

*Town of Oakland,  
Tennessee*



Personnel  
Handbook  
of Policy and Procedures

Board Approved Oct. 2024

**Town of Oakland**  
**Personnel Handbook**  
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## Town of Oakland

### Section I – Personnel Policies

**A. Purpose and Objectives** – The purpose of these policies is to establish a high degree of understanding, cooperation, efficiency, and unity among town employees fostered by a systematic application of sound procedures in personnel administration. Another purpose is to provide uniform policies for all employees with all the benefits such a program ensures, without regards to race, color, gender, creed, national origin, ancestry, age, disability, veteran status, sexual orientation, gender identity or expression, political affiliation, or any other characteristic protected by federal, state or local laws.

The fundamental objectives of these personnel administration policies are:

- To promote and increase efficiency and economy among employees of the Town of Oakland.
- To provide fair and equal opportunity to all qualified individuals on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection;
- To develop a program of recruitment and advancement that will make employment with the Town attractive as a career and encourage each employee to render the best; and
- To establish and promote high morale among the employees by providing good working relationships, a uniform personnel policy and opportunity for advancement.

**B. Personnel Policy Statement** – It is policy of the Town of Oakland to apply and foster a program of sound personnel management. **Nothing in this document is to be interpreted as giving an employee any more property rights than many already be given by the Town Charter. These Personnel Policies, rules and regulations shall be reviewed periodically and may be amended without notice.**

#### Employment-At-Will Policy

The Town of Oakland may dismiss at any time an employee who was hired for an indefinite period, for any or no reason, without incurring any liability to the employer. This general rule is often referred to as “employment at will”.

All employment and compensation with The Town of Oakland is “at will”. Neither any of its managers nor any other employee can guarantee a specific duration of employment. The Town of Oakland recognizes that circumstances change with the passage of time and that some employees may seek opportunities elsewhere or choose to leave our employ for other reasons.

Others may not fulfill our operational needs or changed circumstances may reduce available employment opportunities, which may result in involuntary terminations. Employees may

leave employment at any time with or without a reason. Likewise, the Town of Oakland reserves the right to terminate any employee at any time within the provisions of Federal and State Laws.

The policies of the Town are established to:

**1. Employment and Placement**

- a. To fill all positions without undue delay in accordance with job or requirements without regard to race, color, gender, qualifications, creed, national origin, ancestry, disability, veteran status, sexual orientation, gender identity or expression, political affiliation, or any other characteristic protected by federal, state or local laws; and
- b. To establish programs for the promotion, transfer, demotion, dismissal, and reassignment of personnel without regard to race, color, gender, creed, national, origin, ancestry, age, disability, veteran status, sexual orientation, gender identity or expression, political affiliation, or any other characteristic protected by federal, state or local laws.

**2. Position Classification and Pay Administration**

- a. To establish and maintain job descriptions for every position with the descriptions maintained on file with the Town Recorder and Department Directors.  
Review position descriptions periodically and systematically with the employee to ensure currency and accuracy.
- b. To conduct area wage and salary surveys periodically to provide competitive wage and salary scales.

**3. Employee Relations and Services**

- a. To establish rules and standards governing employee conduct both on and off the job.
- b. To administer a uniform leave program.
- c. To provide and maintain a safe and healthy work environment.

**4. Records**

- a. To establish and maintain comprehensive and uniform personnel records.

**C. Coverage** – These rules and regulations shall cover all employees in the Town’s service unless specifically exempted by this document, the Town Charter, and / or the Ordinances of the Town without regard to race, color, gender, creed, national origin, ancestry, age, disability, veteran status, or political affiliation.

All Town offices and positions are divided into regular service and the exempt service. The regular services shall include all regular full-time and regular part-time positions in the Town’s service unless specifically placed in the exempt service. Offices and positions of the Town placed in the exempt services include:

1. All elected officials.
2. Department Directors and Town Recorder
3. Members of appointed boards and commissions.
4. Consultants, advisers, and legal counsel rendering temporary professional service.
5. The Town Attorney.
6. Independent contractors.
7. People employed by the Town for not more than four (4) months during a fiscal year.
8. Volunteer personnel appointed without compensation; and
9. The Town Judge

**D. Non-Discrimination Statement** – It is the policy of the Town to provide all of its programs, activities, and services to all individuals regardless of race, color, gender, creed, national origin, ancestry, age, disability, veteran status, sexual orientation, gender identity or expression, political affiliation, or any other characteristic protected by federal, state, or local laws. All Town employees and those persons in the exempt service shall abide by this policy at all times.

## Section II – Types of Employees

- A. Regular Full-Time Employee** – A regular full-time employee is a paid employee who is scheduled to work a minimum of forty (40) hours per week, or a minimum of two (2) shifts per week in the case of firefighters and is subject to all conditions of employment. Regular full-time employees serve a six-month probationary period. Regular full-time employees are eligible to participate in all Town benefit programs pursuant to the terms of said programs.  
Nothing in this document is to be interpreted as giving employees any more property rights in their jobs than may already be given by the Town Charter.
- B. Regular Part-Time Employee** – A part-time employee is a paid employee who works part-time hours on a regular basis but who may not work on a daily basis and whose hours cannot exceed thirty (30) hours per week unless approved by the Town Manager and subject to budgeted funds. Regular part-time employees are not eligible for Town benefits.
- C. Temporary Full-Time Employee** – A temporary full-time employee is an employee who works full-time, not exceeding six (6) months per term of employment, and who is paid on a per day or per hour basis. Temporary employees are subject to all the conditions of employment and shall be fully capable of performing the assigned duties. Temporary full-time employees are not eligible to receive Town benefits.
- D. Temporary Part-Time Employee** – A temporary part-time employee is an employee who works fewer than twenty (20) hours per week for a period not exceeding twelve (12) months per term of employment. Temporary part-time employees are not eligible to receive Town benefits.
- E. Volunteer Employee** – A volunteer is an individual who works for the Town for no compensation.

- F. Volunteer Police Reserve** – Reserve officers are volunteers recommended for appointment by the Police Chief and Town Manager. Reserve officers receive no compensation and are not eligible to receive Town benefits. Volunteer Reserve Officers are covered under the Special Reserve Police Insurance Coverage Policy.
- G. Volunteer Firefighters** – Volunteer firefighters are appointed by the Fire Chief and Town Manager when necessary. Volunteer firefighters are compensated per fire-call with no eligibility to receive other Town benefits. Volunteer firefighters are covered under the Volunteer Firefighters’ Insurance Coverage Policy.

### **Section III – Hiring Procedures**

- A. Policy Statement** – Pursuant to the Charter of the Town of Oakland, the primary objective of the hiring policy is to ensure compliance with the law and obtain qualified personnel to serve the citizens of the Town.  
It is the policy of the Town of Oakland that all employees are extended equitable consideration with respect to compensation, terms, conditions, privileges of employment, and no person shall be employed, promoted, demoted/discharged, or in any way favored or discriminated against because of an individual’s race, color, religion, national origin, ancestry, age, disability, gender, sexual orientation, gender identity or expression, political affiliation, or any other characteristic protected by federal, state or local laws except in instances where it constitutes a bona fide occupational qualification.
  
- B. Recruitment** – A goal of the Town of Oakland is to attract qualified applicants for all types of positions. In doing so, the Department Director requesting additional personnel shall provide a job description to the Town Recorder, and the Town Recorder shall prepare a public notice of vacancies when they occur in a newspaper of general circulation, on the Town’s website, at the entrance to the Town Hall, or at such a site that is deemed appropriate by the Town Recorder unless otherwise chosen from a current eligibility list of potential employees. The Town of Oakland will employ only capable and responsible personnel based on merit, technical knowledge, education, and work experience.
  
- C. Application Process** – All applicants for positions with the Town of Oakland must complete, sign, and submit to the Human Resource Representative a standard Application of Employment. All non-fire and police department applications are received at Town Hall by the Human Resource Representative and are accepted only for specific positions and only during the period of time the Town has advertised that it is accepting applications for that same position. Applications are referred to Human Resources for review, disbursement, and maintenance. All applications will be maintained for one (1) year. Under the Americans with Disabilities Act, any applicant needing assistance in

completing an application will be offered assistance when prior notification is provided to the Town of Oakland.

All applicants must be evaluated according to the requirements of federal and state laws, Town Ordinances and Personnel Policies, including, but not limited to, an oral interview with the Town Manager and Department Director, a physical examination (position requirement), psychological evaluation (position requirement), drug testing, and criminal background history. Applicants seeking a position in the Police, Fire, Public Works or Water/Water Waste department may include copies of their certification(s) with their application. Any misrepresentation by the applicant on the application will be sufficient cause of cancellation of the application and/or separation from Town services if determined after employment.

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

1. declines an appointment when offered;
2. cannot be located by the postal authorities (it shall be deemed impossible to locate an applicant when a communication mailed to the last known address is returned unclaimed);
3. fails to undergo a post-offer/pre-employment drug test that produces a verified negative drug screen result;
4. is found to have been convicted of a felony or misdemeanor involving moral turpitude as the term is defined by law;
5. has made a false statement or material fact on, or has omitted material information from, his or her employment application;
6. does not file the application within the period specified in the application announcement or does not use the prescribed form or uses a different format than allowed as a reasonable accommodation and/or;
7. does not possess the minimum qualifications and/or certifications, or ability to obtain one, as indicated by the job description.

**D. Position Announcements** – The following standardized procedures for filling position vacancies are to be used:

1. Any Department Director desiring to fill a vacancy for any position shall submit to the Town Manager a personnel requisition with the job description for consideration. This requisition must be approved by the Town Manager and placed on file by Human Resources before the process of filling the position proceeds.
2. Filling of an approved vacancy will not ensue unless approved by the Town Manager in writing and provided to the Town Recorder for advertisement. The Town Manager may not approve a position request unless in compliance with current adopted budget ordinance and adopted salary schedule for the fiscal year without further Board of Mayor and Alderman approval and adopted budget amendment, if applicable. A position announcement will be prepared and posted for a minimum of five (5) days by the Town Recorder for each position vacancy unless chosen from an eligibility list of current employees.
3. A written recommendation for appointment shall be made by the Town Manager to the Department Director or from the Department Director to the Town Manager and

- then forwarded to the Human Resource Representative for confirmation purposes after approval by the Town Manager in writing. The selected candidate will be provided an offer of employment conditioned (if the following steps were not completed earlier in the selection process) upon the selected candidate successfully passing a background investigation, drug testing, and, other than for a temporary/seasonal position, a post-offer/pre-employment physical or psychological examination, if applicable.
4. No new employee shall be placed on the payroll or given authorization to report to work until such time as all necessary paperwork has been properly completed, processed, approved, and signed by the Town Manager. The processing of all required paperwork for these positions shall be completed and fully executed prior to commencement or employment and on file with the Human Resource Representative.
  5. All copies of position announcements and employment records may be obtained by the general public at Town Hall.
  6. In an emergency situation where the need to fill the vacancy is critical, the Town Manager may waive this process, but only for non-director positions. Director positions must be approved by the Mayor and Board of Aldermen.

**E. Pre-Employment Examinations** – All appointments in the Town service shall be made according to merit and fitness and may be subject to competitive examination. All such examinations shall fairly and impartially test those matters relevant to the capacity and fitness of the applicant to efficiently discharge duties of the position to be filled. The pre-employment examinations held to establish eligibility and fitness for any position may consist of one or more of the following parts as determined by the Town Manager or Department Director. Reasonable accommodations will be provided in the examination process to disabled applicants requesting such accommodations. The following standardized examinations for applicants are to be used:

1. Written Test – This part, when required, shall include a written demonstration designed to show the applicant’s knowledge, skill and ability for the position to which he or she is seeking appointment.
2. Oral Test – This part, when required, shall include a personal interview where the ability to deal with others, to meet the public, and/or personal qualifications are to be evaluated. An oral test may also be used in examinations where a written test is unnecessary or impractical or as a reasonable accommodation to someone unable to take a written test due to a disability.
3. Performance Test – This test, when required, shall involve performance tests to aid in determining the ability and manual skills of applicants to perform the work involved. The performance test may be given a weight in the examination process or may be used to exclude from further consideration applicants who:
  - a. cannot perform the essential functions of a specific position due to a disability that cannot reasonably be accommodated;
  - b. pose a direct threat to themselves or others;

c. are unable to perform the essential functions of a specific position due to a temporary condition or disability not protected by the ADA.

4. Physical Ability Test – When required, this consists of job-related tests of bodily conditioning, muscular strength, agility, and physical fitness of job applicants for a specific position. This test may be given a weight in the examination process or may be used to exclude from further consideration applicants who do not meet the minimum required standards.
5. Mental Test – When required, this shall include any test to determine mental alertness, general capacity of the applicant to adjust his or her thinking to new problems, or to ascertain special character traits and attitudes.
6. Post-Offer Drug Test – Post-offer/pre-employment drug testing shall be required of all applicants to whom a conditional offer of employment is made, and such testing must produce a verified negative drug screen result before such applicants shall be permitted to commence employment with the Town and any conditional offer of employment will be rescinded if the pre-employment drug test results have been verified by the Human Resource Representative as positive or if they refuse to submit to a pre-employment test for drug abuse. Applicants testing positive on a drug test are prohibited from re-applying for employment for a minimum of six (6) months.

**F. Residency** – Individuals shall be recruited from a geographic area as wide as necessary to assure obtaining well-qualified applicants for the various types of employment positions. Recruitment, therefore, shall not be limited to residents of the Town of Oakland.

