

TOWN OF WESTMORELAND

POLICY AND PROCEDURES MANUAL

2008

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Adopted and Approved by Town Council-January 7, 2008

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SECTION I – PERSONNEL POLICIES

A. PURPOSE AND OBJECTIVES

The purpose of these policies and procedures 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 insures without regard to race, sex, age, national origin, creed, and handicapping condition.

The fundamental objectives of good personnel administration to be achieved by these policies and procedures are:

1. To promote and increase efficiency and economy among employees of the Town of Westmoreland.
2. 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.
3. To develop a program of recruitment, advancement and placement which will make employment with the Town more 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.

B. PERSONNEL POLICY STATEMENT

It is the policy of the Town of Westmoreland to apply and foster a sound program of personnel management. The personnel 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, gender, ancestry, 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 Town Recorder.
- b. To review position descriptions periodically and systematically with incumbent employees to insure they accurately reflect the current job requirements.
- c. To establish appropriate position standards and to group positions in classes with similar standards.
- d. **Conduct area wage and salary surveys periodically, as council deems necessary.**

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 employee grievance procedures.
- d. To develop a handbook to inform employees of their responsibilities and privileges.
- e. 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.

C. COVERAGE

These policies and procedures shall cover all employees in the Town service unless specifically exempt by this document, the Town Charter and/or the ordinances of the municipality without regard to race, religion, national origin, political affiliation, sex, age, or disability.

All offices and positions of the Municipal government are categorized as either classified or exempt. Classified positions shall include all regular full-time and regular part-time positions in the Town's service unless specifically placed in the exempt service. All offices and positions of the Municipal government categorized as exempt are as follows:

1. All elected officials.
2. Members of appointed boards and commissions.
3. Consultants, advisers, and legal counsel rendering temporary professional service.
4. Town Attorney.

5. Independent contractors.
6. Persons employed by the Municipality for not more than three (3) months during a fiscal year.
7. Part-time employees paid by the hour or the day, and not considered regular.
8. Volunteer personnel appointed without compensation.
9. Town Judge.

D. ADMINISTRATION

These policies and procedures shall be administered by the Mayor, under the direction of the Board of Mayor and Aldermen in conformity with the ordinance establishing a personnel system.

Amendments to the policies and procedures shall be made as indicated herein. The Town reserves the right to alter or change any or all of its policies and procedures without prior notice to employees. Nothing in these personnel policies and procedures shall be deemed to give employees any additional property rights in their jobs than may already be given by the Town charter.

SECTION II – CLASSIFICATION PLAN

A. PURPOSE

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

B. COMPOSITION OF THE CLASSIFICATION PLAN

The classification plan shall consist of:

1. A grouping of classes of positions which are approximately equal in difficulty and responsibility, which call for the same general qualification, and which can be equitably compensated within the same range of pay under similar working conditions;
2. Class titles descriptive of the work of the class which identifies the class;
3. Written specifications for each class of performance; and,
4. Physical standards for performance of the duties of the position.

C. USE OF CLASS TITLES

Class titles are to be used in all personnel, accounting, budget appropriation and financial records of the municipality. No person will be appointed or employed in a position in the Town service under a title not included in the classification plan.

D. USE OF CLASS SPECIFICATIONS

Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Specifications are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.

E. USE OF THE CLASSIFICATION PLAN

The Classification Plan is to be used:

1. As a guide in recruiting and examining candidates for employment;
2. In determining lines of promotion and in developing employee training programs;

3. In determining salaries to be paid for various types of work;
4. In determining personal service items in departmental budgets, i.e, training and travel; and,
5. In providing uniform job terminology understandable by all municipal government officers and employees and by the general public.

F. ADMINISTRATION OF THE CLASSIFICATION PLAN

The Mayor is charged with maintaining the classification plan of the municipal government so that it will reflect the duties performed by each employee in the service of the Town and the class to which each position is allocated. It is the duty of the Mayor to examine the nature of the classes of positions, to make such changes in the classification plan as are deemed necessary by changes in the duties and responsibilities of existing positions/ and periodically to review the entire classification plan and recommend appropriate changes in allocations or in the classification plan to the Board of Mayor and Aldermen. The Board shall then approve or change such recommendations.

G. ALLOCATION OF POSITIONS

Whenever a new position is established, or duties of an old position change, the supervisors shall submit in writing a comprehensive job description describing in detail the duties of such a position. The Mayor shall investigate the actual or suggested duties and recommend to the Board of Mayor and Aldermen the appropriate class allocation or the establishment of a new class. The Board shall then approve or change such recommendations.

H. REQUEST FOR RECLASSIFICATION

Any employee who considers his/her position improperly classified shall first submit his/her request to their immediate supervisor. Nothing in these personnel policies and procedures shall be deemed to give employees any additional property rights in their jobs than may already be given by the Town Charter. If the department head/supervisor finds the request is not justified, he/she shall advise the employee of his/her decision and also the employee's right to appeal the decision under the grievance procedures. If the supervisor finds that there is merit in the request, he/she shall immediately transmit his/her recommendation to the Mayor. The Mayor shall investigate the actual or suggested duties and recommend to the Board of Mayor and Aldermen the appropriate class allocation for the establishment of a new class. The Town Council shall then approve or change such recommendations.

I. JOB DESCRIPTIONS

(See Appendix B.)

SECTION III – COMPENSATION PLAN

A. PURPOSE

The pay plan is intended to provide fair compensation for all classes in the classification plan in consideration of the pay for other classes, general rates of pay for similar employment in private establishments and other public jurisdictions in the area, cost of living data, the financial condition of the municipality, and other factors.

B. MAINTENANCE OF THE PAY PLAN

The Mayor will from time to time make comparative studies of all factors affecting the level of salaries and will recommend to the Board of Mayor and Aldermen such changes in the salary schedule as appear to be in order.

C. PAY FOR PART-TIME WORK

When an employment decision is for a part-time position, only the proportioned part of the rate for the time actually employed will be paid.

D. HOURLY RATES

In accordance with the Fair Labor Standards Act (FLSA), no employee whether full-time, part-time or probationary, shall be paid less than the Federal minimum wage unless they are expressly exempt from the minimum wage requirement by FLSA regulations. Employees paid on an hourly rate basis are paid for all time actually worked.

SECTION IV – EMPLOYMENT

A. APPLICATIONS

All applications for employment are received at Town Hall, and given thorough consideration by the appropriate supervisor. The Town of Westmoreland exercises a policy of fairness to every person who applies for work, and in cooperation with the supervisor involved, is responsible for the proper selection and placement of persons in various departments through the Town. The mayor will make reasonable accommodations in the application process to applicants with disabilities making a request for such accommodations.

Applications may be removed from consideration if:

1. The applicant declines an appointment when offered.
2. The applicant cannot be located by the postal authorities. It shall be deemed impossible to so locate an applicant when a communication mailed at the last known address is returned unclaimed.
3. The applicant is currently using narcotics, or his/her excessive use of intoxicating liquors will pose a direct threat to the health and safety of others.
4. The applicant is found to have been convicted of a felony or a misdemeanor involving moral turpitude as the term is defined by law.
5. The applicant has made false statement of material fact on the application.
6. The application was not filed within the period specified in the examination announcement or was not filed on the prescribed form, or uses a different format than allowed as a reasonable accommodation.
7. The applicant does not possess the minimum qualifications as indicated by the classification plan.
8. Their application has been on file over six (6) months.

B. PHYSICAL EXAMINATIONS

Pre-employment:

Following a conditional offer of full-time employment, every prospective employee shall be given a physical examination by a licensed physician designated by the municipal government prior to the time he/she is hired, to determine if he/she can perform the essential functions of the position offered. The cost of this physical examination and a drug screening examination, shall be borne by the Town. Applicants who are unable to successfully perform the essential functions tested for in the medical examination shall have their offer of employment by the Town withdrawn only if they:

1. Cannot perform the essential functions due to a disability that cannot reasonably be accommodated;
2. Pose a direct threat to themselves and/or others; or
3. Are unable to perform the essential functions due to a temporary condition or disability not protected by the ADA.
4. Anyone needing a CDL license, as a pre-requisite for employment, must also pass the DOT Physical and the DOT periodic update.

