the provider, which may be changed in the future, including the actual benefits offered, and any employee premiums and/or contribution rates. The City Administrator may amend this Manual so long as it does not have a significant financial impact on the City.

Any of the provisions of this Human Resources Manual that are intended to comply with state or federal laws or regulations shall be administered and implemented so as to always remain in compliance with such laws or regulations as may be amended in the future, regardless of whether this document is actually modified to reflect such amendments in the laws or regulations.

Section B. Severability

The provisions of this Human Resources Manual are hereby declared to be severable. Should any rule or regulation, section or subsection, provision, exception, sentence, clause, phrase, or part of this Manual be held by any court to be invalid or unconstitutional, then the same shall not invalidate or impair the validity, force, and effect of any other rule or regulation, section, or subsection, provision, exception, sentence, clause, phrase, or part of this Manual unless it clearly appears that such other part or parts is wholly or necessarily dependent for its operation upon the part or parts so held invalid and unconstitutional, and the remainder of this Manual shall continue in full force and effect, it being the corporate intent, now hereby declared, that this Manual would have been passed, approved, and adopted even if such unconstitutional or void matter had not been included herein.

Section C. Conflicts

Should any rule or regulation, section or subsection, provision, exception, sentence, clause, phrase, or part of this Human Resources Manual be in conflict with any provision of the City Charter or Municipal Code, then the City Charter and Municipal Code shall prevail.

Section D. All Prior Rules Superseded

These Rules and Regulations shall be the Human Resources Rules and Regulations for all Municipal Government employees of the City of Franklin, Tennessee, and shall supersede all previous Human Resources Rules and Regulations. Those employees specifically excluded by

Section 4 of the Municipal Code may not enjoy benefits and privileges of specific sections of the Human Resources Rules and Regulations. Any Rule or parts of Rules in conflict with the Human Resources Rules and Regulations or the Municipal Code are repealed to the extent of such conflict.

Section F. Implementing These Rules and Regulations

It is the responsibility of the Department Directors to carry out these Rules and Regulations in consultation with the Human Resources Director. Department Directors and the Human Resources Director shall be held accountable to the City Administrator for failure to carry out these Rules and Regulations as written. The City Administrator and the Human Resources Director will advise and assist the Department Directors in enforcing and interpreting these Rules and Regulations.

Section G. Further Implementation

The Human Resources Rules and Regulations contained herein are an outline covering Human Resources policies and procedures and may be further implemented by specific policies and procedures duly adopted by the Board of Mayor and Aldermen.