

ORDINANCE NO. 03112008

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

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF BRIGHTON, TENNESSEE:

SECTION 1 – PERSONNEL POLICY

- A. **PURPOSE.** The purpose of this resolution is to establish a system of personnel administration in the Town of Brighton, Tennessee.
- B. **AT-WILL EMPLOYER.** The Town of Brighton, Tennessee is an at-will employer. Nothing in this ordinance may be construed as creating a property right or contract right to any job for any employee.
- C. **COVERAGE.** The following personnel are not covered by this policy, unless otherwise provided:
 - 1. All elected officials.
 - 2. Members of appointed boards and commissions.
 - 3. Consultants, advisors, and legal counsel rendering temporary professional service.
 - 4. The city attorney.
 - 5. Independent contractors and/or contract employees.
 - 6. Volunteer personnel.
 - 7. The city judge.

All other employees of the municipal government are covered by this personnel policy. Each individual department may have its own set of personnel guidelines to complement these policies. If a conflict in policy exists, the department's personnel manual supercedes this policy.

SECTION 2 – EMPLOYEES

- A. **FULL TIME.** Full-time employees are individuals employed by the municipal government who normally work 40 hours or more per week.

- B. **PART TIME.** Part-time employees are individuals who may not work on a daily basis or work on a daily basis fewer than 8 hours a day and may work fewer than 40 hours per week or who are temporary and/or seasonal employees.
- C. **JOB TITLES.** All full-time positions shall have a job title assigned. In turn, job titles shall be assigned to a salary grade within the Town's salary grade schedule (Appendix 1).
- D. **COMPENSATION.** Full-Time employees shall be compensated in accordance with the salary grade for their position (see Appendix 1). Employees will be at Step 1 of their grade from hire date through 90 days. Employees will be at Step 2 of their grade from 90 days through 1 year of full-time employment. Steps 3 through 10 will be attained each year following on July 1st. Step 10 is considered "top out". Any raises given by the Town will be applied on a percentage basis across the entire salary table. The salary table is used to determine an employee's base pay on an annual basis. For hourly employees, the figure in the applicable area of the chart is divided by 52 and then again divided by 40 to attain the employee's regular hourly rate. For salaried employees, the figure in the applicable area of the chart is divided by 52 to determine the weekly salary of the employee.

SECTION 3 – HIRING PROCEDURES

- A. **POLICY STATEMENT.** The primary objective of this hiring policy is to insure compliance with the law and to obtain qualified personnel to serve the citizens of the Town of Brighton. The Town of Brighton shall make reasonable accommodations in all hiring procedures for all persons with disabilities.
- B. **APPLICATION.** All persons seeking employment with the Town of Brighton must complete a standard application form provided by the municipal government. Applications for employment shall be accepted at City Hall during regular office hours only. **Applications will remain on active status for six (6) months after accepted or until the job for which the application is submitted is filled, whichever period of time is less.**
- C. **INTERVIEWS.** All appointments will be preceded by an interview with the Mayor and/or department head.
- D. **PRE-APPOINTMENT EXAMS.** For certain positions the employee may be required to undergo a **validated** physical agility examination **related to the essential functions of the job, validated** written and/or oral tests **related to the essential functions of the job**, drug testing, and,

upon a conditional offer of employment, a medical examination to determine the employees ability to perform the essential functions of the job. Reasonable accommodations shall be made in the physical agility exam for applicants with disabilities making a request for accommodations.

- E. **APPOINTMENTS, Etc.** All appointments shall be made in accordance with **lawful provisions of the municipal charter if there are applicable provisions in the charter.**

SECTION 4 – BENEFITS

- A. **HOLIDAYS.** Generally, full-time employees are allowed a day off with pay on the following holidays:

1. President's Day
2. Martin Luther King Jr. Day
3. Good Friday
4. Independence Day
5. Labor Day
6. Thanksgiving
7. Christmas Eve
8. Christmas
9. New Year's Day

Employees must be in a pay status on the work day before and on the work day after the holiday, unless otherwise excused by the supervisor, to receive compensation for the holiday.

Any employee required to work on a regular holiday shall be granted 8 hours off on an alternate day approved by the supervisor or an additional 8 hours pay for the holiday.

