City of Knoxville Administrative Rules

CITY OF KNOXVILLE

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CITY OF KNOXVILLE
ADMINISTRATIVE RULES

THE PURPOSE OF THESE ADMINISTRATIVE RULES IS TO ESTABLISH A PERSONNEL MANAGEMENT PROGRAM FOR THE CITY OF KNOXVILLE AND TO PROVIDE STANDARDIZATION AND PRACTICAL GUIDELINES TO FOLLOW IN CARRYING OUT PERSONNEL MANAGEMENT POLICIES AND PROCEDURES. THE RULES CONTAINED IN THIS MANUAL WERE PREPARED AND SUBMITTED TO ME BY THE CIVIL SERVICE DEPARTMENT AND ARE IN COMPLIANCE WITH ALL FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS INCLUDING THE CIVIL SERVICE MERIT BOARD RULES AND REGULATIONS. THESE RULES ARE APPROVED BY MY OFFICE AS MAYOR OF THE CITY OF KNOXVILLE IN ACCORDANCE WITH SECTION 2-3 OF THE CITY CODE.

Madeline Rogero

MADELINE ROGERO, MAYOR

January 6, 2012

DATE

ADMINISTRATIVE RULES – CITY OF KNOXVILLE

Table of Contents

1. GENERAL PROVISIONS

1.01 Authority
1.02 Purpose
1.03 Amendment
1.04 Administration
1.05 Non-Discrimination
1.06 Harassment Policy
1.06.01 Offensive Materials Policy
1.06.02 Computer Use Policy
1.07 Workplace Violence Policy
1.07.01 Child Protection Policy
1.08 Eligibility for Employment - Immigration Reform and Control Act of 1986
1.09 Employee Code of Ethics
1.10 Political Activity
1.11 Availability of Administrative Rules
1.12 Job Types
1.13 Emergency Powers of the Mayor
1.14 Reporting of Fraud or Theft of Public Money, Properties, or Services
1.15 Electronic Records Retention
1.16 Access to and Copies of Public Records
1.17 Limited English Proficiency Policy
1.18 Social Media Policy
1.19 Open Data Policy
Appendix A City of Knoxville Request for Inspection and Duplication of Public Records

2. CLASSIFICATION AND COMPENSATION

2.01 Development and Maintenance

3. PAY PROCEDURES

3.01 Definition of Terms
A. FLSA
B. Non-Exempt
C. On-Call
D. On-Call Pay
E. Compensable Time
F. Call Back
G. Call Back Pay
3.02 Performance Pay Increases
A. Qualification for a performance pay bonus and processing of awards
B. Performance Evaluation Oversight Committee
C. Employee Appeal Process
3.03 Holiday Pay
3.04 Part-time Pay
3.05 Shift Differential Pay Policy
3.06 Overtime Policy
A. Non-Uniformed Personnel
B. Uniformed Personnel
Police
Fire
3.06.01 Timekeeping Policy
3.07 Call Back Policy
3.07.01 Police Court Time

Table of Contents

3.07.02 On-Call Policy
3.08 Longevity Plan
A. Uniformed Bodies
B. Non-Uniformed Bodies
3.09 Moving and Travel Expenses for New Employees/Applicants

4. TRAINING AND DEVELOPMENT
4.01 Policy
4.02 Initial Employment Orientation
4.03 Tuition Reimbursement
4.03.01 Tuition Reimbursement for Police Cadets

5. ATTENDANCE, LEAVE AND HOLIDAYS
5.01 Policy
5.02 Official Paid Holidays
5.03 Work Schedule
5.04 Severe Weather Policy
5.05 Mayoral Designation of Employees Exempt from Leave Accrual
5.06 Annual Leave (Vacation)
5.06.01 Additional Leave with Pay for Exempt Employees
5.07 Requests for Annual Leave and Compensatory Time
5.08 Sick Leave
5.08.01 Use of Leave for Wellness Events and Center Appointments
5.09 Restoration of Forfeited Leave
5.10 Restoration of Leave and Seniority upon Return from Layoff
5.11 Parental Leave
5.12 Workers' Compensation
5.13 Civil Leave
5.14 Bereavement Leave
5.15 Military Leave
5.15.01 An Executive Order of the Mayor of the City of Knoxville Extending to a Full Year the Eligibility Period for Certain Supplemental Salary and Benefits to Permanent Employees Called to Active Military Duty
5.16 Leave
5.17 Two Incumbents in One Position
5.18 Policy Governing the Transfer of Employees between KUB and General Government
5.19 Policy Governing Leave Balances of Employees Who Transfer From a Quasi-City Government Agency to City Government
5.20 Family and Medical Leave
5.21 Sick Leave Bank

6. HEALTH CARE PLAN
6.01 General Provisions
6.02 Cost
6.03 Effective Date of Coverage
6.04 Coverage While In Nonpay Status
6.05 Coverage While Receiving Worker's Compensation
6.06 Coverage When Terminated or Laid-off
6.07 Reinstatement of Coverages
6.08 Changes in Coverage
6.09 Two Spouses Working for the City
6.10 Cafeteria Plan Including Flexible Spending Account
6.11 Employee Assistance Program

Table of Contents

6.12 HIPAA Privacy Policy

7. OTHER BENEFITS
7.01 Sale of Annual Leave
7.02 Voluntary Benefit Programs
7.03 Service Recognition
7.04 Death or Disability in the Line of Duty - Uniformed Employees
7.05 Workers' Compensation
7.06 Long Term Disability
7.07 Life Insurance

8. BENEFIT CONTINUATION IN THE EVENT OF ABSENCE OR SEPARATION
8.01 General Provisions
8.02 COBRA
8.03 Resignation, Retirement, or Termination of Employment
8.04 Unpaid Absence
8.05 Military Leave
8.06 Family Medical Leave – Not Due to a Work Related Injury to Employee
8.07 Family Medical Leave – Due to a Work Related Injury to Employee
8.08 Administrative Leave
8.09 Extended Paid Leave Not Subject to Family Medical Leave
8.10 Continuation of Benefits During Retirement

9. TRAVEL REGULATIONS
9.01 Policy
9.02 General Procedures
9.03 Transportation
9.04 Lodging
9.05 Meals and Incidentals
9.06 Miscellaneous Expenses/Items
9.07 Travel Reconciliation
9.08 Travel Outside United States
9.09 Disciplinary Action

10. VEHICLE USE POLICY
10.01 Introduction
10.02 General Policy
10.03 Operator Responsibilities
10.04 Preventive Maintenance
10.05 Special Policy for Lease and Lease Purchase Vehicle
10.06 Drive Home Vehicle Assignment Policy
10.07 Vehicle Accidents and Damage to City Vehicles
10.08 Out-of-Town Travel
10.09 Applicants' Driving Records
10.10 Completion of Defensive Driving Course
10.11 Executive Order of the Mayor: Establishment of a Vehicle Assignment and Drive Home Policy

11. DISCIPLINE
11.01 Policy
11.02 Types of Discipline
A. Oral Reprimand
B. Written Reprimand

Table of Contents

C. Suspension
D. Demotion
E. Termination
11.03 Reasons for Discipline
11.04 Administrative Leave

12. MISCELLANEOUS
12.01 Employee Safety
12.02 Performance Appraisals
12.03 Grievances
12.04 Eligibility for Re-Employment
12.05 Unemployment Compensation
12.06 Exit Questionnaire
12.07 Pension Plan
12.07.01 Delayed Retirement Option Program (D.R.O.P.)
Sick Leave Conversion to Pension
Annual Leave Status
12.08 Breast Feeding Support and Promotion Policy
12.09 Tobacco Policy
I. Background
II. Policy
12.10 Purchase of Flowers and Gifts
12.11 Reimbursement of Non-Travel, Business-Related Meals
12.12 Holiday Guidelines and Procedures
12.13 Cellular Phone and Communications Policy
I. Purpose and Scope
II. Cellular Service Vendors
III. Eligibility and Approval
IV. Personal Calls
V. Other Restrictions
VI. Plans, Headsets, Features, and Accessories
VII. Damage, Loss, or Theft
VIII. Usage Monitoring
IX. Program Management
X. Communication Plans
12.13.01 Appendix A: Request for Cellular Communications Devices
12.13.02 Appendix B: Reimbursement Computation Methodology for Reimbursing the City for Personal Usage of Cellular Communications Devices
12.13.03 Appendix C: Guidelines for Computing the Cellular Communications Allowance

13. ALCOHOL AND DRUG POLICY
13.01 Alcohol and Drug Policy

14. OCCUPATIONAL SAFETY AND HEALTH PROGRAM
14.01 Title
14.02 Purpose
14.03 Responsibilities
14.04 Plan of Operation for the Occupational Safety and Health Program for the Employees of the City of Knoxville
I. Purpose and Coverage
II. Definitions
III. Employer's Rights and Duties
IV. Employees' Rights and Duties

Table of Contents

V. Administration
VI. Standards Authorized
VII. Variance Procedure
VIII. Recordkeeping and Reporting
IX. Employee Complaint Procedure
X. Education and Training
XI. General Inspection and Investigation Procedures
XII. Imminent Danger Procedures
XIII. Abatement Orders and Hearings When There Is Not an Imminent Danger
XIV. Penalties
XV. Confidentiality of Privileged Information
XVI. Compliance With Other Laws Not Excused

14.05 Asbestos Management Policy
14.06 Confined Space Policy
14.07 Hazard Communication Policy
14.08 Occupational Noise Exposure Policy
14.09 Respiratory Protection Policy
14.10 Bloodborne Pathogens, Tuberculosis, and Rabies Policy
14.11 Emergency Action Plan Policy
14.12 Lockout/Tagout Policy
14.13 Personal Protective Equipment Policy

APPENDICES
I. Safety and Health Organizational Chart
II. Locations of Department and Employees
III. Notice to All Employees of the City of Knoxville
IV. Program Budget
V. Accident Reporting Procedures

15. ADA COMPLIANCE MANUAL

15.01 ADA Compliance Manual
I. General Information
II. Guidance – Departmental Functions
III. Reasonable Accommodations in Employment
IV. ADA Grievance Procedures for Employees
V. ADA Grievance Procedures for Non-Employees

ADMINISTRATIVE RULES – CITY OF KNOXVILLE

1 – General Provisions

1.01 AUTHORITY

In accordance with the directives of the Mayor of the City of Knoxville (hereafter referred to as the "City"), the Knoxville City Charter, and applicable City ordinances, the following rules and regulations are established to guide administrative personnel actions and are in addition to the Civil Service Rules and Regulations. Any City ordinance, Executive Order, Civil Service Rule, or state/federal regulation which becomes effective after the date these Administrative Rules are implemented shall supersede the applicable rules contained herein. Personnel actions taken prior to the effective date of these Administrative Rules shall be governed by the rules that were in effect on the date that such actions were taken.

1.02 PURPOSE

These rules set forth the principles and procedures that are to be followed by the City in its personnel program to the end that the City and its employees may have assurance that all personnel will be dealt with on an equitable basis, and that the citizens of Knoxville may derive the benefits and advantages which can be expected to result from a competent staff of City employees.

1.03 AMENDMENT

These administrative rules may be revised or amended by the Civil Service Director with subsequent approval by the Mayor. Amendments to these rules may be initiated by the Civil Service Director or by others through a written request to the Civil Service Director.

1.04 ADMINISTRATION

These rules shall be administered by the Civil Service Director on behalf of the Mayor, and by all Directors and Department Heads. The Civil Service Department shall have the authority to make findings and issue opinions in relation to these regulations. These rules shall apply to all employees (including those employees not covered by Civil Service) except in cases where specific exceptions are provided by Charter, ordinance, or other rule or regulation promulgated by proper authority.

1.05 NON-DISCRIMINATION

The City of Knoxville prohibits discrimination in employment on the basis of non-merit factors such as race, color, gender, age, religion, national origin, ethnic origin, gender identity, sexual orientation, creed, genetic information, and disability. The City will take all necessary steps to comply with existing federal and state fair employment laws and to provide freedom from discrimination in employment practices for all persons identified in this rule to the same extent as those protected classifications under federal and state law. Discrimination against any qualified individual in recruitment, examination, appointment, training, promotion, demotion, retention, discipline, or any other employment practices because of non-merit factors shall be prohibited.

1.06 HARASSMENT POLICY

The City is committed to providing a work environment that is free of discrimination. In keeping with this commitment, the City maintains a strict policy prohibiting sexual harassment or any other harassment based on a protected class such as race, color, gender, age, religion, national origin, ethnic origin, gender identity, sexual orientation, creed, genetic information, and disability. All forms of harassment are strictly prohibited.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to, the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex, but he/she must have been subjected to harassment because of the victim's sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

Harassment based on a legally protected class, including race, color, gender, age, religion, national origin, ethnic origin, gender identity, sexual orientation, creed, genetic information, and disability may also constitute unlawful harassment and is strictly prohibited by the City. For example, derogatory or degrading remarks, jokes, objects or pictures, or negative commentaries about a person's race, color, gender, age, religion, national origin, ethnic origin, gender identity, sexual orientation, creed, genetic information, or disability are strictly prohibited.

Any employee who believes he or she has been the subject of harassment due to his or her race, color, gender, age, religion, national origin, ethnic origin, gender identity, sexual orientation, creed, genetic information, or disability should submit a written complaint of the alleged act immediately to the Civil Service Director. In the alternative, the written report may be made to the Director of Law. If such a report is made by an employee to a supervisor, Director, or Senior Director, the party to whom the report has been made must notify the Civil Service Director or the Director of Law as soon as possible. Supervisors must report harassment as a condition of employment. Failure to report known harassment may result in disciplinary action. If deemed necessary by the

Civil Service Director, the Civil Service Director or alternatively the Director of Law or their representatives will work with Police Internal Affairs to make an investigation of the complaint immediately after the report is made. This investigation may include, but is not limited to, interviews of witnesses and examination of relevant documents. A summary report of facts will be submitted by the Civil Service Director or Director of Law to the Mayor and the Department Head of the accused employee.