Post employment:

All employees of the Town may, during the period of their employment, be required by the superiors and with the approval of the Mayor, to undergo periodic medical examinations to determine their physical and mental fitness to perform the work of the position in which they are employed. This periodic medical examination shall be at no expense to the employee. Determination of physical or mental fitness will be by a physician designated by the Town.

When an employee of the Town is reported by examining physician to be physically or mentally unfit to perform the work of the position in which he/she is employed, the employee may, within five (5) days from the date of his/her notification of such determination, indicate in writing to the Mayor his/her intention to submit the question of his/her physical or mental unfitness to a physician of his/her own choice.

In the event there is a difference of opinion between the examining physician and the physician chosen by the employee, a physician shall be mutually agreed upon and designated by the examining physician and the physician chosen by the employee. The third physician's decision shall be final and binding as to the physical or mental fitness of the employee. The municipal government shall pay its physician; the employee shall pay his/her physician and the third physician shall be paid by the Town.

An employee determined to be physically or mentally unfit to continue in the position in which he/she is employed may be demoted in accordance with these policies and procedures or separated from the municipal government service only after it has been determined that they:

1. cannot perform the essential functions due to a disability that cannot reasonably be accommodated;
2. pose a direct threat to themselves and/or others;
3. are unable to perform the essential functions due to a temporary condition or disability not protected by the ADA

C. MINIMUM AGE

The Fair Labor Standards Act requires that employees of State and local governments be at least 16 years of age for most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Minors 14 and 15 years of age may work outside school hours under certain conditions.

D. TYPES OF EMPLOYEES

1. REGULAR FULL-TIME EMPLOYEE (per hour or per month) – A regular full-time employee is a employee who works a minimum of 36 hours, and who is subject to all conditions of employment and receives all benefits. Regular employees serve minimum of a 90 day, or as otherwise agreed upon by the Town Council, probationary period.
2. REGULAR PART-TIME EMPLOYEE – Regular part-time employees work on a regular basis, and their hours cannot exceed 32 hours per week unless approved by the Mayor.
3. TEMPORARY EMPLOYEE AND/OR SEASONAL EMPLOYEE -
A temporary employee is an employee who works full-time but not exceeding twelve (12) months per calendar year and, who is paid on a per day or per hour basis. Temporary employees are not subject to all the conditions of employment but shall be fully capable of performing the assigned duties. These employees will receive no benefits except coverage under Worker’s Compensation.

E. APPOINTMENTS, PROMOTION, DEMOTIONS, TRANSFERS AND CITIZENSHIP STATUS VERIFICATION

Pursuant to the Town Charter, The Mayor has the authority to appoint, promote, demote, transfer, suspend and remove all officers and employees of the Town of Westmoreland. 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 unauthorized immigrant. In compliance with the Immigration Reform and Control Act, all employees hired after Nov. 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 days of employment or the individual will be terminated.

APPOINTMENTS:

Appointments to positions with the municipal government fall into four categories. They are:

1. Original Appointment – when a non-employee passes all the requirements of employability and is offered employment.
2. Provisional Appointment – When the municipality is unable to fill a vacancy because of an insufficient number of applicants, the Mayor may authorize the supervisor to fill the vacancy by a provisional appointment. Provisional appointments require the prior approval of the Board of Mayor and Aldermen and no payment shall be made for services rendered by the appointee prior to the appointment.
3. Emergency Appointments - The Mayor may authorize the appointment of any qualified person to a position to prevent the stoppage of public business or loss or serious inconvenience to the public. Emergency appointments shall be limited to a period not to exceed a total of ninety (90) days in any twelve (12) month period.

4. Student Appointments – Students, majoring in a field of value to the municipal government, from a qualified, cooperating educational institution, may be employed on an “internship” basis for a period not to exceed twelve (12) months. The appointment must be approved by the Board of Mayor and Aldermen.

PROMOTIONS:

A promotion is an assignment of employee from one position to another, which has a higher maximum rate of pay, rank and responsibility. Vacancies in positions above the lowest rank in any category in the classified service shall be filled as far as practical by the promotion of current 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.

When an employee in one classification is promoted to a position in another classification and the employee’s current rate of pay is less than the minimum rate for the new position, the employee’s salary shall be raised to that minimum rate. When the employee’s salary falls above the new minimum rate, a percentage increase as determined by the Board of Mayor and Aldermen shall be given.

TRANSFERS:

When an employee desires to transfer from one department to another, it must be agreeable to both supervisors involved and approved by the Board of Mayor and Aldermen. The transfer of an employee from one position to another without a significant change in responsibility or difficulty may be effective:

1. when the employee meets the qualification requirements for the new position,
2. if it is in the best interest of the municipal government, and
3. if it meets the personal needs of the employee as consistent with the other requirements of these policies and procedures.

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

DEMOTIONS:

A demotion is an assignment of an employee from one position to another which has a lower maximum rate of pay, rank and responsibility. An employee may be demoted for any of the following reasons:

1. Because his/her position is being abolished and he/she would otherwise be laid off;
2. Because his/her position is being reclassified to a higher grade and the employee lacks the necessary skill 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 policies on leave, will occupy the position to which the employee is currently assigned;
6. Because the employee does not possess the necessary qualifications, or is physically or mentally unable to render satisfactory service in the position he/she holds;
7. Because the employee voluntarily requests such a demotion and it is available.
8. As a form of disciplinary action.

When an employee in one classification is demoted to a position in a lower classification and the employee's rate of pay is higher than the maximum rate for the new position, the employee's salary shall be reduced to the maximum rate of the new classification.

F. MOONLIGHTING/OUTSIDE EMPLOYMENT

No full time employee of the municipality shall accept any outside employment without written authorization from the Mayor and department head. The Mayor and department head shall not grant such authorization if the work is likely to interfere with satisfactory performance of the employee's duties, or is incompatible with his/her municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. Authorization may be revoked by the supervisor.

G. WORK DAY/WORK WEEK

Pursuant to the Fair Labor Standards Act, a workweek is a regular recurring period of 168 hours consisting of seven consecutive 24-hour periods. Except as is provided in special contracts of employment, the number of days that shall constitute a workweek for regular employment shall be five (5) per week. Schedules will vary in departments as necessary for the smooth operation of the Town. A standard work-week is scheduled between 12:01 AM Monday, through 11:59 PM Sunday night. A standard work-week for a police officer is 43 hours. All holidays must be taken within 14 days of the official holiday. Exceptions may be made by the immediate supervisor.

H. ATTENDANCE

Punctual and regular attendance is necessary for the efficient operation of the Town. Employees unavoidably late or absent from work due to illness or other cause, must notify their supervisor as early as possible, explaining the reason for the absence and, if possible an anticipated return to work date. Failure to notify one's supervisor of an absence may result in disciplinary action. Employees found falsifying on their time sheets will be subject to immediate dismissal. Excessive tardiness is regarded as sufficient reason for termination.

I. OVERTIME PAY

When it becomes necessary for an employee to work overtime hours, regular employees, part-time employees and temporary employees shall be paid according to the prevailing salary schedule. Overtime work will be compensated in accordance with the provisions of the Fair Labor Standards Act at a rate of one-and-one half the employee's regular rate. Overtime work must be authorized by the department supervisor. There shall be a minimum call out pay of 2 hours when duly called. If said employee works past two hours, then he/she shall be paid for the overtime actually worked. This does not include salaried employees.

J. NEPOTISM

“Relatives of persons currently employed by the Town of Westmoreland shall not be hired into a position that result in them working directly for or supervising an immediate relative”.

An immediate relative is defined as a spouse, parent, child, sibling, step-child, step-parent, grandparent, grandchild, any in-law, and/or significant other.

“If the relative relationship is established after employment, the individuals concerned will be given the opportunity to decide who is transferred.” If the affected individuals do not make a decision, the Department Head and/or the Mayor, in consultation with Town Council, will decide.

In other cases, where a conflict or the potential for conflict arises resulting from employment of relatives, even though a supervisory relationship does not exist, the Town of Westmoreland reserves the right at its sole discretion to separate, reassign or terminate employment of either individual.

In like fashion, the Town of Westmoreland reserves the right to address any personal relationship that interferes with or otherwise damages the maintenance of smooth operations.

The Town of Westmoreland has the right to determine, on an individual bases, whether any other relationship between employees warrants applying this policy.