- B. **VACATION LEAVE.** All full-time employees with one year of service shall receive one week of vacation leave on the anniversary of their hire date and one week every July 1st thereafter. Employees with three years of service shall receive two weeks every July 1st. Employees with five years of service shall receive three weeks every July 1st. Employees with 10 years of service shall receive four weeks every July 1st. Unused vacation on July 1st shall not be carried over to the next year. It shall be mandatory for each full-time employee to take no less than three consecutive days of vacation leave per year. Employees must request the use of vacation leave from their supervisor no less than two weeks prior to the date(s) requested. Upon separation, employees are entitled to be reimbursed for any unused vacation.

- C. **SICK LEAVE.** All full-time employees with one year of service shall receive two weeks of sick leave on their anniversary date and two weeks every July 1st thereafter. Unused sick leave on July 1st shall carry over to the next year. Such leave may be taken no more than one (1) consecutive day, and no more than 5 days in a twelve month period, without a written letter from the employee's attending physician stating the date that the employee may return to work. Reasonable notice shall be given by an employee planning to take sick leave. If reasonable notice is not given, employee will be given an unexcused absence and have their sick leave reduced by the number of days taken. Unused sick leave shall not be cashed in for compensation upon separation, termination or resignation.
- D. **PERSONAL DAYS.** Full-time employees shall be given three (3) personal days of paid time off per fiscal year after their first full year of employment. This time shall not accrue. Personal days may be used for deaths or illnesses in the immediate family or other exceptions that do not qualify under vacation or sick leave as granted by the Town Administrator. If an employee fails to give reasonable notice of intention to use a personal day, the employee shall be given an unexcused absence and have their personal days reduced by the number taken. Unused personal days shall not be cashed in for compensation upon termination or resignation.
- D. **UNEXCUSED ABSENCES.** Employees may be granted leave without pay if all paid leave has been exhausted and the time off is granted by the Town Administrator or such other officer as he may designate. Leave without pay shall be considered an unexcused absence. An employee who accumulates more than two (2) unexcused absences within a 12 month period may be terminated.

SECTION 5 - GRIEVANCE PROCEDURES

A. **GRIEVANCE POLICY.** The purpose of this section is to prescribe uniform disposition procedures of grievances presented by individual employees. A grievance is a **written** question, disagreement, or misunderstanding concerning administrative orders involving only the employee's **work area**, reasonable accommodations under Americans with Disabilities Act, physical facilities, **unsafe** equipment, or **unsafe** material used. **The grievance must be submitted within five (5) working days of the incident causing the grievance.**

Employees must remember that there is no grievance until the department head or other appropriate person has been made aware of the dissatisfaction **by written notice**. Once this is done, the following steps are to be taken:

- Step 1.** Discuss the problem with the immediate supervisor. If satisfaction is not obtained, the grievance is advanced to the second step.
- Step 2.** Discuss the problem with the appropriate department head. If the grievance is not resolved, it is advanced to the third step along with all documentation.
- Step 3.** Discuss the problem with the Mayor of the municipality. The Mayor's decision is the last and final step in the process. The decision of the Mayor is final and binding to all parties involved.

SECTION 6 - STATE AND FEDERAL PERSONNEL MANDATES

- A. **DISCRIMINATION PROHIBITED** - The municipality is an equal opportunity employer. Except as otherwise permitted by law, the municipality will not discharge or fail or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, gender, or national origin, or because the individual is forty (40) or more years of age. The municipality will not discriminate against a qualified individual with a disability because of the disability in regard to job application procedures, hiring or discharge, employee compensation, job training, or other terms, conditions, and privileges of employment. (Title VII of Civil Rights Act of 1964 - 42 U.S.C. ' ' 2000e - 2000e-15; Equal Pay Act 1963 - 29 U.S.C. ' 206(d); Age Discrimination in Employment Act - 29 U.S.C. ' ' 621 et seq.; Americans With Disabilities Act - 42 U.S.C. ' ' 506 et seq.)
- B. **SEXUAL HARASSMENT PROHIBITED** - Sexual harassment by any employee or elected or appointed official of the municipality will not be tolerated. Sexual harassment is unwanted sexual conduct, or conduct based upon sex, by an employee's supervisor(s) or fellow employees or others at the work place that creates a hostile work environment, makes decisions contingent on sexual favors, or adversely affects an employee's job performance. Examples of conduct that may constitute sexual harassment are: sexual advances, requests for sexual favors, propositions, physical touching, sexually provocative language, sexual jokes, and display of sexually-oriented pictures or photographs.