**G. Minimum Age** – The FLSA requires that employees of state and local governments be at least sixteen (16) years old for most non-farm jobs and at least eighteen (18) years old for non-farm jobs declared hazardous by the secretary of labor. Minors fourteen (14) and fifteen (15) years old may work outside school hours under certain conditions. No person shall be appointed to the sworn personnel of the police department who is less than twenty-one (21) years of age. No person shall be appointed to the suppression personnel of the fire department who is less than eighteen (18) years of age.

**H. Appointments, Promotions, Demotions, and Transfers** – The Town Manager has the authority to appoint, promote, demote, transfer, suspend, and remove all employees of the Town in accordance with current adopted policies of the Town and State and Federal Laws. The Town Manager must be in compliance with adopted budget ordinance and adopted salary schedule for the fiscal year without further Board of Mayor and Alderman approval and adopted budget amendment, if applicable.

- a. Appointments – Appointments to positions with the Town are as follows:  
Original appointments – When a non-employee passes all the tests of employability and is offered conditional employment. Immediately after an applicant is first

appointed to any position of employment of the Town, there follows a six-month (6 month) probationary period of time during which the employee is required to demonstrate fitness for the position by actual performance, and during which the employee may be dismissed without recourse. The Town Manager may authorize an extension of the probationary period. Police and Fire department personnel will have a twelve month (12-month) probationary period. Probationary employees are eligible for Town benefits after thirty (30) days of regular full-time employment.

- b. Promotions – A promotion is assigning an employee from one position to another that has a higher maximum pay rate and a higher rank and/or level of responsibility. Vacancies in positions above the lowest rank in any category in the classified service shall be filled as far as practical by promoting employees. Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation.
- c. Demotion – A demotion is assigning an employee from one position to another that has a lower maximum pay rate and lower rank and/or level of responsibility. An employee may be demoted for any of the following reasons:
  - 1. because his or her position is being abolished and he or she would otherwise be laid off;
  - 2. because his or her position is being reclassified to a higher grade, and the employee lacks the necessary skills to successfully perform the job;
  - 3. because there is a lack of work;
  - 4. because there is a lack of funds;
  - 5. because another employee, returning from authorized leave granted in accordance with the rules on leave, will occupy the position to which the employee is currently assigned;
  - 6. because an employee does not possess the necessary qualifications to render satisfactory service to the position he or she holds;
  - 7. because the employee voluntarily requests such a demotion (but only regular employees who have completed a minimum of twelve (12) months of service in their current position are eligible to seek a demotion to another position in any department other than the one in which they currently work), and the position to which the employee seeks to be demoted is vacant;
  - 8. as a reasonable accommodation when an employee, due to a disability, becomes unable to perform the essential functions of the jobs; and/or
  - 9. as a form of disciplinary action.
- d. Transfers – If an employee requests to transfer from one department to another, both Department Directors involved, and the Town Manager must approve the request before it is processed. Only regular employees who have completed a minimum of twelve (12) months of service in their current position are eligible to seek a transfer to another position in any department other than the one in which they currently work.

Transferring an employee from one position to another without significant change in the responsibility level may be effective for the following:

1. when the employee meets the qualification requirements for the new position;
2. if it is in the best interest of the Town;
3. if it meets the personal needs of the employee and is consistent with the other requirements of this rule; and/or
4. as a reasonable accommodation when an employee is unable, due to a disability, to continue to perform the essential functions of the job.

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

**I. Probationary Period** – The probationary, or working test period, is an integral part of the examination process and shall be used for the following:

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

The probationary period follows original appointments other than for temporary/seasonal employees and is for a period of six (6) months. An employee's probationary period may be extended at the request of the employee's department director and upon the approval of the Town Manager. In no event may a probationary period be extended beyond six (6) additional months. Probationary periods are neither reestablished by promotions, demotions or transfers, nor as a means of discipline in response to unacceptable employee behavior or job performance. During a probationary period, an employee is required to demonstrate fitness for the position by actual performance. At any time during a probationary period, the employee may be dismissed without recourse. Police and Fire department personnel will have a twelve month (12-month) probationary period. Probationary employees are eligible for Town benefits after thirty (30) days of regular full-time employment.

**J. Nepotism Prohibited** – As a public employer, the Town of Oakland must maintain an image of fairness in all things. Career opportunities must be equal in matters of relationships, just as in other employment matters. A person's name should be neither a help nor a hindrance to advancing as far as ability and performance will allow. The Town of Oakland, as of adoption of this policy, has a strict prohibition against hiring immediate relatives into departments where other relatives are employed and against allowing relatives to make employment decisions about other relatives. Any current employee in regular full-time pay status is excluded from this policy with the exception of the requirement of the Town Manager to approve all personnel actions but is applicable and in full force to all future disbursements of public funds and employment decisions. For

the purposes of this policy, the term immediate relatives shall mean the spouse, parent, sibling, or child.

Employees who are related must not be involved in a direct supervisory/reporting relationship with one another. Employees cannot be transferred, promoted or hired inside a reporting relationship with a relative. Employees cannot be part of a hiring committee, when a relative is considered for the position.

## **Section IV - Compensation**

**A. Salaries** – The Board of Mayor and Alderman must approve the salary schedule for all employees each fiscal year with the annual budget. Any changes to the salary schedule as such must be approved by the Board of Alderman as an amendment to the annual budget. The Town Manager may provide a compensation package based on the approved salary schedule.

The Town of Oakland, as a public agency, is subject to the provisions of the Federal Labor Standards Act (FLSA). In determination of “salaried” employee, the Town of Oakland will consider the executive exemption rules of FLSA. “Salaried” personnel must be determined by the Board of Mayor and Alderman, upon recommendation of the Town Manager according to the FLSA rule. All other employees are hourly and are “non-exempt” under the provisions of the FLSA. The “541” or “white collar” exemption is determined as follows with regard to the Town of Oakland:

1. Executive Exemption

- Primary duty is management of the recognized department.
- Customarily and regularly directs the work of two or more other employees.
- Authority to make recommendations as to the hiring, firing, advancement, promotion, or other change of status of other employees given particular weight.

The FLSA provisions applicable to the Town of Oakland must be considered in totality before assigning an employee as “exempt” or “non-exempt”, or “salaried versus “hourly”.

**B. Pay Day / Pay Period / Work Period** – All employees of the Town of Oakland shall be paid bi-weekly. The pay period will begin at midnight (12 am) Friday of the first week of the payroll period and end Thursday the second week of the payroll period at 11:59pm. Payroll will be by direct deposit by the following Tuesday after a pay period ends, but *not before* the payroll period has ended, effective immediately after adoption of these revisions to the personnel handbook.

All regular full-time employees hired shall be on direct deposit to a bank or financial institution of their choice.

- C. Payroll**– If you have questions about your work time, salary, or payroll, call it to the attention of your Department Director within the pay period in question or immediately thereafter.

The Final paycheck for resigning employees will be made to his or her regular payday.

- D. On-Call Pay** – On-call service is necessary for the proper maintenance and functioning of Town services. It is the duty and responsibility of each on-call employee to be available by cell phone at all times. Employees must be able to respond to a call back within thirty (30) minutes after receiving notice. An employee on-call who fails to respond to an emergency within thirty (30) minutes will be subject to disciplinary action up to and including discharge.

When an on-call employee is called out, he or she will receive two (2) hour minimum pay and subsequent hours will be paid by actual hours worked. If call-out hours result in overtime hours for the work period, such overtime pay will be paid in accordance with FLSA provisions, including if the Board of Mayor and Alderman have adopted a compensatory time equivalent.

Water and Wastewater Department employees are required to be on-call on a weekly rotating schedule. While on-call the employee will be paid an additional flat rate of \$100 per week.

- E. Overtime** – Overtime will not be worked unless essentially in the public interest or to preserve public health and safety. Overtime must be approved by the Town Manager, except in the case of emergency. In the case of emergency, the Department Director may approve overtime with subsequent notification to the Town Manager.

Department Directors are expected to adjust work schedules to minimize the number of overtime hours earned during a work period. **In order to earn overtime, the employee must physically work over forty (40) hours during the assigned work period.** Employees of the fire department must physically work over two-hundred and twelve (212) hours during the 28-day work period assigned before the accrual of overtime. All overtime for non-exempt employees will be compensated according to the FLSA provisions at a rate of 1 ½ times the employee's regular rate of pay. The Town may also provide payment of overtime with compensatory time at a rate of 1 ½ times the hours worked in accordance with the FLSA provisions of the particular department.

- F. Payroll Deductions** – By law, the Town is required to deduct, where applicable, certain taxes and garnishments from any employee’s pay. The following deductions will be made:
1. Federal Income Tax – Federal taxes are withheld from employees’ paychecks based on the requirements of the Internal Revenue Code. Employees are required to keep on file with the Town, a copy of a W-4 form. In the event of changes in the employee’s exemption status, a revised W-4 must be filed before payroll deduction adjustments will be made.
  2. Social Security – Social Security payments will be made according to the Social Security Act.
  3. Garnishments – Garnishment payments will be made pursuant to the law.
  4. Others – Other Town-authorized deductions may be made from an employee’s pay with the employee’s signed consent.
- G. Compensatory Time** – The Town Manager may require compensatory time for any regular full-time employee in lieu of overtime pay. Compensatory time shall be calculated at the rate of 1.5 times the hours worked in excess of regular work period.
1. Upon adoption of this revision, salaried employees will not accrue compensatory time or overtime unless it is necessary to meet required deadlines, emergencies, or special projects for the continued successful operations of the Town and requires prior approval by the Town Manager. Any accruals already in place are not affected by this revision. Salaried personnel will not accrue compensatory time for attending meetings or trainings that would be normal conditions of a salaried employee and will follow all FLSA guidelines not noted herein.
  2. Future accruals for all employees will not be allowed to exceed forty (40) hours during a fiscal year and Department Directors or the Town Manager must ensure that compensatory time is taken within six (6) months if possible, without compromising the operations of the Town. Compensatory time will be paid out upon leaving service with the Town if it is documented by time sheets and within the automated personnel system for past accruals, and if approved by the Town Manager for future accruals.
- H. Time Sheets and Leave Requests** – All time accrued and taken must be requested or documented on approved and uniform leave requests and time sheets by all departments. All time accrued and taken must be in fifteen (15) minute increments (i.e., .25 – 15 minutes; .5 – 30 minutes; .75 – 45 minutes; 1 – 60 minutes). All time sheets must be signed by the Department Director or designee approved in writing by the Town Manager. Any time sheets are not signed as such, they will be returned to the Department Director for review and signature. Completed time sheets and approved leave requests must be provided to the Payroll/HR Department by 11am on Thursday for processing of payroll by the following Tuesday.

## Section V – Employment

- A. Citizenship and Immigration Status Verification** – The Town will not discriminate on the basis of a person’s national origin or citizenship status with regard to recruitment, hiring, or discharge. However, the Town will not knowingly employ any person who is or becomes an authorized immigrant. In compliance with the Immigration Reform and Control Act, all employees hired after November 6, 1986, regardless of national origin, ancestry, or citizenship, must provide suitable documentation to verify identity and employability. The documentation must be provided within three (3) days of employment or the individual will be terminated.
- B. First Day of Employment** – After an applicant has been chosen to fill a job vacancy by the Department Director and has been approved by the Town Manager, the new employee shall be required to complete or provide the following documents and forms before beginning work:
1. W-4 Form;
  2. Signed acknowledgment form from the Employee Handbook/Personnel Manual;
  3. Immigration Control and Reform Act Form (I-9);
  4. A copy of education certification, professional license, or certificate, if any required per the job description;
  5. Emergency telephone numbers;
  6. A copy of driver’s license (if the position requires driving a Town vehicle); and
  7. List of dependents as required by Consolidated Omnibus Budget Reconstruction Act (COBRA).
- C. Moonlighting/Outside Employment** – With approval of an employee’s Department Director and the Town Manager, employment outside of the Town service is permissible, provided that is no conflict of interest or impairment of work performance for the Town. Before outside employment begins, employees must:
1. Present a written request describing the work to be performed;
  2. Present a written confirmation of workers’ compensation and any other appropriate insurance coverage from the other employer may be required;
  3. Obtain written approval from the Town Manager;

No regular full-time employee of the Town shall accept outside employment without written authorization from the Town Manager. The Town Manager will not grant such authorization if the work is likely to interfere with the satisfactory performance of the employee’s duties, or is incompatible with the employee’s Town employment, or is likely to cause discredit upon or create embarrassment for the Town. Approval of moonlighting or outside employment may be withdrawn at any time.

Regular full-time employees who are assigned a Town-owned vehicle are strictly prohibited from using the vehicle outside of their assigned duties and work hours for the

Town of Oakland – *see Section XII – Town-Owned Vehicles for more information.*  
Provided however, Police Officers may use their take-home vehicle for outside employment provided they are in the city limits.  
Employees missing work because of sickness or injury that can be attributed to a second job will not receive pay or other normal benefits for the time lost from their Town Job.