Additional Notes:

This policy would not be retroactive, although the Town Council may address those relationships if they interfere with or damage the maintenance of smooth operations.

K. WESTMORELAND COMPUTER USE POLICY

The Town of Westmoreland computer systems are for professional use, related to employees' job functions ONLY. Use for personal purposes is prohibited, unless prior approval is granted by the Supervisor. No games, CD's, cards, or other personal property may be played or otherwise used on any Town Of Westmoreland computer. Unless prior written approval is granted by the Supervisor, installing, downloading, or changing screensavers, backgrounds, or "wallpaper" is strictly prohibited. Each department employee is granted access privileges to the internet for the sole purpose of checking your e-mail. All other internet access must be related to the employee's job functions only. Employees are not permitted to access or attempt to access, or allow another to access or attempt to access, areas of the computer system in which access privileges have not been granted. The Town of Westmoreland reserves the right to monitor all computer functions, and take the necessary disciplinary and/or legal actions, including immediate dismissal, to address any and all violations to the furthest extent permissible under the Town of Westmoreland policies and local, state and federal law. The Town of Westmoreland reserves the right to assume ownership of all information contained within e-mail messages and/or any other functions of the computer system. All information created on or with a Town computer is the sole property of the Town of Westmoreland and may also be subject to public records laws. The Town of Westmoreland also reserves the right to require reimbursement for computer related repairs and/or services and/or hardware and/or software from employees who have been proven to be negligent in abiding by the aforementioned policy. (See Appendix B for Internet Policy Signature Page).

SECTION V – BENEFITS

Fringe Benefits for all full time employees, except for sick time and vacation time, but including Health benefits, begin after the probationary period has been fulfilled. An employee must be employed for 1 year in order to receive sick pay and vacation pay. (For fringe benefits, see Appendix A)

A. LEGAL HOLIDAYS

All offices and shops of the Town of Westmoreland, except emergency and necessary operations, will be closed and employees excused from work on the following legal holidays:

New Year's Day	January 1 st
Martin Luther King Day	
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Veteran's Day	Nov. 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Eve	Day Before Christmas
Christmas	See following Christmas Holiday Schedule

When a legal holiday falls on Saturday, offices will be closed the preceding Friday. When a holiday falls on Sunday, the following Monday shall be observed.

Christmas Holiday Schedule:

When Christmas Day falls on:	The Town observes:
Sunday	Monday
Monday	Monday
Tuesday	Tuesday
Wednesday	Wednesday
Thursday	Thursday
Friday	Friday
Saturday	Friday

B. HOLIDAY PAY

All holiday pay will be computed on the basis of a regular work day and only those employees normally scheduled on a rotating shift will be eligible for such pay. Eligible employees will be compensated at a double time rate of pay. Any other employee required to work on a scheduled holiday will receive a double time rate of pay if called upon in an emergency situation. Employees eligible for holiday pay must be in a pay status his/her last regular shift scheduled before a holiday and his/her first regularly scheduled shift after a holiday in order to receive compensation for the holiday.

Holidays which occur during a vacation, sick or other leave period of any employee of the Town shall not be considered as a vacation, sick or other leave.

C. ANNUAL VACATION WITH PAY

After one (1) year, a Regular Full-time employee is granted 40 hours (5 days) of annual leave. After the second year anniversary, a Regular Full-time employee is granted an additional 40 hours (5 days) of annual leave. After 10 years, a Regular Full-time employee is granted an additional 40 hours (5 days) of annual leave. The maximum amount of annual leave is 15 days. All accrued annual leave must be taken as days off or as pay before their next anniversary date. Their accumulation reverts to zero, on that anniversary date. Option: Each Employee has the option to take pay for one (1) week of vacation. If the employee is eligible for more than one (1) week of vacation and the employee opts to take pay, employee must take one (1) week off, and can be paid for the remaining week.

Vacations will be scheduled in advance for the mutual convenience of the employee and the Town Government so proper adjustments can be made in the work schedules. Vacation time must be turned into the Town Recorder's office at least two weeks before vacation time is to be taken. Supervisors preparing vacation schedules will give choice of dates based on seniority of the personnel in his/her department and no employee may begin his/ her annual leave until his/her request has been approved by the supervisor.

An employee who is separated from the employment of the Town shall be paid for his/her unused annual leave on a regular pay period basis. The termination date shall coincide with last date of pay. In no event will an employee who has not completed at least (1) year of satisfactory service receive an annual leave payment.

Legal holidays falling within a vacation period are not to be counted as a day of annual leave. There shall be no pay in lieu of vacation. When an employee is on "leave without pay" for 15 days during any calendar month no annual leave will accumulate. Employees may not borrow against future annual leave nor transfer earned annual leave to another employee.

Service in the Tennessee National Guard, State Militia, or Military Reserves may be paid as annual leave at the option of the employee. Employees electing to coincide vacation with military leave shall receive full pay for the amount of specified annual leave taken.

D. SICK LEAVE

Generally, employees are permitted to use sick leave when:

1. They are incapacitated by sickness or non-job related injury, for medical, dental, or optical diagnosis and treatment.
2. Required for the necessary care and attendance to, or death of a member of the employee's immediate family when approved by their supervisor.

IMMEDIATE FAMILY

Husband	Wife
Father	Mother
Brother	Sister
Son	Daughter
Father-in-law	Mother-in-law
Grandparents (including those of a spouse)	
Legal Foster Parents and Children	

“Immediate family shall also include Brothers-in Law, Sisters-in-law, Sons-in-law, Daughters-in-law, Grandchildren, Aunts, Uncles, Step-parents and Step-children.”

3. Exposure to a contagious disease, requiring notice from a qualified doctor, that the employee may jeopardize the health of others.

Each regular Full-time employee will accrue sick leave at the rate of one-half (1/2) day per month with no limit on the accumulation of sick days provided further all sick days accumulated during employee’s tenure shall be added to their years of service for the purpose of calculating any retirement benefits.

To prevent abuse of the sick leave privilege, the Mayor and/or supervisors are required to satisfy themselves that the employee is genuinely ill before paying sick leave. Any absence may require a doctor’s certificate to return to work, and any absence in excess of two (2) consecutive work days (two consecutive work shifts for firefighters) will require a doctor’s certificate to return to work, if in the opinion of the mayor such action is deemed appropriate.

Any sick leave used to fill out a day must be approved by the Mayor, or the Department Head before leaving work that day. It will not be approved the next day. At no time can sick leave be used to “fill out” a week of less than 40 hours worked or as compensation for leaving work early. Anyone caught using sick leave for any purpose other than stated above will be in violation of these personnel policies and procedures.

Each day deducted from an employee’s sick leave accumulation shall be for a regular work day and shall not include holidays and scheduled off days. Employees claiming sick leave while on annual leave may support their claim with a doctor’s statement. When an employee is on “leave without pay” for 15 days during any calendar month no sick leave will accumulate.

Eight (8) hours absence from work while sick will constitute a charge of one day of sick leave for an employee.

After an employee is absent from work due to illness for ninety (90) consecutive days, he/she may be placed on special leave without pay, or he/she may be terminated if unable to perform the essential functions of their job with or without a reasonable accommodation. Should he/she be able later to return to work, upon presentation of certification by a doctor verifying that the employee can perform the essential functions of the position, he/she shall be given preference for employment to a position for which he/she is qualified with the approval of the Board of Mayor and Aldermen.

Employees may not borrow against future sick leave, but shall be allowed to transfer earned sick leave to another employee when an employee’s special need arises. Such transfers must be approved

in each case by the Westmoreland Board of Mayor and Aldermen. An employee, upon exhausting all accumulated sick leave, use accumulated annual leave, or take leave without pay.

An employee, at the time of retirement, will be paid for all accumulated unused sick leave not used at his/her regular rate of pay.

E. SPECIAL LEAVE WITH OR WITHOUT PAY

Special leave is defined as time off from regular work which can be granted with or without pay at the direction of the Mayor. Special leave with pay may be used for occasions such as jury duty, military leave, death, natural catastrophe in an employee's family requiring the employee's presence, and time granted for attendance at job related professional meetings.

Special leave without pay may be granted for a period not to exceed ninety (90) calendar days within a twelve (12) month period for temporary sickness, maternity, disability, or for other good and sufficient reason which are considered controllable. Such leave shall require the prior approval of the Mayor. An employee on special leave without pay shall not accrue sick leave or annual leave credit.

