

ORDINANCE NO. 217-01
AMENDMENT TO CITY ORDINANCE 215-7, AN ORDINANCE ADOPTING
A SET OF PERSONNEL POLICIES AND PROCEDURES

Whereas, the State of Tennessee requires that all cities adopt a set of Personnel Policies and Procedures, and

Whereas, the purpose of such policies is to establish a system of personnel administration that is based on merit and fitness; to establish a high degree of understanding, cooperation, efficiency, and unity among employees; and to provide uniform policies, without regard to race, color, religion, gender, age, national origin, creed, or disabilities;

Whereas, the City of Baneberry, Tennessee replaced Resolution 2012-1 with City Ordinance 215-7 so as to institutionalize the City's Personnel Policy and Regulations in the form of a city ordinance; and

Whereas, the personnel policies and procedures adopted by City Ordinance 215-7 failed to address the subject of "at-will employment" or the benefit subjects of "vacation leave", "sick leave", or "comp time"; and

Whereas the City desires to rectify these omissions;

Now, therefore be it ordained by the Board of Commissioners of the City of Baneberry, that:

Section 1. City Ordinance 215-7 is hereby repealed and replaced by City Ordinance 217-01; an ordinance amending Baneberry's personnel policies and procedures.

Section 2. The attached *Personnel Rules and Regulations* dated 2015 as amended 2016 are hereby adopted in their entirety and shall serve as the revised personnel policies and procedures governing employment with the City of Baneberry, Tennessee.

Section 3. Each employee shall be given a copy of the revised personnel policies and procedures.

Section 4. The annual leave (vacation leave) policy contained in the attached *Personnel Rules and Regulations* of the City of Baneberry shall be effective retroactively to 21 October 2015. The revised sick leave policy contained in the *Personnel Rules and Regulations* shall be effective with passage of this ordinance.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 6. All other ordinances or parts of ordinances found to be in conflict herewith is hereby repealed. The enclosed personnel policies are believed to be in accord with the Charter of the City of Baneberry, but in case of conflict, the Charter shall prevail.

Be it further ordained that this ordinance shall take effect fifteen (15) days from and after the date it shall have been passed, properly signed, certified, and has met all other legal requirements, and as otherwise provided by law, the general welfare of the City of Baneberry requiring it.

This ordinance is complete in two (2) pages of text and one (1) enclosure of fifteen (15) pages.

Clint Hurley, Mayor

ATTEST: _____
Janice Hobson, City Manager

Passed first reading: _____

Passed second reading: _____

Public Hearing: _____

PERSONNEL RULES AND REGULATIONS

CITY OF BANEERRY

Adopted 2015 by Ordinance 215-7
Amended by Ordinance 217-01

SECTION I - PERSONNEL POLICIES

A. PURPOSE AND OBJECTIVES

The purpose of these policies is to establish a system of personnel administration that is based on merit and fitness, and to establish a high degree of understanding, cooperation, efficiency, and unity among employees; and to provide uniform policies with all the benefits such a program insures without regard to race, color, religion, gender, age, national origin, creed, and disability.

The City of Baneberry, Tennessee is an at-will employer. Nothing in this document may be construed as creating a property or contractual right to any job or benefit for any employee.

B. COVERAGE

These rules and regulations shall cover all employees in The City service unless specifically exempted by this document, the City Charter, and/or the ordinances of the City without regard to race, religion, national origin, political affiliation, sex, age, or disability.

The following personnel are **NOT** covered by this Policy unless otherwise provided:

1. All elected officials
2. Members of appointed boards and commissions
3. Consultants, advisers, and legal counsel rendering temporary professional service
4. City Attorney
5. Independent contractors
6. Volunteer personnel appointed without compensation
7. Seasonal employees

C. ADMINISTRATION

The City Manager shall administer these rules under the direction of the City Commissioners.

D. DISCRIMINATION PROHIBITED

The City of Baneberry is an equal opportunity employer. Except as otherwise permitted by law, the municipality will not discharge or fail or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, gender, or national origin, or

because the individual is forty (40) or more years of age. The municipality will not discriminate against a qualified individual with a disability because of the disability in regard to job application procedures, hiring or discharge, employee compensation, job training, or other terms, conditions, and privileges of employment.

SECTION II - COMPENSATION

A. HOURLY RATES

Hourly rates for all employees shall be determined by the City Manager based on appropriation by the City Commission. Hourly rates for the City Manager, if so paid, shall be determined by the City Commission. Hourly rates cannot be less than the Tennessee minimum wage.