Any employee who believes that he or she has been subjected to sexual harassment should immediately report this to their supervisor. Within the limits of the Tennessee Open Records Law, the municipality will handle the matter with as much confidentiality as possible. There will be no retaliation against an employee who makes a claim of sexual harassment or who is a witness to the harassment.

The municipality will conduct an immediate investigation in an attempt to determine all the facts concerning the alleged harassment. If the municipality determines that sexual harassment has occurred, corrective action will be taken. The municipality will attempt to make the corrective action reflect the severity of the conduct. If it is determined that no harassment has occurred, this will be communicated to the employee who made the complaint, along with the reasons for the determination.

- C. **OCCUPATIONAL SAFETY AND HEALTH** - The municipality shall provide job safety and health protection for all employees in accordance with the Occupation Safety and Health Administration (OSHA) Legislation (29 U.S.C. ' ' 656 et seq.) and the Tennessee OSHA Law (T.C.A. 50-3-101 et seq.).
- D. **OVERTIME COMPENSATION** - The Fair Labor Standards Act (FLSA) shall govern the overtime compensation of municipal employees (29 C.F.R. ' ' 553.1 et seq.).
- E. **MILITARY LEAVE / VETERANS' RE-EMPLOYMENT**- All employees who are members of reserve components of the armed forces, including the National Guard, are entitled to leave while engaged in "duty or training in the service of this state, or of the United States, under competent orders," and they must be given such leave with pay not exceeding 15 working days in any one calendar year (T.C.A. 8-33-109). Also, any employee of the municipality who leaves his / her job, voluntarily or involuntarily, to enter active duty in the armed forces may return to the job in accordance with Veterans' Re-employment Rights (38 U.S.C. ' 202-2016) and the Tennessee Military Leave Act (T.C.A. 8-33-101 et seq.).
- F. **FAMILY AND MEDICAL LEAVE** - If the municipality has 50 or more employees on the payroll an eligible employee (one who has been employed at least 12 months and worked at least 1250 hours in the preceding 12 months) will be provided 12 calendar weeks of unpaid leave for medical conditions of the employee or his / her family members in accordance with the Family and Medical Leave Act (P.L. 103-3).
- G. **COMMERCIAL DRIVER'S LICENSE** - All employees that drive (1) a vehicle with a gross weight of more than 26,000 pounds; (2) a trailer with a gross weight of more than 10,000 pounds; (3) a vehicle designed to transport more than 15 passengers, including the driver; and (4) any size vehicle hauling hazardous waste requiring placards are required to have a Tennessee Commercial Driver's License in accordance with T.C.A. 55-50-101 et seq. Fire truck, police vehicle, and emergency medical vehicle operators are exempt from the CDL requirements.

- H. **EMPLOYEE DRUG TESTING** - All employees in safety-sensitive positions (such as gas employees, equipment / vehicle operators that require a Commercial Driver's License, etc.) are subject to alcohol and drug testing in accordance with the Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143, Title V) and the Natural Gas Pipeline Safety Act (49 CFR Part 199). Other employees may be subject to drug testing in accordance with the drug testing policy of the municipality. The municipality's procedures for drug testing can be found in Ordinance / Resolution number
- I. **RESIDENCE REQUIREMENTS** - No person "currently employed" by the municipality can be dismissed or penalized "solely on the basis of non-residence" (T.C.A. 8-50-107).
- J. **EMPLOYEE RIGHT TO CONTACT ELECTED OFFICIALS** - No employee shall be disciplined or discriminated against for communicating with an elected official. However an employee may be reprimanded for making untrue allegations concerning any job-related matter (T.C.A. 8-50-601--604).
- K. **CIVIL LEAVE** - Civil leave with pay shall be granted to employees for the following reasons:
1. Jury duty (T.C.A. 22-4-108)
 2. To answer a subpoena to testify for the municipality
- L. **VOTING** - When elections are held in the state, leave for the purpose of voting, if requested, shall be in accordance with T.C.A. 2-1-106.
- M. **POLITICAL ACTIVITY** - Employees have the same rights as other citizens to be a candidate for state or local political office (except for membership on the municipal governing body) and to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities. No employee may campaign on municipal time or in municipal uniform **nor use municipal equipment or supplies in any campaign or election** (T.C.A. 7-51-1501).
- N. **TRAVEL POLICY** - All employees, including elected and appointed officials, are required to comply with the municipality's travel policy, as required by T.C.A. 6-54-901.