- D. Hours of Work / Workweek** – Work schedules, hours of work and assignments of employees to particular jobs will be made by the employee’s supervisor, with the approval of the Town Manager, to meet the operating needs of the Town and render essential service to the public. Normally, exception for the uniformed personnel of the police department, employees shall work five (5), eight (8) -hour days during a work period for a total of forty (40). Uniform police officers will work rotating shifts that normally total forty (40) hours during a work period.
- E. Attendance** – Punctual and regular attendance is necessary for the Town to operate efficiently. All departments shall keep daily attendance records of their employees, which shall be reported to the Town Manager as he/she may require. Employees unavoidably late or absent from work due to illness or other causes must notify their supervisor within the guidelines established under “Sick Leave”. Employees must explain the reason for the absence and, if possible, the anticipated time and date they will return to work. Failure to notify one’s supervisor of absences may result in disciplinary action. Employees found falsifying their time records will be subject to immediate dismissal. Excessive tardiness is regarded as sufficient reason for termination.
- F. Absenteeism and Tardiness** – Regular, punctual attendance is mandatory. It is an important factor in your job performance and contributes to the smooth operation of the Town. If it becomes necessary for you to be absent from work because of illness, emergency, or some other good reason, you should notify your supervisor at least one (1) hour prior to the start of the workday. If this call-in procedure is not followed, any absence will be considered unauthorized. Supervisors may require proof, documentation or otherwise, in support of your reason for being absent. Repeated absences and tardiness reflection on your dependability as an employee of the Town. If your record indicates excessive absenteeism and/or tardiness, the supervisor will discuss the problem with you. If absences and/or tardiness persist, disciplinary action will be taken. Chronic, unapproved tardiness or leaving workstations before the end of the designated eight (8) -hour period, without approval of the supervisor or department head, will result in loss of pay and may result in dismissal. Any employee who is absent from work for three (3) consecutive days without reporting to the supervisor shall be considered as a voluntary resignation.

## ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the Town of Oakland expects employees to be reliable and punctual in reporting for work as scheduled. Absenteeism and tardiness place a burden on other employees and on the Town of Oakland. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they must notify their supervisor as soon as possible, in advance, of the anticipated tardiness or absence. Specific attendance and tardiness policies and issues are cited below:

- Employees who miss three (3) consecutive days of work without contacting their supervisor or the company will be considered to have *voluntarily resigned* unless an illness or emergency made it impossible to contact the company.
- Employees who miss three (3) or more unexcused absences may be subject to disciplinary action, up to and including termination.
- Employees who have unexcused absences on the first scheduled workday before or after a paid holiday or vacation may be subject to pay being withheld for the holiday and/or vacation are subject to other disciplinary action, up to and including termination.
- Employees with excessive tardiness defined as three (3) or more unexcused occasions per floating six-month period may be subject to disciplinary action, up to and including termination.
- Attendance and tardiness are considered an important part of the performance evaluation process which occurs annually.

**G. Inclement Weather** – The Public Safety, Police and Fire Departments are considered essential personnel and are expected to report to work. Public Works and Public Utility employees are expected to work or confirm coverage for their assignment. Office personnel may have flexibility in their schedule upon approval of the Department Director. Inclement weather does not usually warrant the closing of Town-operated offices. Loss of work time for this reason is charged against the employee's compensatory or annual leave and the employee must report their absence to the Department Director and supervisor. Failure to report subjects the employee to disciplinary action.

**Section VI – Benefits**

**A. Holidays** – All offices and shops of the Town, except emergency and necessary operations, will be closed and employees excused on the following legal holidays:

|                           |                             |
|---------------------------|-----------------------------|
| New Year’s Day            | January 1 <sup>st</sup>     |
| Martin Luther King Day    | Third Monday in January     |
| President’s Day           | Third Monday in February    |
| Good Friday               | Friday before Easter Sunday |
| Memorial Day              | Last Monday in May          |
| Independence Day          | July 4 <sup>th</sup>        |
| Labor Day                 | First Monday in September   |
| Columbus Day              | Second Monday in October    |
| Veterans Day              | November 11 <sup>th</sup>   |
| Thanksgiving Day          | Fourth Thursday in November |
| Friday after Thanksgiving | Fourth Friday in November   |
| Christmas Eve             | December 24 <sup>th</sup>   |
| Christmas Day             | December 25 <sup>th</sup>   |

When a holiday falls on Saturday, offices will be closed on the immediately preceding Friday. When a holiday falls on a Sunday, offices will be closed the following Monday. To receive compensation for a holiday, employees eligible for holiday benefits must be in a pay status (not away on leave without pay or on worker’s compensation) on their regular shift scheduled before a holiday and their first regularly scheduled shift after a holiday. It shall be the Department Director’s responsibility to report to payroll the names, hours, and dates of employees who work holidays. The reporting shall be done as soon as possible, but in no case later than three workdays after the holiday. To be eligible for holiday time, the employee must work the day before and the day after the holiday if scheduled, unless leave has been approved in advance of the day missed.

**B. Holiday Pay** – All full-time regular employees excused in observance of an official holiday shall be compensated for their normal work hours at their regular rate in effect on that date. During a Holiday pay period, the employee will work his/her regular tour of duty and be compensated as such for any day excused for a holiday. For example, if the regular scheduled hours are eight (8) work hours, then the employee would be compensated for eight (8) hours of holiday pay; and if the regular scheduled hours are ten (10) hours then the employee would be compensated for ten (10) hours of holiday pay. All other regular scheduled days and hours shall not be revised due to the holiday. When an employee (not public safety) is required to work on a day the Town observes a holiday, the employee shall be paid for actual hours worked according to FLSA provisions, and holiday pay commensurate with hours actually worked. No employee shall work during a holiday without prior approval of Department Director and the Town Manager, except in the case of an emergency.

**Public Safety** – Police officers and Firefighters receive a holiday payout in lieu of holiday pay on designated holidays.

**C. Vacation** – Vacation will be granted to regular full-time employees after completion of a six month (6-month) probationary period as a regular full-time employee. Full-time employees will accrue vacation hours at a rate of 6.67 hours per month for the first year of employment. The vacation time accrual rate increases with each milestone met. Vacation will be earned according to the following schedule:

| <b>Completed Years of Service (Non- Fire or Non-Police)</b> | <b>Number of Vacation Hours Per Year</b> |
|---|--|
| After 1 <sup>st</sup> up to 5 <sup>th</sup> year            | 80 Hours                                 |
| After 5 <sup>th</sup> year                                  | 120 Hours                                |
| After 10 <sup>th</sup> year                                 | 160 Hours                                |
| After 20 <sup>th</sup> year                                 | 200 Hours                                |
| <b>Completed Years of Service (Fire Dept.)</b>              | <b>Number of Vacation Hours Per Year</b> |
| After 1 <sup>st</sup> up to 5 <sup>th</sup> year            | 120 Hours                                |
| After 5 <sup>th</sup> year                                  | 180 Hours                                |
| After 10 <sup>th</sup> year                                 | 240 Hours                                |
| <b>Completed Years of Service (Police Dept.)</b>            | <b>Number of Vacation Hours Per Year</b> |
| After 1 <sup>st</sup> up to 5 <sup>th</sup> year            | 80 Hours                                 |
| After 5 <sup>th</sup> year                                  | 120 Hours                                |
| After 10 <sup>th</sup> year                                 | 160 Hours                                |
| After 20 <sup>th</sup> year                                 | 200 Hours                                |

For vacation leave purposes, the service an individual has to his/her credit includes all time spent as a full-time employee of the Town during the employee's current period of continuous service. Re-instated employees and temporary or part-time employees reclassified as regular full-time shall earn vacation time from the date of their new appointment to regular full-time status.

For purposes of crediting vacation time, new employees may not take accrued vacation time until they reach the end of the six (6) – month probation period.

Vacation leave may not be taken before it is earned and credited. Vacation leave may be taken in whole, or in part or on a piecemeal basis throughout the year, however, all vacations must be scheduled in advance for the mutual convenience of the employee and the Town so proper adjustments can be made in the work schedules. Any vacation leave of four (4) consecutive workdays or less may be scheduled on a first-come first-serve basis. However, departmental seniority shall be given consideration when scheduling any vacation leave of five (5) consecutive working days or more.

Non-Police/Non-Fire employees may accrue vacation leave to a maximum of four hundred and eighty (480) hours as of December 31<sup>st</sup> of each year but must take a minimum of forty (40) hours of vacation during every twelve (12) -month period. Police department employees may accrue vacation leave to a maximum of six hundred and sixty (660) hours (due to working 10-hour shifts), as of December 31<sup>st</sup> of each year but must take a minimum of forty (40) hours of vacation during every twelve (12) -month period. Fire department employees may accrue vacation leave to a maximum of seven hundred and twenty (720) hours, (due to working 24-hour shifts), as of December 31<sup>st</sup> of each year but must take a minimum of forty (40) hours of vacation during every twelve (12) -month period. An employee who is separated from Town employment shall be paid for his/her unused vacation leave in accordance with the procedures for final payroll issuance. In no event will an employee who has not completed at least six (6) months of satisfactory service receive vacation pay.

Firefighters accrue vacation and sick time at a rate of one and one-half (1 ½) times the rate of other employees due to twenty-four (24) -hour shifts.

Police employees accrue vacation and sick time at a rate of 8 hours.

- D. Sick Leave** – Each regular full-time employee will accrue sick leave at the rate of one day (eight hours) per month from their employment date but shall not be entitled to take sick leave until they have completed ninety (90) days of employment. Sick leave accruals are based upon full calendar months that are worked. Sick leave benefits will commence on the first day of such absence and shall continue for as long as sick leave credit remains. Regular full-time employees may carry sick leave hours over from year to year but may not accumulate more than one hundred and eighty (180) working days (1440) hours determined on the employee's anniversary date.

For sick leave purposes, the service an individual has to his/her credit includes all time spent as a full-time employee of the Town during the employee's current period of continuous service.

Reinstated employees and temporary or part-time employees reclassified as permanent full-time employees shall earn sick time from the date of their new appointment to regular full-time status.

Sick leave shall be considered a benefit provided to employees, and not a right for the employee to use at his/her discretion. Generally, employees become eligible to use sick leave in the situations outlined below:

1. Employees are incapacitated by sickness for a non-job-related injury, or they are seeking medical, dental, or optical diagnosis and treatment;
2. Necessary care and attendance of a member of the immediate family (determined to be spouse, child, or parent);
3. Employees may jeopardize the health of others because they have been exposed to a contagious disease requiring notice from a qualified doctor.

In order to be granted sick leave with pay, an employee must meet the following conditions:

1. Notify his/her immediate supervisor prior to the beginning of the scheduled workday of the reason of absence, and if required, the location of their convalescence;
2. Submit, if required by the Department Director, a medical certificate signed by a licensed physician certifying that the employee has been incapacitated for work for the period of absence, the nature of the employee's sickness or injury, and that he/she is again physically able to perform his/her duties.

NOTE: An employee should only leave their convalescent location during their normal shift hours for reasons such as doctor appointments, picking up prescriptions, etc.

**Notice** – All sick leave is forfeited upon leaving service with the Town of Oakland. Employees who abuse sick leave or deliberately make or cause to make false or misleading statements or claims, shall be subject to the loss of such benefits, dismissal or such other disciplinary action as the Department Director, with approval of the Town Manager, deems appropriate.

Employees who use more than forty (40) hours of sick leave within a six (6) month period may be subject to undergo a review with the Department Director and Town Manager. All supervisors confirming an absence as sick leave, knowing the cause not to be justified or failing to report the absence as required, shall be liable to disciplinary action.

## E. VOLUNTARY SICK LEAVE

Voluntary Sick Leave (VSL) establishes a program under which employees may donate paid sick leave time to a fellow employee who is facing or recovering from a catastrophic illness or injury or a serious health condition. Upon approval, the VSL program allows employees to donate a portion of their accumulated sick leave to an employee who has exhausted all of their current and accrued leave time. The requesting employee will be responsible for providing the appropriate physician's certification and completed paperwork to be submitted for the leave requested under this policy. Nothing contained herein shall be construed to give any employee a right to the VSL program. Participation in the VSL program is not considered a right of employment and, as such, denial of a request for leave is not considered the denial of a right of employment. An employee may not appeal the decision regarding VSL program participation.

**1. Definitions** - Catastrophic illness or injury: An illness or injury that is either life threatening, terminal or likely to result in a potentially permanent disability. Current and accrued leave time: Leave time shall include all current and accrued vacation, personal, holiday, sick and compensatory time. Designated employee representative: A spouse, immediate relative or legal guardian may act as a designated employee representative if the employee is unable to represent themselves. Serious health condition: A condition that makes the employee unable to perform the functions of the position of the employee.

**2. Maximum Sick Leave Hours** - The maximum amount of voluntary sick leave an employee may receive in a "rolling" twelve-month period is 480 hours.

**3. Voluntary Sick Leave Provisions** - For the purpose of this policy, voluntary sick leave shall run concurrently with time allowed under the Family and Medical Leave Act (FMLA). To be eligible to for the VSL program, the applicant must also apply for FMLA leave. While the denial of FMLA leave does not necessarily preclude an employee from being granted VSL leave, approved FMLA leave shall allow the employee to be granted VSL leave. While using donated leave time, an employee shall continue to accrue vacation, sick leave, or holiday time as stated in the personnel policies. An employee who uses voluntary sick leave is not required to pay back the time received. Voluntary Sick Leave cannot be used more than once over a twelve (12) month period subject to the maximum number of hours as stated above. While a request may be approved for a certain amount of donated leave time, it is up to employees to donate time to a requesting employee. A requesting employee will only have access to time that is donated by other employees.

**4. Eligibility Requirements** - Requesting employee must be full-time or part-time and must have completed their initial training / probation period. Requesting employee is not on unpaid disciplinary status during the period requested for voluntary sick leave. Requesting employee has met or exceeded expectations in their most recent employee evaluation. Requesting employee has exhausted all current and accrued leave. Based upon the physicians' statement, requesting employee has experienced a personal injury or illness which is life threatening, catastrophic, potential permanent disability or serious health condition that makes the employee unable to perform the functions of the position of such employee. Personal injury or illness is not job related.

