

CITY OF LAKEWOOD

**PERSONNEL POLICIES AND
PROCEDURES**

UPDATED JULY 2009

SECTION I. PURPOSE AND OBJECTIVES

- A. **PURPOSE** – The purpose of these policies is to establish a high degree of understanding, cooperation, efficiency, and unity among municipal government employees which comes from a systematic application of good procedure in personnel administration, and to provide uniform policies for all employees, with all the benefits such a program ensures without regard to race, sex, age, national origin, creed, and disabled condition.
- B. **OBJECTIVES** – The fundamental objectives of good personnel administration to be achieved by these policies are:
1. To promote and increase efficiency and economy among employees of the City of Lakewood.
 2. To provide fair and equal opportunity to all qualified citizens on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection.
 3. To develop a program recruitment, advancement and tenure which will make employment with the City attractive as a career and encourage each employee to render the best service.
 4. To establish and maintain a uniform plan of evaluation and compensation.
 5. To establish and promote high morale among the employees by providing good working relationships, a uniform personnel policy, opportunity for advancement, and consideration for employee needs and desires.
- C. **PERSONNEL POLICY STATEMENT** – It is the policy of the City of Lakewood to apply and foster a sound program of personnel management.

The policies of the Municipal Government are as follows:

1. EMPLOYMENT AND PLACEMENT

- a. To fill all positions, without undue delay, in accordance with job qualifications and requirements without discrimination as to race, color, creed, national origin, disability or political affiliation.
- b. To establish programs for the promotion, transfer, demotion dismissal, and reassignment of personnel.

2. POSITION CLASSIFICATION AND PAY ADMINISTRATION

- a. To establish and maintain job descriptions for every position with the descriptions maintained on file with the city manager and department head.
- b. To review position descriptions periodically in order to provide competitive wage and salary scales.

3. EMPLOYEE RELATIONS AND SERVICES

- a. To develop a system of job performance standards and evaluation and inform each employee periodically and systematically of the status of his performance on his job.
- b. To establish rules and standards governing employee conduct both on and off the job.
- c. To administer a uniform leave program.
- d. To provide employee grievance procedures.
- e. To develop a Policies and Procedures Manual to inform employees of their responsibilities, rights, and privileges.
- f. To provide and maintain a safe and healthful work environment.

4. EMPLOYEE DEVELOPMENT AND TRAINING

- a. To establish training standards and requirements for all positions.
- b. To motivate and stimulate employees to achieve their highest potential usefulness.

5. RECORDS

To establish and maintain comprehensive and uniform personnel records.

SECTION II. CLASSES OF EMPLOYEES

- A. **REGULAR FULL-TIME** – Full time employees are individuals employed by the municipal government who work 40 hours per week. Regular full-time employees receive full benefits unless specifically excluded by the city charter, codes, or ordinances.
- B. **REGULAR PART-TIME** – Regular part-time employees are individuals who may not work on a daily basis and whose hours cannot exceed 40 hours per week unless approved by the city manager. Part-time employees are excluded from all benefits afforded full-time employees.
- C. **TEMPORARY EMPLOYEES** – Temporary employees are individuals who work for the city for no more than six (6) months during any one calendar year. Temporary employees receive no benefits.

SECTION III. HIRING PROCEDURES

- A. **POLICY STATEMENT** – Pursuant to the Charter of the City of Lakewood, the primary objective of this hiring policy is to ensure compliance with the law and to obtain qualified personnel to serve the citizens of the city. Appointments to positions are based on merit, technical knowledge and work experience and no person shall be employed, promoted, or discharged, or in any way favored or discriminated against

because of race, sex, age, color, religion, creed, ancestry, handicapped status or national origin.

- B. **RECRUITMENT** – The city will employ only capable and responsible personnel who are of good character and reputation. When a vacancy occurs the city manager will prepare and post the appropriate position description at various locations in city and, if necessary, in the local media in an effort to bring notice of the vacancy to as many qualified persons as possible.
- C. **APPLICATION PROCESS** – All persons seeking employment with the City shall complete a standard application form as provided by the Municipal Government. Applications for employment shall be accepted in the City business office during regular office hours, when a vacancy exists. Application will be kept on file for one year.
- D. **INTERVIEWS** – All appointments are subject to an interview with the city manager or city manager designee.
- E. **APPOINTMENTS** – All appointments to positions in the City of Lakewood shall be made by the city manager.
- F. **PROBATION** – Applicants appointed to positions with the City of Lakewood are required to serve a probationary period of three (3) months.
- G. **TRANSFERS** – Pursuant to the Charter of the City of Lakewood, the city manager may make transfers of employees.
- H. **PROMOTIONS/DEMOTIONS** – Pursuant to the Charter of the City of Lakewood, the city manager may make promotions and/or demotions of employees.