This provision shall not be construed to eliminate other possible needs for special leave. Special leave will not be chargeable to either sick leave or annual leave. Every application for special leave must be accompanied by a complete explanation of the reason for absence.

F. MILITARY LEAVE

Any regular employee who has completed six (6) months of satisfactory employment, and who enters the Armed Forces of the United States will be placed on Military Leave. The Mayor shall approve military leave without pay when the employee presents his/her official orders. The employee must apply for reinstatement within 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 reemployment for the position to which he/she is assigned.

If no position is available at the time of the employee's return, the employee will be reinstated to the first available position. No current full-time employee will be terminated or laid-off to allow for reinstatement.

G. MILITARY RESERVE DUTY LEAVE

Any regular employee who is a member of the United States Army Reserve, Naval 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 supervisor. Compensation for such leave will be paid pursuant to section 8-33-109 T. C. A.

H. JURY SERVICE LEAVE

Employees selected for jury service shall be excused from their assigned duties for the actual duration of the jury duty. In the event of release from jury duty during the employee's normal working hours, he/she shall be expected to return to his/her department. An employee will receive full pay from the Town during jury service, and any money received by the employee for jury duty shall be given to the Town Recorder for deposit in the payroll account.

I. EDUCATIONAL LEAVE

An educational leave of absence with or without pay may be granted to an employee not to exceed twelve Consecutive (12) months. This leave must be approved by the Board of Mayor and Aldermen. A request shall be submitted in writing, stating the reason for the leave, the date the leave will begin, and the probable date of return.

J. MATERNITY LEAVE

A female employee, who has been a full-time employee for at least Twelve (12) months with the Town of Westmoreland and who gives at least three (3) months advance notice of her anticipated date of departure, length of maternity leave and intentions to return to full time employment, may be granted maternity leave for a period not to exceed four (4) consecutive months for the purpose of pregnancy, childbirth, and the nursing of the infant. Accumulated sick leave may be used for maternity purposes; otherwise, the employee will be granted a leave of absence without pay. An employee desiring maternity leave shall notify her supervisor so a temporary replacement may be secured. Return to duty must be accompanied by a release statement from the employee's attending physician.

K. FAMILY MEDICAL LEAVE POLICY

The Family and Medical Leave policy is applicable to both male and female employees who have worked at least twelve (12) months for the Town of Westmoreland and who have worked at least one thousand two hundred fifty (1,250) hours during the preceding twelve month period.

An eligible employee may take up to 12 weeks of leave, using a combination of paid and unpaid leave, in a 12 month period for the birth and care of a child or the placement and care of a child for adoption or foster care. Leave may also be taken to care for the employee, a child, spouse, or a parent who has a serious health condition. The right to take leave applies equally to male and female employees who are eligible.

An expectant mother may take unpaid Family and Medical leave upon the birth of the child, or prior to the child's birth, 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 leave, either paid or unpaid, 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 health care 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, or safety.

An eligible employee who is unable to perform the functions of his/her position because of a serious health condition may request up to 12 weeks of paid or unpaid leave. The term “serious health condition” is intended to cover conditions or illnesses that affect the employee’s health to the extent that he/she must be absent from work for treatment or recovery on a recurring basis or for more than a few days.

Eligible employees requesting medical leave due to their own illness or injury shall use any accumulated sick leave, annual leave, or holidays prior to beginning unpaid leave. The combination of annual leave, holidays, sick leave, and unpaid leave may not exceed 12 weeks. During periods of unpaid leave, an employee will not accrue any additional seniority or similar employment benefits. If spouses are both employed by the Town of Westmoreland and wish to take leave for the care of a new child or a sick parent, their aggregate leave is limited to 12 weeks.

Right to Return to Work:

On return from a FMLA leave, an employee is entitled to be returned to the same position the employee held when the leave commenced, or to an equivalent position with 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 the FMLA.

Notification and Scheduling:

An eligible employee must provide the employer at least 30 days advance notice of the need for leave for birth, adoption, or planned medical treatment when it is foreseeable. This 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 patients condition that require altering scheduled medical treatment.

It is the Town’s responsibility to designate as FMLA leave in writing and to notify the employee. Employees may not retroactively claim that a leave was for FMLA.

Certification:

The employer reserves the right to verify an employee’s request for family medical 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 will require that the request be supported by certification from a health care provider of either the eligible employee or the family member, as appropriate. If the employer has reason to question the original certification, the Town may, at it’s expense, require a second opinion from a different health care provider chosen by the employer. 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, its probable duration, and appropriate medical facts within the knowledge of the health care provider regarding the condition. The certification must also state the employee’s need to care for the 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.

The 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 unpaid leave under

this policy must furnish the Town with a medical certification from the employee's health care provider that the employee is able to return to work.

Maintenance of Health and COBRA Benefits During Unpaid Leave:

The Town will maintain health insurance benefits, paid by the employer for the employee, during periods of unpaid leave without interruption. Any payment for family coverage premiums or other payroll deductible insurance policies must be paid by the employee or the benefits will not be continued.

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 condition or because of 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 COBRA insurance coverage. However, a qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not be returning to work. Upon the occurrence of such a COBRA qualifying event the employee ceases to be entitled to leave under this policy.

Reduced and Intermittent Leave:

According to this policy, leave can be taken intermittently or on a reduced schedule when medically necessary as certified by the health care provider. The schedule must be mutually agreed upon by the employee and the Town of Westmoreland.

The 12 month FMLA Period:

The 12 month period during which an employee is entitled to 12 workweeks of FMLA leave is measured forward from the date the employee's first FMLA leave begins. An employee is entitled to 12 weeks of leave during the 12 month period after the leave begins. The next 12 month period will begin the first time the employee requests a 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 a FMLA leave is foreseeable, the Town may delay the taking of an FMLA leave until 30 days after the date the employee provides notice to the Town of the need for such leave.

If an employee fails to provide in a timely manner a requested medical certification to substantiate the continued need for a FMLA leave due to a serious health condition, the Town may delay continuation of an FMLA leave until an employee submits the certificate. If the employee does not produce the certification, the leave is not FMLA leave.

L. DEATH OF AN EMPLOYEE

Upon the death of a full-time regular employee, his/her beneficiary shall receive his/her next due payroll check, plus earned vacation pay. Further, his/her beneficiary shall be given complete assistance by the Mayor in settling pension, life and hospital insurance benefits, and all other compensation due in accordance with these policies and procedures.

M. HOSPITALIZATION INSURANCE

Employees of the Town of Westmoreland are covered under a hospitalization policy as selected by the Board of Mayor and Aldermen. The percentage of the Town's participation, in the premium of the policy, shall be set by the Board of Mayor and Aldermen. (See Appendix A-Fringe Benefits).

O. LIFE INSURANCE

Municipal government employees are covered under a life insurance policy as selected by the Board of Mayor and Aldermen. The percentage of the Town's participation in the premium of the policy, shall be set by the Board of Mayor and Aldermen. (See Appendix A-Fringe Benefits).

P. WORKERS COMPENSATION

All injuries arising out of and in the course of an individual's employment with the Town of Westmoreland 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 annual leave during the period of convalescence. The employee shall continue to accrue sick leave and annual 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 and take such first aid or medical treatment as necessary. Any employee determined to have been able, but who fails, to make such a report shall not be eligible for occupational disability or injury leave.

When an employee is injured on the job, the Town Recorder shall immediately submit an accident report to the Town's Insurance Carrier and retain a copy in the OSHA file. Where an accident causes serious bodily injury or death to an employee, the supervisor shall immediately notify the Town Recorder.

SECTION VI – MISCELLANEOUS POLICIES

A. SOLICITATION

The Town believes that its employees should not be exposed to frequent solicitations for charitable purposes; therefore, solicitation shall be limited to as few visits as necessary during the course of the year.

B. PERSONAL TELEPHONE CALLS

The use of the office telephone during regular work hours for local and/or long distance calls of a personal nature, except in emergency cases, is discouraged.

C. POLITICAL ACTIVITY

Nothing in this section is intended to prohibit any municipal government employee from privately expressing his/her political views or from casting his/her vote in all election.