**5. Procedures for VSL Program Method to Request Use of Voluntary Sick Leave** - An eligible employee or a designated employee representative may request voluntary sick leave on behalf of the employee by submitting a Voluntary Sick Leave Request Form to the Human Resource Representative. The employee or their designated employee representative should

submit the application before all leave is exhausted to allow time for application review and consideration. A physician's statement describing the illness or injury must accompany the request for use of voluntary sick leave and must include the diagnosis of the illness or injury and a prognosis, including the estimated time away from work and whether the employee can or cannot return to work. Any failure to comply with these procedures may result in the denial of the voluntary sick leave request.

The Human Resource Representative will verify that the application documentation complies with the Voluntary Sick Leave provisions of this policy prior to approval of the application. Method to Donate to the Sick Leave Program Eligible employees may donate up to 25% of their accrued sick leave balance to a specific individual by submitting a Voluntary Sick Leave Donation Form. Donations shall be in eight (8) hour increments. Sick leave donated to a designated individual will be converted to an hour-for-hour basis. Unused contributions made to a specific individual will only be deducted from the donor account when needed by the recipient.

**F. Leave of Absence** – A regular employee who is in good standing and rendering satisfactory service may be granted leave of absence without pay for a period not to exceed thirty (30) days for sickness, disability, educational advancement, or for other good and sufficient reason in the sole discretion of the Town Manager. Such leave shall be requested in writing and must have prior approval of the immediate supervisor, Department Director, and Town Manager. Leave without pay will not be granted for the purpose of allowing employees to temporarily engage in work for others for the primary benefit of the employee concerned.

An employee on leave without pay may remain under the Town's pension and/or insurance plans subject to the provisions and limitations of said plans, provided the employee pays both the employee's share and the Town's share of all premiums. In addition, employees on leave without pay shall not accrue sick leave or vacation credit while on leave status.

Leave without pay may be revoked by the Town Manager at any time, and the employee shall be required to return to work, without right of appeal.

**G. Bereavement Leave** – An employee may, with the prior approval of his/her Department Director, be granted reasonable time-off with pay up to three (3) working days but not to extend one (1) day after the funeral, in case of death with the employee's immediate family as defined herein. The time granted, an employee under this section shall not be charged against the employee's accrued vacation or sick leave. Any time off after one (1) day beyond the funeral shall be charged to vacation leave or time without pay. The Town may require proof of death and relationship.

The following members of the family are considered immediate family members for which bereavement time is allowed:

1. Spouse
2. Mother
3. Father

4. Legal Guardian
5. Child
6. Stepchild
7. Sibling
8. Mother-in-Law
9. Father-in-law
10. Grandparents

**H. Family and Medical Leave** – The purpose of this policy is to provide a family and medical leave policy in compliance with the Family and Medical Leave Act of 1992, as amended (FMLA).

**Guidelines** – Employees who have worked at least twelve (12) months for the Town and who have worked at least one thousand two hundred and fifty (1,250) hours during the receding twelve (12) month period, prior to a leave request, are considered to be “eligible employees” under FMLA. An eligible employee may take up to twelve (12) weeks of paid or unpaid FMLA leave, depending upon the availability of accrued vacation, compensatory leave, and sick leave, in a twelve (12) month period for the following:

1. The birth of an employee’s child;
2. The placement of a child with the employee for adoption or foster care;
3. Care of a spouse, child, or parent who has a serious health condition;
4. The employee’s own serious health condition which makes him/her unable to perform the functions of the job;
5. Qualified exigencies that are the result of a covered service member being called to duty in the Armed Forces; or
6. To care for a service family member who is injured or ill while on active duty.

FMLA leave for the purpose of caring for a newborn child or a newly placed adopted or foster care child must be taken before the end of the first twelve (12) months following the date of birth or placement.

Upon the birth or prior to the birth, an expectant mother may take leave for necessary medical care and if her condition renders her unable to work. Similarly, adoption or foster care leave may be taken upon the placement of the child. Leave may begin prior to the placement if absence from work is required for the placement to proceed.

An employee may take FMLA leave to care for a parent or spouse of any age who, because of a serious mental or physical condition, is in the hospital or other healthcare facility. An employee may also take leave to care for a spouse or parent of any age who is unable to care for his/her own basic hygiene, nutritional needs, and/or safety. Examples include a spouse or parent whose daily living activities are impaired by such conditions as Alzheimer’s disease, stroke, recovery from major surgery, and/or the final stages of a terminal illness.

An eligible employee who is unable to perform the functions of his/her position because of a serious health condition may request up to twelve (12) weeks of FMLA leave. The

term “serious health condition” is intended to cover conditions or illnesses that affect an employee’s health to the extent that he/she must be absent from work for treatment or recovery on a recurring basis for more than a few days.

Employees requesting FMLA leave shall use, if available, first, vacation leave, then compensatory leave, and then, sick leave, prior to beginning unpaid leave. The combination of vacation leave, compensatory leave, and sick leave may not exceed twelve (12) weeks.

If spouses are both employed by the Town and wish to take leave for the care of a new child or sick parent, their aggregate leave is limited to twelve (12) weeks. For example, if the father takes eight (8) weeks leave to care for a child, the mother would be entitled to four (4) weeks leave, for a total of twelve (12) weeks.

**Right to Return to Work** – On return from FMLA leave, an employee is entitled to be reinstated to the position that the employee held when leave commenced, or to an equivalent position with the equivalent benefits, pay and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his/her position has been restructured to accommodate the employee’s absence. If the employee is unable to perform the essential functions of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under FMLA.

**Notification and Scheduling** – An eligible employee must provide the employer with at least thirty (30) days advance notice for the need for leave for birth, adoption, or planned medical treatment when it is foreseeable. This thirty (30) day advance notice is not required in cases of medical emergency or other unforeseen events, such as premature birth or sudden changes in a patient’s condition that require altering scheduled medical treatment.

Parents who are awaiting the adoption of a child and are given little notice of the availability of the child may also be exempt from this thirty (30) day notice.

**Certifications** – The Town 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 Town requires that the request be supported by certification from the healthcare provider of either the eligible employee or the family member, as appropriate. The Town, at its expense, may require a second opinion from a different healthcare provider chosen by the Town. That healthcare provider may not be employed by the Town 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. The certification must contain the date on which the serious health condition began, the probable duration, and appropriate medical facts within the knowledge of the healthcare provider regarding the condition and estimated duration of the leave. The certification must also state the

employee's need to care for a child, spouse, or parent and must include an estimate of the amount of time the employee is needed to care for the family member.

Medical certifications will be treated as confidential and privileged information. An employee will be required to report periodically to the Town the status and the intention of the employee to return to work. Before return is granted, employees who have taken FMLA leave under the policy must furnish the Town with a medical certification from the employee's healthcare provider stating that the employee is able to resume work.

**Maintenance of Health and COBRA Benefits During Unpaid Leave** – The Town will maintain health insurance benefits, paid by the Town for the employee, during periods of FMLA leave without interruption. Any payment for family coverage premiums or other payroll deductible insurance policies must be paid by the employee or the benefits may be discontinued. The Town has the right to recover from the employee all health insurance premiums paid 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 because of their own serious health conditions or because of the continued necessity of caring for a seriously ill family member may be exempt from this recapture provision.

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

**Reduced and Intermittent Leave** – Leave can be taken intermittently or on a reduced schedule when medically necessary as certified by the healthcare provider. Intermittent or reduced leave schedules for routine care can be taken only with the Town Manager's approval. The schedule must be mutually agreed upon by the employee, the Department Director, and the Town Manager. 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) work week total leave in a twelve (12) month period.

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

Employees voluntarily accepting a light duty assignment in lieu of continuing FMLA leave maintain their right to restoration to the original or equivalent job when the twelve (12) weeks of FMLA leave have passed.

**The 12-Month FMLA Period** – The 12-month FMLA period during which an employee is entitled to twelve (12) work weeks of FMLA leave is measured forward from the date the employee’s first FMLA leave begins. The next 12-month period will begin the first time the employee requests FMLA leave after the completion of the previous 12-month period.

**Denial of FMLA Leave** – If an employee fails to give timely advance notice when the need for FMLA is foreseeable, the employer may delay the taking of FMLA leave until thirty (30) days after the date the employee provides notice to the employer of the need for FMLA leave.

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

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

**Military Leave** – Any regular employee who has completed six (6) months of satisfactory employment and who enters the U.S. Armed Forces will be placed on military leave. The Town Manager shall approve military leave without pay when the employee presents his/her official orders. The employee must apply for reinstatement ninety (90) days after release from active military duty. The employee will be reinstated to a position in the current classification plan at least equivalent to his/her former position. His/her salary will be the salary provided under the position classification and compensation plan prevailing at the time of reinstatement or re-employment. If no position is available at the time of the employee’s return, he/she will be reinstated into the first available position. No current full-time employees will be terminated or laid off to allow for reinstatement.

Any regular full-time employee who is a member of the U.S. Army Reserve, Navy Reserve, Air Force Reserve, Marine Corp. Reserve, or any of the armed forces will be granted military leave for any field training or active-duty requirement (excluding extended active duty). Such leave will be granted when the employee presents the official order to his/her Department Director.

Compensation for such leave will be paid pursuant to T.C.A. 8-33-109. It will be the employee’s responsibility to arrange with the department supervisor to attend monthly meetings on regular off-time, if at all possible. However, if monthly, training meetings occur during an employee’s regular work schedule, he/she shall be paid for such training

time with such pay applied to the fifteen (15) day annual maximum. Employees entering extended active duty will be given fifteen (15) days' pay when placed on military leave.

**USERRA** – The Uniformed Services Employment and Reemployment Rights Act (USERRA) clarifies and strengthens the Veterans' Reemployment Rights (VRR) Statute.

USERRA continues the protection of civilian job rights and benefits for veterans and members of Reserve components. USERRA expands the cumulative length of time that an individual may be absent from work for military duty and retain reemployment rights for five (5) years. There are important exceptions to the five (5) -year limit, including initial enlistments lasting more than five (5) years, periodic training duty, and involuntary active-duty extensions and recalls, especially during a time of national emergency. USERRA clearly establishes that reemployment protection does not depend on the timing, frequency, duration, or nature of an individual's service.

USERRA provides enhanced protection for disabled veterans, requiring employers to make reasonable efforts to accommodate the disability. Service members convalescing from injuries received during service or training may have up to two (2) years to return to their jobs.

As under the previous law, USERRA provides that returning service-members are reemployed in the job that they would have attained had they not been absent for military service, with the same seniority, status and pay, as well as other rights and benefits determined by seniority. However, USERRA also requires that reasonable efforts (such as training or retraining) be made to enable returning service members to refresh their skills to help them qualify for reemployment. The law clearly provides for alternative reemployment positions if the service member cannot qualify for the position. USERRA also reaffirms and clarifies that while an individual is performing military service, he or she is deemed to be on a furlough leave of absence and is entitled to the non-seniority rights accorded other individuals on non-military leaves of absence.

Health and pension plan coverage for service members is clarified under USERRA. Individuals performing military duty of more than thirty (30) days may elect to continue employer sponsored health care for up to twenty-four (24) months; however, they may be required to pay up to one hundred and two percent (102%) of the full premium. For military service of less than thirty-one (31) days, health care coverage is provided as if the service members had remained employed. USERRA clarifies pension plan coverage by making explicit that all pensions plans are protected.

The period an individual has to make application for reemployment or report back to work after military service is now based on time spent on military duty; not on the category of service performed.

USERRA also requires that service members provide an advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable,

or precluded by military necessity. Additionally, service members are able (but are not required) to use accrued vacation or annual leave while performing military duty.

**Jury Service Leave** – Employees selected for jury service shall be excused for the actual duration of the jury duty. Upon release from jury duty during the employee’s normal working hours, he/she shall be expected to return to duty. Employees will receive full pay during jury service, but must sign over to the Town any paycheck, in its original form, received for jury service.

**Court Leave** – Any regular service employee appearing in court or participating in a legal proceeding on behalf of the Town, other than during normal working hours, shall be compensated on a straight time basis, provided, however no less than two (2) hours compensation shall be given for such appearance in a single day.

**Career Development and Training** – The Town Manager and Department Director may authorize or require employee attendance at conferences, seminars, workshops, or other functions of a similar nature that are intended to improve or upgrade the employee’s job skills. Employees traveling out of town for training and educational purposes shall comply with the Town’s travel approval and expense reimbursement policies and procedures.

**Death of an Employee** – Upon the death of a full-time regular employee, her/her beneficiary shall receive his/her next due payroll check and pay for accrued vacation time.

**Medical Insurance** – Employees of the Town are covered under a group major medical insurance plan approved by the Board of Alderman. This plan includes health, dental, and vision. The rules for coverage are established by the insurance provider. The terms and conditions of this plan, including the availability of such plan, are subject to change with or without notice to employees.

**Pensions** – Whenever an employee meets the condition set forth in the pension/retirement plan regulations, he/she may elect to retire and receive all benefits under the Town’s retirement plan. Official notice of such intended action must be submitted by the employee in writing to the personnel officer within the prescribed time limits as set out in the Pension-Retirement Plan. Should the retiring employee have unused vacation time accumulated, he/she shall be paid for that time, in accordance with the final paycheck policy.

**Christmas Bonuses** – If approved by the Board of Mayor and Alderman during the adoption of the fiscal year budget, employees must be in pay status the week before and the week after the week of December 25 in order to receive the Christmas bonus. Christmas bonuses are to be refunded to the Town of Oakland if the employee does not adhere to this policy, unless within an approved leave request. Employees with less than 12 months service, Christmas bonus will be prorated.