B. OVERTIME

Overtime will not be authorized except by prior approval of the City Manager. Overtime compensation will be paid for any non-exempt employee at the rate of one and one-half times the employee's regular rate of pay for each hour worked over forty (40) hours in any seven (7) day work period.

Overtime for the City Manager will not be authorized except by prior approval of the City Mayor, if the City manager is employed as a non-exempt, hourly rate employee.

Non-exempt, hourly rate employees may NOT “suffer and permit” unscheduled overtime.

SECTION III - EMPLOYMENT

A. APPOINTMENTS, PROMOTIONS, DEMOTIONS, AND TRANSFERS

The City Manager has the authority to appoint, promote, demote, transfer, suspend, and remove all officers and employees of the City of Baneberry.

B. HOURS OF WORK

The City Manager shall establish hours of work per week for each position. The Board of Commissioners shall establish hours of work for the City Manager. All actual hours worked shall reported as such on the appropriate time sheet.

A regular, full time employee works 2,080 hours per year. (8 hours per day x 5 days per week x 52 weeks = 2,080 hours per year.) A meal period during the 8-hour work day is not compensable time.

The City Manager and Department Heads shall establish actual work schedules to meet the service and operational needs of the City.

SECTION IV - BENEFITS

A. HOLIDAYS

The City's employees shall be paid for the following legal holidays:

New Year's Day	Independence Day	Thanksgiving Day
Memorial Day	Labor Day	Christmas

When a holiday falls on a Saturday, the preceding Friday shall be observed; when a holiday falls on a Sunday, the following Monday shall be observed.

City employees will observe any change to these holiday dates as approved by the Congress and or the Governor of the State of Tennessee.

B. ANNUAL LEAVE

Regular, full-time and regular, part-time employees are eligible for annual leave (vacation leave) benefits.

Effective, retroactively to October 21, 2015, annual leave for current regular, full-time employee(s) will be awarded at an annual leave rate of two (2) weeks per year. The annual leave rate for regular, part-time employee will accrue as a prorated amount based on the part-time employee's weekly scheduled hours. The hourly leave accrual factor for two weeks (80-hours) annual leave is 0.0384615384615385. Therefore, a regular, part-time employee working 28 hours per week (1,456 per year) will be awarded 56 hours annual (vacation) leave per year.

Regular, full-time and regular, part-time employees hired after adoption of this ordinance will be awarded one week of annual leave for the first full year of employment and two weeks annual leave thereafter.

Annual leave may only be taken once time has accrued. Annual leave shall not be granted in advance of accrual.

An employee may use annual leave for vacations, rest and relaxation, and personal business or emergencies. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken.

New employees may not be granted annual leave during their first ninety (90) days of employment.

Annual leave for a full-time (40-hour per week) employee is accrued from the date of employment at the monthly rate of 6.6666 hours per month to be realized as two (2) weeks [80 hours] per year. A leave accrual period commences with the date of regular employment to the anniversary date each year.

Annual leave for a part-time (28-hour per week) employee is accrued from the date of employment at the monthly rate of 4.6666 hours per month to be realized as fifty six (56) hours of annual leave per year. A leave accrual period commences with the date of regular employment to the anniversary date each year.

Vacation must be taken and cannot accrue beyond 160 hours. Accumulated hours beyond 160 hours are lost.

Annual leave will be requested and scheduled in advance for the mutual convenience of the employee and the local government to permit adjustment to work schedules and related activities.

Upon separation, employees are entitled to be reimbursed for any unused vacation leave, not to exceed the maximum accrual allowed. (Separation means: resignation, layoff, disability, death, retirement, and dismissal.)

C. SICK LEAVE

Sick leave shall not be considered a right which an employee may use at his/her discretion, but rather as a privilege. Sick leave is intended as an insurance policy against the threat to an employee's income posed by a serious illness or accident. Sick leave is a benefit to be used for legitimate sick leave purposes. Sick leave is not an employee entitlement; it is a benefit that is employer owned.

All regular, full-time employees accrue 3.3333 hours sick leave per month, to be realized as one (1) week [40 hours] per year. The hourly sick leave accrual factor for one week (40-hours) sick leave is 0.0192307692312693.

Each regular full-time employee will accrue sick leave at the rate of one (1) week [forty (40) hours] per year up to one hundred sixty (160) hours [4 weeks]. Sick leave is accrued from the date of employment. A leave accrual period commences with the date of regular employment to the anniversary date each year.

Sick leave for regular, part-time employee accrues as a prorated amount based on the part-time employee's weekly scheduled hours. A part-time employee working 28 hours per week (1,456 per year) will be awarded 28 hours sick leave per year.