There will be no retaliation against an employee who brings a good faith complaint of unlawful harassment or against any employee who provides good faith testimony or evidence during an investigation.

After the investigation of the complaint has been completed, and where the facts support the allegations made in the complaint, appropriate disciplinary action will be taken, up to and including termination. During any investigation, the City may also take any temporary action necessary to prevent further harassment until the investigation is completed and permanent action can be taken.

This policy shall be reviewed from time to time by the Director of Law.

1.06.01 Offensive Materials Policy

No City employee while on duty and/or on City property shall be in possession of any kind of sexually explicit material, and no City employee shall access such material through the City's Internet system. Any violation of this policy may result in immediate disciplinary action, up to and including termination.

The term "sexually explicit material" means any printed or written material, or any audio, film or video recording, or any pictorial representation or graphic depiction, produced in any medium, which depicts or describes nudity, including sexual organs or excretory activities, in a lascivious manner (i.e., a manner which is lewd and intended or designed to elicit a sexual response).

All departmental supervisors are responsible for monitoring their employees' work areas to ensure that this policy is enforced. Any employee encountering such material should immediately report the location and details related to the incident to the Civil Service Department as soon as possible. This policy shall not apply to employees who are required to take possession of such material during the performance of their official job duties, such as confiscation or other similar justification.

1.06.02 Computer Use Policy

Computers and related items furnished by the City are City property, intended for use by employees for City business. Computers and related items include, but are not limited to, hardware, software (including e-mail and Internet software), computer files and documents. The City has the right, but not the duty, to monitor any and all of its computers and related items including, but not limited to: monitoring employees' visits on the Internet, reviewing material downloaded or uploaded by employees, and reviewing e-mail sent and received by employees.

Waiver of Privacy

Employees have no expectation of privacy in e-mail messages, data accessed through the Internet, or any other data or information created or stored on City computers, nor does the use of passwords by employees create any privacy rights in this information. The City may access, monitor, or reproduce these messages and data, without the consent of employees, when it is deemed necessary in the sole discretion of the City. All passwords must be provided to the Department Director or Information Systems upon request. The use of undisclosed passwords is prohibited.

Prohibited Uses

The sending, displaying, disseminating, or storing of inappropriate or sexually explicit material is prohibited, unless the employee can demonstrate a legitimate City interest in such conduct (such as police investigation of criminal activity). No City employee shall use City computers in a manner that is disruptive or offensive to others, or in violation of any provision of the City's personnel policy. Other prohibited uses include, but are not limited to, any material containing ethnic slurs, racial comments, off-color jokes, or material that may be construed as sexual, racial or other harassment, or the showing of disrespect of others.

No software may be installed or downloaded on to City computers without the written permission of the Information Systems Director.

The e-mail system should not be used to solicit or to conduct personal business ventures.

Compliance with Applicable Laws and Licenses

Employees must comply with all software licenses, copyrights, and all other state and federal laws governing intellectual property and online activity. No City employee may duplicate such software without the written permission of the Information Systems Director.

Violations; Disciplinary Action

Employees who violate this policy shall be subject to legal and/or disciplinary action, up to and including termination of employment. Employees should notify their immediate supervisor or department director upon receiving any inappropriate or sexually explicit material or upon learning of violations of this policy.

1.07 WORKPLACE VIOLENCE POLICY

The City is committed to providing a safe workplace that is free from violence or threats of violence. "Violence" includes, but is not limited to, physical harm, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, interfering with an individual's legal rights of movement, and threatening or talking of engaging in violent activities. The City expressly forbids any acts or threats of violence by any current or former employee against other employees, citizens, or visitors in or around the workplace or elsewhere at any time.

All employees must submit a written report of any incidents of violent, threatening, harassing, or intimidating behavior to the Civil Service Department (or alternatively the Law Department). Any situation in which an employee witnesses actual violence or reasonably believes that there is an imminent threat of violence should be reported directly to the Knoxville Police Department or to 911.

All reports of violence, threats, harassment, intimidation, and other disruptive behavior will be taken seriously and investigated by the Civil Service Department and the Knoxville Police Department. Individuals who commit and/or threaten violent acts will be dealt with appropriately up to and including termination of employment and/or criminal penalties. There will be no retaliation against an employee who brings a good faith complaint of workplace violence or against any employee who provides good faith testimony or evidence during an investigation.

1.07.01 CHILD PROTECTION POLICY

Policy Statement

The City of Knoxville will not tolerate any behavior constituting Sexual Misconduct involving minors by its employees, volunteers or participants in any of the City's Parks and Recreation Programs or other City programs.

"Sexual Misconduct" as used in this policy means: As defined by the State of Tennessee, the actual or attempted commission of the following criminal acts against a minor child: (1) sexual assault, (2) sexual abuse, (3) sexual exploitation, (4) sexual solicitation, (5) statutory rape, in any degree, or (6) public indecency.

Reporting Sexual Misconduct Involving a Minor

The City of Knoxville is dedicated to providing a child-safe environment for all minors that are involved in City programs. Employees and volunteers are prohibited from having any type of sexual relationship with a minor who is a participant in a City program, even if the minor or the minor's parent(s) provide express consent.

Employees and volunteers who commit sexual misconduct involving a minor shall be reported to the proper legal authorities and appropriate disciplinary action shall be taken, up to and including termination.

Complaint Involving Employees/Volunteers: Any participant in a City program who is a minor child and who believes that he or she has been the subject of Sexual Misconduct by an employee or volunteer of the City should contact the Knoxville Police Department at 215-7000. The Knoxville Police Department shall contact the appropriate authorities, as required by state law. A summary report of facts will be submitted to the Director of Law and the Department Head of the accused employee.

Furthermore, if any parent, guardian, employee or volunteer witnesses or is informed of any act of Sexual Misconduct occurring on City property or during the course of a City program, they shall report the occurrence to the Knoxville Police Department at 215-7000. There will be no retaliation against an employee or volunteer who brings a good

faith complaint regarding Sexual Misconduct or against any employee who provides good faith testimony or evidence during an investigation. The Knoxville Police Department shall contact the appropriate authorities, as required by state law.

Complaints Involving Non-employees: If any employee or volunteer witnesses or is informed of any act of Sexual Misconduct occurring on City property or during the course of a City program that involves a person that is not a volunteer or City employee, they shall report the occurrence to the Knoxville Police Department at 215-7000. The Knoxville Police Department shall contact the appropriate authorities, as required by state law.

Mandatory Reporting Requirements: In accordance with Tennessee State law, any person who has knowledge of or has reasonable cause to suspect that a child has been sexually abused shall report such information to the proper authorities. The report shall be made in accordance with T.C.A. § 37-1-403 and T.C.A. § 37-1-605 to one of the following entities:

a. the Chief Law enforcement official of the municipality where the child resides;
b. the Department of Children's Service's Central Intake Division Child Abuse Hotline at 1-877-237-0004 or 1-877-54ABUSE;
c. the Sheriff of the county where the child resides; OR
d. the Judge having juvenile jurisdiction over the child.

1.08 ELIGIBILITY FOR EMPLOYMENT – IMMIGRATION REFORM AND CONTROL ACT OF 1986

The Immigration Reform and Control Act requires that the City verify the identity and employment eligibility of all new employees. All new City employees must complete all required forms and submit appropriate documentation within three days of initial employment.

In accordance with Federal Law, the City shall not discriminate against any individual (other than an unauthorized alien) in hiring, discharging, promoting or other personnel actions because of that individual's national origin or, in the case of a citizen or intending citizen, because of his/her citizenship status. However, State laws require that all Police Officers must be United States citizens.

1.09 EMPLOYEE CODE OF ETHICS

All City employees are required to maintain the highest ethical standards in the conduct of their official duties. In order to fulfill this requirement, the following points are made:

A. There shall be no activity which is in conflict with the interest of the City or employee's official duties.

B. City employees cannot use their position with the City for private interest.

C. No employee shall directly or indirectly accept any gift, favor or service in any form under circumstances from which it could reasonably be inferred that the gift was

intended to influence the employee, or reasonably be expected to influence the employee, in the performance of the employee's official duty or was intended as a reward for any official act by the employee which benefits another party.

D. Personal characteristics such as honesty, courtesy, dependability, sobriety, industry, and use of sound judgment are requirements for all employees in all classes of work throughout City employment.

E. To the extent of conflict between this rule and the provisions of any ordinance enacted by City Council, the provisions of the ordinance control.

1.10 POLITICAL ACTIVITY

In accordance with Section 1012 of the Knoxville City Charter, no person in the service of the City or seeking admission thereto, shall be appointed, reduced, removed or in any way favored or discriminated against because of political opinions or affiliations. No employee in the classified or unclassified service shall in any way use an official position to (1) coerce, induce or persuade any person or group of persons to support, or (2) in any manner, assist any political organization or candidate for public office by virtue of or through the use of their official position. Any willful violation by an employee, classified or unclassified, of any of the above prohibitions shall be sufficient grounds for the discharge of such employee.

Also in accordance with Section 1012(B) of the Charter, any classified employee who wishes to accept or to seek nomination, election, or appointment to public office shall take an unpaid leave of absence from the service, which shall not be unreasonably withheld, upon indicating such intention by formal declaration and/or other evidence of candidacy. Upon such election or appointment the classified employee shall resign from the service of the City. Nothing in these rules, however, shall be construed to prevent any employee from becoming and/or continuing to be a member of a political organization, from attending any political meetings or from enjoying complete freedom from all interference in exercising their rights as citizens.

1.11 AVAILABILITY OF ADMINISTRATIVE RULES

These rules shall be made available to all employees. Any employee who desires to review the rules may request from his/her supervisor permission to review these rules, and the supervisor shall make a copy available for review. The rules may be accessed on the Civil Service Department link of the City intranet website. Copies may also be obtained from the Civil Service Department, Suite 569, City/County Building upon request.

1.12 JOB TYPES

For the purpose of these Administrative Rules, the following are definitions of the various types of employment in City government:

Regular - employed for an indefinite period as reflected in personnel records

Temporary - hired for a specific period as reflected by personnel records (No benefits are available to temporary employees)

Full-time - scheduled to work at least 35 hours weekly or 70 hours biweekly as reflected by personnel records

Part-time - scheduled to work between 25 and 34 hours per week (eligible for partial benefits if employed on a regular basis in accordance with the provisions of these Administrative Rules)

or

scheduled to work less than 25 hours per week (eligible, if employed on a regular basis, for pension benefits and holiday pay only).

1.13 EMERGENCY POWERS OF THE MAYOR

In accordance with Article 3, Section 303, Paragraph (m) of the Charter of the City of Knoxville, in case of a public crisis, such as conflagration, riots, storms, earthquakes, or other unusual perils to the lives, liberty and property of the citizens of Knoxville, it shall be the right and duty of the Mayor of Knoxville to summon all the forces and different departments of the City for the purpose of protecting the lives, liberty and property of the citizens; and it shall be the right and duty of the Mayor to summon, deputize or otherwise employ such other persons as the Mayor may deem necessary outside of the regular forces of the City for the purpose of rendering the necessary protection to the citizens and to the City of Knoxville.

1.14 REPORTING OF FRAUD OR THEFT OF PUBLIC MONEY, PROPERTY OR SERVICES

The Local Government Instance of Fraud Reporting Act, Tenn. Code Ann. § 8-4-501, *et seq*., requires a public official who obtains “information that reasonably causes the official to believe that a theft, forgery, credit card fraud, or other unlawful taking of public money, property, or services has occurred” to report that information to the Comptroller of the Treasury of the State of Tennessee within five (5) working days. Under state law, “public official” means a person elected or appointed to any office of a governmental entity, which therefore includes all employees of the City of Knoxville. To promote compliance with state law and to allow for appropriate investigation and prosecution, any City employee with knowledge of an unlawful taking of public money, property or services is required to immediately report all information regarding the incident to the Comptroller for the City of Knoxville on the form provided by the Department of Finance and Accountability. Information provided to the City Comptroller will be forwarded to the Comptroller of the State of Tennessee, in compliance with state law.

1.15 ELECTRONIC RECORDS RETENTION

Purpose

In today's environment, employees create and maintain an increasing portion of their records using computers. Electronic records must be managed alongside traditional records to ensure compliance with state and federal regulations and to preserve the history of the City. The purpose of this policy is to inform City of Knoxville employees and the public of the requirements and responsibilities for management and disposition of electronic records.

Scope

The electronic records retention policy set forth herein applies to all employees of the City of Knoxville and applies to all electronic records that are made or received in the transaction of City of Knoxville business.

Definitions

A. The term "electronic record" means any record that is created, received, maintained or stored on City of Knoxville's local workstations or central servers. Examples include, but are not limited to:

- electronic mail ("e-mail")
- word processing documents and spreadsheets
- databases
- pictures and video
- maps and drawings

B. The term "legal custodian" means the originator of an e-mail message or the creator of an electronic document if that person is a City of Knoxville employee; otherwise it is the City of Knoxville employee to whom the message is addressed or to whom the electronic documents is sent. If the record is transferred, by agreement or policy, to another person for archival purposes then that person becomes the legal custodian.

C. "Official records retention and disposition schedules" are the general and departmental program schedules that have been approved by the City of Knoxville and set forth in City Code § 2-761 *et seq*.

D. The term "archiving" shall mean the process of saving e-mail infrequently accessed on City of Knoxville e-mail servers.

E. The term "purging" shall mean to systematically and permanently delete e-mail older than the specified retention length.

Policy Statement

A. General Requirements

Maintenance and disposal of electronic records, as determined by the content, is the responsibility of the legal custodian and must be in accordance with guidelines established by the City of Knoxville and also in compliance with the City code and state law. Failure to properly maintain electronic records may expose the City and individuals to legal risks.