## **Section VII – Drug and Alcohol Testing Policy**

The Town is committed to providing a safe, healthy, productive, and drug-free working environment for its employees. The Town has adopted a drug and alcohol testing policy that complies with the Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs. Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. This policy also includes testing of other employees under limited circumstances as allowed by law. The types of tests required are pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow up. In accordance with current law, not all classes of employees are subject to all types of tests.

It is the policy of the Town that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to termination of employment. Prohibited and/or illegal conduct includes but is not limited to:

1. Being on Duty or performing work in or on Town property while under the influence of drugs and/or alcohol;
2. Engaging in the manufacture, sale, distribution, use or unauthorized possession of drugs at any time and of alcohol while on duty or while in or on Town property;
3. Refusing or failing a drug and/or alcohol test administered under the Town's policy;
4. Providing an adulterated, altered, or substituted specimen for testing;
5. Using alcohol within four (4) hours prior to reporting for duty on schedule or using alcohol while on-call for duty; and
6. Using alcohol and/or drugs within eight (8) hours following an accident (incident) if the employer's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner, will be grounds for refusal to hire, for termination or for requiring the employee to participate satisfactorily in an approved drug

abuse assistance or rehabilitation program. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination.

All property belonging to the Town may be subject to inspection at any time without notice as there may be no expectation of privacy in such property. Property includes, but is not limited to vehicles, storage lockers, desks, containers, and files. Employees assigned to lockers that are locked by the employees are subject to inspection.

For further details concerning the drug and alcohol testing policies, employees should refer to the Town's complete drug and alcohol policy adopted separately. Copies of this policy are available in the Town Recorder's office (included at the end of Personnel Policies).

## Section VIII – Sexual Harassment & Discrimination

- A. Purpose** – The Town will not tolerate sexual harassment of any employee. The Town will take immediate, positive steps to stop such harassment from taking place. Sexual Harassment and/or Discrimination is strictly prohibited.

This policy applies to all employees of the Town of Oakland, including but not limited to full and part-time employees, elected officials, permanent and temporary employees, employees recovered or exempt from the personnel rules or regulations of the Town and employees working under contract for the Town. This also applies to vendors and visitors. The following rules shall be strictly enforced.

- B. Definitions** – The following actions are prohibited by employees of the Town of Oakland:

1. Sexual harassment or unwelcomed sexual advances;
2. Requests for sexual favors;
3. Verbal or physical conduct of a sexual nature in the form of pinching, grabbing, patting, or propositioning;
4. Explicit or implied job threats or promises in return for submission to sexual favors;
5. Inappropriate sex-oriented comments;
6. Sex-oriented comments;
7. Displaying sexually explicit or pornographic material, no matter how the material is displayed; and/or
8. Blocking or impeding exits or paths.

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

- C. Consenting Romance and/or Consenting Sexual Relationships**

1. **Coworkers** – Consenting romantic and/or consenting sexual relationships between employees or between a supervisor or management representative and his/her subordinate may lead to unforeseen complications. Each employee should be aware of the possible risks of even a consensual romantic and/or sexual relationship.

An appropriate Management Representative within the work unit may alter the responsibilities or assignments of parties engaged in a consenting relationship to diminish the professional contact they may have with each other when there is even a remote possibility that such a relationship could interfere with the performance of work unit.

Supervisor/Management Representative/Subordinate – Consenting romantic and/or consenting sexual relationships between a supervisor or management representative and his/her subordinate is strictly prohibited.

2. **Making Sexual Harassment Complaints** – An employee who feels he/she has been subjected to harassment should immediately contact a person (listed below) with whom the employee feels the most comfortable. Complaints may be made orally or in writing to the following:
  - a. The employee’s immediate supervisor;
  - b. The employee’s department director;
  - c. Human Resources; or
  - d. The Town Manager

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

- a. His/her name, department, and position title;
- b. The name of the person or persons committing the sexual harassment including their title(s), if known;
- c. The specific nature of the sexual harassment, how long has it gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment.
- d. Witnesses to the harassment; and
- e. Whether the employee has previously reported the harassment and, if so, when and to whom.

**D. Reporting & Investigating Sexual Harassment Complaints** – The Chief of Police is to investigate all sexual harassment complaints. In the event the sexual harassment complaint is against the Chief of Police, the investigator shall be another individual appointed by the Town Manager.

When an allegation of sexual harassment is made by an employee, the person to whom the complaint is made, if not the Chief of Police, shall immediately prepare a report of the complaint according to the preceding section and submit it to the Chief of Police or another investigator. In conducting an investigation of a sexual harassment complaint, the Chief of Police, or other investigator if the complaint is against the Chief of Police, shall:

1. Make and keep a written record of the investigation, including notes on:
  - a. Verbal responses made to the investigator by the person complaining of sexual harassment;
  - b. Witnesses interviewed during the investigation;

- c. The person against whom the complaint of sexual harassment was made; and
  - d. Any other person contacted by the investigator in connection with the investigation.
2. Within thirty (30) days of receiving the complaint, prepare a report, which will include:
    - a. The written statement of the person complaining of sexual harassment;
    - b. The written statements of witnesses;
    - c. The written statement of the person against who the complaint of sexual harassment was made; and
    - d. All notes made by the investigator in connection with the investigation.

**E. Action on Complaints of Sexual Harassment** – Based on the results of the investigation, the Town Manager shall, within a reasonable time, determine whether the conduct in question constitutes sexual harassment. In making that determination, the Town Manager shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct, the context in which the alleged actions occurred, and the behavior of the person complaining. Whether the sexual harassment took place will be determined on a case-by-case basis. If the Town Manager determines that the harassment complaint is founded, he/she shall take immediate and appropriate disciplinary action against the guilty employee(s), consistent with his/her authority under the Town Charter and these rules and regulation.

The disciplinary action shall be consistent with the nature and severity of the offense, the employee's rank, and any other factors the Town Manager believes related to fair and efficient administration of the Town. This includes, but is not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the Town. The disciplinary action may include demotion, warning, reprimand, suspension or dismissal. Determining the level of disciplinary action shall be made on a case-by case basis. A written record shall be kept of imposed disciplinary actions, including verbal reprimands. In all events, an employee against whom a charge of sexual harassment has been making shall be warned not to retaliate in any way against the person making the complaint, witnesses, or any other person connected with the investigation. In cases where sexual harassment is committed by a non-employee against a Town employee in the workplace, the Town Manager shall take whatever lawful action is necessary against the non-employee to bring the sexual harassment to an immediate end.

**F. No Retaliation** – Retaliation for making or participating in the investigation of a complaint is not permitted and will not be tolerated. Anyone who believes he/she is being retaliated against must make a complaint in the same manner above for making a sexual harassment complaint.

**G. Obligation of Employees** – Employees are not only encouraged to report instances of sexual harassment, but they are also obligated to report them. Employees are also obligated to cooperate in every harassment investigation. The obligation includes, but is not necessarily limited to, coming forward with evidence (both favorable and unfavorable) about a person accused of such conduct, full 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 sexual harassment.

Disciplinary action may be taken against any employee who fails to report instances of sexual harassment, fails or refuses to cooperate in the sexual harassment investigation, or files a false complaint of sexual harassment or in bad faith.

### **Workplace Violence and Harassment**

Verbal or physical conduct that harasses, disrupts, or interferes with an employee's work performance or which creates an intimidating, offensive or hostile work environment is not permitted. In particular, violence of any kind (including violence, horseplay, rough housing and vandalism), verbal harassment, bullying, false accusations, slander, defamation, physical harassment, and visual harassment, or the threat thereof, whether in the workplace or during work time or both, is strictly prohibited. Employees engaging in such activity will be subject to disciplinary action up to and including dismissal. **For allegations of sexual harassment, see the separate sexual harassment policy.** Under no circumstances are the following items permitted on Town property, including town-owned parking, except when issued or sanctioned by, and carried and used within the scope of employment for, the Town:

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

Charges of violence and harassment of any kind shall be reported to the immediate supervisor, Department Director, and Town Manager who are charged with investigating all cases of workplace violence and harassment. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action. Copies of the investigative report with recommendations for appropriate action will be turned over to the immediate supervisor, Department Director, and Town Manager, and all parties involved. Disciplinary action up to and including dismissal may be taken against any employee who commits an act of workplace violence and harassment. To the extent they are not in conflict herewith and to the extent they are applicable hereto, policies and procedures pertaining to complaints of, investigations of

and other responses to alleged sexual harassment shall be utilized in response to allegations of workplace violence and non-sexual harassment.

### **Workplace Bullying**

The Town of Oakland is committed to providing our employees with a healthy and safe work environment that is free from bullying. Bullying is repeated unreasonable behavior directed toward an employee, or group of employees, that creates a risk to health and safety. Examples of bullying include:

- verbal abuse and yelling;
- humiliating someone through sarcasm, criticism or insults;
- constant criticism;
- exclusion of a person from workplace activities;
- giving someone the majority of unpleasant tasks; and/or
- intimidating postures, gestures, staring, blocking of a path, and likewise behavior intended to intimidate a targeted individual.

The Town of Oakland expects all employees to behave in a professional manner and to treat each other with dignity and respect. We encourage all employees who experience bullying to report it immediately. Any reports of bullying will be treated seriously and investigated promptly, confidentially and impartially. The reporting and investigative procedures for dealing with bullying are treated under normal discipline and/or termination guidelines.

## Section IX – Separations

**A. Types of Separation** – All separations of employees from positions with the Town shall be designated as one of the following types:

1. Resignation;
2. Layoff;
3. Disability;
4. Death;
5. Retirement; or
6. Dismissal.

At the time of separation and prior to final payment, all records, assets and other Town property in the employee's custody must be transferred to the Department Director. Any amount due because of shortages shall be withheld from the employee's final compensation.

**B. Resignation** – In the event an employee decides to leave the Town's employ, a minimum of two (2) weeks written notice shall be given to his/her supervisor so that arrangements for a replacement can be made. More than two (2) weeks written notice is preferred, and in the case of supervisory employees, a minimum of one (1) month notice is required. Failure to meet this notice requirement may be cause for denying future recommendations and/or re-employment with the Town. An unauthorized absence from work for a period of three (3) consecutive working days may be considered by the Department Director as a resignation.

**C. Layoff** – A Department Director, with the approval of the Town Manager may lay off an employee in the Town's service when he/she deems it necessary by reason of a shortage of funds, elimination of a position, other material changes in the duties or organization of the employee's position, or related reasons that are outside the employer's control and that do not reflect discredit upon the employee's service.

The duties performed by an employee who is laid off may be assigned to other Town employees who hold positions in the appropriate department(s). Temporary employees shall be laid off before introductory or regular employees. The order of layoffs, after temporary employees, will be determined by the Town Manager and Department Director based upon the best interests of the Town and the department.

**D. Disability** – An employee may be separated for disability when he/she cannot perform the essential function of the job because of a physical or mental impairment that cannot be accommodated without undue hardship or that poses a direct threat to the health and safety of others. Reasonable accommodations may include transfer to a comparable position for which the individual is qualified. Action may be initiated by the employee or the Town, but in all cases, it must be supported by medical evidence acceptable to the Town Manager, and the disability must prevent the

employee from performing the essential functions of the job. The Town may require an examination at its expense to be performed by a licensed physician of its choice.

- E. Retirement** – Whenever an employee meets the condition set forth in the retirement system’s regulations, he/she may elect to retire and receive all benefits earned under the Town’s retirement plan. Official notice of such intended action must be submitted to the Human Resource Representative within the prescribed time limits as set out in the retirement plan.
- F. Death** – Separation shall be effective as of the date of death of an employee. All compensation due in accordance with these rules shall be paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse.

### **Section X – Disciplinary Actions**

- A. Purpose** – The purpose of this policy is to provide a procedure that ensures suitable treatment whenever an employee’s performance does not meet expectations or when an employee’s behavior is inappropriate.
- B. Provisions** – The Town is committed to providing a safe work environment, protecting the Town’s assets and property, and improving the work performance of its employees through training and various incentives. The Town is an employment-at-will employer. An employee may be dismissed at any time with or without cause. Depending on the nature and severity of the problem, the progressive disciplinary procedures may be accelerated and/or any of the steps waived at the discretion of the Town Manager. Poor work performance or violation of the Town’s rules and regulations will result in appropriate disciplinary actions as determined by the Town Manager based on the frequency, seriousness, and circumstances of the offense. However, corrective actions will normally consist of four progressive steps of informal counseling, formal counseling, probation/personnel notice and termination.
- C. Disciplinary Procedures** – The following guidelines will normally be used when taking disciplinary action:
  - 1. Informal Counseling – Early stages of performance or other job-related problems will be brought to the employee’s attention by his/her supervisor in an informal manner, depending on severity. The employee and supervisor will review the action required to achieve a satisfactory resolution. Documentation of informal counseling shall be placed in the employee’s personnel file.
  - 2. Formal Counseling – If a problem or action continues after the informal counseling has taken place, the appropriate level of management should initiate a

formal counseling session. During this session, the problem will be clearly defined, and the consequences of continued unsatisfactory performance or behavior will be fully discussed. An attempt will also be made to agree for a plan for resolution. The session will be formally documented with reference to previous informal and formal sessions and actions outlined that must be taken by the employee to correct the problem. The documentation should be signed by both the Department Director who conducted the session and the employee. A copy of the document will be given to the employee and the original filed in the employee's personnel file.