Sick leave benefits will commence on the first day of such absence and shall continue for as long as sick leave credit remains.

Employees may carry sick leave hours over from year-to-year but accumulated sick leave hours may not be payable to the employee upon separation from employment from The City. Separation means: resignation, layoff, disability, death, retirement, and dismissal.)

Generally, employees become eligible to use sick leave in the situations outlined below:

1. Employee is incapacitated by illness or non-job related injury.
2. He/she is seeking medical, dental, optical, psychological or other diagnosis and treatment.
3. Necessary care and attendance of a member of the employee's immediate family when approved by the City Manager or Department Head. (Immediate family members include: spouse, children, step-children, parents, grandparents, and siblings whose regular care, housing and provision is provided by the employee.)

Supervisors have the right to request a healthcare provider's statement at any time. Whenever possible, an employee should provide a healthcare certificate or other evidence of illness in writing. A healthcare certificate of illness shall specify that the employee was ill and unable to work on the specific dates of absence being requested as sick leave. The Department Head may require a healthcare certificate when abuse of sick leave is suspected.

A healthcare certificate must be presented to support any sick leave requests for extended illness. Whenever an employee has been absent for any portion of the employee's regular shift duty because of illness for more than two (2) consecutive work days, a healthcare professional authorization for the employee to return to work is required. The use of a large number of sick leave hours, does not, in itself, indicate abuse of sick leave, nor does it constitute a poor sick leave record. Absences requiring more than 3 days of sick leave will require a healthcare statement.

If it is suspected that an employee may jeopardize the health of others they may be required to submit documentation from a qualified doctor stating they are clear to re-enter the workplace at no risk to others.

Employees who abuse sick leave or deliberately make or cause to make false or misleading statements or claims regarding the necessity for sick leave shall be subject to the loss of such benefits or other disciplinary action up to and including termination. Patterns of absence may indicate possible abuse of sick leave. Patterns could include but are not limited to, frequent use, frequent sick leave in conjunction with days off, holidays or vacation leaves, using sick leave as soon as it is earned or taking sick leave when other accrued leave is denied.

To prevent abuse of the sick leave privilege, department heads/supervisors are required to satisfy themselves to the extent possible that the employee is genuinely ill before approving sick leave. An employee who is absent because of illness shall notify his/her supervisor or other appropriate person as soon as possible but at least prior to the start of the work day in which the employee will be absent. Department Heads may set more stringent reporting requirements if necessitated by the nature of the job. Failure to call in as required may result in the absence being charged to leave without pay, in addition to any disciplinary action that may be indicated.

An advance written request for sick leave is required whenever possible.

D. COMP TIME

Comp time is not authorized.

E. JURY DUTY

Leave with pay shall be authorized in order that an employee may serve required jury duty, provided that such leave is reported in advance to the City Manager. In order to receive pay for such leave, the employee must pay over to the City the money he or she receives for jury duty. Also, if the court does not require the employee's services and the employee is dismissed by the court for the remainder of the day, said employee will report to work as scheduled.

F. MILITARY LEAVE

Any regular employee (but not including those considered temporary) who enters the Armed Forces of the United States will be placed on Military Leave. The City Manager 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 at least equivalent to his/her former position. His/her salary will be the salary 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 into the first available position. No current full-time employee will be terminated or laid-off to allow for the reinstatement.

Any full-time employee who is a member of the United States Army Reserve, Navy Reserve, Air Force Reserve, Marine Reserve or any of the Armed Forces of the United States, will be granted military leave for any field training or active duty required (excluding extended active duty) pursuant to provisions in T.C.A. 8-33-109. Such leave will be granted upon presentation of the employee's official orders to the Mayor. Compensation for such leave will be for a period not exceeding fifteen (15) working days in any one (1) calendar year, plus such additional days as may result from any call to active state duty pursuant to T.C.A. 58-1-106. Military leave with pay shall not be charged against the employee's accrued sick leave, vacation, or compensatory credits.

G. MATERNITY LEAVE

A female employee, who has been employed full-time for at least one (1) year 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 employment, may be granted maternity leave for a period not to exceed four (4) months for the purpose of pregnancy, childbirth, and the nursing of an infant. A release statement must accompany return to duty from the employee's attending

physician. Accrued sick leave and vacation time will be the only paid days during the pregnancy leave.

Upon return to full-time employment, the employee shall be restored to her previous or similar position with the same status, pay, length-of-service credit, vacation time, sick leave, or other benefits, if any, for which she was eligible on the date of her leave. However, if an employee's job position is so unique that the City cannot, after reasonable efforts, fill that position temporarily, then the City shall not be liable for failure to reinstate the employee at the end of her maternity leave period.