SECTION IV. COMPENSATION

- A. **SALARIES** – Pursuant to the City Charter, the city manager shall set salaries paid by the City of Lakewood within the limits of the appropriation ordinance and in accordance with a comprehensive pay plan adopted by the Board of

Commissioners. Due consideration shall be given to duties performed, responsibilities, technical knowledge and skills required to perform the work satisfactorily, the labor market, and availability of persons having the desired qualifications.

- B. **HOURS OF WORK** – The City of Lakewood shall establish the hours of work per week for each position in the service of the city.
- C. **PAY DAY** – All employees of the City of Lakewood shall be paid on a weekly basis.
- D. **PAYROLL DEDUCTIONS** –
 - 1. **Federal Income Tax:** Federal taxes are withheld from employee’s paychecks based on the number of dependents claimed by the individual. Employees are required to keep on file with the Municipal Government a copy of the W-4 form. In the event of changes in the employee exemption status, a revised W-4 must be filed before payroll deduction adjustments will be made.
 - 2. **Social Security:** Social security payments and deductions will be made in accordance with the Social Security Act. The City Treasurer shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.
 - 3. **Other:** Other deductions may be made from an employee’s pay only with a signed consent from the employee (hospitalization, life insurance, etc.).
- E. **OVERTIME** – Employees who work overtime shall be compensated in accordance with the Fair Labor Standards Act at a rate of one and one half the employee’s regular rate of pay. Department heads are excluded from overtime provisions of the City.

SECTION V. HOLIDAYS, LEAVE, AND BENEFITS

A. HOLIDAYS

Each permanent full-time employee will receive the following paid holidays:

New Year's Day
Martin Luther King Day
Good Friday
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day

All new employees shall be eligible for the paid holidays after 90 days. Employees must work all scheduled hours the day before and after holiday to be eligible for holiday pay.

B. VACATION POLICY

Each permanent full-time employee of the City of Lakewood, after working one year, is entitled to receive one (1) week paid vacation. Employees who work three (3) consecutive years to five (5) consecutive years are entitled to two (2) weeks paid vacation. Employees who work six (6) years plus are entitled to three (3) weeks paid vacation. All vacations of two weeks straight must be approved by the city manager. The first month of the year, the city manager will contact each employee to get him or her to sign up for their vacation. No two employees can take the same week. In case two employees want the same week, the one with the most seniority will be allowed first.

Any change in date of vacation after sign up must be approved by the city manager. Any employee not taking their vacation during the year forfeits their right to their vacation except one week earned vacation time can be carried over for additional ninety (90) days from the employees anniversary date. All other accrued vacation must be taken or forfeited. The city manager has the right to change vacation.

C. SICK LEAVE POLICY

Sick leave shall be considered a benefit and privilege and not a right. An employee shall utilize his/her sick leave allowance for absence due to his/her sick leave allowance for absence due to his/her illness, non-occupational injury or development or existence of a contagious disease endangering the health of other employees. Sick leave may also be used for appointments with a licensed physician, dentist or other licensed professional. When appropriate, a partial sick day may be used rather than a full day. Sick leave may only be used for the employee.

After an employee has completed one full year of service, he/she is entitled to five (5) days per year for sickness. More than two (2) days at time missed may require a doctor's statement regarding the necessity of the employee's absence due to illness.

Termination from employment results in the loss of accrued sick leave. Twenty-five (25) days of sick leave may be accrued.

D. FUNERAL LEAVE

Funeral leave for deceased spouse, child, sibling, parent, mother-in-law, father-in-law, grandparent or grandchild not to exceed two (2) days will be granted. Additional funeral leave may be granted upon approval of the city manager.

E. CIVIL LEAVE

Civil leave with pay will be granted to employees for the following reasons:

1. Serve on jury duty.
2. Answer a subpoena to testify for the City.

F. MATERNITY LEAVE

Once all sick leave and annual (vacation) leave have been utilized, the provision of the Family Disability Act may be exercised upon notice to the city manager.

G. MILITARY RESERVE DUTY LEAVE

Any regular employee who is a member of the United States Army Reserve, Navy Reserve, Air Force Reserve, Marine Reserve or any of the Armed Forces of the United States will be granted military leave for any field training or active duty required (excluding extended active duty). Such leave will be granted upon presentation of the employee's official order to his/her jurisdictional official. Compensation for such leave will be paid pursuant to Section 8-33-109 T.C.A. It will be the responsibility of the employee to arrange with the department supervisor to attend monthly meetings on regular off time with pay being applicable to the annual two-week training period. Employees entering an extended active duty will be given pay (not to exceed fifteen (15) working days) when placed on military leave.