Municipal officers and employees may individually exercise their right to vote and privately express their political views as citizens. However, no municipal officer or employee shall solicit political campaign contributions or engage in or actively participate in any municipal political campaign. These restrictions shall not apply to elective officials.

D. PERSONNEL RECORDS

Personnel records for each employee are kept on file and maintained by the payroll clerk. Any change of address, telephone number, marital status, draft status, number of dependents, or education completed should be turned in to an employee's supervisor for transmittal to the payroll clerk.

The payroll clerk also maintains the life insurance, vacation, pension and retirement, health insurance, and sick leave records for each employee. The payroll clerk will advise employees through their supervisor of their eligibility so that they may take full advantage of all the benefits available.

E. STATEMENT OF UNDERSTANDING

Each employee shall sign a statement that he/she has read and understands the Personnel Policy of the Town of Westmoreland. Said statement is to be placed in the employee's personnel file.

F. MORNING AND AFTERNOON BREAK

All employees shall have a fifteen (15) minute break in the morning and a fifteen (15) minute break in the afternoon. All outside employees shall take their morning break from 9:00 to 9:15 a.m., and their afternoon break from 1:45 to 2:00 p.m. If a break time occurs and the employee is on a job site, that break shall be taken at that job site. If an employee is involved with and/or working on an emergency

situation during the scheduled break time(s), then that break time(s) shall be rescheduled with the employee's supervisor.

G. FIGHTING, HORSEPLAY, DAMAGING MUNICIPAL GOVERNMENT PROPERTY

Fighting, horseplay, and intentionally defacing or damaging Town property is not permitted. Employees engaging in these activities will be subject to disciplinary action up to and including discharge.

H. GARNISHMENT

An employee who is garnished for an indebtedness within a twelve (12) month period may be subject to disciplinary action in accordance with the following schedule:

First Offense -	Oral Reprimand
Second Offense -	Written Reprimand
Third Offense -	May be discharged in accordance with the discipline and dismissal policy.

I. TRIP APPROVAL

All out-of-town meetings, in-service training, conventions and etc. which are to be attended by employees of the Town shall have prior written approval by the Mayor. Failure to receive said prior written approval can result in loss of pay for that amount of time expended on the trip and/or loss of expense reimbursement.

J. TRIP REIMBURSEMENT

All trips that involve reimbursement and/or municipal government expense shall not be undertaken without prior approval of the Mayor. Mileage shall be reimbursed at the current "IRS rate" for mileage. Food reimbursement shall be at a rate set by the Board of Mayor and Aldermen. Any additional expense shall be approved by the Mayor.

K. USE OF TOWN VEHICLES AND EQUIPMENT

All Town vehicles and equipment are for official use only. Drivers and/or operators must have a valid Tennessee Drivers License and be approved by their supervisor or the Mayor.

L. SEXUAL HARASSMENT POLICY

The definition of sexual harassment includes conduct by men toward women, conduct by men toward men, conduct by women toward men, and conduct by women toward women. Consequently, this policy

applies to all officers and employees of the Town of Westmoreland, including but not limited to, full and part-time employees, elected officials, permanent and temporary employees, employees covered or exempt from the personnel policies and procedures or regulation of the municipal government, and employees working under contract for the municipality.

1. DEFINITION

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

2. MAKING SEXUAL HARRASSMENT COMPLAINTS

The municipality may be held liable for the actions of all employees with regard to sexual harassment and therefore, will not tolerate the sexual harassment of, or by any of its employees. The Town will take immediate, positive steps to stop it when it occurs.

By law, the Town is responsible for acts of sexual harassment in the work-place where the Town (or its agents or supervisory employees) knows or should have know of the conduct, unless it can be shown that the Town took immediate and appropriate corrective action. The Municipality may also be responsible for the acts of non-employees, with respect to the sexual harassment of employees in the work-place, where the municipal government (or its agents or supervisory employees) knows or should have known of the conduct and failed to take immediate and appropriate corrective action.

Prevention is the best tool for the elimination of sexual harassment. Therefore, the following rules shall be strictly enforced. 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:

- a. The employee's immediate supervisor.
- b. The employee's department head.
- c. The Town's Recorder.
- d. The Mayor.

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 to which of the above persons the employee makes a complaint of sexual harassment, the employee should be prepared to provide the following information:

- a. Official's or employee's 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 it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment.
- d. Witnesses to the harassment.
- e. Whether the employee has previously reported the harassment and, if so, when and to whom.

3. REPORTING AND INVESTIGATING OF SEXUAL HARASSMENT COMPLAINTS

The Mayor is the person designated by the municipal government to be the investigator of complaints of sexual harassment against employees. In the event the sexual harassment complaint is against the Mayor, the investigator shall be the Town Attorney.

When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the Mayor, or to the Board of Mayor and Aldermen in the case of a complaint against the Mayor.

The investigator shall make and keep a written record of the investigation, including notes of verbal responses made by the person complaining of sexual harassment, witnesses interviewed during the investigation, the person against whom the complaint of sexual harassment was made, and any other person contacted in connection with the investigation. The notes shall be made at the time the verbal interview is in progress.

Upon conclusion of the investigation, the investigator shall prepare a report of the findings. The report shall include the written statement for the person complaining of sexual harassment, the written statement of witnesses, the written statement of the person against whom the complaint of sexual harassment was made, and all the investigator's notes connected to the investigation.

4. ACTION ON COMPLAINTS OF SEXUAL HARASSMENT

Based upon the report, the Mayor or the Board of Mayor and Aldermen, the case of the Mayor, shall within a reasonable time, determine whether the conduct of the person against whom a complaint of harassment has been made constitutes sexual harassment. In making that determination, they shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person complaining. The determination of whether sexual harassment occurred will be made on a case-by-case basis.

If the Mayor, or the Board of Mayor and Aldermen determine that the complaint of harassment is founded, they shall take immediate and appropriate disciplinary action against the employee guilty of sexual harassment, consistent with their authority under the municipal charter, ordinances or rules governing their authority to discipline employees. If the Mayor feels that disciplinary action stronger than he/she is authorized to impose by the charter, ordinances, resolutions or rules governing employee discipline is warranted, he/she shall make that determination known to the Board of Mayor and Aldermen of the Town of Westmoreland, together with the report of the investigation. If the Board of Mayor and Aldermen determine that the complaint of sexual harassment was founded, it may discipline the employee consistent with its authority under the municipal charter, ordinances, resolutions or rules governing employee discipline.

The disciplinary action shall be consistent with the nature and severity of the offense, the rank of employee, and any other factors the Mayor or Board of Mayor and Aldermen believes relate to fair and efficient administration of the municipal government, including, but not limited to, the effect of the offense on employee moral and public perception of the offense, and the light in which it casts the municipality. The disciplinary action may include demotion, suspension, dismissal, warning, or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis.

A written record of disciplinary actions taken shall be kept, including verbal reprimands. In all events, an employee found guilty of sexual harassment shall be warned not to retaliate in any way against the person making the complaint of sexual harassment, witnesses or any other person connected with the investigation of the complaint of sexual harassment.

In cases where the sexual harassment is committed by a non-employee against a municipal government employee in the work-place, the Mayor shall take whatever lawful action against the non-employee is necessary to bring the sexual harassment to an immediate end.

5. OBLIGATION OF EMPLOYEE

An employee is not only encouraged to report instances of sexual harassment, they are obligated to report them. Employees are also obligated to cooperate with every investigation of harassment. The obligation includes, but is not necessarily limited to, coming forward with evidence, both favorable and unfavorable, for a person accused of such conduct; fully and truthfully making written reports or verbally answering questions when required to do so by an investigator. Employees are also obligated to refrain from making bad faith accusations of sexual harassment.

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

M. NARCOTICS AND INTOXICATING LIQUORS

1. PURPOSE OF DRUG TESTING PROGRAM - NOTICE

- a. The Town of Westmoreland has a legal responsibility and management obligation

to ensure a safe work environment, as well as a paramount interest in protecting the public by ensuring that its employees have the physical stamina and emotional stability to perform their assigned duties. Employees must be free from drug or alcohol dependence, illegal drug use, or drug/alcohol abuse.