As the purpose of this provision is to promote and encourage bonding between a female employee and her newly born baby or adopted child, if the City finds that the female employee has utilized maternity leave to actively pursue other employment opportunities, or if the City finds that the employee has worked part-time or full-time for another employer during the maternity leave period, then the City shall not be liable under those provisions for failure to reinstate the employee at the end of her maternity leave.

A female employee who is prevented from giving three (3) months advanced notice because of medical emergency, which requires that maternity leave begin earlier than originally anticipated, shall not forfeit her rights and benefits under these provisions solely because of her failure to give three (3) months advance notice.

H. OCCUPATIONAL DISABILITY / WORKERS' COMPENSATION

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 may be 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 supervisor shall immediately notify the City Manager who shall submit an accident report to the designated insurance agent 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 City Manager.

All reported injuries arising out of, and in the course of one's employment, shall be governed by the Tennessee Worker's Compensation Law. Employees on occupational disability leave due to an on-the-job injury will not be charged sick leave or vacation leave during the period of convalescence.

SECTION V - MISCELLANEOUS POLICIES

A. NARCOTICS / INTOXICATING LIQUORS AND DRUG TESTING

The illegal possession and use of drugs, alcohol, and/or narcotics by employees of the City is a crime and clearly unacceptable. Employees shall not take or be under the influence of any narcotic or dangerous substance unless prescribed by the employee's licensed physician.

Employees who are required to take prescription medicine shall notify his/her immediate supervisor of the medication prescribed and the nature of the illness or injury.

Employees are prohibited from the use, possession, and sale of drugs, alcohol, or any controlled substance on City property or in City vehicles. All property belonging to the City is subject to inspection at any time without notice as there is not expectation of privacy. Property includes, but is not limited to, vehicles, desks, containers, files, and storage lockers. Employees who have reason to believe another employee is illegally using drugs or narcotics shall report the facts and circumstances immediately to their immediate supervisor. If the City has a reasonable suspicion that an employee is under the influence of drugs or alcohol such suspicion shall be considered cause for a drug or alcohol test.

All employees in safety-sensitive positions and vehicle operators that require a Commercial Driver's License are subject to alcohol and drug testing in accordance with the Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991 (P.L. 102-143, Title V) and the Natural Gas Pipeline Safety Act (49 CFR Part 199). Other employees may be subject to drug testing.

B. SEXUAL HARASSMENT

Sexual harassment by any employee or elected or appointed official of the City will not be tolerated. Sexual harassment is unwanted sexual conduct, or conduct based upon sex, by an employee's supervisor(s) or fellow employees or others at the work place that creates a hostile work environment, makes decisions contingent on sexual favors, or adversely affects an employee's job performance. Examples of conduct that may constitute sexual harassment are: sexual advances, requests for sexual favors, propositions, physical touching, sexually provocative language, sexual jokes, and display of sexually-oriented pictures or photographs.

Any employee who believes that he or she has been subjected to sexual harassment should immediately report this to their supervisor, the City Manager or a board member. The employee should feel free to circumvent the chain of command when reporting a complaint of sexual harassment. Within the limits of the Tennessee Open Records Law, the municipality will handle the matter with as much confidentiality as possible. There will be no retaliation against an employee who makes a claim of sexual harassment or who is a witness to the harassment.

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

C. FIGHTING, HORSEPLAY, DAMAGING CITY PROPERTY

Fighting, horseplay, and intentionally defacing or damaging City property is not permitted. Employees engaging in these activities will be subject to disciplinary action, which could include discharge.

D. TRIP REIMBURSEMENT

All trips that involve reimbursement and / or City expense shall NOT be undertaken without prior approval of the City Manager or Mayor. All trips fall under the guidelines of the City's travel policy – Baneberry City Ordinance 216-5. Cost of road expenses of City vehicles is paid by the City gas card.

E. INTERNET / E-MAIL USE

It is the policy of the City to provide certain employees with a connection to the Internet and to electronic mail (e-mail) to facilitate their official work. Effective use of the Internet connection and e-mail by these employees should facilitate communications, access to and the sharing of information, and increase productivity.

Employees having Internet access and e-mail privileges shall use such access only for official work and shall not visit or communicate with any sites deemed inappropriate for official use.

F. PERSONNEL RECORDS

Personnel records for each employee are kept on file and maintained by the City Recorder. Any change of address, telephone number, marital status, draft status, number of dependents, or education completed should be turned in to the Recorder.