The department head of each office having public records is responsible for ensuring compliance with this Policy, the City code and with the Public Records Act, Tenn. Code Ann. § 10-7-503, *et seq.* When an employee leaves a department or the City, the department head or his/her designee is responsible for designating a new custodian and ensuring that any public records in the separating employee's possession are properly transferred to the new custodian within ten (10) days of transfer or termination. The department head or his designee is responsible for contacting Information Systems to arrange for the transfer of the electronic records to the new custodian before the accounts are scheduled to be deleted. Should the department head or his designee fail to arrange for the transfer to the new custodian, the electronic records shall be transferred to the possession of the department head.

B. Electronic Mail

Work-related e-mail is a City of Knoxville record, and must be treated as such. Each e-mail user must take responsibility for sorting out personal messages from work-related messages and retaining City of Knoxville records as directed in official records retention and disposition schedules. E-mail that does not meet the definition of a public record, e.g., personal e-mail or junk e-mail, should be deleted immediately from the system.

City of Knoxville e-mail servers are NOT intended for long-term record retention. E-mail messages and any associated attachment(s) with retention periods greater than five (5) years are to be printed and filed in similar fashion to paper records. The e-mail message should be kept with the attachment(s). The printed copy of the e-mail must contain the following header information:

- who sent message
- to whom the message was sent
- date and time message was sent
- subject

When e-mail is used as a transport mechanism for other record types, it is possible, based on the content, for the retention and disposition periods of the e-mail and the transported record(s) to differ. In this case, the longest retention period shall apply. Only the final e-mail from a series of exchanges needs to be retained providing it is historically complete.

C. Instant Messaging

The City does not authorize the use of Instant Messaging (IM) for City of Knoxville business.

D. IS Backup Files

Information Systems performs backups of the e-mail and electronic files stored on central servers on a regular schedule for disaster recovery. These backups are to be used for system restoration purposes only. The Information Systems administrator is not the legal custodian of messages or records which may be included in such backups.

E. Litigation Holds

When litigation against the City of Knoxville or its employees is filed or threatened, the law imposes a duty upon the City of Knoxville to preserve all documents and records, including electronic records, that pertain to the issues. Any City employee who becomes aware that litigation may arise from a particular circumstance has a duty to report that circumstance to the Law Department through supervisory channels immediately.

As soon as the Law Department is made aware of pending or threatened litigation, a litigation hold directive will be issued to the legal custodian(s) of paper or electronic records that may be related to the litigation. The litigation hold directive will, as appropriate,

- specify that all documents related to the litigation must be preserved;
- identify the sources of all possible evidence (correspondence, memoranda, faxes, hard drives, network and e-mail servers, handheld electronic devices, etc.)
- specify a point person to oversee the preservation process;
- identify a relevant time frame; and
- specifically direct that all discoverable evidence may not be destroyed, modified or otherwise disposed of, and suspend any routine document destruction procedures.

To the extent possible, paper and electronic records subject to the litigation hold directive will be segregated and kept separate from other paper and electronic records and identified appropriately. The litigation hold directive overrides any records retention schedule that may have otherwise allowed or required the transfer, disposal or destruction of the relevant documents until the hold has been cleared by the Law Department. E-mail, hard drives and computer accounts of separated employees that have been placed on a litigation hold by the Law Department will be maintained by Information Systems until the hold is released.

No employee having been notified by the Law Department or who otherwise knows or should know of a litigation hold may alter or delete a paper or electronic record that falls within the scope of that hold. Violation of the hold may subject the

individual to disciplinary action, up to and including dismissal, as well as liability for sanctions by the courts.

F. Archiving E-mails

An employee may choose to archive e-mails for a period of five (5) years. Archiving e-mails is for the convenience of the user and is not intended as a permanent method of storage.

G. Purging E-mails

Information Systems has the right to purge both archived and online e-mail boxes of content more than five (5) years old each year. Information Systems will provide employees fourteen (14) days notice prior to purging.

Enforcement

Failure to comply with the Electronic Records Retention Policy and associated guidelines and procedures may result in disciplinary action.

Review

This policy will be reviewed periodically by the Law Director and the Director of Information Systems.

1.16 ACCESS TO AND COPIES OF PUBLIC RECORDS

Pursuant to § 1411 of the Charter of the City of Knoxville and Tenn. Code Ann. § 10-7-503, *et. seq.*, and subject to the limitations contained therein and any other applicable law, public records of the City of Knoxville shall be open for public inspection.

City employees shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Administrative Rule shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the City, shall be protected as provided by current law. Concerns about this Policy should be addressed to the public records request coordinator for the City of Knoxville or to the Tennessee Office of Open Records Counsel ("OORC"). The City of Knoxville's public records request coordinator is the Director of Communications, 400 Main Street Room 654A, Knoxville, TN 37902, (865) 215-3710 or communications@knoxvilletn.gov.

Like all Administrative Rules, this Administrative Rule is available for inspection and duplication in the office of the Department of Communications, and shall be posted online at http://www.knoxvilletn.gov/government/city_departments_offices/communications/. This Policy shall be reviewed every two years**.**

Under the authority granted to the Mayor by Article III, §§ 301 and 303 of the Charter of the City of Knoxville and § 2-3 of the Knoxville City Code, and pursuant to TENN. CODE

ANN. § 10-7-503(g), access to and copying of public records shall be governed by the following:

The Schedule of Reasonable Charges (including production and labor charges) and the Frequent and Multiple Requests for Copies Policy promulgated by the Tennessee Comptroller of the Treasury, Office of Open Records Counsel, are hereby adopted for the City of Knoxville, except where an ordinance or written policy adopted by an administrative department of the City establishes a different schedule of charges in accordance with law. Aggregation of multiple or frequent requests shall begin when a requestor makes four (4) or more requests per calendar month.

Where, in the discretion of the public records request coordinator, copies of records are provided by CD, DVD or other similar electronic medium, the City may charge a fee not to exceed ten dollars ($10) per disk in lieu of the cost of paper copies to offset media costs and any additional preparation expenses.

For security purposes, records custodians may decline to accept or use open, out-of-the-box or previously used electronic storage devices (flash drives, memory cards, etc.) provided by requestors.

By law, non-citizens of Tennessee do not have a right to inspect or copy public records. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of identification) may be required as a condition to inspect or receive copies of public records.

Records custodians, in their discretion, may allow inspection or copying of public records by non-citizens, but such access should not be granted at taxpayer expense. Costs for such access shall be governed by the Schedule of Reasonable Charges (including production and labor charges) promulgated by the Tennessee Comptroller of the Treasury, Office of Open Records Counsel, except that non-citizen requestors shall pay all labor costs related to inspection or copying, including the first hour of labor and regardless of whether copies are requested. Records custodians shall ensure that non-citizen requests are not approved or disapproved in an unlawfully discriminatory manner.

The public records request coordinator shall have the authority to waive any charges allowed herein where the public interest so requires.

Because of questions regarding the validity of requests for information from request fulfillment services, particularly those located outside the State of Tennessee, the City is not required to provide copies of public records through such entities. The City accepts electronic requests by direct electronic communication such as e-mail or the online form provided by the Department of Communications on the City's web site.

Requests for inspection and/or copying of public records, whether made in person at the offices of a City department or the public records request coordinator, or by mail, by phone or by e-mail or other direct electronic communication, may be handled in two different ways. Where a department has a designated office responsible for providing inspection or copying of public records in the ordinary course of business, and such requests are handled on a "while you wait" basis, records custodians may provide such

access, including copies, without completing the standard (or the department's specialized version of) the City of Knoxville Request for Inspection and Duplication of Public Records form (attached hereto as **Appendix A**). Records custodians shall maintain a register of all amounts collected for copying charges and shall handle any funds received in accordance with established City policy.

All other requests to inspect or copy public records shall be directed by the receiving City employee to the public records request coordinator, who shall review all requests in a timely manner and respond (or direct the response of the appropriate records custodian) in accordance with state law and within the time frame set forth therein. Where public records requested include any information made confidential under state or federal law, the public records request coordinator shall work in coordination with the Law Department to ensure that confidential information is redacted prior to release.

1.17 LIMITED ENGLISH PROFICIENCY POLICY

In compliance with Title VI of the 1964 Civil Rights Act and Executive Order 13166, the City of Knoxville (the "City") will take reasonable steps to ensure that persons with Limited English Proficiency ("LEP") have meaningful access and an equal opportunity to participate in all services, activities, and programs. LEP individuals are those who are unable to speak, read, write, or understand the English language at a level that permits them to interact effectively with the City's service providers. The policy of the City is to ensure meaningful communication with persons that experience LEP and their authorized representatives. This policy also provides for the communication of information contained in vital documents, meaning any document containing information that is critical for accessing services, activities, and programs, e.g., letters or notices requiring the response of an LEP individual and documents that inform LEP individuals of free language assistance. All interpreters, translators, and other aids needed to comply with this policy shall be provided without cost to the person being served.

The City's LEP Policy governs the City, City employee functions and actions, and sub recipients of federal funds through the City. This Policy does not govern organizations that make use of City space for non-City events.

Language assistance will be provided through the use of competent bilingual staff, staff interpreters, contracts or formal arrangements with organizations providing interpretation or translation services, or technology and telephonic interpretation services. All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter. The City will conduct a regular review of the language access needs of its service population and will update and monitor the implementation of this LEP Policy, as necessary.

PROCEDURES:

A. Written Notice Of Language Access Rights

Language access statements will inform LEP individuals of the following:

1. Information about available LEP services, including their ability to utilize qualified interpreter services at no cost to them;

2. Basic instructions on accessing services, activities, and programs, including directions to appropriate City offices; and

3. Their ability to file a grievance about the language access services provided to them.

Language access statements will be distributed in the major LEP languages appropriate for the City. Distribution decisions (i.e., what documents will contain language-access statements and where they will be located) will be based on the importance or urgency of the service and the volume of public contact. Distribution will occur through the following methods:

1. Posting of signs in lobbies and waiting areas;

2. Posting of signs on bulletin boards located in areas of public access; and

3. Statements in brochures, booklets, outreach, recruitment information, and other materials that are routinely disseminated to the public.

City departments will post signs containing language access statements within each of their departments.

B. Identifying LEP Persons And Their Languages

The City will promptly identify the language and communication needs of the LEP person. If necessary, staff will use a language identification card ("I speak cards") or posters to determine the language. In addition, when records are kept of past interactions with individuals or their family members, the language used to communicate with the LEP person will be included as part of the record. These records may be used to determine the level of LEP services and make and evaluate changes to LEP services.

C. Obtaining A Qualified Interpreter

Qualified interpreters are persons with a demonstrated proficiency in English and another language, a demonstrated knowledge in both languages of relevant specialized terms or concepts, and documentation of completion of training on the skills and ethics of interpretation and awareness of relevant cultural issues. Qualified interpreters will be required to comply with the City's confidentiality policies and the ethics provision in the Knoxville Code when interpreting or translating.

The City's Title VI Coordinator is responsible for maintaining an accurate and current list showing the name, language, phone number, and hours of availability of bilingual staff, which is provided on the Community Relations intranet website at http://insideknoxville.knx/ComRelation/default.aspx. City departments may use this list to contact the appropriate bilingual staff member to interpret if an employee who

speaks the needed language is available and is qualified to interpret. City departments may also obtain an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.

Fluent Language Line has agreed to provide qualified interpreter services, which are available 24/7. The agency's telephone number is 1-855-869-7238.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual in writing **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the department. Such an offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person, and the LEP person may not use the family member or friend as an interpreter.

Children (i.e., persons under the age of 18) will **not** be used to interpret to ensure confidentiality of information and accurate communication.

Public meeting notices will include a statement explaining that interpreters will be provided upon request if requested at least 5 business days before the meeting.

D. Providing Written Translations

When translation of vital documents is needed, each department in the City will submit documents for translation into frequently encountered languages to the Title VI Coordinator. Original documents being submitted for translation will be in final, approved form.

The City will set benchmarks for translation of vital documents into additional languages over time.

All restrictions placed upon interpreters and their interpretations detailed in Section 3 of this LEP Policy equally apply to written translators and their translations.

E. Monitoring Language Needs And Implementation

On an ongoing basis, the City will assess changes in demographics, types of services, or other needs that may require reevaluation of this LEP Policy and its procedures. In addition, the City will regularly assess the efficacy of these procedures, including, but not limited to, mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, and feedback from the public and community organizations.

F. Employee Training

All City employees will receive LEP training. Employees should know their obligations to provide LEP individuals with meaningful access to City services, programs, and activities. The more frequent the contact with LEP individuals, the greater the need for in-depth training. Employees with little or no contact with LEP individuals must be aware of this LEP Policy and their Department-Specific LEP Policy ("DSP"). Employees in management positions, even if they do not interact regularly with LEP individuals, must be fully aware of and understand this LEP Policy and their respective DSP so that they can reinforce the importance and ensure the implementation of the policies.

LEP training on a City-wide level will be planned and carried out by the Title VI Coordinator. The Title VI Coordinator will conduct "train-the-trainer" sessions for all of the LEP department liaisons on an annual basis and by request. LEP department liaisons will be expected to lead the training efforts for their respective departments and employees.

Each City department will be responsible for the LEP training of all of its employees. Each City department will develop its training program based on this LEP Policy and the department's DSP. The training will be led by the designated LEP department liaison.

At a minimum, the City will ensure that:

- All City employees know about the City's LEP Policy;
- All City employees who are in public contact positions will be trained to work effectively with in-person and telephone interpreters and translators; and
- The City will provide training, including a copy of the City's LEP Policy, as part of the City's orientation for new City employees.

1.18 SOCIAL MEDIA POLICY

NOTE: This policy sets guidelines for official use of social media by City of Knoxville departments and personnel. It does not address private use of social media by City of Knoxville employees. Individual departments may establish their own further guidelines for personal social media use by employees.

General Guidelines

Social media can provide quick, effective means of communication with the general public about City of Knoxville services, events and projects. Social media platforms can include, but are not limited to: Facebook, Twitter, Instagram, Vine and Pinterest. City of Knoxville departments and offices that wish to create their own social media accounts for purposes of public communication are allowed to do so, as long as they adhere to the guidelines set forth below.