- b. The Town and its employees may be subject to liabilities if the Town fails to address and ensure that employees can perform their duties without endangering themselves or the public.
- c. There is sufficient evidence to conclude that the use of illegal drugs/alcohol, drug/alcohol dependence and drug/alcohol abuse seriously impair an employee's performance and general physical and mental health. The illegal possession and use of drugs, alcohol and/or narcotics by employees of the Municipality is a crime in this jurisdiction and clearly unacceptable.

Therefore, the Town of Westmoreland has adopted this written policy to ensure an employee's fitness for duty as a condition of employment; to ensure drug tests are ordered as the result of reasonable suspicion by supervisory personnel and based on observed behavior or work performance; and to notify employees that testing is a requirement of employment.

In order to educate employees about the dangers of drug and/or Alcohol abuse, the Town shall sponsor an information and Education program for all employees and supervisors. Information will be provided on the signs and symptoms of drug and/or alcohol abuse; the effects of drug and/or alcohol abuse on an individual's health, work, and personal life; the Town's policy regarding drugs and/or alcohol; and the availability of counseling. The Mayor has been designated as the municipal official responsible for answering questions regarding this policy and its implementation.

2. GENERAL RULES

- a. 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 and/or over-the-counter medications shall notify his/her immediate supervisors of the medication prescribed and the nature of the illness or injury before the employee goes on duty.
- b. Municipal government employees are prohibited from the use, manufacture, distribution, unauthorized possession, and sale of illegal drugs at any time, or any other controlled substance ; and alcohol while on duty on municipal government property or in the Town vehicles.
- c. All property belonging to the Municipality is subject to inspection at any time without notice as there is not expectation 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 (unless waived by the Mayor) and in the presence of the employee.
- d. Municipal government employees who have reason to believe another employee is illegally using drugs or narcotics shall report the facts and circumstances immediately to the supervisor.
- e. Any employee convicted of violating a criminal drug statute shall inform his/her department head of such conviction (including pleas of guilty and nolo contendere) within five (5) days of the conviction occurring. Failure to inform the Town subjects the employee to disciplinary action up to and including termination for the first offense.
- f. Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or an employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination.
- g. use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty.
- h. Use of alcohol or drugs within eight hours following an accident/incident if the employee's involvement has not been discounted as a contributing factor in the accident/incident or until the employee has successfully completed drug and/or alcohol testing procedures.

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

3. PRIOR NOTICE OF TESTING POLICY

The Municipal government shall provide written notice of its drug and alcohol testing policy to all employees and job applicants. The notice shall contain the following information:

The need for drug and alcohol testing:

- a. The circumstances under which testing may be required;
- b. The procedures for confirming an initial positive test result;
- c. The consequences of a confirmed positive test result;
- d. The consequences of refusing to undergo a drug and alcohol test;
- e. The right to explain a positive test result and the appeal procedures available; and,
- f. The availability of drug abuse counseling and referral services

4. CONSENT

Before a drug and/or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, Medical Review Officer (MRO), and the Mayor or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the Town's drug testing policy and to indicate current or recent use of prescription or over-the-counter medication.

The consent form shall also set forth the following information:

- a. the procedure for confirming an initial positive test result;
- b. the consequences of a confirmed positive test result;
- c. the right to explain a confirmed positive test result and the appeal procedures available; and,
- d. the consequences of refusing to undergo a drug and alcohol test.

The consent form also provides authorization for certified or licensed medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system.

5. DRUGS TO BE TESTED FOR

When drug and alcohol screening is required under the provisions of this policy, a urinalysis test will be given to detect the presence of the following drug groups. This list is not intended as an exhaustive inventory of every drug to possibly be tested for. The selection of drugs to be tested for will be based upon known abuse in the community and the ability of each drug to affect job performance. All drug results will be reported to the Medical Review Officer (MRO). If verified by the MRO, they will be reported to the Mayor.

- a. Alcohol (ethyl)
- b. Amphetamines (e.g. speed)
- c. Barbiturates (e.g. Amobarbital, Butabarbital, Phenobarbital, Secobarbital)
- d. Cocaine
- e. Methaqualone (e.g. Quaalude)
- f. Opiates (e.g. Codeine, Heroin, Morphine, Hydromorphone, Hydroconone)
- g. Phencyclidine (PCP)
- h. THC (Marijuana)

The Town may test for any additional substances listed under the Tennessee Drug Control Act of 1989.

6. JOB APPLICANT TESTING: GENERAL STANDARD

Applicants for all classes of employment with the Town will be required to undergo a drug and alcohol test after a conditional offer of employment and prior to their final appointment.

7. CURRENT EMPLOYEE TESTING; GENERAL STANDARD

All employees of the Town shall may have mandatory drug testing at least once every calendar year. All other employees involved with the public's safety are subject to random drug testing.

The Municipal government may require a current Town employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during working hours. "Reasonable suspicion" means an articulate belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances that constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

- a. A pattern of abnormal or erratic behavior;
- b. Information provided by a reliable and credible source;
- c. A work-related accident;
- d. Direct observation of drug or alcohol use; or
- e. Presence of the physical symptoms of drug or alcohol use (i.e. glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and or reflexes).

Supervisors are required to detail in writing the specific facts, symptoms, or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate department head or designated alternate.

8. REFUSAL TO CONSENT: APPLICANT

A job applicant who refuses to consent to a drug and alcohol test will be denied employment with the Town.

9. REFUSAL TO CONSENT: EMPLOYEES

An employee who refuses to consent to a drug and alcohol test when reasonable suspicion of drug or alcohol use has been identified is subject to disciplinary action up to and including termination. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. Refusing to submit to an alcohol or drug test means that an employee 1) fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for breath testing in accordance with the provisions of this policy; 2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with this policy; or 3) engages in conduct that clearly obstructs the testing process. In either case the physician or breath alcohol technician shall provide a written statement to the Town indicating a refusal to test.

10. TYPES OF DRUG AND ALCOHOL TESTS

An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug and/or alcohol testing under six separate conditions:

1. Pre-employment

All applicants for employee status who have received a conditional offer of employment with the Town of Westmoreland must take a drug and alcohol test before receiving a final offer of employment.

2. Transfer

Employees transferring to a safety sensitive position or a position that requires a CDL license shall undergo drug and alcohol testing.

3. Post-Accident/Post-Incident Testing

Following any workplace accident/incident determined by supervisory personnel of the Town to have resulted in significant property or environmental damage or in significant personal injury, including but not limited to a fatality or human injury requiring medical treatment, each employee whose performance either contributed to the accident/ incident or cannot be discounted as a contributing factor to the accident/incident and who is reasonably suspected of possible drug or alcohol use as determined during a routine post-accident/post-incident investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident/post-incident drug and/or alcohol test.

Post-accident/post-incident testing shall be carried out within two hours following the accident/incident.

a. Post-Accident/Post-Incident: Testing for Ambulatory Employees

Following all workplace accidents/incidents where drug or alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the Town to the designated testing site for a breath alcohol test and/or a drug test within two hours following the accident. In the event of an accident/incident occurring after regular work hours, the employee(s) will be taken to the designated test site within two hours. No employee shall consume alcohol prior to completing the post-accident/post-incident testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident/post-incident testing. Any unreasonable delay in appearing for drug and/or alcohol testing shall be considered a refusal to cooperate with the substance

abuse program of the Town and shall result in administrative action up to and including termination of employment.

b. **Post-Accident/Post-Incident Testing for Injured Employees**

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident/incident shall consent to the obtaining of specimens for drug and/or alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the Medical Review Officer (MRO) of the Town appropriate and necessary information or records that would indicate only whether or not specified prohibited alcohol and/or drugs (and what amount) was found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the Town or upon hiring following the implementation date.

Post-accident/post-incident breath alcohol and/or urinary testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed, appropriate specimens to determine if alcohol and/or drugs were present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident/post-incident testing within two hours must be fully documented by the attending medical personnel.

4. **Testing Based on Reasonable Suspicion**

Drug and/or alcohol testing is required for each employee where there is Reasonable suspicion to believe the employee is using or is under the influence of alcohol or drugs.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol and/or drugs. This belief should be based on recent, physical, behavioral, or performance indicators of possible alcohol and/or drug use. One supervisor who has received alcohol detection and/or drug detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the Town making a determination to subject any employee to alcohol and/or drug testing based on reasonable suspicion shall document their specific reasons and observations in writing to the Mayor within eight hours of the decision to test and before the results of the tests are received by the department.