H. LEAVE RECORDS – The city manager shall cause to be kept, for each officer and employee of the city, a record currently up-to-date at all times showing credits earned and leave taken under this chapter.

- I. **INSURANCE COVERAGE** – The City of Lakewood provides basic health coverage and life insurance paid for the individual full-time employee.
- J. **OCCUPATIONAL DISABILITY LEAVE/WORKER’S COMPENSATION/ON-THE-JOB INJURIES** – All injuries arising out of and in the course of one’s employment shall be governed by the Tennessee Worker’s Compensation Law.

Employees on occupational disability leave due to an on-the-job injury will not be charged sick leave or vacation leave during the period of convalescence. The employee shall continue to accrue sick leave or vacation leave at the employee’s regular rate while he/she is on occupational disability or injury leave.

Employees shall report immediately any injury incurred in the course of their employment, however minor, to their supervisor or department head and take such first aid or medical treatment as may be necessary.

K. TENNESSEE CONSOLIDATED RETIREMENT SYSTEM

After an employee has worked six months for the City of Lakewood, he/she will automatically have 5% of their gross pay deducted from payroll. The 5% is mandatory by the State of Tennessee and will be sent to the Tennessee Consolidated Retirement System Contributions Section. The city manager may modify the percentage deduction as mandated by TCRS.

- L. Nothing in these policies and procedures shall be construed to override any applicable provisions of the Charter, State Law, or Federal Law, which shall control in the event of a conflict.

SECTION VI. SEPERATION AND DISCIPLINARY ACTIONS

- A. **TYPES OF SEPERATIONS** – All separations of employees from positions with municipal government shall be designated as one of the following types and shall be accomplished in the manner indicated. In the event, resignations, lay-offs,

disability, death, and dismissal/termination, for all records, assets, and other items of city property in the employee's custody must be transferred to the department. Any amount due because of shortages will be withheld from the employee's final paycheck.

1. **RESIGNATION** – In the event an employee decides to leave the municipal government's employ, a two (2) week notice shall be given to his/her supervisor so that arrangements for a replacement can be made. In such a case employees will be expected to return any/or all municipal government equipment assigned. A "no show/no call" absence from work for a period of three (3) consecutive working days may be considered by the department head as a resignation.

2. **LAY OFF** – The department head, upon approval from the city manager, may lay off an employee in the municipal government service when he/she deems it necessary by reason of shortage of funds, the abolition of a position, or other material changes in the duties or organization of the employee's position, or for related reasons that are outside the employers control and that do not reflect discredit upon the service of the employee.

The duties performed by an employee laid off may be assigned to other employees already working who hold positions in the appropriate class. Temporary employees shall be laid off prior to the regular employee.

3. **DISABILITY** – An employee may be separated for disability when he/she cannot perform required duties because of physical or mental impairment. Action may be initiated by the employee or the municipality. The municipal government may require an examination at its expense and performed by a licensed physician of its choice.

4. **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.
5. **DISMISSAL/TERMINATION** – The city manager or the city designee may dismiss an employee at any time.

B. DISCIPLINARY ACTIONS – In accordance with the Charter, the city manager may appoint, promote, suspend, transfer, and remove any officer or employee of the City, responsible to the city manager, and may otherwise discipline all department heads and subordinate employees at any time, subject to these policies and procedures. All department heads and subordinate employees are considered “at will” employees.

It is the responsibility of each employee of the City of Lakewood to conduct himself/herself in a manner that will reflect credit upon the city. Any misconduct while acting on behalf of the municipal government that brings adverse publicity or discredit upon the municipality may be regarded as grounds for disciplinary action.

The types of disciplinary actions are: non-cumulative, with the city manager, department head or supervisor having the exclusive right to select the appropriate action.

- a. Oral reprimand – Whenever an employee performance, attitude, work habits, or personal conduct fall below a desirable level, the supervisor may inform the employee promptly and specifically of such lapses and may give him/her counsel and assistance. Any oral reprimand will be recorded in employee’s file.
- b. Written reprimand – A written reprimand may be issued and sent to the employee, and a copy shall be placed in the employee’s personnel folder.
- c. Suspension – An employee may be suspended without pay not to exceed a total of 30 days. The

department head must report his/her action in writing with reasons to the city manager within eight (8) hours of the suspension.

- d. Dismissal/Termination – A department head or other subordinate employee may be dismissed or terminated for any reason determined appropriate by the city manager or his designee.