A. Website As Primary Outlet

The City of Knoxville's primary online presence is the official City of Knoxville website, www.knoxvilletn.gov. Unlike third-party social media platforms, the website is owned and controlled by the City of Knoxville. As much as possible, social media posts and pages should refer and link to information on the website. Social media should be thought of as auxiliary communications outlets branching off of the website, rather than as separate, stand-alone platforms.

B. Content

Employees representing the City through social media outlets or participating in social media features on City websites must maintain a high level of ethical conduct and professional decorum. Failure to do so is grounds for revoking the privilege to participate in City social media sites, blogs, or other social media features.

Employees should remember that content and messages posted on City social media platforms are public and may be perceived and cited as official City statements by the media or the general public.

Where practical, City social media platforms should visibly display the City of Knoxville logo, the 311 logo and a link to the City of Knoxville website (knoxvilletn.gov).

Any available filters for profanity and offensive language should be enabled for any City of Knoxville social media account.

Content of all social media posts should be:

- **Accurate** – Verify the spellings of names and places, the dates, times and locations of events, and the functionality of any hyperlinks included in the post;
- **Grammatically Correct** – Use proper sentence structure, punctuation and capitalization, to the extent possible. Abbreviations and shortcuts are okay in Twitter, which has a strict character limit, but make sure your meaning is clear;
- **Professional** – Social media encourages a conversational tone, which can be helpful in presenting information in a friendly and accessible way, but there is a balance to strike in maintaining professional credibility. Remember you are speaking not only for yourself but for the City as a whole;
- **Civil** – Do not engage in arguments or hostile exchanges through social media. It is fine to answer questions to the best of your ability, but do not get drawn into combative dialogue with people who just want to vent or sling insults. You can always end an exchange by referring people to 311 for more information or to file a complaint;

- **Concise** – Even on social media platforms without a mandatory character limit, social media posts should be as short as possible. A few sentences or a few short paragraphs with links to supporting material should suffice in most cases.

C. Frequency

Social media is only effective if used with some regularity. Although posting frequency may vary depending on the specific needs of the department or office, in general social media should be used on at least a weekly basis. If you do not generate enough material to post weekly, then you probably do not need a social media platform. Instead, you can forward information to the City Webmaster to be posted on the website and on our primary social media (the City of Knoxville Facebook page, the Mayor's Facebook page, etc.).

D. Administrative Authority

All City of Knoxville social media platforms should be approved in advance by the Director of Communications, and will be subject to annual review.

In addition to the primary operators of the social media platform, members of the Communications Department should be designated as administrators of any City of Knoxville social media accounts. This should include the Communications Director and City Webmaster. This provides backup in case information needs to be updated, amended or deleted at a time when the primary operators are unavailable. Members of the Communications Department will step in only on an emergency basis or as requested by the primary administrators or by the Mayor. Our intent is to provide as much freedom as possible to the primary administrators, but repeated violations of this policy by any City employee could lead to suspension of administrative privileges for the relevant social media accounts.

E. Retention and Archiving of Material

Material posted to City of Knoxville social media accounts is considered public record. All of our social media posts, comments and interactions will be archived for easy access and reference. Social media records will be subject to the same rules and restrictions as all other public records.

F. Public Comment and Terms of Service

Public interaction is an important component of effective social media, but it needs to be monitored. On Facebook pages or any other platform where comment is allowed, the following Terms of Service must be posted:

"This is a City of Knoxville social media platform. Please be civil and respectful in any comments, questions or interactions with other commenters. Comments will be deleted for use of profanity, obscenity, racial or cultural slurs, threatening language, sexual content, or harassment. Promotions of commercial enterprises or any other spam text will also be deleted, as will personal identifying information published without the subject's consent.

City of Knoxville social media sites are subject to applicable public records laws. Any content maintained in a social media format related to City business, including communication posted by City representatives and communication received from citizens, is a public record."

Any offensive comments should be flagged and referred to the Director of Communications for review and possible action, up to and including deletion.

1.19 OPEN DATA POLICY

The following policy sets guidelines for the City of Knoxville with regard to open access to data held by the City of Knoxville.

Section 1: Definitions

a. "Data" means statistical, factual, quantitative, or qualitative information that is maintained or created by or on behalf of a City agency.

b. "Open data" means data that is available online, in an open format, with no legal encumbrances on use or reuse, and is available for all to access and download in full without fees. "Legal encumbrance" includes federal copyright protections and other non-statutory legal limitations on how or under what conditions a dataset may be used.

c. "Open format" means any widely accepted, nonproprietary, platform-independent, machine-readable data format, which permits automated processing of such data and facilitates analysis and search capabilities.

d. "Dataset" means a named collection of related records, with the collection containing data organized or formatted in a specific or prescribed way, often in tabular form.

e. "Protected information" means any dataset or portion thereof to which an agency may or must deny access pursuant to state or federal law related to privacy or confidentiality, or any other law or rule or regulation.

f. "Sensitive information" means any data which, if published by the City online, could raise privacy, confidentiality or security concerns or have the potential to jeopardize public health, safety or welfare to an extent that is greater than the potential public benefit of publishing that data.

g. "Publishable data" means data which is not protected or sensitive and which has been prepared for release to the public.

Section 2: Open Data Program

a. The City commits to develop and implement practices that will allow it to:

1. Proactively release all publishable City data, making it freely available in open formats, with no restrictions on use or reuse, and fully accessible to the broadest range of users to use for varying purposes;
2. Publish high quality, updated data with documentation (metadata) and permanence to encourage maximum use;
3. When feasible, provide or support access to free, historical archives of all released City data;
4. Measure the effectiveness of datasets made available through the Open Data Program by connecting open data efforts to the City's programmatic priorities;
5. Minimize limitations on the disclosure of public information while appropriately safeguarding protected and sensitive information; and
6. Encourage and support innovative uses of the City's publishable data by agencies, the public, and other partners.

b. The development and implementation of these practices shall be overseen by the Data Governance Committee named in Section 3, reporting to the Mayor or the Mayor's designee.

c. This Executive Order (and subsequent Administrative Rule) shall apply to any City department, office, administrative unit, commission, board, advisory committee or other division of City government ("agency").

d. Appropriate funding shall be sought from City Council to achieve the goals of this program.

Section 3: Governance

a. Implementation of the Open Data Program will be overseen by a Data Governance Committee comprised of the Director of Communications, the Director of Public Works, the Director of Information Systems, the Law Director and the 311 Director, or their designees, who will work with the City's departments and agencies to:

1. For each City agency, identify and publish appropriate contact information for a lead open data coordinator who will be responsible for managing that agency's participation in the Open Data Program;
2. Oversee the creation of a comprehensive inventory of datasets held by

each City agency which is published to the central open data location and is regularly updated;

3. Develop and implement a process for determining the relative level of risk and public benefit associated with potentially sensitive, non-protected information so as to make a determination about whether and how to publish it;
4. Develop and implement a process for prioritizing the release of datasets which takes into account new and existing signals of interest from the public (such as the frequency of public records requests), the City's programmatic priorities, existing opportunities for data use in the public interest, and cost;
5. Proactively consult with members of the public, agency staff, journalists, researchers, and other stakeholders to identify the datasets which will have the greatest benefit to City residents if published in a high quality manner;
6. Establish processes for publishing datasets to the central open data location, including processes for ensuring that datasets are high quality, up-to-date, are in use-appropriate formats, and exclude protected and sensitive information;
7. Ensure that appropriate metadata is provided for each dataset in order to facilitate its use;
8. Develop and oversee a routinely updated, public timeline for new dataset publication; and
9. Ensure that published datasets are available for bulk download without legal encumbrance.

b. In order to increase and improve use of the City's open data, the Data Governance Committee will actively encourage agency and public participation through providing regular opportunities for feedback and collaboration.

Section 4: Central Online Location for Published Data

a. The City will create and maintain a publicly available location on the City's website or in another suitable online location where the City's published data will be available for download.

b. Published datasets shall be placed into the public domain. Dedicating datasets to the public domain means that there are no restrictions or requirements placed on use of these datasets.

c. Each published dataset should be associated with contact information for the appropriate manager of that dataset as well as with a file layout or data dictionary that provides information about field labels and values.

Section 5: Open Data Report and Review

a. Within one year of the effective date of this Executive Order, and annually thereafter, the Data Governance Committee shall publish an annual Open Data Report. The report shall include an assessment of progress towards

achievement of the goals of the City's Open Data Program, an assessment of how the City's open data work has furthered or will further the City's programmatic priorities, and a description and publication timeline for datasets envisioned to be published by the City in the following year.

b. During the review and reporting period, the Data Governance Committee should also make suggestions for improving the City's open data management processes in order to ensure that the City continues to move towards the achievement of the policy's goals.

APPENDIX A

CITY OF KNOXVILLE REQUEST FOR INSPECTION AND DUPLICATION OF PUBLIC RECORDS

Requestor Instructions: To make a request for copies of public records fill in sections 1-4. Do not sign and date the signature line until the records are received.
Custodian Instructions: For requests to inspect only, the records custodian is to fill in sections 1-5 and 8. For requests for copies, the records custodian is to fill in sections 5-8. Do not sign and date the signature line until the records are delivered to the requestor. Payment is due prior to delivery of copies.

NOTE: Pursuant to Tenn. Code Ann. § 10-7-503(a)(7)(A), unless the law specifically requires it, a request to inspect public records (without copying) is not required to be writing, nor can a fee be assessed for inspection of records (without copying).

1. Name of requestor: _____
(Print or Type; Initials required for copy requests)

2. Form of identification provided:
   - ☐ Photo ID issued by governmental entity including requestor's address
   - ☐ Other: _____

3. Requestor's address and contact information:
_____
_____

4. Record(s) requested for inspection/copying:
   a. Previously inspected on_____(date)
   b. Type of record: ☐ Minutes ☐ Annual Report ☐ Financial Statements
   ☐ Budget ☐ Employee file ☐ Photograph/video
   ☐ Accident/Incident Report ☐ Contract ☐ Other

   c. Detailed description of record(s) including relevant date(s) and subject matter:
_____
_____
_____
_____

5. Request submitted to: _____
(Name of Governmental Entity, Office or Agency)
   a. Employee receiving request: _____

(Print or Type and Initial)

b. Date and time request received: _____

6. Response: □ Same day □ Other:

7. Costs
   a. Number of pages to be copied:_____□ Estimated
   b. Cost per page: 15 ¢ (black and white) 50 ¢ (color)
   c. Estimate of labor costs to produce the copy (for time exceeding the first hour):
      □ Labor at $_____/hour for_____hour(s).
      □ Labor at $_____/hour for_____hour(s).
      □ Labor at $_____/hour for_____hour(s).
   d. Programming cost to extract information requested:_____
   e. Method of delivery and cost:_____□ Estimated
      □ On-site pick-up □ U.S. Postal Service □ Other:_____
   f. Estimate of total cost to produce request: _____
   g. Estimate of cost provided to requestor: □ in person □ by USPS □ by phone
      Other:_____

8. Form, Amount, Date of Payment:
   a. Form of payment: □ Cash □ Check □ Other _____
   b. Amount of payment: _____
   c. Date of payment: _____

9. Date of Delivery: _____

_____ _____
Signature of Records Custodian Date

_____ _____
Signature of Requestor Date

2.01 DEVELOPMENT AND MAINTENANCE

In accordance with Chapter 2, Article III of the Code of the City of Knoxville, the Civil Service Merit Board is responsible for and has developed rules regarding the development and maintenance of the classification and compensation plans for the City of Knoxville. Related sections contained in the Civil Service Merit Board Rules may include, but are not limited to:

- Authority
- Purpose
- Administration of the classification plan
- Creation of new positions
- Review of requisitions
- Abolishing a position
- Changes in duties of positions
- Reclassification of a position
- Funding
- Administration of the compensation plan
- Composition
- Adoption and amendment
- Use of salary ranges
- Minimum entrance rate
- Completion of one year of service
- Performance increases
- Performance bonuses
- Pay adjustments in reinstatement, promotions, transfers, and reclassifications
- Annual pay increases
- Maximum rate of pay
- Compensation surveys

3.01 DEFINITION OF TERMS

The following definitions will apply in this Article, unless specifically stated otherwise:

A. FLSA: Fair Labor Standards Act of 1938.

B. Non-Exempt: An employee covered by the minimum wage and overtime provisions of the FLSA.

C. On-call: Employees who are free to use their time effectively for their own purposes (within the restrictions of this Article), so long as they leave word with the appropriate supervisory personnel as to where they can be reached, and who are required to respond within a designated number of minutes are considered on-call. Unless an employee is actually called out to work, time spent on-call will not be included for purposes of calculating overtime. Not all employees who are considered to be “on-call” by their department are eligible for on-call pay. General availability of an employee as a "back-up" to working personnel in the event of emergency or simply carrying a City pager, radio or cell phone is not considered on-call.

C. On-call Pay: A form of pay designed to compensate employees who must remain available to be called back to work on short notice and are restricted in their activities by their department director. On-call pay must be included in calculating the employee’s regular hourly rate for overtime pay.

D. Compensable Time: For the purposes of this Article, compensable time is the point where an employee will start to receive payment for hours worked. Compensable time starts at the point the employee begins working or arrives at the work site, whichever is sooner.

E. Call Back: Employees who are no longer at the work site, and have been requested to respond on short notice to perform emergency work as needed. Employees who are on “call back” status are not designated as being in an “on-call” status. Employees who receive call back pay are not eligible to receive on-call pay for the same time period.

G. Call Back Pay: A form of pay designed to compensate employees who are required to return to work for emergency purposes. Call back pay must be included in calculating an employee’s regular hourly rate for overtime pay.