3. Final Warning – A final warning is a written notice to the employee that future occurrences of discipline will result in termination.
  - a. A Final Warning will be prepared, documenting the nature of the problem and the actions required to solve the problem. A probation period will be specified, normally no longer than ninety (90) calendar days. The Final Warning will be documented on the appropriate form and signed by the Department Director and Town Manager. A copy will be provided to the employee and the original notice will be filed in the employee's personnel file.
  - b. The Department Director will review the Final Warning with the employee. Reference should be made to previous sessions addressing the problem(s) as well as the employee's failure to correct the problem. The employee must be informed that the next step is termination.
  - c. The employee may be terminated at any time during probation if it is in the opinion of the supervisor and the Town Manager that he/she is not making an effort to improve or if it violates the terms of probation.
  
4. Suspension – Suspension is a temporary and involuntary leave of absence from work, initiated by the Department Director and/or the Town Manager. An employee will be suspended when an immediate disciplinary action would normally result in termination, yet time is needed to investigate and assess the situation more fully before making a determination.
  - a. Suspensions are approved by the Department Director or Town Manager; Human Resource Representative should be notified immediately.
  - b. The suspension will remain in effect until the case is reviewed by the Department Director and the Town Manager.
  - c. During the suspension period, the employee will normally receive leave without pay for disciplinary cases and leave with pay for investigative purposes.
  - d. A Personnel Notice will be prepared, documenting the reason for the suspension, the date, and the time period. The Personnel Notice must be approved by the Department Director and Town Manager.

- e. The original Personnel Notice will be filed in the employee's personnel file and if investigation determines the employee is not at fault, the Personnel Notice will be removed after twelve (12) months.

5. Termination – Termination will result when all reasonable efforts to correct the problem have been exhausted or immediately, if warranted.

- a. In case of misconduct or security violations, an employee may be suspended or terminated without probation or warning.
- b. A Termination Notice will be prepared on the appropriate form, which must detail the reason for determination. The notice must be signed by the Department Director and be approved by the Town Manager with a copy of the written notice to be provided to the Board of Mayor and Alderman.

**D. Examples of Grounds for Action:** Reasons for disciplinary action may include, **BUT SHALL NOT BE LIMITED TO:** misconduct, negligence, incompetence, insubordination, unauthorized absences, falsifying records, or violating any of the charter provisions, state or federal law, ordinances, or these rules. Examples include, but are not limited to:

1. Incompetence for inefficiency in performing duties.
2. Conviction of a criminal offense or of a malfeasance involving moral turpitude.
3. Violating any lawful regulation, order, or direction made or given by a superior, or insubordination that constitutes a serious breach of discipline.
4. Being intoxicated, drinking any intoxicating beverages, or being under the influence of a drug or narcotic while on duty.
5. Theft, destruction, carelessness, or negligence of Town property.
6. Disgraceful personal conduct or language toward the public, fellow officers, or employees of the Town.
7. Unauthorized absences or abuse of leave privileges.
8. Accepting any valuable consideration (\$50 or more) given with the expectation of influencing the employee in performing his/her duties.
9. Falsifying records or using official position for personal advantage.
10. Loss of any employee's driver's license and driving privileges by due process of law when the employee's position makes operating a motorized vehicle necessary in performing his/her duties.
11. Violating any provision of the Town Charter, state law, local law, or these rules.
12. Failure to report an accident or injury.
13. Fighting, horseplay, and intentionally defacing or damaging Town property.

## Section XI – Miscellaneous Policies

- A. Workplace Safety** – It is the policy of the Town to provide a safe and comfortable work environment for all employees. The Town has established workplace safety procedures and regulations that comply with regulatory requirements and which are intended to increase safety consciousness among all employees. It is the Town’s policy to maintain a constant vigilance of all workplace safety programs, and where workplace safety standards are found to be deficient; the Town shall take immediate action to correct the situation. The Town adheres to the philosophy that the safety of the employees and the public is a high priority. The Town Manager retains overall responsibility for oversight of the Town’s workplace safety program.

The Town Manager shall appoint a workplace safety director who is responsible for the development and effective implementation of the Town’s workplace safety program. The workplace safety director is charged with the responsibility for the preparation and promulgation of a Town workplace safety manual, with amendments as necessary, for advance approval by the Town Manager, to meet compliance with federal and state workplace safety standards and laws. The plans and programs contained therein shall be at least as stringent as the federal and state standards on the same issues and shall include the following:

1. The workplace safety director shall have the right to enter at any reasonable time, any work area under the control of the Town, and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment, and materials therein, and to question privately any supervisor or employee.
2. The workplace safety director may require the attendance of employees, and may interview employees and require presentation of evidence, under oath, for the purpose of confirming or supplementing findings.
3. The Town emphasizes the necessity for all employees to recognize and report workplace safety and health problems, to avoid unsafe working conditions, and to learn and practice acceptable workplace safety techniques.
4. All employees shall be informed of applicable procedures and standards set forth by the Tennessee Occupational Safety and Health Act.

- B. Political Activity** – Nothing in this section is intended to prohibit any Town employee from privately expressing his/her political views or from casting vote in all elections.

Employees of the Town may individually exercise their right to vote, express their political views as citizens, and participate in political activities the same as all other citizens. Provided, however, that no employee shall use Town property for political purposes nor shall any employee engage in any political activity while at work, in a Town-provided uniform, or otherwise on duty. In accordance with state law, Town employees cannot run for election to the Board of Alderman. If an employee wishes to become a candidate for election to the Board of Alderman, he/she must resign from

employment with Town prior to filing a nominating petition or other required qualifying papers. These restrictions do not apply to elected officials.

- C. Trip Reimbursement** – Any Town-related travel that involves expense reimbursement and/or Town expense shall not be undertaken without prior approval of the appropriate Department Director or the Town Manager. In order for travel-related expenses to be reimbursed or paid directly by the Town, all travel must be conducted with the Town’s adopted travel policy. For details regarding travel, obtain a copy of the Town’s Travel Policy from the Town Recorder.
- D. Driving Records** – Any employee who is required, as a condition of employment, to possess and maintain a valid Tennessee or Commercial Driver’s License must immediately, before reporting for duty the next workday, inform his/her supervisor should his/her license become denied, expired, restricted, suspended, or revoked any time during employment with the Town of Oakland. Annual review of employees’ driving records will be conducted by the Town Recorder to assure adherence to this policy. Review may also be conducted upon notification of unsafe operation of equipment.
- E. Solicitation** – Unauthorized solicitation of employees on any Town property is strictly prohibited. This prohibition applies both to employees and outsiders. Solicitation of gifts (for such occasions as resignations, retirements, weddings, and births) is considered authorized. Contributions may be solicited on Town property only with the permission of the Town Manager. Miscellaneous solicitation of contributions within a single department may be made with the permission of the Department Director. No pressure is to be placed on any employee to make any contributions.
- F. Fighting, Horseplay, Damaging Town Property** – Fighting, horseplay, or negligently or intentionally defacing or damaging Town property may result in disciplinary action up to and including immediate termination and circumstances may warrant restitution or payment of expenses to repair or replace the property.
- G. Accepting Gratuities** – No employees shall accept any money, other consideration, or favors from anyone other than the Town 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 Town business. Nominal value is defined as fifty (\$50) dollars or more.
- H. Use of Town Time and Facilities** – No elected official or employee shall use or authorize the use of Town time, facilities, equipment, or supplies for private gain or advantage to himself/herself or any other private person or group. Such resources may be utilized only as provided by express authorization by the Board of Alderman, and provided that the Town is paid for such utilization at such rates as are normally paid by private sources for comparable services.

- I. Business Interest** – No employee of elected official shall have any financial interest in the profits of any contract, service, or other work performed by or for the Town. No employee or official shall personally profit directly or indirectly from any contract, purchase, sale, or service between the Town and any person or company. No Department Director or supervisor shall personally, or as an agent, provide any surety, bail, or bond required by law or subject to approval by the Town Manager. No Town employee shall enter under any contract with the Town if he/she has a direct or indirect financial interest in the contract; unless:
1. The contract is awarded through a process that complies with the Town’s purchasing requirements; or
  2. The Board of Alderman waive this section’s requirements after making a formal finding that it is in the best financial interest of the Town to do so after full disclosure on the part of the Town employee or his/her direct or indirect financial interest in the contract that the Board’s finding and waiver and the employee’s full financial disclosure are recorded on the minutes of the Board meeting in open session.
- J. Use of Position** – No Town official or employees shall make or attempt to make private purchases, for cash or otherwise; in the name of the Town, nor shall he/she otherwise use or attempt to use his/her position to secure unwarranted privileges or exemption for himself/herself or others. No person shall use or promise to use, directly or indirectly, any official, any official authority of influence, whether possessed or anticipated, to secure or to attempt to secure for any person an appointment to a position of employment with the Town or any increase in wages or other advantage of employment for the purpose of influencing the vote or political action of any other person, or for any other consideration.
- K. Bulletin Boards** – The Town maintains bulletin boards at numerous locations on which important information connected with an employee’s work is posted from time to time. Cooperation is needed in protecting the posted material. All material to be placed on the bulletin boards must be approved by the appropriate supervisor before it is posted.
- L. Use of Town Vehicles and Equipment** – All Town vehicles and equipment are for official use only. Use of Town vehicles and equipment must be approved by the employee’s supervisor as well as the Town Manager.
- M. Gambling** – The Town takes the position that gambling among its employees can lead to bad morale, hard feelings, and financial hardships. Therefore, gambling is prohibited on Town property and/or during Town-paid work time and will be a cause for disciplinary action. This includes all competitions where money is wagered, such as cards, dice, lotteries, betting pools, dog/horse races and/or the like. Any employee who engages in gambling during working hours will be subject to disciplinary action up to and including dismissal.

**N. City Property Assigned to Individual Employees** – All property owned by the Town is subject to inspection by authorized personnel and officials at any time without notice. There should be no expectation of privacy in or on such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers. Liability for loss or damage to the contents of such property cannot be assumed by the Town. Employees may be requested to open such property for periodic housekeeping, inspections, or other occasions when it is appropriate and/or necessary, as there is no expectation of privacy. Any suspicious activity around such property, as well as break-ins and thefts, should be reported to the employee’s supervisor or Department Director as soon as possible.

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

**P. Use of Tobacco Products** – Smoking of tobacco products poses a threat not only to the user but to non-users as well. In order to provide a clean and healthy environment for all employees and visitors, and to promote a positive impression of the Town’s operations with the general public, the smoking of tobacco products inside Town-controlled buildings and spaces is strictly prohibited. **Department Directors shall designate smoking areas outside of and in close proximity to the Town buildings and spaces where employees typically work.** The designated smoking areas shall not be adjacent to doors and windows of any Town building and/or facilities, smoking cannot take place within a minimum of 25 feet of the facilities and buildings. This policy also applies to Town-owned vehicles when occupied by more than one person. This policy does not apply to open-air facilities unless smoking therein is prohibited by other policies. Employees who violate this policy will be subject to disciplinary action. Visitors and other non-employees who violate this policy shall be advised by employees of the policy and requested to extinguish smoking materials or to move to a designated smoking area.

**Q. Fragrance Sensitivity** – Fragrance sensitivity is either an irritation or an allergic reaction to some chemical, or combination of chemicals, in a product. Symptoms of fragrance sensitivity can include headaches, nausea, and a skin allergy like contact dermatitis, which causes redness, itching, and burning. Watery, itching, burning, and red eyes; sneezing; runny nose; and congestion are also common. In some cases, individuals experience breathing difficulties, such as wheezing, a tight feeling in the chest, or worsening of asthma symptoms. Fragrances include, but are not limited to:

- perfumes/colognes
- air fresheners
- cleaning products
- pesticides
- cosmetics

Under the Job Accommodation Network (JAN), there are three main options to consider as accommodations for those who have fragrance sensitivity. These options include:

1. Remove the fragrances from the workplace.
2. Move the employee to an area where the fragrances will not be located.
3. Reduce the employee's exposure to the fragrances.

Employees shall be respectful of coworkers within an office environment. A two-foot radius is considered one's personal zone. Fragrance should not be detected outside your personal zone. Awareness of fragrance sensitivity can go a long way in creating a pleasant and healthy work and learning environment.

**R. Personnel Records** – The Human Resources Representative for the Town of Oakland shall serve as the official and central depository of all personnel records of the Town. Department Directors must provide all original documents to the Human Resource Department related to personnel. Medical information about each employee shall be kept confidential and separate from the personnel files. This medical information is considered protected health information under the Health Insurance Portability and Accountability Act (HIPAA). Each Department Director shall maintain a copy of the personnel file in his or her charge, including copies of performance plus attendance records, notes, memos, letters, or other information related to an employee's job performance. Medical information shall not be maintained by anyone other than the Human Resources Representative.

Payroll data including time sheets and records on the accrual and use of leave with pay, shall be kept by the Human Resources Representative. Both the personnel department file and the departmental file may include information about an employee's wage or salary history and attendance records.

**S. Access to Employee Records** –

- a. The Human Resources Representative will control, pursuant to law, access to the personnel department's personnel files. Department Directors and supervisors may not divulge the contents of their respective personnel files except to their superiors, on request, or to those whom the Department Directors finds to have a legitimate need to know the information, and then only pursuant to official procedure.
- b. An employee may review the personnel department's personal file for himself/herself at any time during normal business hours of the Town, but only in the presence of the Human Resources Representative.
- c. Employees may take notes during the review, but photocopies are prohibited.
- d. Any questions about the information's accuracy must be referred to the employee's Department Director or to the Human Resources Representative. If the employee disagrees with any information found therein, the employee may place a written disagreement, which will be attached to the specific document, in the files as well as provide a copy to the Department Director.