G. ETHICS POLICY¹

¹ State statutes dictate many of the ethics provisions that apply to municipal officials and employees. For provisions relative to the following, see the Tennessee Code Annotated (T.C.A.) sections indicated:

- Campaign finance; T.C.A. Title 2, Chapter 10
 - Conflict of interests; T.C.A. § 6-54-107, 108; 12-4-101, 102
 - Consulting fee prohibition for elected municipal officials; T.C.A. §§ 2-10-122, 124
 - Crimes involving public officials (bribery, soliciting, unlawful compensation, buying and selling in regard to office); T.C.A. § 39-16-101 and the following sections
 - Crimes of official misconduct, official oppression, misuse of official information; T.C.A. § 39-16-401 and the following sections
 - Ouster law; T.C.A. § 8-47-101 and the following sections
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The following **Code of Ethics** is the Municipal Technical Advisory Service (MTAS) model and is herein adopted for the City of Baneberry.

Whenever the words "municipal" or "municipality" are used, they refer to the City of Baneberry, and whenever the words "officials" and "employees" are used, they refer to the officials and employees of the City of Baneberry.

1. **Applicability.** This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities.
2. **Definition of "personal interest".**
 - (1) For purposes of items 3 and 4 (below), "personal interest" means:
 - (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interest; or
 - (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
 - (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).
 - (2) The words "employment interest" includes a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.
 - (3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this ordinance.
3. **Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official, may recuse him/her-self from voting on the measure.
4. **Disclosure of personal interest in nonvoting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has

a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion, shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse him/her-self from the exercise of discretion in the matter.

5. **Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:
 - (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or
 - (2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.
6. **Use of information.** An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.
7. **Use of municipal time, facilities, etc.**
 - (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.
 - (2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality.
8. **Outside employment.** An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy.
9. **Ethics complaints.**
 - (1) The City Attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this ordinance, the City Attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.
 - (2) (a) Except as otherwise provided in this subsection, the City Attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this ordinance, or may undertake an investigation on his own initiative when he acquires information

indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the Attorney's judgment, constitutes a violation of this Code of Ethics.

- (b) The City Attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.
 - (c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the City Attorney or another individual or entity chosen by the governing body.
- (3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.
 - (4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.
10. **Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, other instrumentality who violates any provision of this ordinance is subject to punishment as provided by the municipality's charter or other applicable law and in addition is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

SECTION VI - SEPARATIONS AND DISCIPLINARY ACTIONS

A. TYPES OF SEPARATIONS

All separations of employees from positions with the City shall be designated as one of the following types and shall be accomplished in the manner indicated: resignations, layoffs, death, inability to perform the essential functions of the job with or without reasonable accommodations, and dismissal.

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

1. **Resignation** - In the event an employee decides to leave the City's employ, a one (1) to two (2) week notice shall be given to his/her supervisor so that arrangements for a replacement can be made. In such a case employees will be expected to return any/or all city 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 City employment, their status of seniority, pay, leave, etc., will be the same as any new employee beginning work for the first time.
2. **Layoff** - The City Manager may layoff an employee when they deem 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 which do not reflect discredit upon the service of the employee.
3. **Disability** - An employee may be separated for disability when he/she cannot perform the essential functions of the job because of physical or mental impairment that cannot be accommodated without undue hardship or because the disability poses a direct threat to the health and safety of others. The employee or the City may initiate action, but in all cases it must be supported by medical evidence acceptable to the City Manager. The City may require an examination at its expense and performed by a licensed physician of its choice.
4. **Death** - Separation shall be effective as of the date of death of an employee. All compensation due in accordance with these rules shall be paid to employee's beneficiary.
5. **Dismissal** - The City Manager may dismiss an employee.

B. DISCIPLINARY ACTIONS

The following disciplinary actions are meant to serve as guidelines only. There is no requirement that they be used. The City of Baneberry is an at-will employer and these guidelines are in no way meant to establish a property right for employees.

The types of disciplinary actions are:

1. **Oral reprimand** - The City Manager may orally reprimand the employee.
2. **Written reprimand** - A written reprimand may be sent to the employee by the City Manager and a copy shall be placed in the employee's personnel folder.
3. **Suspension** - The City Manager may suspend an employee.
4. **Demotion/Dismissal** - The City Manager may dismiss an employee.

SECTION VII - AMENDMENT OF PERSONNEL RULES

A. AMENDMENTS

Amendments or revisions of these rules may be recommended for adoption by the City Manager or by the City Commissioners. Such amendments or revisions of these rules shall become effective upon approval by resolution of the City Commission.