5. **Random Testing**

All employees of the Town may be subject to random testing for controlled substances and alcohol. Random testing will be done on a percentage basis in a fair and equitable manner. Selection of employees for random testing will be done by a computer-

based random number generator that is matched with an employee's Social Security number.

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random testing and the actual presentation for testing. Random test dates will be unannounced with unpredictable frequency. Some employees may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to be tested on the date random testing occurs, the Town may omit that employee from that random testing or await the employee's return to work.

6. Return-to-Duty and Follow-Up

Any employee of the Town who has violated the prohibited drug and alcohol conduct standards must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

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

Testing will also be performed on any employee with a CDL returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

11. DRUG TESTING COLLECTION PROCEDURES

Testing will be accomplished as non-intrusively as possible. Affected employees, except in cases of random testing, will be taken by a supervisor or designated personnel of the Town to a drug test collection facility selected by the Town of Westmoreland, where a urine sample will be taken from the employee in privacy. The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution. The sample will be placed in a secure mailing container. The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by the Town to perform the analysis on collected urine samples.

12. DRUG TESTING LABORATORY STANDARDS AND PROCEDURES

All collected urine samples will be sent to a laboratory that is certified and monitored by the federal Department of Health and Human Services (DHHS).

As specified earlier, in the event of an accident/incident occurring after regular work hours, the supervisor or designated personnel shall take the employee(s) to the specified testing site within 24 hours where proper collection procedures will be administered.

The Omnibus Act requires that drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of drugs, the employee has 72 hours to request sending the split specimen to another federal Department of Health and Human Services (DHHS) certified laboratory for analysis. The employee will be required to pay for his or her split specimen test(s).

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify the Mayor.

13. ALCOHOL TESTING PROCEDURES

All breath alcohol testing conducted for the Town shall be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA). (Note - A Town's/town's own public safety department cannot do this testing unless the test is required because of a traffic accident/incident.)

Alcohol testing is to be performed by a qualified technician as follows:

1. **Step One:**

An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent breath alcohol level (BAL), the test shall be considered negative. If the result is greater or equal to 0.04 percent BAL, the result shall be recorded and witnessed, and the test shall proceed to Step Two.

2. **Step Two:**

Fifteen minutes shall be allowed to pass following the completion of Step One above. Before the confirmation test or Step Two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician shall conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument. Then Step One shall be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

The breath alcohol level detected in Step Two shall be recorded and witnessed.

If the lower of the breath alcohol measurements in Step One and Step Two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test. Failure of the breath alcohol test shall result in administrative action by proper officials of the Town up to and including termination of employment.

Any breath level found upon analysis to be between 0.02 percent BAL and 0.04 percent BAL shall result in the employee's removal from duty without pay for a minimum of 24

hours. In this situation, the employee must be retested by breath analysis and found to have a BAL of less than 0.02 percent before returning to duty with the Town.

All breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and by a supervisory employee of the Town, when possible.

The completed breath alcohol test form shall be submitted to the Mayor.

14. EDUCATION AND TRAINING

Supervisory Personnel Who Will Determine Reasonable Suspicion Testing

Training supervisory personnel who will determine whether an employee must be tested based on reasonable suspicion will include at the minimum two 60-minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One 60-minute period will be for drugs and one will be for alcohol.

The Town will sponsor a drug-free awareness program for all employees.

15. CONSEQUENCES OF A CONFIRMING POSITIVE TEST RESULT:

APPLICANTS:

If an applicants positive test result has been confirmed, the applicant will be denied employment with the Town of Westmoreland.

CURRENT EMPLOYEES:

If a current employee's positive test result has been confirmed, the employee is subject to immediate removal from any safety sensitive function, and the employee is subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include the employee's work history, length of employment, current job performance, and existence of past disciplinary actions.

However, the Town reserves the right to allow employees to participate in an education and/or treatment program approved by the Town's Employee Assistance Program in addition to disciplinary action. If such program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment, and thereafter refrain from violating the Town's policy on drug and alcohol abuse.

16. THE RIGHT TO A HEARING

If an employee's positive test results have been confirmed, the employee is entitled to a hearing before any disciplinary action may be taken by the Municipality. The employee must make a written request for a hearing to the appropriate department head or designated alternate within (7) days of receipt by the employee of the confirmation of the test results. Employees may be

represented by legal counsel, present evidence and witnesses on their behalf, and confront and cross-examine the evidence and witnesses used against them.

No adverse personnel action may be taken against an employee based on a confirmed positive test result unless the hearing officer finds by a preponderance of the evidence that:

- a. The employee's supervisor had reasonable suspicion to believe that the employee was under the influence of drugs or alcohol while on the job; and
- b. The employee's drug test results are accurate.

Within seven (7) days following the close of the hearing, the hearing officer shall issue a written decision and a brief summary of the facts and evidence supporting that decision.

17. **VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL USE; EMPLOYEE ASSISTANCE PROGRAM REFERRAL**

In the event that an employee of the Town of Westmoreland is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with their respective department head in private.

Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

No disciplinary action may be taken against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through a program sanctioned by the Municipality, and thereafter refrain from violating the Town's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of Town personnel policy and regulations, nor will it relieve the employee of any requirements for return to duty testing.

Affected employees of the Town of Westmoreland may be allowed up to 30 consecutive calendar days for initial substance abuse treatment as follows:

1. The employee must use all vacation, sick, and compensatory time available.
2. In the event accumulated vacation, sick, and compensatory time is insufficient to provide the medically prescribed and needed treatment up to a maximum of 30 consecutive calendar days, the employee will be provided unpaid leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum 30-day treatment period.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional (SAP) of the Town of Westmoreland. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head and the Mayor will consider each case individually and set forth final conditions of reinstatement to active duty. These

conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the Town of Westmoreland. Voluntary disclosure provisions do not apply to applicants.

18. REPORTING AND REVIEWING

The Town shall designate a medical review officer (MRO) to receive, report, and file testing information transmitted by the laboratory. This person shall be a licensed physician with knowledge of substance abuse disorders.

1. The laboratory shall report test results only to the designated MRO, who will review them in accordance with accepted guidelines and the procedures adopted by the Town.
2. Reports from the laboratory to the MRO shall be in writing or by fax. The MRO may talk with the employee by telephone upon exchange of acceptable identification.
3. The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the respective department head, the Mayor, and the employee.
4. Neither the Town of Westmoreland, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident (incident) investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the Town attorney.

SECTION VII – SEPARATIONS AND DISCIPLINARY ACTIONS

A. TYPES OF SEPARATIONS

All separations of employees from positions with the municipal government shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, lay-offs, disability, death, retirement, and dismissal. At the time of separation and prior to final payment, all records, assets, and other items of Town property in the employee's custody must be transferred to the department. 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 municipal government's employ, a two (2) week written 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. An unauthorized absence from work for a period of three (3) consecutive working days may be considered by the department head as a resignation.

If a former employee returns to municipal government employment, their status of seniority, pay, leave, etc. will be the same as any new employee beginning work for the first time.

C. LAY-OFF

The Mayor 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 employer's 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 a similar position in the appropriate class. Temporary employees shall be laid-off prior to the lay-off of probationary or regularly employees. The order of layoff shall be in reverse order to total continuous time served upon the date established for the lay-off to become effective.

D. DISABILITY

An employee may be separated for disability when he/she cannot perform the required duties of the position because of physical or mental impairment. Action may be initiated by the employee or the municipality, but in all cases it must be supported by medical evidence acceptable to the Mayor. The municipal government may require an examination at its expense and performed by a licensed physician of its choice.

E. DEATH

Separation shall be effective as of the date of death of an employee. All compensation due in accordance with these policies and procedures shall be paid to the estate of the employee, except for such sums as by the law must be paid to the surviving spouse.

F. DISCIPLINARY ACTION

Whenever an employee's performance, attitude, work habits or personal conduct fall below a desirable level, supervisors shall inform the employee promptly and specifically of such lapses and shall give him/her counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident in and of itself may justify severe initial disciplinary action; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct. The types of disciplinary actions are:

1. Oral warning
2. Written reprimand
3. Suspension
4. Dismissal

G. ORAL WARNING

Whenever an employee's performance, attitude, work habits, or personal conduct fall below a desirable level, the supervisor shall inform the employee promptly and specifically of such lapses and shall give him/her counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating further disciplinary actions. Documentation regarding the issuance of an oral warning shall be placed in the employee's personnel file.