- e. Any external request for information from any of the personnel files maintained by the Town of Oakland must be referred to the Town Records. Only the Town Recorder, or Human Resources Department are authorized to disclose any information about employees to outside inquirers, and then only in compliance with the redacting provisions of T.C.A. § 10-7-504.
- f. The Town will disclose personnel information to prospective employers of current or former employees as necessary. In most cases, such disclosures will be limited to confirming the dates of employment, title or position, job location, and wages and salary.

**T. Uniforms and Responsibility** – The Town provides uniforms for various job classifications. The Town desires to have uniforms that are well maintained to emphasize professionalism of the workforce and to promote the pride within the Town. Uniforms issued by the Town are considered Town property and are not to be worn other than while on the job for the Town and while commuting to and from work for the Town. At the time of separation of employment, and prior to receiving final moneys due, the employee shall return to his or her department any uniforms in the employee’s care and custody, certification to this effect shall be made by the employee’s supervisor or Department Director.

### **Section – XII Town-Owned Vehicles**

It shall be the official policy of the Town of Oakland to limit the permanent assignments of Town-owned vehicles for after hours, take-home use to those situations where such use is in the best interest and benefit to the public as determined by the Town Manager.

Town-owned vehicles will only be assigned to those whose regular duties and responsibilities require frequent use of a vehicle after normal business hours and weekends and/or whose duties and responsibilities involve immediate response to an emergency and who are regularly and frequently subject to such calls. If you are granted permission to take home a Town-owned vehicle, you are only to use the vehicle for official Town business.

In addition to the permanent assignment of a Town-owned vehicle, temporary overnight assignment of Town-owned vehicles to other employees may be made by the Town Manager in emergencies or for other official purposes where the best interest of the Town will be served by such actions.

**A. Key Personnel** – The Town may provide vehicles to the Town Manager and/or Department Directors as a part of their salary and benefits. Such positions with assigned Town-owned vehicles are exempt from overtime or compensatory benefits or accruals and are required to attend meetings in addition to their normal duties. In addition, such personnel are key personnel and are subject to being called to work in case of problems or emergencies. The personal use of Town-owned vehicles is

prohibited for other than de minimis usage during the course of travel to and from work. In addition, the use of Town-owned vehicles is strictly prohibited in employment other than for the Town of Oakland.

- B. Other Employees** – Vehicles may also be provided to other personnel who are “on call” when they are off duty. The Town-owned vehicle may be provided to speed the response to problems and/or emergencies. Only those personnel that are subject to on-call provisions within the water/wastewater and public works departments shall be provided a Town-owned vehicle for take-home usage and they must adhere to all policies and procedures within this policy, including the requirement to reside within a thirty (30) mile radius of the Town of Oakland boundary limits.

The personal use of Town-owned vehicles is prohibited for other than de minimis usage during the course of travel to and from work. In addition, the use of Town-owned vehicles is strictly prohibited in employment other than for employment purposes with the Town of Oakland.

- C. Police Department** – The purpose of this policy is to establish and explain the Department’s take-home vehicle program. Town-owned assigned patrol vehicles provide positive attributes as follows: (1) more responsible for the vehicle, (2) promotes a more expeditious response in emergency situations, (3) provides for lower maintenance and repair costs, (4) morale booster, (5) an attractive benefit in the hiring competition, and (6) heightened visibility of law enforcement in the communities in which the law enforced personnel resides.

It is the policy of the Town of Oakland Police Department to assign police vehicles only to regular full-time sworn police officers, selected individuals (special operations and command staff) for use pursuant to the following guidelines and procedures:

1. Officers will be assigned either a marked or unmarked vehicle for use according to the responsibilities of the officer’s position and the needs of the police department.
2. A geographic parameter from Oakland Town Limits of a 30-mile radius is hereby established.
3. Officers must respond to after-hour call back investigations as well as management and infrastructure needs of the Town.
4. While on 4-day work rotation, full-time sworn officers assigned to patrol will be allowed to drive their assigned marked or unmarked patrol vehicle to their primary residence at the conclusion of their shift with the following restrictions:
  - a. The officer must reside within a thirty (30) mile radius of the contiguous Town limits of Oakland.
  - b. The vehicle will be considered “restricted use only” and subject to the rules set forth.

- c. Command vehicles are assigned to positions of command in which responsibility is critical to the operational efficiency of the Police Department as designated by the Chief of Police. Any member having a command assignment must be able to communicate with the department at all times and is subject to immediate response when needed.
  - d. Restricted use vehicles are assigned to member for official use only.
5. Before being considered for an assignment vehicle in any of the above categories, an officer must not have been suspended for more than three (3) days during the twelve (12) months prior to the assignment of the vehicle. If during the six (6) month period of not being assigned a vehicle the officer does not incur any additional suspension time, the officer will be reassigned a vehicle.

**D. Further Regulations for the Use of Town-Owned Vehicles** – Vehicles owned by the Town of Oakland are to be used for official business only. Personal use of Town-owned vehicles, beyond commuting to and from work, is not allowed other than de minimis usage in the course of commuting. Only town employees on bona fide Town business are permitted in Town-owned vehicles unless the passenger is necessary or beneficial in the performance of Town business. The use of Town-owned vehicles to transport relatives or friends, including children, is strictly prohibited regardless of distance.

- Alcoholic beverages are not allowed in any Town-owned vehicle at any time except as an incident to law enforcement activities.
- Employees that are assigned take-home vehicles are required to create, maintain, and adhere to a periodic maintenance schedule which is maintained in the vehicle. Interior and exterior cleanliness is expected to be maintained at all times.
- All drivers of Town-owned vehicles are expected to operate the vehicles in a lawful manner and to use the vehicle with the same care as they would their own.
- Town-owned vehicles not being used for commuting purposes or after normal business hours shall be secured on Town-owned property unless temporarily located elsewhere, such as for maintenance.
- Unless exempted under Internal Revenue Service regulations, all employees granted use of a Town-owned vehicle for commuting purposes is subject to taxation based upon the value of the benefit received and will be listed as taxable income in the employee's W-2.
- The vehicle must not be used outside the Town's limits unless the employee is conducting authorized Town-related business or for necessary commuting.
- Employees are strictly prohibited from using Town-owned vehicles for personal business and errands.
- Employees will dress appropriately when using a Town-owned vehicle, i.e. employees will not wear tank tops, flip flops, non-designated uniforms while operating the vehicle.

- An employee on light-duty or suspension is not authorized to receive a take-home vehicle.
- No unapproved equipment or accessories will be installed unless approved by the Department Director and Town Manager.
- The employee will be responsible for any theft or damage to the vehicle if it is found that the employee was neglectful in securing the vehicle and its contents.
- All authorized users of Town-owned vehicles must sign and agree to this policy within ten (10) days of its adoption by the Board of Mayor and Alderman.
- All Department Directors must provide a list of employees and their corresponding vehicle identifiers within ten (10) days of the adoption of this policy.

This list must be approved by the Town Manager in adherence with the requirements herein and any changes must be submitted for approval within three (3) days of the change.

**E. Disciplinary Action for Misuse of Town-Owned Vehicles** – Any Town employee caught misusing and abusing Town-owned vehicle privileges, carrying any persons that are not a Town employee unless authorized by the vehicle use policies, using the vehicle for personal use, not adhering to proper vehicle maintenance, or taking the vehicle to and from the employee’s residence without the permission of the Town Manager and Department Director shall be subject to appropriate disciplinary action including up to dismissal.

**F. Town-Owned Vehicle Accidents** – Any accident involving a Town-owned vehicle, or any other equipment, must be reported on an accident form regardless of whether repairable damage occurs. An employee must be transported for drug testing as soon as possible after being involved in any vehicle or motorized equipment accident. Failure to report an accident subjects the employee to disciplinary action including up to dismissal.

**A take-home vehicle is a privilege, not a right, and should be appreciated and respected as such. Failure to do so will result in confiscation of such privileges.**

## Section XIII – Electronic Communications and Computer Use

### **A. Use of Town-Provided Technology and Personnel Use of Cell Phones**

- 1. General** – Town technology, including telephones (both landline and mobile), pagers, voicemail, computers, electronic-mail, printers, typewriters, photocopy machines, tablets and facsimile machines, are designed and intended for use by employees and officials of the Town for the conducting of the Town’s official business only. Such technology is not intended for personal use and is strictly prohibited. Use of personal cell phones while on duty is discouraged except for de minimis usage, should be limited to important emergency family or family-related communications. Any personal cell phone usage that adversely affects the productivity of an individual employee or work group will be subject to disciplinary action. Usage of a personal cell phone that results in the employee committing an unsafe act or practice, or being involved in an avoidable on-the-job accident, will be subject to disciplinary action. All electronic records on Town-owned equipment and technology are the property of the Town and are open to inspection under T.C.A. § 10-7-512. Employees are prohibited from using a password, accessing a file, or retrieving stored communications without authorization. No employee shall access the Town’s computer systems from remote location except with the explicit permission of the Town Manager and Department Director.

The Town maintains a workplace free of harassment and is sensitive to the diversity of employees. Employees are prohibited from using computers, the Internet, voicemail, and/or the email system in any manner that is disrespectful, disruptive, harmful to employee morale, or offensive to any other person. Also prohibited is the use of vulgarities, threats, abusive language, obscenities, exaggeration of the truth, and/or hateful or harassing language in voicemail or email messages, message posts or downloading such information from email attachments.

All Department Directors are to provide the Town Manager a list of all employees and all corresponding passwords affiliated with any Town-owned equipment within ten (10) days of adoption of this policy.

Any intentional damage to Town-owned equipment may subject the employee to possible criminal charges in addition to disciplinary action up to including termination.

The Town Manager is to be notified when an employee learns of any violation of any provision of this policy. Failure to disclose a known policy violation by another employee may also subject an employee to disciplinary action, including possible termination.

- 2. Computer System** – The computer system is owned by the Town, including the computer, computer files, software, internet access, voicemail, and email systems.

Users shall adhere to the policies set forth herein. Violations of the policy will be dealt with in the same manner as violations of other Town policies and may result in disciplinary action ranging from a written reprimand to dismissal.

The use of the computer system is a privilege, not a right, and inappropriate use may result in cancellation of those privileges. The Town Manager may, at any time, deny, revoke or suspend the computer access of any user.

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

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

Specific rules include the following:

- a. Acceptable Use- The purpose of the computer system is to assist employees in the performance of their duties as an employee. The use of an employee's account, an employee's individual computer and the network must be in support of the objectives of the Town and/or the employee's department.
- b. Security on any computer system is a high priority, especially when the system involves many users. If an employee identifies a security problem, the employee is obligated to notify the computer services coordinator and his or her Department Director. Employees are obligated not to demonstrate the problem to other users.
- c. Employees are obligated not to use another individual's login name or password or Internet account.
- d. Under no circumstances is any software, CD, Thumb drives, External Drives, Flash drives, or downloads to be brought in from outside sources and loaded onto any computer without notification to and approval from the Town Manager. Any user identified as a security risk or having a history of problems with the computer system may be denied access.
- e. All users are expected to read all e-mail sent to their account. The individual is responsible for the proper use of the resource, including proper password protection. All e-mail is a local government record on property and is considered a public record, subject to public inspection, under the Tennessee Public Records Act. Employees are advised that they have no legitimate expectation of privacy with regard to their electronic communications. With this being said, e-mails

received from an employee are not to be forwarded to another individual without their explicit consent to do so.

Emails are covered under the Electronic Communication Privacy Act, 18 USCS Sections 2510-2521 as confidential and may be legally privileged. Any employee not honoring the provisions of this confidentiality may be subject to disciplinary actions, up to and including terminations.

- f. The Town reserves the right to monitor messages and the use of the computer by employees. Supervisors shall have the authority to inspect and extract the contents of any equipment, files, calendars or electronic mail of their subordinates in the normal course of their supervisory duties. Technology support personnel shall have the authority to inspect and extract any content.
- g. The configuration of hardware shall not be altered without prior written approval by the Town Manager. This includes, but is not limited to, memory, processor or monitor upgrades, and other component changes such as CD-ROMS, system boards or hard drives.
- h. Access to the Internet is provided for employees to conduct research and communicate with others only. Personal use is prohibited. Access to the internet can be revoked at any time if it is or has been used in an inappropriate manner. The Internet is intended to be used mainly for business related links and downloads, provided that employees follow the guidelines regarding acceptable material. The Town will not be responsible for any damages an employee may suffer through use of the internet. This includes loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by its negligence or employee errors, or omissions. Use of any information obtained via the Internet is at the employee's own risk. The Town specifically denies any responsibility for the accuracy or quality of information obtained through this service. Employees may be held responsible for any damages suffered by the Town as a result of employee misuse of the internet.
- i. Virus checks are to be performed on all files downloaded from the internet.
- j. Employees are prohibited from using the Town's computer system in the following manner: intercepting, eavesdropping, recording, or altering another person's e-mail message; forwarding chain letters; adopting the identity of another person on any e-mail message, attempting to send electronic mail anonymously, using another person's electronic identity or allowing another person to use one's own electric identity for e-mail, access to the Internet or access to the Town's computer network; misrepresenting oneself or one's affiliation with the Town in any e-mail message; composing, forwarding or otherwise sending e-mail that contains racial, religious, or sexual slurs or jokes, or harassing, intimidating, abusive, or offensive material to or about others.
- k. The internet, email, and voicemail is not to be used to solicit others, to promote personal agendas, events, or causes; commercial ventures outside organizations, religious or political causes, or other matters not a part of the Town's business or relevant to the delivery of services to our citizens; including personal messages offering to buy or sell goods and services; accessing inappropriate Internet websites such as ones that display pornography except in the normal course of an

authorized police investigation; and/or sending or receiving any software in violation of copyright laws; or of junk mail or pyramid schemes.