Employees shall be furnished notice, either oral or written, containing the nature of the disciplinary action; the opportunity for a hearing; a statement concerning the right to an attorney, right to introduce proof, and the right to appeal the charges to the city manager.

The employee may appeal any disciplinary action to the city manager in writing within three (3) working days of the imposition of the disciplinary action. Upon appeal, the city manager, or the city manager's designee, will conduct a hearing within five (5) working days of the appeal being filed, and may sustain, modify, or repeal the disciplinary action. The decision of the city manager or the designee shall be final in accordance with the Charter.

- C. **GRIEVANCE PROCEDURES** – The purpose of this policy is to set forth the principles of the City of Lakewood and to prescribe uniform disposition procedures of grievances presented by individual employees. It is expected that grievances will arise. If and when they do, they are not to be considered as reflecting unfavorably on the employee or municipal government.

A grievance is something real, alleged, or a misunderstanding concerning rules and regulations or administrative orders involving the employee's health, safety, physical facilities, equipment or material used, employee evaluation, and any other related items. Employees will be treated fairly in all respects. Those who feel they have been subjected to unfair treatment have the right to present their grievance to the proper person for prompt

consideration and a fair decision. The employee may present the case for himself/herself or have an attorney present it.

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

Step 1. Discuss the problem with the immediate supervisor. If satisfaction is not obtained, the grievance is advanced to step 2.

Step 2. Discuss the problem with the appropriate department head. If the grievance is not resolved, it is advanced to the 3rd step along with all documentation.

Step 3. Discuss the problem with the City Manager. The city manager shall act as a fact finder to obtain factual information relative to bringing about a satisfactory adjustment or solution to the complaint or grievance and shall act upon any written grievance presented within 15 days after receiving it.

The city manager shall make a written report to the department head, which will include the city manager's statement of findings, conclusion and instructions as to the disposition of the complaint or grievance. After the city manager has presented his/her findings and recommendations to the department head, any action required shall be taken within 72 hours and the employee notified in writing through proper channels. The action of the city manager shall be final and binding on all parties involved.

It is the responsibility of the department head to hear all grievances in a timely and proper fashion and make fair and reasonable decisions within five (5) working days of the grievance.

SECTION VII. MISCELLANEOUS PERSONNEL POLICIES

- A. **SAFETY RULES AND POLICIES** – No job is completely free of hazard. Therefore, safety is an important aspect of employment to you and the City. Accidents cost the City money through man-hours lost from work. Accidents can also result in serious harm to the employee.

The City has established a job safety and health protection program for its employees. Under this plan, the City is responsible for providing safe and healthful working conditions at all workstations. Employees should cooperate in helping to prevent injury to themselves, other employees, and visitors by observing the following rules:

1. Be informed about fire rules; know the location of fire extinguishers, and know ones duties in case of fire.
 2. Be informed concerning first aid treatment.
 3. Avoid accidents by eliminating hazards.
 4. Never operate electrical equipment with wet hands.
 5. Report to ones department head any unsafe conditions such as:
 - a. Wet or slippery floors
 - b. Equipment left out of place
 - c. Use of defective equipment
 - d. Use of combustible materials near open flames
 6. Ensure that no safety hazards accumulate in ones work area due to careless housekeeping.
 7. Report all accidents and/or injuries immediately to ones supervisor. Failure to report may result in your termination.
 8. All tools, equipment and machinery shall be used and/or operated only by authorized personnel or as directed by your supervisor.
- B. **ABSENTEEISM AND TARDINESS** – Regular, punctual attendance is considered mandatory by the City. It is an important factor in your job performance while contributing to the smooth operation of the City. If it becomes necessary for you to be absent from work because an illness, emergency, or some other good reason, you should notify your supervisor eight hours prior to the start of the day if possible. This contact is to inform the supervisor of your absence. If this call-in procedure is not followed, any absence will be considered unauthorized. Supervisors may require proof, documentation otherwise, in support to your reason for being absent.

Repeated absences reflect on your dependability as a member of the department. 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.

- C. **OUTSIDE EMPLOYMENT** – No full-time employee of the City shall accept outside employment without written authorization from the city manager. The city manager shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the employee's city employment, or is likely to cause discredit upon or create embarrassment for the City. Approval to work a second job may be withdrawn at any time.

- D. **USE OF MUNICIPAL TIME, FACILITIES, ETC.** – No employee of the City of Lakewood shall use or authorize the use of municipal time, facilities, equipment or supplies for private gain or advantage to oneself or any other private person or group. Provided, however, that this prohibition shall not apply where the governing body has authorized the use of such time, facilities, equipment or supplies, and the municipality is paid at such rates as are normally charges by private sources for comparable services.