H. WRITTEN REPRIMAND

In situations where an oral warning has not resulted in the expected improvement, or when more severe initial action is warranted, a written reprimand may be given to the employee, and a copy shall be placed in the employee's personnel folder.

I. SUSPENSION

An employee may be suspended with or without pay by the Mayor.

J. DISMISSAL

The Mayor may dismiss an employee. Reasons for dismissal may include, but shall not be limited to: misconduct, negligence, incompetence, insubordination, unauthorized absences, falsification of

records, violation of any of the provisions of the Charter, ordinances, or these policies and procedures.

If the employee requests a hearing on the proposed action, the Mayor shall promptly set a date and time for the hearing before the Board of Mayor and Aldermen. The decision of the Board of Mayor and Aldermen shall be final.

K. GRIEVANCE PROCEDURES

A grievance is defined as an employee's feeling of dissatisfaction; any difference, disagreements or dispute arising between an employee and his/her supervisor and/or employer with regard to some aspect of his/her employment, application or interpretation of regulations and policies, or some management decision affecting the employee. A grievance can be something real, alleged, or a misunderstanding concerning policies and procedures or an administrative order involving the employee's health, safety, physical facilities, equipment or material used, employee evaluation, promotion, transfer, layoff, recall and any other related items.

Employee(s) who have a complaint or grievance may discuss the grievance with their immediate supervisor, a higher-level supervisor, and /or their department head. Every employee may present a grievance under the provisions of this procedure free from fear, interference, restraint, discrimination, coercion or reprisal.

Steps of the grievance procedure are as follows:

STEP ONE: The employee makes an oral or written presentation of the grievance to his/her immediate supervisor. It shall be the supervisor's responsibility to promptly consider the grievance and take appropriate action. The supervisor shall inform the employee of the decision and any action taken shall be within 72 hours if appropriate and if the supervisor has the authority. The supervisor shall prepare a written report of the grievance and provide a copy of it to the department head. Any supervisor in the chain of command shall attach his/her recommendation regarding the unresolved grievance if it proceeds to a higher level. No supervisor may hold a grievance longer than 72 hours without forwarding it to the next supervisory level.

STEP TWO: If the grievance cannot be resolved on an informal basis between the employee and supervisor, the employee may proceed to the second procedural step. Before proceeding an employee must put the grievance in writing and request that the written statement be delivered to the Mayor. If an employee wishes a hearing, the Mayor will accommodate the employee. Upon hearing the grievance the Mayor must provide a written response to the employee within 72 hours of the hearing.

STEP THREE: If the grievance is not resolved with the Mayor, the employee may request in writing a hearing with the Board of Mayor and Aldermen. The Board of Mayor and Aldermen shall have fourteen (14) calendar days to schedule the hearing after which, the Board of Mayor and Aldermen shall provide a written response to the employee with copies to the Mayor and the

employee's immediate supervisor. Every attempt will be made to resolve the employee's grievance.

L. APPEALS PROCESS

Any Town employee reprimanded, suspended, or dismissed may submit to the Mayor a request to have the action reviewed by the Board of Mayor and Council. An employee must submit the request for an appeal within ten (10) calendar days of receipt of notification of the disciplinary action and must also state his/her intent to have representation and name the representatives. The Board of Mayor and Aldermen shall schedule a hearing within fourteen (14) days of the receipt of the employee's request for appeal. The action of the Board of Mayor and Aldermen shall be final and binding on all parties involved unless appealed to the Chancery Court by the employee.

SECTION VIII – AMENDMENT OF PERSONNEL RULES

A. AMENDMENTS

Amendments or revisions of these policies and procedures may be recommended for adoption by the Mayor or members of the Town Council. Such amendments or revisions of these policies and procedures shall become effective after approval by ordinance of the Board of Mayor and Aldermen.

B. SEVERABILITY

Each section, subsection, paragraph, sentence and clause of these policies and procedures 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 policies and procedures, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted.

C. SPECIAL NOTE

These personnel policies and procedures are believed to be written within the framework of the Charter of the Town of Westmoreland but in case of conflict, the Charter takes precedence.

APPENDIX A

FRINGE BENEFITS

A. GROUP INSURANCE:

1. Health Insurance: State of Tennessee Employee Plan

The town pays the full cost of coverage for the Employee.
Refer to the policy for benefit schedule.

2. Life Insurance: Dearborn Life Insurance:

Upon death, Dearborn pays \$ 15,000 to employee beneficiary.

3. Dental: Life Insurance of Alabama

The town pays the full cost of coverage for the Employee.
Refer to the policy for benefit schedule.

B. Short Term Accident And Sickness Weekly Benefits:

Disability benefits pays \$ 100.00 per week, for hourly and \$ 200.00 per week for salary employees.

C. Long Term Disability Benefits:

Disability benefits are available to Tennessee Consolidated Retirement System (TCRS) members who do not meet the requirements for service retirement, but are unable to work due to a total, permanent, medically determined disability.

D. Retirement:

Provider: TENNESSEE CONSOLIDATED RETIREMENT SYSTEM (TCRS):
Mandatory-after six (6) months of employment with the town. The town pays the retirement for the employee. No deduction is taken from your check for this benefit.

E. Uniforms:

The town will provide uniforms for the employees of the Police, Water, Sewer, Sanitation and Public Works Department, ande Street Department.

F. Vacation: addressed in Policy and Procedures Manual

G. Holidays: addressed in Policy and Procedures Manual

H. Workman’s Compensation Insurance:

Medical and disability benefits are provided under the Compensation Law of the State Of Tennessee (TCA-50-6-101-50-6-41) for on-the-job injuries. The Town pays for the cost of this coverage. If an employee is injured, he is to notify his/her supervisor as soon as possible.

The following list of local physicians are to be used for on-the-job injuries or sickness:

1. William R. Gilmard, M.D.
2. Westmoreland Family Clinic
3. TBA

I. Funeral Leave:

Employee receives one (1) funeral leave for the following:
Aunt, Uncle, Grandfather-in-law, Grandmother-in-law

Employee receives two (2) days funeral leave for:

Children	Spouse	Parents	Mother-in-law
Father-in-law	Step Parents	Step Children	Grandfather
Grandmother	Brother	Brother-in-law	Sister
Sister-in-law	Grandchildren	Daughter-in-law	Son-in-law

J. Miscellaneous Options:

AFLAC –payroll deductions for intensive care, life, and cancer insurance
Colonial Life & Accident Insurance Company - payroll deduction for life and accident insurance.

K. Bonus: (Subject to withholding)

In December, full time employees will receive \$ 100.00 bonus

In December, part-time employees that work a regular shift each week will receive a \$ 25.00 bonus.

L. Longevity Pay: (Subject to withholding)

Each employee that has been employed for at least ten (10) years, will receive a longevity bonus of \$ 25.00 per year of employment. This is given during the first week of December each year.

TITLE VI.

No employee shall be discriminated against because of race, color, national origin, religion, age, disability or gender.

APPENDIX B

**TOWN OF WESTMORELAND INTERNET POLICY
ATTACHMENT:
ACKNOWLEDGEMENT**

I hereby acknowledge that I have received and read a copy of the Town of Westmoreland's Policy for the Use of Internet and Electronic Mail. I understand that all e-mail communications systems are the property of the city, as is the information received from, transmitted by, or stored in these systems. I understand that, except with respect to certain content deemed confidential by state and federal law, I have no expectation of privacy in connection with any e-mail messages, the use of town equipment, or the transmission, receipt, or storage of information in this equipment.

I acknowledge and consent to the town's monitoring my use of both Internet and Internet e-mail at any time the city deems it necessary in accordance with its policy. Monitoring may include reading and printing out all electronic mail entering, stored in, or disseminated by the Town Of Westmoreland's system and equipment. I agree not to use a code, access a file, or retrieve any stored information unless authorized to do so. I understand that this consent is a condition of my employment and/or continued association with the city. I understand all the provisions specified in this policy. Further, I recognize that a violation of this policy may result in disciplinary action, including possible termination.

EMPLOYEE SIGNATURE
TOWN OF WESTMORELAND

DATE