SECTION 7 - MISCELLANEOUS PERSONNEL POLICIES

- A. **OUTSIDE EMPLOYMENT** - No full-time employee of the municipality may accept any outside employment without written authorization from the _____ department supervisor.
- B. **USE OF MUNICIPAL TIME, VEHICLES, FACILITIES, ETC.** - No employee may use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to oneself or any other **person, group, or organization other than the municipality. Decisions about aid to charitable, civic or other organizations will be made exclusively by the governing body.**
- C. **ACCEPTING OF GRATUITIES** - No employee shall accept any money, other considerations, or favors from anyone other than the municipality for performing an act that he/she would be required or expected to perform in the regular course of his/her duties. No employee shall accept, directly or indirectly, any gift, gratuity, or favor of any kind that might reasonably be interpreted as an attempt to influence his/her actions with respect to the municipality's business.

SECTION 8 - DISMISSAL

- A. **AT-WILL.** Employees may be dismissed for cause, for no cause, or for any cause as long as it does not violate federal and/or state law or the municipal charter.
- B. **NAME-CLEARING HEARING.** A name-clearing hearing will be given to any terminated, demoted, or suspended employee that requests one. This hearing will not be conducted to provide an employee any property rights. The purpose of the hearing is solely to let the employee clear his / her name.

SECTION 9 - PERSONNEL POLICY CHANGES

Nothing in this ordinance may be construed as creating a property right or contract right to the job for any employee. The provisions of this personnel policy may be unilaterally changed by resolution of the governing body from time to time as the need arises.

SECTION 10 - EFFECTIVE DATE

This ordinance takes effect upon its passage and supersedes any personnel policy previously adopted.

DATE ADOPTED: April 8, 20 08

PASSED:

1st Reading March 11, 2008

2nd Reading April 8, 2008

MAYOR

ATTEST:

Bonnie K. Baker
CITY RECORDER / CLERK

APPROVED AS TO FORM:

Date Notice Published:

CITY ATTORNEY

TOWN OF BRIGHTON

BOARD OF MAYOR AND ALDERMEN MEETING

April 8, 2008

7:00 P.M.

Meeting called to order by Mayor Jeff A. Scott
Allegiance to Flag led by Alderman W. E. Blalack, Jr.
Prayer by Reverend Matalee Hall
Roll Call:

PRESENT

Jeff A. Scott, Mayor
Judy Watkins, Alderman
Jim Wyatt, Alderman
Phillip Mathis, Alderman
W. E. Blalack, Jr., Alderman

ABSENT

Attending: Gary Pinner, Police Chief
Chad Gatlin, Administrative Chief
Matalee Hall, Water Superintendent
Bonnie Baker, Recorder

Guests: Debbie Walker, Mr. Bill McClain, Wanda Scott, Ann Blackmon and
Gwen Matheny, Reporter from the Covington Leader.

Alderman Watkins made a motion to approve the minutes from the last meeting as written. The motion was seconded by Alderman Blalack.

Alderman Wyatt made a motion to pay our bills. The motion was seconded by Alderman Mathis. The motion passed.

Alderman Blalack made a motion to approve the rezoning request for 1.17 acres at 987 Old Highway 51 owned by Mr. R. L. Inman from R-1 Residential to B-1 Restricted Commercial on the first reading. The motion was seconded by Alderman Mathis. The motion passed on the first reading.

Alderman Blalack made a motion to pass on the second reading the Town of Brighton Personnel Policy, Ordinance #03112008. The motion was seconded by Alderman Wyatt. The motion passed on the second reading.

Alderman Blalack made a motion to adjourn. The motion was seconded by Alderman Mathis. The motion passed, we stand adjourned.

Bonnie Baker, Recorder