- E. **POLITICAL ACTIVITY** – Municipal officers and employees of the City of Lakewood may individually exercise their right to vote and privately express their political views as citizens. However, no contributions or engage in or actively participate in any municipal political campaign.

- F. **ACCEPTANCE OF GRATUITIES** – No municipal officer or employee shall accept any money or other consideration or favor from anyone other than the municipality for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to city business.

- G. **USE OF POSITION** – No municipal officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the municipality, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others.
- H. **STRIKES AND UNIONS** – No municipal officer or employee shall participate in any strike against the municipality, nor shall he joint be a member of, or solicit any other municipal officer or employee to join any labor union, which authorizes the use of strike by government employees.
- I. **NARCOTICS AND INTOXICATING LIQUORS** – Municipal government employees shall not take or be under the influence of any narcotics or dangerous substance unless prescribed by the employee’s licensed physician. Employees who are required to take prescription medicine shall notify his/her immediate supervisors of the medication prescribed and the nature of the illness or injury.

Municipal government employees are prohibited from the use, possession and sale of drugs, alcohol, or any other controlled substance on municipal government property or in city vehicles.

All property belonging to the Municipality is subject to inspection at any time without notice as there is no exception of privacy.

1. Property includes, but is not limited to, vehicles, desks, containers, files and storage lockers.
2. Employees assigned lockers (that are locked by the employee) are also subject to inspection by the employee’s supervisor after reasonable advance notice and in presence of employee.

- J. **FIGHTING, HORSEPLAY, DAMAGING MUNICIPAL GOVERNMENT PROPERTY** – Fighting, horseplay, and intentionally defacing or damaging of city property is not permitted. Employees engaging in these activities will be subject to disciplinary actions, which could include discharge.

- K. **GARNISHMENT** – An employee who is garnished for more than one indebtedness may be subject to disciplinary action. The first warning will be oral, the second written, and the third may result in being discharged in accordance with the discipline and dismissal policy.
- L. **BULLETIN BOARDS** – The City 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 posted.
- M. **UNIFORMS** – The City of Lakewood provided uniforms for police department employees.
- N. **LUNCH PERIOD** – Employees of the City of Lakewood are provided with a thirty (30) minute lunch break per day.
- O. **LOST AND FOUND ARTICLES** – The Police Department shall act as clearinghouse for lost and found personal property. Lost or found articles should be turned in and/or reported as soon as possible.
- P. **TRIP REIMBURSEMENT** – All trips that involve reimbursement and/or municipal government expense shall not be undertaken without prior approval of the city manager. Mileage shall be reimbursed at a rate of .38 cents per mile. Food reimbursement shall be at cost pending receiving all receipts.
- Q. **EMPLOYMENT OF RELATIVES** – It is hereby declared to be illegal and unlawful for the city manager to hire relatives of city commissioners and/or city manager to work for the city in a full-time capacity.

R. **USE OF CITY VEHICLES AND EQUIPMENT** – All city vehicles and equipment are for official use only. Drivers and/or operators must have a valid drivers license and be approved by the city manager.

S. **SEXUAL HARRASSMENT** – An employee who feels he/she is being subjected to sexual harassment should immediately contact one of the persons below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

1. The employee's immediate supervisor.
2. The employee's department head.
3. The city manager.
4. The city commissioners.

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

1. Official's or employee's name department and position title.
2. The name of the person or persons committing the sexual harassment.
3. The specific nature of the sexual harassment, how long it has gone on, and any employment action (demolition, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of harassment.
4. Witnesses to the harassment.
5. Whether the employee has previously reported the harassment and, if so, when and to whom.
6. The city attorney will investigate all charges of sexual harassment, and take whatever action necessary.

- T. **SEVERALBILITY** – Each section, subsection, paragraph, sentence, and clause of this manual is hereby declared to be separable and severable. The invalidity of any sections, subsection, paragraph, sentence or clause shall not affect the validity of any other portion of this manual, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted here from.

- U. **SPECIAL NOTE** – These personnel policies are believed to be written within the framework of the Charter of the City of Lakewood but in case of conflict, the Charter takes precedence.

- V. **DRUG AND ALCOHOL ABUSE POLICY** – The City of Lakewood has the right and obligation to maintain a safe, healthy, and efficient workplace for all of its employees. The City of Lakewood has the right to a random basis on any employee with no notice. Violation of this policy will be subject to discipline up to a including discharge.

- W. **FAILURE TO COMPLY** with the intent or provisions of this general order may be used as ground for disciplinary action.

EFFECTIVE DATE

This Chapter shall take effect upon final passage, the public welfare requiring it.

Mayor

City Recorder