3.02 PERFORMANCE PAY INCREASES

Performance Pay provides a means of rewarding employees for successful contribution to the City’s performance measures, distinguishing above average performance, encouraging careers with the City, providing employee incentives, encouraging employee development and recognizing individual differences as well as team accomplishments in the performance of City employees. Performance Pay bonuses are not standard or automatic at any time and are not benefits of

employment with the City, but shall be based upon the degree to which the employee meets and sustains certain job and performance standards and shall be contingent upon funding on an annual basis.

A. Qualification for a performance pay bonus and processing of awards.

Determination and processing of performance pay bonuses shall be conducted in accordance with the following procedures:

1) Each employee's performance must be reviewed annually using the Civil Service Department General Performance Appraisal Form. A completed evaluation form for each employee is due to Civil Service by May 31. If an employee declines to participate in the bonus program, he or she shall complete the Bonus Waiver Form during the performance appraisal meeting.
2) By May 31 of each year, each department will complete a "Determination of Performance Pay" worksheet for each employee. The "Determination of Performance Pay" worksheet will determine which employees are eligible for a performance pay bonus and will identify the appropriate bonus amount based upon that year's funding. Employees who have been suspended, demoted, or discharged during the review period are not eligible for a bonus.
3) By June 1 of each year, the Department Head of each department must submit a copy of the Determination of Performance Pay worksheet for each employee employed as of June 1 to the Civil Service Department.
4) The Civil Service Department will verify all bonus awards against the performance appraisals on file.
5) The Civil Service Department will forward copies of approved worksheets to the Department of Finance and Accountability.
6) The Department of Finance and Accountability will verify budgetary availability and distribute bonuses in a special paycheck run.
7) Performance pay bonuses will be awarded in June of each year.

B. Performance Evaluation Oversight Committee.

A Performance Evaluation Oversight Committee will coordinate and oversee the implementation of the performance pay program, will supervise the program as it is ongoing, will review the program at year-end to consider revisions or changes and make such recommendations to the Mayor, and will conduct an employee appeal process. The Performance Evaluation Oversight Committee shall be comprised of one employee from each City department, appointed by the Department Head. The Committee will elect a Committee Chair and Co-Chair each year. The Committee will determine the implementation and supervision process and may, on an as needed basis, select departments or groups to assist with various administrative tasks. Meetings of this committee will be conducted under Robert's Rules of Order.

C. Employee Appeal Process.

The Performance Evaluation Oversight Committee will conduct an appeal process for employees. The Committee will determine the appeal process

incorporating the following guidelines: Employees must follow Civil Service Rules for Performance Evaluation Appeals (Article 19) before appealing to the Committee. Only employees who did not receive a performance bonus may appeal. An employee cannot appeal the amount of a bonus award, his/her performance appraisal score (other than computational omissions or errors), or disqualifiers (appearing on the Determination of Performance Pay worksheet) to the Committee. All other appeals may be brought to the Committee for consideration. For each performance appraisal period, the deadline to submit appeals to the Oversight Committee Chair is the first working day of August by 4:30 p.m.

Appeal meetings will be scheduled on an as-needed basis. If an employee wishes to bring an appeal before the Committee, he/she must complete a Request for Review of Performance Pay form and submit it to the Committee Chair. The Committee will then notify the employee and the employee's Department Head of the date/time of the appeal meeting.

The employee may have a departmental representative present his/her case to the Committee, if desired. The Department Head may also have a departmental representative present the Department's case, if desired. Once both parties have presented their cases, the Committee will make a determination. Committee members can not vote on matters concerning employees from their own departments.

If the Committee determines that the employee should have been awarded a performance pay bonus, the award will be equal to 1x the standard bonus award for the department.

If the Committee determines that the employee should not have been awarded a performance pay bonus, the decision of the Committee shall be final and can not be grieved or appealed.

3.03 HOLIDAY PAY

With the exception of uniformed bodies, employees of the Mayor's Office, Senior Directors, Directors, and Deputy Directors, those regular full-time and regular part-time employees who are required to work on an official holiday shall receive holiday pay (regular straight time) in addition to receiving time and a half for hours actually worked on the holiday. In order to work on a holiday, the employee must have prior written authorization of his/her Department Head.

A qualifying employee who must work on a holiday may elect to take an alternative day off in the same work week in lieu of holiday pay with the approval of his/her Department Head.

Regular part-time employees shall be eligible for paid holidays on a prorated basis based on the percentage of the regular 40-hour work week that they are normally scheduled to work. For example, employees who are scheduled for 20 hours a week

(50%) would receive 4 hours of holiday pay (50% of an 8-hour day) at regular straight time provided that the holiday falls on a day the employee would normally have been scheduled to work. Temporary employees are ineligible for holiday pay.

Also, with the exception of the uniformed bodies, regular full-time employees whose scheduled day off falls on an observed holiday shall be entitled to an additional eight (8) hours of pay, however, this time will not be counted as time worked for overtime purposes.

3.04 PART-TIME PAY

When an employee works for a period which is less than the regular, established number of hours per week, the amount of pay and leave accumulated shall reflect part-time status.

3.05 SHIFT DIFFERENTIAL PAY POLICY

A regular full-time employee who regularly works one-half or more of their assigned time between the hours of 5:00 p.m. and 7:00 a.m. shall be paid a shift differential of $0.75/hour provided it does not exceed the maximum pay rate. This rule does not apply to employees who rotate shifts (less than 20 work days during a 30-day period). The shift differential is not to be construed as permanent salary, and the employee will not receive the differential if he/she discontinues working night shift. This section does not apply to uniformed personnel in the Police and Fire Departments, to seasonal employees, or to persons employed on a temporary basis.

3.06 OVERTIME POLICY

The provisions of the Overtime Policy are intended to comply with the City's obligations under the Fair Labor Standards Act and related regulations. An employee who believes that his/her paycheck is not correct should contact Payroll or Civil Service as soon as possible.

For the purposes of this policy, an eligible employee shall mean any employee who is not exempt from overtime compensation, as provided in this policy.

It is the responsibility of the supervisors, Department Heads, and Department Directors to manage their personnel resources so as to minimize the necessity of overtime. If long-term overtime exists, management should analyze the staffing level to determine if additional staff should be hired rather than assigning overtime work. In the absence of a sufficient number of volunteers, overtime can be required of any employee who, in the judgment of the supervisor, is needed in order to meet the demands of the work. Any eligible employee who is authorized or required to work beyond the normal work week or other applicable work period shall be compensated in the manner prescribed herein.

Overtime compensation is only authorized when eligible employees must work beyond the normal work week or other applicable work period. For some eligible

employees, the normal work week is 40 hours. However, for those eligible employees who are engaged in public safety activities (law enforcement and firefighting), the maximum allowable non-overtime hours of work during a work week (or work period) must bear the same ratio as 212 hours to 28 days for firefighters, and 171 hours to 28 days for police officers. Therefore, the maximum number of allowable hours in work periods of particular lengths before overtime compensation must be paid to public safety personnel for additional hours is calculated as follows:

Work Period (days)	Maximum Hours	
	Fire	Police
28	212	171
27	204	165
26	197	159
25	189	153
24	182	147
23	174	141
22	167	134
21	159	128
20	151	122
19	144	116
18	136	110
17	129	104
16	121	98
15	114	92
14	106	86
13	98	79
12	91	73
11	83	67
10	76	61
9	68	55
8	61	49
7	53	43

Only hours actually worked will be considered in the determination of overtime, except as provided otherwise in this policy. Time off for official City holidays or required work-related Court appearances will be considered time worked for compensation purposes only. However time off for annual leave, sick leave, compensatory time, jury duty or any other leave shall not be included in such computations.

When an employee uses paid leave that is not considered hours worked for overtime purposes, the employee shall receive compensation for the paid leave in addition to compensation for all hours actually worked at the appropriate rate.
The granting of overtime pay or compensatory time in lieu of a pay increase, or for any reason other than for actual work performed in excess of the normal work period, is absolutely prohibited.

Compensatory time and compensatory time off are interchangeable terms. Compensatory time off is paid time off the job, which is earned and accrued by an eligible employee in lieu of immediate cash payment for actual work in excess of the normal workweek or other applicable work period. Compensatory time shall be cumulative to a maximum of 240 hours (160 hours of actual overtime worked) for all eligible City employees except those employees engaged in public safety, emergency response, and seasonal activities, which said eligible employees may accrue compensatory time off up to 480 hours (320 hours of actual overtime worked). For hours worked in excess of the accrued maximum amounts, an eligible employee shall receive overtime pay.

All overtime must be approved by the Department Head prior to the assignment of overtime. All authorized overtime must be within budgetary limitations. Overtime will be compensated at a premium rate either by: (1) payment at a rate of one and one-half hours for each hour of overtime worked, or (2) compensatory time off at a rate of one and one-half hours for each hour of overtime worked. Based upon staffing needs and budgetary limitations, the Department Head shall decide which of the above two methods will be used to compensate overtime until the eligible employee reaches the compensatory time maximum, although Department Heads are encouraged to pay employees for overtime rather than allow lengthy accumulation of compensatory time. However, an exception is eligible hourly employees who must receive overtime payment at the premium rate.

The scheduling of overtime shall be carefully monitored. Limitations on overtime shall be enforced by the establishment of thresholds by the Mayor or an appropriate designee. Thresholds shall be determined by factors including, but not limited to the following: the frequency of overtime, the accumulation of overtime during a pay period, the accumulation of overtime during the current fiscal year, staffing needs, and public safety and health emergencies. Authorization for all overtime must be obtained from the Department Head prior to assignment of the work. The Mayor or an appropriate designee must approve all overtime which exceeds the thresholds prior to the scheduling of that overtime work.

All Department Heads shall keep accurate and up-to-date records of all regular hours worked, all overtime worked and all compensatory time off accrued by eligible employees. Department Heads shall submit copies of these records to the Director of Finance and Accountability on a monthly basis. All work time must be recorded. Working “off the clock” is strictly prohibited.

Compensatory time shall be recorded separately from annual leave by the payroll clerk, although it will be subject to the same restrictions as annual leave, except for the limitation to carrying over leave from one calendar year to the next, i.e., compensatory time will be carried over until depleted. Requests for leave will be deducted from accumulated compensatory time, if any; and deductions from annual leave will not be made until all compensatory time has been depleted. However, if an employee is in jeopardy of forfeiting annual time in December because of a large number of accumulated compensatory hours a Department Head may request to the Civil Service Director that the annual leave in jeopardy of being forfeited be depleted prior to the compensatory time balance. In the alternative, an employee may make

application directly to the Civil Service Director. Requests will be reviewed for approval/denial by the Civil Service Director and the Director of Finance and Accountability.

Overtime shall not be used to earn any employee benefits or to serve out probationary periods. Compensatory time off in lieu of regular work hours will be counted as regular time worked in computing wages and toward earning employee benefits and to serve out probationary periods. Upon separation from City employment, the employee shall be paid for all accrued but unused compensatory time.

In accordance with the occasional and sporadic employment guidelines of the Fair Labor Standards Act, full-time employees may be eligible to work a second job as a part-time position on the City's events payroll as long as the part-time job they are seeking is in a different field from their normal full-time job. Full-time eligible employees who are authorized to work in an additional part-time position with the City during their off-duty hours shall be paid at the regular rate of such part-time position. No authority shall be given for more than 20% of an employee's total work hours per pay cycle to be spent in said part-time position during off duty hours from their full-time position. Hours worked in a second job will not count towards any overtime or compensatory pay for the employees' regular full time position. However, uniformed employees taking on any type of security or safety function for the City are to be paid overtime.

As far as is practical, eligible employees within the classification where overtime is needed will be allotted overtime work on an equitable basis with all others in the work group, provided that the employee is qualified to perform the required overtime work.

The following categories of employees are not required by the Fair Labor Standards Act to be compensated for overtime hours worked:

- Elected officials
- Those selected or appointed by such elected official to serve on his/her personal staff on a policy making level
- Immediate advisor(s) to such an office holder regarding constitutional and/or legal powers of his/her office
- Those non-eligible employees in a bona fide executive, administrative and/or professional capacity who meet all of the pertinent requirements relating to duties, responsibilities and salary schedule as specifically set forth in the federal regulations governing such exempt positions
- Any other employee to whom an FLSA-exemption applies

All newly employed personnel shall be informed of their status with regard to required overtime compensation at the time of their hiring. An agreement regarding compensatory time off in lieu of overtime will be entered into with all newly employed personnel.

Additional departmental rules may exist according to departmental needs but shall not be in conflict with the provisions contained herein, and must be approved prior to implementation in the same manner prescribed in Section 1.03 of these rules.

In applying the aforementioned Fair Labor Standards Act categories of non-eligible employees to the current City of Knoxville employee organizational structure, the following standards shall be used in determining whether or not overtime compensation is required to be made.

A. Non-Uniformed Personnel

Employees whose classifications meet one of the federal exemptions shall be considered non-eligible employees, and overtime compensation shall not be required.

Employees in the Public Service and Engineering Departments whose classifications meet one of the federal exemptions shall be considered exempt under the Fair Labor Standards Act, and overtime pay is not required. The Department Heads of those departments may, however, pay such employees overtime during severe weather, unusual work situations, special events, and other emergencies, provided that the overtime work is approved in writing by the Department Head and that the Mayor, or his designee, has given final written approval prior to the payment of the overtime compensation. Nothing contained herein requires the payment of overtime to non-eligible employees or requires any rights to overtime payments, and such payments are within the sole discretion of the Department Head and the Mayor.

B. Uniformed Personnel

Police Department –

Uniformed personnel in the Police Department whose rank of authority exceeds that of Lieutenant shall be considered to be non-eligible and/or non-covered employees for Fair Labor Standards Act purposes, and compensation in excess of salary within these ranks must be authorized and approved in writing by the Chief of Police and the Director of Finance and Accountability. Employees of the Department assigned to the Patrol Division, other than those employees designated as non-eligible employees, will be permitted to submit requests for overtime as work requires, with a monthly review by the Captain, Division Commander and Chief of Police to identify any abuse of this provision. Approval of scheduling overtime will be the responsibility of the Patrol Division Captains and such individuals will be held accountable for the overtime approved. The Deputy Chief of the Patrol Division will be permitted to impose further limitations on overtime of supervisory personnel as needed.