- 3. Records/Information Management** – The Town Recorder is the custodian of all public records, including electronic submissions. Any request or access to any documents or computer information will be referred to the Town Recorder and Town Manager for determination and accommodation. The Town Recorder will maintain a log of requests and develop an efficient procedure for use by the Town. In addition, the Town Manager and Town Recorder provide for the custody and safety of all Town records and prevent unauthorized access to all records and computer systems containing personnel and financial data of the Town, as well as the financial assets of the Town will be prepared by the Town Recorder and Town Manager and posted within three (3) days of adoption of this policy. Any employee not authorized on this list as posted shall not have access to these areas within the Town Hall or the computer systems of the posted department.

#### **Section XIV – Social Media**

To address the fast-changing landscape of the Internet and the way residents and employees communicate and obtain information online, the Town of Oakland may use social media tools to reach a broader audience. Social media should only be used to further the goals of the Town and the mission of the Town where appropriate. The Town has an overriding interest and expectation in deciding what is “spoken” on behalf of the Town on social media sites. This policy establishes guidelines for the use of social media.

For purposes of this policy, “social media” is understood to be content created by individuals using accessible, expandable, and upgradeable publishing technologies through and on the internet. Examples of social media include, but are not limited to; Facebook, YouTube, X, LinkedIn, and Instagram. For purposes of this policy, “comments” include, but are not limited to; information, articles, pictures, videos, comments, or any other form of communication content posted on a social media site.

The personal use of such social media can have a bearing on the Town and Town personnel both positively and negatively. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by Town personnel.

**A. On the Job Usage** – Where possible, any social media page or website utilized by the Town shall include an introductory statement that clearly specifies the purpose and scope of the Town’s presence; contact information prominently displayed; and must be approved by the Town Manager prior to implementation or usage. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies. Users and visitors to social media sites shall be notified that the intended purpose of the site is to serve as a mechanism for communication between the Town, employees, and the public. The Town of Oakland reserves the right to remove or restrict any content that is deemed in violation of this social media policy or any applicable law. If a social media site does not provide the Town the right to remove those comments, then it may not be used to provide information to employees or to the public. Employees representing or perceived as representing the Town of Oakland on any social media site must conduct themselves at all times as a representative of the Town and in accordance with all Town policies, including volunteers, reserves, committee members, and members of special programs. The following shall not be allowed:

- Comments not related to the original topic, including random or unintelligible comments;
- Comments in support of or opposition to any political campaigns, upcoming or pending policies, or current employee;
- Profane, obscene, violent or pornographic content or language;
- Defamatory or personal attacks;
- Threats to any person or organization;
- Content that promotes, fosters, or perpetuates discrimination of any protected class;
- Sexual content or links to sexual content;
- Solicitations of commerce, including but not limited to, advertising of any business or product for sale;
- Conduct violation of any Town, Federal, or State policy or law;
- Encouragement of illegal activity;
- Information that may compromise the safety or security of the public or public systems;
- Content that violates a legal ownership interest, such as a copyright, of any party.

**B. Personal Use** – Any Town employee, official, volunteer, reserve, committee member, or special program member shall also abide by the following when using social media:

- Speech must not impair working relationships, impede the performance of duties, impair discipline and harmony among employees or co-workers, or negatively affect the public perception of the Town.
- As public representatives, they are cautioned that speech on duty, or off duty, made pursuant to their official duties, that is, that owes its existence to the representative’s professional duties and responsibilities, is not protected speech

under the First Amendment and may form the basis for disciplinary action up to and including dismissal if deemed detrimental to the Town or co-workers.

- They must not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Town Manager or Board of Mayor and Alderman.
- For safety and security reasons, they are cautioned not to disclose their affiliation with the Town, or a department or committee nor shall they post information pertaining to any other Town employee without their explicit permission. As such, all representatives are cautioned to NOT do the following: (1) Display Town or department logos, uniforms, or similar identifying items on personal web pages; or (2) Post personal photographs or provide similar means of public recognition that may cause someone else to be identified.
- When using social media, they should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to an exemplary code of conduct is required in the personal use of social media.
- It is prohibited to divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements, or publish materials that could be considered to represent the views or positions of any department without written approval from the Town Manager and/or the Board of Mayor and Alderman.

All representatives should be aware that they are subject to civil litigation and disciplinary action, including dismissal for: (1) Publishing or posting false information that harms the reputation of another person, group, or organization (defamation); (2) Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not legitimate of public concern, and would be offensive to a reasonable person; (3) Using someone's name, likeness, or other personal attributes without that person's permission for an exploitive purpose; (4) Publishing the work of another Town representative without permission; (5) Personal information and posts should not be assumed to be protected, including anonymous postings on social media sites; (6) It should be assumed that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Town, other employees, or companies hired to track anonymous postings at any time without prior notice.

**Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provisions of this policy shall notify his Department Director and the Town Manager immediately for follow-up action.**

## Section XVI – Worker’s Compensation Program

Employees are to immediately report any treatable injury sustained while acting within the scope and in the course of their employment for the Town, however minor, to their supervisor or Department Director, and are to take such first aid or medical treatment as may be necessary. Any employee determined to have been able, but who fails, to report within twenty-four (24) hours such a work-related injury may not be eligible for covered health provider’s fees, disability benefits, or any other benefits to which he or she is otherwise entitled under the provisions of the Tennessee Workers’ Compensation Law. Under the Workers’ Compensation Reform Act of 2013 an injury, to be actionable, must arise “primarily out of and in the course and scope of employment”; or by a preponderance of the evidence, the employment has been shown to have contributed more than fifty (50) percent in causing an injury. If a work-related accident causes serious bodily injury or death to an employee, the supervisor or Department Director shall immediately notify the Town Manager.

Medical treatment for work-related injuries, if and when necessary, shall be sought from a health care provider on the current panel of health care providers approved by the Board of Mayor and Alderman. In an emergency situation, the most convenient medical service or hospital emergency room may be used by the injured employee.

As soon as possible following a work-related injury, but by no later than the end of the first Town business day following the date of the accident/incident, the supervisor or Department Director of the injured employee shall complete and file with the Human Resource Representative and the Town Recorder a “**First Report of Injury**” form.

All injuries arising out of and in the course of one’s employment shall be governed by the Tennessee Workers’ Compensation Law. Employees on work-related injury leave shall receive disability benefits in accordance with the Tennessee Department of Labor Regulations. The Town Recorder, or Recorder’s designee, under the direction of insurance carrier or its representatives, shall coordinate all workers’ compensation claims. The employee shall be required to communicate to and coordinate all activities (i.e., medical care, restricted duty, return to work, etc.) through the Town Recorder or the Recorder’s designee. Failure to follow proper procedure may result in disciplinary action and/or denial or loss of workers’ compensation benefits. The date of injury and the first seven (7) calendar days immediately following are a waiting period and no disability benefits are payable by the insurance carrier unless the disability period lasts at least fourteen (14) calendar days, in which case disability benefits shall be calculated beginning with the day following the injury. Disability benefits are based on two-thirds (2/3) of the employee’s gross average weekly wage for the last fifty-two (52) weeks worked prior to the injury, subject to minimum and maximum benefits as provided by law. Employees receiving worker’s compensation payments may not supplement their pay with accrued leave to receive wages in excess of one hundred (100) percent of their average annual salary.

Employees who are absent from work due to an eligible workers' compensation related injury may use limited accrued leave benefits for up to the first two (2) weeks the employee is absent from work due to the workers' compensation related injury. The employee may not receive total pay in excess of their normal earnings, including workers' compensation. Any workers' compensation disability benefits paid by the insurance carrier for that same period of time in an amount not to exceed the amount of wages or salary net of deductions already paid the employee shall be credited to the Town as partial reimbursement for those wages or salary, and any period of time in excess of the amount of wages or salary net of deductions already paid by the insurance carrier for that same period of time in excess of the amount of wages or salary net of deductions already paid the employee shall be credited to the employee. After the fourteen (14) calendar days immediately following the date of injury, the injured employee will not be paid wages or salary while on work-related injury leave but any workers' compensation disability benefits paid by the insurance carrier for that same period of time shall be credited to the injured employee. At no time may the employee receive both workers' compensation disability benefits from the insurance carriers and wages or salary from the Town for the same period of time. Accrued leave with pay will not be utilized at any time after the first two (2) weeks the employee is absent from work during the work-related injury leave. Employees will not accrue sick leave and vacation leave while on occupational disability or injury leave.

In all cases of occupational disability, the responsibility if determining the character, degree and potential duration of an injury shall rest with one of the panels of three licensed, practicing medical doctors designated by the Board of Mayor and Alderman. The medical doctor(s) may make periodic examinations, progress reports and recommendations as deemed necessary by the Town Manager.

In the case where occupational disability to an employee occurs and the employee has been reported as occupationally disabled for a period of thirty (30) calendar days, the supervisor or Department Director shall review the progress of the case with and make recommendations to the Town Manager. They will determine if the best interests of both the Town and employee would be served by returning the employee to light duty for a specified period of time. Before an employee is returned to full duty, the employee must be certified by the attending physician as capable of performing the essential functions of the job. The physician will be furnished a copy of the job description, a list of the essential job functions as determined by the Department Director and a form listing the required capabilities. The Town reserves the right to obtain a second medical opinion from the physician of its' choosing before a final decision is made and a return to light or full duty.

If an employee is unable to return to the position held at the time of the injury, the Town Manager shall take reasonable steps to place the individual in a comparable position, if one is available, for which he/she is qualified and able to perform the essential functions, with or without reasonable accommodations.

Should an employee be unable to return to full duty within one hundred and twenty (120) days after the date of injury, or within one hundred and sixty-five (165) days if the Town

Manager has approved the extended time, and no comparable position for which the employee is qualified is available, the employee may be subject to separation only if:

- He/she cannot perform the essential functions of the job due to a disability that cannot be reasonably accommodated;
- The employee poses a direct threat to himself/herself or others; and/or
- The Board of Mayor and Alderman designates the following physicians to treat work-related injuries:

|   |  |
|---|--|
| Raymond Hawkins, MD<br>David Meidema, MD<br>Mcknight Clinic<br>25 Woodbridge Rd<br>Somerville, TN 38068<br>901-465-6353   | Simon Spilkin, MD<br>Sheketa Lane, PA<br>Fast Pace Urgent Care Clinic<br>7400 Highway 64<br>Oakland, TN 38060<br>901-424-0346            |
| Jeffrey May, MD<br>Erica Posey, FNP-C<br>Red Med Urgent Clinic<br>5389 Airline Rd.<br>Arlington, TN 38002<br>901-209-4978 | Nicolas Watson, MD<br>Carolyn Adrienne Ayler, FNP-C<br>Family First Primary Care<br>12995 Hwy 64<br>Somerville, TN 38068<br>901-698-9931 |
| David L. Seaton, MD<br>Seaton Medical Practice<br>16532 Highway 64<br>Somerville, TN 38068<br>901-813-8138                | Hamad Ahmad, MD<br>People First Urgent & Primary Care<br>6490 Memphis Arlington Rd.<br>Bartlett, TN 38135<br>901-762-1531                |

All media inquiries and contacts will be referred to the Town Manager. No other staff member is authorized to handle media inquiries of any nature on behalf of the Town of Oakland other than the Town Manager, Mayor, Police Chief, and/or Fire Chief or their authorized designee. Any employee wishing to write and/or publish an article, paper or other publication on behalf of the Town of Oakland, or planning to be the subject of a published, televised, broadcast, etc. interview must first obtain approval from the Town Manager.

## **Whistleblower Protections – Confidentiality and Retaliation**

A whistleblower is defined as an employee of the Town of Oakland who reports an activity that he or she considers to be illegal or dishonest to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; the Mayor, Town Manager, Town Recorder, and/or the Board of Alderman are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact the Mayor or Town Manager unless they are involved. If they are involved, then the employee should contact the Town Recorder or Board of Alderman. The employee must exercise sound judgement to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas – confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The Town of Oakland will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he or she is being retaliated against must contact the Board of Alderman immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Mayor and Town Manager who are responsible for investigation and determining corrective action.

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

TOWN Of Oakland  
Voluntary Sick Leave Donation Form

This form is for the purpose of donating sick leave time to a specific employee whose need has been evaluated and approved under the Voluntary Sick Leave program. Time donated to an employee will be used on a first come, first donated basis and will be deducted from the donor's sick leave account **only** as needed by the recipient.

**Donor Information**

Name \_\_\_\_\_ Department \_\_\_\_\_  
Last First MI

*\*\* Remember that donations must be made in 8-hour increments and that you can donate up to 25% of the sick leave you currently have accrued. \*\**

I voluntarily donate \_\_\_\_\_ hours of sick leave to the individual listed below.

**Recipient Information**

Name \_\_\_\_\_ Police Department  
Last First MI

**Signature**

*I understand that this donation is voluntary and that the donated hours will be deducted from my current leave balances as needed and transferred to the Voluntary Sick Leave Program to be designated to the specific individual named above.*

Signature \_\_\_\_\_ Date \_\_\_\_\_

***Please submit this form to the Finance Department office.***

***Office Use Only***

Date Received : \_\_\_\_/\_\_\_\_/\_\_\_\_

Time Received : \_\_\_\_ : \_\_\_\_ am/pm

Finance Department

Donation meets all eligibility requirements ?

Yes  No

To be applied effective : \_\_\_\_/\_\_\_\_/\_\_\_\_

Hours to be applied : \_\_\_\_\_