Employees working in the Criminal Investigation Division, other than those employees designated as non-eligible employees, shall be permitted to submit requests for overtime as work requires, with approval of the Section Captain, and such individual will be held accountable for the overtime approved. The Deputy

Chief of the Criminal Investigation Division will be permitted to impose further limitations on overtime of supervisory personnel as needed.

Employees working in the Support Services and Management Services Divisions, other than those employees designated as exempt employees, must have requests for overtime approved by the commander of the Division prior to working the overtime.

Any employee involved in abuse of the overtime policy shall be subject to disciplinary action and shall be subject to reassignment to a fixed post assignment where abuse cannot occur.

Fire Department –

Uniformed personnel in the Fire Department whose rank of authority is equal to and exceeds the rank of Fire Assistant Chief (except where provided otherwise in this policy) shall be considered non-eligible employees for Fair Labor Standards Act purposes, and all overtime within these ranks must be authorized and approved in writing by the Fire Chief and the Director of Finance and Accountability prior to any overtime worked. Final written approval must be given by the Mayor or his/her designee prior to the payment of said overtime compensation.

Uniformed personnel in the Fire Department whose rank of authority is below that rank of Fire Assistant Chief shall be considered eligible and shall be required to be compensated for any overtime hours worked.

All uniformed personnel in the Fire Department who are assigned to the Fire Fighting Division shall be required to be compensated for any overtime hours worked.

3.06.01 TIMEKEEPING POLICY

The purpose of this policy is to outline the time keeping policies for nonexempt employees.

All nonexempt employees are required to record their time worked. “Time worked” includes all time spent working the employee’s regular schedule as well as any work performed outside the regular work schedule.

Nonexempt employees are required to clock in and out for payroll and attendance purposes using either a time clock or time punch in PeopleSoft. Exceptions to the use of a time clock or time punch must be approved by the Civil Service Director and Director of Finance and Accountability. In those approved cases, time for these employees will be recorded on manual time sheets.

Employees are required to clock in and out at the device(s) located in their facility. If there is a problem with the time clock or time punch, employees should immediately

notify their supervisor and the applicable payroll employee. The supervisor must take action to ensure the employee's work hours are recorded accurately. Employees using time punch in PeopleSoft may not clock in/out on a mobile device or from home without written permission from their supervisor and approval from the Civil Service Director and the Director of Finance and Accountability. Employees may not clock in or clock out for another employee.

If the employee has received prior written permission from their supervisor, the employee may report time worked to their supervisor and the applicable payroll employee for manual reporting in lieu of clocking in or out at the device located in their worksite facility. Such manual reporting may only be utilized under certain conditions when an employee cannot reasonably clock in or out at their worksite facility due to off-site trainings, extracurricular events stemming from the employee's job duties, and other similar circumstances.

Employees should clock in no sooner than 5 minutes before or after their scheduled shift starts and clock out no later than 5 minutes before or after the scheduled shift ends. Exceptions to this 5-minute grace period are subject to written supervisory approval.

Employees are not required to clock in and out for lunch breaks. The 30-minute unpaid lunch period will automatically be deducted from employees' time each day. Engaging in any work-related activities during the 30-minute unpaid lunch period is prohibited. However, if the demands of the workday limit an employee's ability to take a bona fide meal break on occasion, and the employee has written supervisory permission in advance to work through lunch, the employee may do so but must report the working lunch to his/her supervisor that day so that the supervisor can ensure the deducted time is added back to the employee's time worked for the day. Alternative schedules that are permanent in nature and do not include the 30-minute unpaid lunch period must be requested in writing to the Civil Service Director and the Director of Finance and Accountability by the Department Head and are subject to Civil Service and Finance approval.

If an employee forgets to clock in/out, the employee should clock in/out as soon as possible and notify his/her supervisor and the applicable payroll employee of the error. The supervisor must take action to ensure the employee's work hours are recorded accurately.

Employees who start/end their workday at a work site where there is no device to allow them to clock in/out must report their start/stop time to their supervisor as soon as possible so that the time can be entered and added to their time worked.

Nonexempt employees are permitted to work overtime only with prior written authorization from their supervisors. Overtime may include clocking in early or clocking out late, working through the scheduled lunch period, work performed from home outside regular hours, work from a mobile device after hours, eligible call-back or on-call work performed outside the regular schedule, or any other work-related activities performed outside the regular schedule. Nonexempt employees who work any additional time that is not recorded on the time clock or time punch

must report this additional time worked to their supervisor as soon as possible so that this time may be added to time worked.
If an employee disputes the determination of time worked, the employee should notify their supervisor and the applicable payroll employee immediately. Any dispute that cannot be resolved using time clock records will be reported to the Civil Service Director.

While employees are required to report all overtime worked, it is the responsibility of the supervisor to exercise control and see that the work is not performed if overtime is not authorized and to ensure that time is added to the employee's work time if such time is worked, regardlessof authorization.

Violations of this policy are subject to disciplinary action up to and including termination. Violations of this policy include, but are not limited to:

- Working through lunch without permission;
- Failing to clock in/out;
- Clocking in/out early or late;
- Working unauthorized overtime;
- Clocking in/out from home or on a mobile device without permission;
- Clocking in/out for another employee;
- Not reporting all time worked outside the regular schedule; or
- Falsifying or attempting to falsify time records in any way, including any attempt to tamper with timekeeping hardware or software.

3.07 CALL BACK POLICY

This policy applies to non-exempt supervisors and employees who are not in an on-call status and are requested to come back to work to perform emergency work as needed. Call back pay does not apply when an employee is called in to work for another employee's regular shift in the event of an absence; in such cases, the provisions of the Overtime Policy would apply. Further, an employee whose work continues immediately following the end of his/her regular scheduled hours of work (or begins immediately preceding an employee's work shift) is not eligible for call back pay; the time is considered work time. The availability of call back pay shall not be used in lieu of simple overtime, if appropriate, when such work could have been completed immediately following the end of an employee's work shift.

Employees required to return to work shall receive a minimum of three hours for call back at the overtime rate. If the time on call back exceeds three hours, the employee shall be compensated for all additional hours worked on call back at time and a half. Call back time shall be reported and compensated on the basis of rounding up to the next one-quarter (1/4) hour of time worked.

3.07.01 POLICE COURT TIME

An employee who is a member of the Police Department of the City of Knoxville and is required by duties or subpoenas to appear while off duty before a court, public body or commission as a witness without personal interest in the litigation shall receive three (3) hours at time and one-half (1 1/2) for each such appearance up to three (3) hours in length provided that the three (3) hour period is not adjacent to or does not overlap the employee's regularly scheduled work time. No employee may be paid both court time and regular time or overtime for the same time period. Court appearances in excess of three (3) hours shall be compensated for on the basis of time and one-half (1 1/2) for time spent in court.

3.07.02 ON-CALL POLICY

A. Determination of On-call: Based upon the needs of the City, each Department Head shall determine which positions/functions are subject to being on-call. The Department Head shall submit a written request for review and final approval by the Civil Service Director and the Director of Finance and Accountability prior to the position/function being designated as one that is subject to being on-call. Each year, the on-call positions/functions for each department will be reviewed by the Civil Service Director and Director of Finance and Accountability for continued appropriateness and approval. Each department will be required to create written procedures for its on-call positions/functions (ie. response times, contact information, substitution requirements).

B. If a position/function is designated as an on-call position/function, the employee filling that position/function is free to use their time effectively for their own purposes (within the restrictions of this policy), so long as they are in compliance with the departmental on-call policy procedures. An employee who is on-call will be required to respond to the work site within the time designated by the Department.

C. On-call employees are not allowed to consume alcohol at any time while on-call. Additionally, if an employee is taking medication that can affect their preparedness, they must inform their supervisor immediately and remove themselves from on-call status.

D. An on-call employee is subject to the provisions of the City of Knoxville Drug and Alcohol Policy, during the entire on-call period.

E. If at any time while on-call an employee becomes unavailable to respond to a call back to work, the employee must immediately notify his/her supervisor and, on-call pay for the applicable time period shall be forfeited.

F. An employee in an on-call status must carry and monitor a pager, radio or cell phone in order to be within range to receive notice to return to work.

G. An employee who does not respond to a call back to work when contact is attempted or is unable to report to work within the prescribed time shall not be eligible for on-call pay for that date and may be subject to disciplinary action.

H. Each department will maintain a list of on-call employees and regulations pertaining to on-call duty, including required response times and procedures for obtaining substitutes to cover on-call assignments, if necessary.

I. An employee shall receive sixteen (16) hours of on-call pay per bi-weekly period that he/she is on-call. If the employee is not on-call for the entire bi-weekly period, the sixteen (16) hours of on-call pay shall be pro-rated (for example, an employee shall receive 8 hours of on-call pay for a one week period that he/she is on call). This pay does not count towards the time worked in a workweek or work period and is therefore not calculated as overtime.

If the employee, while on-call, is called back in to work, the employee will be paid for hours worked at the appropriate rate of pay according to the FLSA. If an employee, while on-call, is called back in to work on Thanksgiving Day or Christmas Day, the employee shall receive a minimum of three hours at the holiday rate. If the time worked exceeds three hours, the employee shall be compensated for all additional hours worked that day at the holiday rate.
K. Exempt (non-overtime eligible) employees are not eligible for on-call pay.

3.08 LONGEVITY PLAN

A. Uniformed Bodies

Beginning January 1, 2007, uniformed bodies of the Fire and Police Departments shall be entitled to annual longevity payments beginning after the completion of four (4) continuous years of service. Such payments shall be in the amount of one hundred twenty dollars ($120.00) multiplied by the number of years beyond the first four (4) years to a maximum of twenty (20) years. Such payments shall be subject to the same provisions as base salary for purposes of computing pension payments and benefits and holiday and overtime pay. Annual longevity payments for each calendar year shall be paid in equal biweekly installments and said payments shall commence with January 1 of each calendar year. Employees who will complete their 48th month of service during the upcoming year will start their first longevity step. Credit will not be granted for partial years.

B. Non-Uniformed Bodies

All regular fulltime employees of the City other than members of the fire and police departments who are classified and paid under this division shall be entitled to annual longevity payments beginning after the completion of four (4) continuous years of service. Such payments shall be in the amount of one hundred twenty dollars ($120.00) multiplied by the number of years beyond the first four (4) years to a maximum of twenty (20) years. Such payments shall be subject to the same provisions as base salary for purposes of computing pension

payments and benefits and holiday and overtime pay. Beginning January 1, 2007, annual longevity payments for each calendar year shall be paid in equal biweekly installments and said payments shall commence with January 1 of each calendar year. Employees who will complete their 48th month of service during the upcoming year will start their first longevity step. Credit will not be granted for partial years.

Such payment shall be subject to the same provisions as regular pay for the purposes of computing pension payments.

Longevity payments for the twenty-fifth (25th) and successive years of service shall be the same as those due for the twenty-fourth (24th) year.

3.09 MOVING AND TRAVEL EXPENSES FOR NEW EMPLOYEES/APPLICANTS

The City will not reimburse newly hired employees for moving expenses nor any other expenses associated with relocating for the purpose of employment with the City, unless exceptional circumstances exist. In such case(s) the Mayor or City Council must approve the reimbursement. Following approval for reimbursement, the applicant should obtain written estimates from three (3) moving companies. The applicant may select whichever company he/she desires as long as the price is fair and equitable as determined by the written estimates; however, under no circumstance shall any reimbursement exceed Two Thousand (2,000.00) Dollars.

The City will not pay or reimburse applicants and/or newly hired employees for travel or subsistence expenses related to relocation unless approved by the Department Head and/or the Mayor.

4.01 POLICY

The City of Knoxville is committed to the philosophy of providing the highest quality of services to the people of the City in the most efficient and economical way. Converting this philosophy into practice is dependent upon the availability of competent personnel to carry out the many complex and changing functions performed by City government.

The City of Knoxville recognizes the necessity of developing its personnel by providing training programs and opportunities for employees so as to meet the skills and knowledge requirements needed to carry out their responsibilities. Such training is to be accomplished without regard to, non-merit factors such as race, color, gender, age, religion, national origin, ethnic origin, gender identity, sexual orientation, creed, and disability, or any other factor which cannot be lawfully used as a basis for such action.

Effective training should secure the following results:

- Increased efficiency
- Improved services
- Lower operating costs
- Maximum safety
- More satisfied employees
- Increased promotability of employees to higher level positions

To accomplish these ends, cooperative arrangements with other public agencies, including educational institutions, may be made.

It shall be the responsibility of the various Department Heads and supervisors to identify the training needs of their employees and to convey such information to the Civil Service Director who shall be responsible for the coordination of in-service training. However, the technical training of the uniformed bodies to meet state and/or federal certification standards shall be the exclusive responsibility of the Police and Fire Departments.

It shall be the responsibility of the Mayor, Department Heads, and supervisory personnel to promote programs for training of City employees for the purposes of improving the quality of services rendered to the citizens of Knoxville and of improving employees' capabilities for advancement.

4.02 INITIAL EMPLOYMENT ORIENTATION

The orientation of a new employee is the final step in the hiring process. A well-organized, thorough orientation training program enables new employees to be sure they are receiving all of the facts first hand, increases morale, and contributes to a more positive attitude toward the City.

The Orientation Program for all new employees consists of two (2) phases:

Phase I: Civil Service Department
Phase II: Immediate Supervisor

It is important that each phase of the Orientation Program be completed. The Civil Service Department and the immediate supervisor shall document each phase of the orientation on appropriate forms which shall be placed in the employee's permanent personnel file in the Civil Service Department.

The orientation of new employees is very important and should be carried out conscientiously. Every effort should be made to make new employees feel comfortable.

4.03 TUITION REIMBURSEMENT

Tuition reimbursement for employees is a plan which offers financial assistance to an employee who takes courses directly related to his/her work or to a position the employee might conceivably be considered for in the future and which is likely to increase his/her value to the City. This program is not specifically intended to support a full-time course of study, but is designed to enhance the quality of work that the individual brings to the job. It is provided to those employees classified as regular full-time or regular part-time who have satisfactorily completed one year of continuous service, with the exception of individuals who are classified as Police Cadets as described in Section 4.03.01.

For receiving reimbursement under this policy, an employee must agree to continue in employment with the City for at least two years from the date of completion of the course(s) being reimbursed and to return the reimbursement if the employee does not continue in City employment for at least two years. Police Cadets who leave the City's employment will not be required to return reimbursements.

Tuition Reimbursement is available when the following requirements have been met:

A. Courses are taken to:

1. Pursue an undergraduate or graduate degree taken at an institution that is accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation. The course must be a requirement for an Associate's level or higher degree program in which the employee is enrolled or must be directly job relevant. Tuition reimbursement is also available to employees enrolled in a

post-graduate professional degree-awarding program when the degree sought is job relevant and would qualify the employee to be licensed by the applicable state professional licensing authority for that profession. **[EXAMPLE:** Nashville School of Law] Courses taken from these institutions must be on a for-grade basis; courses taken on an audit basis are not eligible for tuition reimbursement; or

2. Gain a certification or license in a field relevant to a position in the City's classification listing. These occupational courses must be taken at technical schools located in the State of Tennessee accredited by the Commission of the Council on Occupational Education and must be approved by the Department Head and Civil Service prior to enrollment.

B. Employee is regular full-time or regular part-time (regular part-time employees are eligible for financial reimbursement in amounts directly proportional to the number of hours actually worked). Employees serving their initial probationary period are ineligible.

C. Employee has submitted a Tuition Reimbursement Form for pre-approval to his/her immediate supervisor and the Department Head prior to enrollment in the course. Civil Service will review the pre-approved form to determine whether or not the course is eligible for reimbursement. Tuition Reimbursement Forms are available from the Civil Service Department. Failure to obtain pre-approval prior to request for final reimbursement will result in denial of the tuition reimbursement request.

D. During the month of May, the employee must submit all pre-approved reimbursements for the fiscal year for final reimbursement. The employee must submit proof of grade or successful completion of the course (pass/fail) . The employee must also submit the itemized tuition receipt verifying costs. This receipt must show a listing of all costs by item (e.g., maintenance/tuition, activity fee, athletics fee, etc.), must show the dates the charges were assessed and paid, must show payment amount(s) and method of payment (e.g., check, credit card, financial aid, etc.), and must indicate a zero balance on the account. Employees seeking reimbursement for books or e-books must also provide all receipts, documentation of which course the book is required for, and receipts must show the item name and the method of payment.

E. The employee affirms that he/she has not been totally reimbursed for this approved educational training by some other funding source. Persons being supplemented under any other program(s) (e.g., state supplements, G.I. Bill, scholarships including the Tennessee Education Lottery Scholarship program, grants, government funding, etc.) are only eligible for benefits under the City's reimbursement program for the difference

between the cost of the approved tuition and any other funding source(s) up to the City's maximum reimbursement cap per fiscal year.

F. Technology fees are not eligible for reimbursement, as computers, iPads, and tablets which may be included in technology fees are not eligible for tax exempt employer's tuition assistance. .

G. Employees may be reimbursed for tuition, books, and the following fees: specific course fees, student government fee, sustainable campus/green fee, facility/campus access fee, library fee, online course fee, and graduation fee. No other fees are eligible for reimbursement. Fees charged to convert non-college level courses to college credit are not eligible for tuition reimbursement.

Reimbursement amounts shall be as follows:

GRADE	% REIMBURSEMENT
A or B in a graduate course	100%
Below B in a graduate course	No reimbursement
A, B, or C in an undergraduate or occupational course	100%
Below C in an undergraduate or occupational course	No Reimbursement
Pass in a pass/fail course	100%
Fail in a pass/fail course or any course taken on an audit basis	No Reimbursement

H. Employees will be limited to a reimbursement of three thousand dollars ($3,000.00) per fiscal year for any class taken towards a degree program. Occupational courses taken for certifications or licenses in a job related field will be eligible for one thousand dollars ($1,000) per fiscal year.

Tuition reimbursements will be processed annually on the fiscal year calendar. From July 1 – April 30, employees may submit pre-approval forms to their Department Heads and Civil Service for consideration of reimbursement. Courses must be pre-approved prior to obtaining final reimbursement and are only eligible for reimbursement during the fiscal year in which they are pre-approved. All pre-approved courses must be submitted to Civil Service for final reimbursement in May. Reimbursement payments will be processed in June.

Each individual department will be responsible for allocating funds within their departmental budgets to cover the Tuition Reimbursement Program for their employees.

4.03.01 Tuition Reimbursement for Police Cadets

Tuition reimbursement for Police Cadets shall follow the same rules for other city employees found in 4.03 of these rules with the following exceptions:

A. Upon enrollment in college, a Police Cadet may request a one-time cash advancement from the City for 100% of his/her tuition during his/her first year of employment. Documentation must be submitted showing the cost of tuition and number of courses, and the appropriate Tuition Reimbursement Forms must be completed prior to the cash advance. Once the course is completed, the Cadet must submit a copy of transcript and tuition receipts. The cash advance loan will be forgiven if the appropriate grades are obtained; however, should the Cadet not meet the grades required to receive 100% tuition reimbursement, the difference must be returned to the City.

B. For employees classified as Police Cadets, ancillary expenses for books, school fees, and on-campus housing will be eligible for reimbursement, as well as tuition.

C. Police Cadets shall be limited to a reimbursement of three thousand dollars ($3,000.00) per year.

5.01 POLICY

The City's employee leave provisions have been designed with the health and well-being of its employees in mind. While leave privileges and other benefits add to the security of the employees, they also aid the City in attracting and retaining capable employees.

The following types of leave are officially established: holidays, annual leave (vacation), compensatory time, sick, military, civil, bereavement, Parental, Family and Medical Leave, and Leave of Absence. All leaves may be granted by the Department Head in conformance with the rules which are established for each type of leave. Leave requests approved by the Department Head shall be submitted to the Payroll Clerk for each type of leave taken by an employee except for holidays. The Payroll Clerk is responsible for maintaining all permanent leave records. As provided in these rules, requests for leave shall be submitted in advance of the intended leave period except for sick leave or other emergencies.

With regard to leave privileges in this policy, a “day” shall be defined as eight (8) hours for employees who are regularly scheduled to work forty (40) hours/week and twelve (12) hours for employees who are regularly scheduled to work fifty-six (56) hours/week.

5.02 OFFICIAL PAID HOLIDAYS

The following and such other days as the City Council or Mayor may announce shall be holidays for all employees. These days shall be taken with eight (8) hours of pay, except for those employees required to maintain operations who receive holiday pay for working on such days.

New Year's Day	January 1
Martin Luther King Birthday	Third Monday in January
Good Friday	Friday Preceding Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Day and observance of Veteran's Day	Fourth Thursday and Friday in November
Christmas Day	December 25

A. Holidays that fall on Sunday shall be observed on the following Monday by those employees working Monday through Friday; holidays that fall on Saturday shall be observed on Friday by those employees.

B. All regular part-time employees scheduled to work on observed holidays shall be entitled to receive prorated holiday pay. (See Holiday Pay)

C. All members of the uniform bodies shall receive nine (9) days holiday pay in the form of a lump sum extra-duty payment in lieu of nine (9) holidays (New Year's, Martin Luther King's Birthday, Fourth of July, Labor Day, Thanksgiving and observance of Veteran's Day, Christmas, Memorial Day, and Good Friday).

D. In order to receive pay for an observed holiday, an employee must not have been absent without pay on the work day immediately preceding or immediately following the holiday.

E. Temporary employees are not eligible to receive holiday pay.

5.03 WORK SCHEDULE

The following are the hours of the City except those services requiring continuous operations:

Standard workday: The standard workday consists of eight (8) hours, beginning at 8:00 a.m. and ending at 4:30 p.m. with two fifteen (15) minute breaks as well as one-half (1/2) hour constituting a lunch period. One (1) hour may be granted for lunch at the discretion of the Department Head provided that fifteen (15) minute breaks are not taken. The work day for an employee who travels to and from his regular job site in a City vehicle or equipment begins at the time and location at which the employee is initially required to report for duty. The work day ends when the employee is relieved of duty.

Flex-time: Flex-time provides those employees who are not determined by the Department Head to have to work a set shift (i.e., straight 8:00 a.m. to 4:30 p.m. shift, etc.) the opportunity to establish their own schedule within certain restrictions. In order to ensure that the work of the office is not disrupted, a period of time from 9:00 a.m. to 3:30 p.m. will be designated as core time. All personnel must be present during that time unless they are on leave. Employees must work their regularly scheduled number of hours per day. Time allotted for lunch cannot be incorporated into flex-time and thereby used to shorten the working day. The supervisor should determine for each section the necessary coverage in the offices for the normal working period, that is 8:00 to 4:30. In addition, supervisors should designate as non-eligible any positions which would be disrupted by the use of flex-time. Employees who arrive late or leave early will be expected to utilize leave to cover these periods of absence.

Frequent deviations from the requested flex-time schedule or consistent failure to report at the anticipated start time or consistent leaving prior to the ending of the scheduled shift will be grounds for discipline. Employees on normal time or flex-time are required to follow departmental procedures to report an unexpected absence or late arrival.

Breaks: Breaks are provided one (1) midmorning and one (1) midafternoon. Authority to grant breaks is vested in each Department Head and Office Head. Fifteen (15) minutes is the maximum time allowed for each break. Employees are expected not to leave the premises or general work area during breaks. Employees taking one (1) hour lunch periods will not be granted breaks.

Standard Work Schedule: The normal work schedule shall consist of five (5) consecutive workdays, Monday through Friday. Forty (40) hours of work shall constitute the minimum workweek for full-time employees with due allowance for authorized holidays. Other workweek schedules may exist according to departmental needs.

Alternate Work Schedules: When the work program of a department or any of its divisions or units permits, Department Heads may stagger work schedules for their employees. Each employee, or unit of employees, may be assigned specific days of the week that the employee(s) will regularly report to work. The assignment of employee(s) to alternate work schedules is wholly the responsibility of the Department Head and is not grievable.

Schedule objectives - Installation of alternate schedules shall meet one (1) or more of the following objectives:

a. Improve service to the public by the extension of business hours to the public wherever feasible. In no case shall the public's access to City services or the working relationships between City agencies be curtailed as a result of alternate work schedules.
b. Encourage the conservation of fuel by reducing the number of trips to work sites by employees.
c. Maintain or improve current productivity by more efficient service delivery to the citizens.

Schedule criteria - In addition to the objectives listed above, the following criteria shall be met before an alternate work schedule may be implemented:

a. The mission and objectives of the department or division shall not be adversely affected;
b. Daily business hours shall include all business hours necessary to transact business with other City departments and the general public; and
c. Sufficient staff and adequate supervisory control to accomplish the objectives of the department shall be maintained throughout the entire business day.

Implementation - Alternate work schedules other than five eight-hour days per week may be implemented upon written notice to the affected employee(s) by the Department Head of the work schedule. Subsequent changes and adjustments of permanent assignments to the work schedule shall also be made in writing by the

Department Head. The alternate work schedules described below may be utilized at the discretion of the Department Head.

	Schedule	Hours Per Week	Hours Per 24-Hour Period Beginning at Midnight
1)	Four 10-hour days per week	40	10
2)	Eight 9-hour days and one 8-hour day per biweekly pay period	Various (35-45*) *Note overtime requirements	Varies from minimum of 8 to maximum of 9
3)	Four 9-hour days and one 4-hour day per week	40	Varies from a minimum of 4 to a maximum of 9
4)	Three 12-hour days one week of a pay period and four 12-hour days the other week of a pay period	Varies (36 to 48*) *Note overtime requirements	12

Alternate work schedules other than those contained in this section may be utilized by a Department Head if authorized by the Mayor.

5.04 SEVERE WEATHER POLICY

All offices will remain in operation on all scheduled days, regardless of weather. Inclement weather does not warrant the closing of City offices at any time. Every employee is vital to the efficient operation of the City and should make every attempt to report to work each day.

Each employee should make a personal judgment pertaining to his or her safety in traveling to and from work in severe weather conditions. If employees feel that, because of dangerous road conditions, they cannot get to work, they should contact their supervisors immediately and arrange to take annual leave if any has been earned. If no annual leave time has been accumulated, the absence will be charged as leave without pay. If an employee wishes not to use their accumulated annual time, the employee may have the option of being charged with leave without pay.

On days when severe weather conditions exist, the Mayor or his designee may authorize a "grace" period of up to one hour for those employees who have been tardy for work due to the weather conditions. Such authorization shall allow those tardy employees to be paid for the "grace" period.

The severe weather policy does not apply to those departments which must maintain essential services.

5.05 MAYORAL DESIGNATION OF EMPLOYEES EXEMPT FROM LEAVE ACCRUAL

As may be designated by the Mayor, Directors/Departments Heads appointed by the Mayor shall not accrue annual or sick leave. Such employees shall receive leave as determined by the Mayor. For directors appointed prior to January 1, 2004, leave balances earned up to that date shall remain intact, although no additional leave will accrue. For directors appointed after January 1, 2004, leave balances earned up to the effective date of appointment shall remain intact, although no additional leave will accrue. Those Directors/Department Heads with annual leave balances remaining shall be compensated for such leave upon separation in accordance with these rules and regulations.

Extended leave shall be defined as continuous periods of leave that exceed 30 calendar days. In the event that a Department Head/Director has a need that necessitates the use of extended leave, the following provisions shall apply:

1) Leave that is approved and designated as Family & Medical Leave:

   Directors/Departments Heads are eligible for FMLA leave upon submission of a properly completed and approved application for FMLA leave to Civil Service. Provisions found in Administrative Rule 5.20 shall apply. A Director/Department Head may be granted a total of twelve (12) weeks of paid FMLA Leave within a "rolling" twelve (12) month period. The “rolling” twelve (12) month period is measured forward from the date an employee first uses any FMLA Leave.

   If additional leave is needed at the conclusion of the initial 12 weeks, the Director/Department Head must use any unused, accrued leave. If no paid leave is available, the Director/Department Head must use unpaid leave, however all benefits will remain intact.

2) Leave that is not designated as Family & Medical Leave:

   The first 30 days of extended leave shall be paid leave. After the first 30 days of continuous leave, Directors/Department Heads must use any unused, accrued leave. If no paid leave is available, the Director/Department Head must use unpaid leave, however all benefits will remain intact.

5.06 ANNUAL LEAVE (VACATION)

On the beginning date of employment, a City employee's leave accrual balances will be zero (0) except as provided otherwise in Sections 5.18 and 5.19 of these Rules. Annual leave shall be accrued at the end of an employee's first full pay period. Annual leave may only be taken with the prior approval of the Department Head. During the first five (5) years of service, annual leave for eligible employees hired prior to January 1, 1985, other than regular part-time or temporary employees shall be earned at the rate of one (1) day per month (12 days per year) except as provided otherwise in Section 5.18 of these Rules. After five (5) years of service, eligible

employees shall earn one and one-half (1 1/2) days per month (18 days per year). After ten (10) years of service, eligible employees shall earn two (2) days per month (24 days per year).

During the first three (3) years of service, annual leave for employees hired after December 31, 1984, shall be earned at the rate of five-sixths (5/6) days per month (10 days per year) except as provided otherwise in Section 5.18 of these Rules. Eligible employees with three (3) years of continuous service but less than seven (7) years of continuous service shall earn leave at the rate of one and one-fourth (1 1/4) days per month (15 days per year). Eligible employees with seven (7) years of continuous service but less than twelve (12) years of continuous service shall earn annual leave at the rate of one and two-thirds (1 2/3) days per month (20 days per year). Eligible employees with twelve (12) years of service shall earn annual leave at the rate of two (2) days per month (24 days per year).

Official holidays occurring during annual leave absences shall not be charged to an employee. Annual leave not used during the calendar year (i.e., by the end of the pay period that includes December 31) may be carried over to the following year up to a maximum of twice the highest annual leave accrual rate of each employee for the immediately preceding year. A "day" shall be defined as eight (8) hours for employees working forty (40) hours per week or twelve (12) hours for employees working fifty-six (56) hours per week.

Annual leave in excess of maximum carry-over limitations shall be subject to the forfeited leave provisions of Section 5.09 of these Rules. In certain emergency situations where public safety or public service demands have been so great in a particular year as to cause employees performing those services to be unable to take sufficient annual leave to get them below their carry-forward cap, the Mayor may waive the carry-forward cap for those employees for that particular year by executive order.

Regular employees working thirty-five (35) hours or more per week are entitled to full annual leave benefits. Employees who work less than twenty-five (25) hours per week shall not earn or accrue annual leave. Regular part-time employees hired prior to January 1, 1985, who work twenty-five (25) to thirty-four (34) hours per week are entitled to earn leave time at one-half (1/2) the rate of regular full-time employees. Employees hired after December 31, 1984, working less than thirty-five (35) hours per week shall not earn or accrue annual leave. Temporary employees shall not earn annual leave nor shall they be entitled to any annual leave when they terminate from employment with the City. Employees on annual leave shall be paid at the regular rate of pay during their absence. Employees in a non-paid status shall not earn annual leave.

All eligible employees who terminate from employment with the City shall be paid for any accrued, unused annual leave up to a maximum of twice the highest annual accrual rate of that employee with a maximum annual leave accrual balance not to exceed forty-eight (48) days (or 384 hours for personnel serving on 40-hour weeks and 576 hours for personnel serving on 56-hour weeks).

Employees who are on workers' compensation leave shall continue to accrue annual leave during that period of absence for which supplemental temporary total disability benefits are provided per Administrative Rule 7.05.

Annual leave earned and accrued by an eligible employee may not be transferred or loaned to another employee.

Annual leave shall be taken in increments of not less than one-quarter (1/4) hour.

Except in the case of military leave, uniformed personnel in the fire department assigned to 24 hour shifts shall take annual leave in increments of not less than 24 hours. However, annual leave may be taken in increments of 12 hours up to a maximum of four (4) 12-hour shifts per year.

Employees who take annual leave for a part of a day must work a minimum of four and one-half (4 1/2) hours that day before their lunch period may be used to reduce the amount of annual leave taken.

In cases of extreme need and/or hardship, extended leave may be approved. Annual leaves of more than thirty (30) calendar days may be considered on an individual basis by the Department Head. The employee request shall be considered when the employee has shown by his/her record to be of more than average value to the City and where it is desirable to retain the employee even at some sacrifice on the part of the City. A copy of annual leave approval that extends beyond 30 calendar days must be forwarded to Civil Service.

Although not normally recommended, but in order to help achieve equitable scheduling, a Department Head may find it necessary or desirable to advance annual leave. Normally, annual leave shall not be advanced in amounts greater than one (1) working week (the amount equal to the time withheld in the City's payroll system). In unusual circumstances, however, a Department Head may specifically authorize some advance of annual leave in amounts greater than one (1) working week, but in no case shall more leave be advanced than an employee may yet be eligible to earn through the pay period that includes December 31st of each year. If a Department Head deems that any advance of annual leave is desirable or necessary, then the employee must be advised that any annual leave advanced will be recaptured from all future pay or benefits in the event the employee terminates employment with the City prior to earning all advanced leave. Unless specifically approved by the Civil Service Director and the Department Head, all annual leave advances shall be reconciled by the end of the pay period that includes December 31st of each year.

5.06.01 ADDITIONAL LEAVE WITH PAY FOR EXEMPT EMPLOYEES

Exempt Employee: an employee who is not subject to the overtime provisions of the Fair Labor Standards Act.

An exempt employee is exempt from the overtime provisions of the FLSA, and therefore, is not eligible to be paid overtime by the City of Knoxville. Exempt

employees will not receive overtime pay regardless of the number of hours worked. They are also exempt from receiving compensatory leave as otherwise provided for non-exempt employees in Administrative Rule 3.06.

Exempt employee positions are in a bona fide professional, executive, or administrative positions or specialized positions such as information technology and must meet specific criteria for exemption established by the FLSA. Under rare circumstances, exempt employees may qualify for leave with pay for additional work performed if it has been properly authorized in accordance with the requirements set forth below.

In order for an exempt employee to receive leave with pay, the Director of the Department must authorize it in writing. This leave with pay may be authorized by the Director of the Department for occasional, special circumstances or projects when the Director has required the exempt employee to work more hours in a workweek than the Director believes is reasonably expected for the accomplishment of the position's duties. An example would be if a person is called in to the City after normal business hours due to an emergency or other unforeseen circumstance. Under no circumstances may a Director authorize an exempt employee to receive more than twenty four hours (or three working days) of leave with pay per month without first obtaining approval from the Finance Director.

Exempt employees may only receive leave with pay if the Director has provided written authorization designating how many hours of leave with pay will be given and the specific task or project for which the leave with pay is applicable. Documentation of the written authorization must be maintained by the Department and made available to the Finance Director for review upon request. General or "blanket" authorizations for an exempt employee to work beyond his or her regularly-scheduled hours shall not be the basis for earning leave with pay. For example, allowing an exempt employee to work late every Wednesday because that helps the employee schedule other personal matters during the week does not authorize the employee to receive leave with pay.

An exempt employee who independently determines additional work time is necessary to complete his/her work assignments shall not receive additional compensation or leave with pay. An example would be if a person stays late to complete an assignment which is a normal part of their duties. Additional work time is intended only to relieve specific peak workload needs and shall not be authorized to provide for continuous workload requirements.

Any leave accrued pursuant to this section shall be added to the employee's annual leave balance, is to be considered as annual leave as set forth in Rule 5, and is subject to the carry-over limitations set forth in Section 5.06 of these rules.

5.07 REQUESTS FOR ANNUAL LEAVE AND COMPENSATORY TIME

Whenever possible, employees should submit requests for leave to their immediate supervisor within two (2) days of the date the leave is to be effective. Supervisors are encouraged to respond to the request in a timely manner. If the response is not forthcoming, the employees are authorized to submit the request up the supervisory hierarchy to such level where a response is given.

5.08 SICK LEAVE

On the beginning date of employment, a City employee's leave accrual balances will be zero (0) except as provided otherwise in Sections 5.18 and 5.19 of these Rules.

City employees, other than regular part-time and temporary employees, shall earn sick leave with pay on the basis of one (1) day per month up to a maximum of twelve (12) working days per year. Sick leave shall begin to accrue at the end of the first pay period. Sick leave may be utilized for medical appointments. Sick leave shall be taken in multiples of not less than one-quarter (1/4) hour. Employees taking part of the day off and requesting sick leave for the hours not worked must work a minimum of four and one-half (4 ½) hours that day before they can use their lunch hour to minimize the amount of sick leave taken. Sick leave not used during the calendar year may be carried forward to the following year.

Regular employees working thirty-five (35) hours or more per week are entitled to full sick leave benefits. Regular employees working from twenty-five (25) to thirty-four (34) hours per week are entitled to accrue leave time at one-half (1/2) the rate of regular full-time employees. Regular employees working less than twenty-five (25) hours per week are not entitled to accrue leave time. Temporary employees shall not earn sick leave. Employees on workers' compensation leave shall continue to accrue sick leave during this period.

Employees may use sick leave to a maximum of 40 hours per calendar year for employees on a 40 hour/week and 56 hours per calendar year for employees on a 56 hour/week for the medical needs of a spouse, domestic partner, child, or parent.

An employee who is absent for ten (10) or more days due to personal illness or the illness of an immediate family member must complete Family and Medical Leave forms in compliance with Section 5.20 of these Rules and Regulations. Sick Leave Absences of ten (10) days or more that are not supported by FMLA documentation shall not be approved for sick leave and such leave usage shall be converted to annual leave. If no annual leave is available, such leave usage shall be unpaid leave.

A Department Head or supervisor may ask for a medical certificate or other acceptable evidence for shorter periods of sick leave if deemed appropriate or advisable. If necessary, a Department Head may request further evaluation from the

City-selected physician for periods of non-FMLA sick leave. In such cases, the City will pay for the further evaluation.

Employees who become ill during a period of paid annual leave may request that their vacation be temporarily terminated and the time charged to sick leave. Employees may also use annual leave for sick leave if sick leave has been exhausted. If annual leave and sick leave have been exhausted, an employee, at the discretion of the Mayor and the Department Head, may be granted a leave of absence without pay, subject to the Leave of Absence policy, not to exceed twelve (12) months. An employee, upon returning to work from sick leave, shall be required to submit a doctor's statement certifying the employee's fitness to return to work.

An employee feigning sickness or injury or otherwise deceiving a supervisor as to his/her condition while on sick leave shall be subject to strict disciplinary action, including dismissal. According to departmental needs, additional departmental rules may exist for controlling sick leave abuse but shall not be in conflict with the provisions contained herein and must be approved prior to implementation in the same manner prescribed in Section 1.03 of these rules.

When a City employee, other than a regular part-time or temporary employee, shall have accumulated a total of one hundred twenty (120) sick leave days he/she shall be entitled to receive three (3) days additional pay for each year thereafter for which the 120 day balance is maintained. Retiring or deceased employees who were eligible for retirement who have a minimum balance of one hundred twenty (120) sick leave days shall be entitled to be compensated for sixty (60) days (or 50% of the 120 days) of pay. A “day” shall be defined as eight (8) hours for employees working 40-hour weeks or twelve (12) hours for employees working 56-hour week shifts. An employee is deemed to be “retiring” from City employment, only if he/she will receive a City pension and whose Separation Form indicates “retirement.”

Sick leave accrued by a City employee cannot be transferred or loaned to another City employee. City employees are eligible to become members of the Sick Leave Bank in accordance with Section 5.21 of these Rules and Regulations.

5.08.01 USE OF LEAVE FOR WELLNESS EVENTS AND CENTER APPOINTMENTS

Employees will be allowed to attend scheduled appointments or meetings for City sponsored health assessments, exams, disease management, and other preventive and educational health services during paid work hours without use of leave. Employees must coordinate attendance at these functions with their supervisors or according to departmental policy. While the City encourages employees to participate in preventive health and education programs, when work needs dictate, supervisors may require employees to reschedule appointments or decline attendance.

Employees may be allowed work time of no more than one (1) hour per appointment to attend appointments with The Center staff for acute care (treatment of non-work

related minor illness or injury) without being required to take leave. The employee must telephone and make an appointment to avoid unnecessary and inefficient wait times and congestion. Employees must coordinate attendance at acute care appointments with their supervisor. When work needs dictate, supervisors may ask employees to reschedule appointments. If an employee's acute care appointments appear overly frequent, supervisors may require the employee to provide documentation from The Center confirming the necessity of visits.

Employees who abuse these privileges will be subject to corrective or disciplinary action.

5.09 RESTORATION OF FORFEITED LEAVE

In the event of illness or disability which exhausts all available sick and annual leave, an employee or his/her agent may request restoration of unused sick and/or annual leave which has been forfeited. Applications for restoration of forfeited leave must be approved by the Department Head, the Civil Service Director, and a majority of the Sick Leave Bank Trustees.

The Sick Leave Bank Trustees will consider the following in its evaluation of applications to restore forfeited leave:

1. Proof should be submitted that the employee has a serious illness or injury; i.e., a medical condition that is likely to require an employee's absence from duty for a period of time (at least two pay periods) during which the employee is not able to perform the material and substantial duties of his/her own occupation. This proof should be provided in a form acceptable to the Trustees by the licensed physician who has primary responsibility for the employee's medical treatment for the illness or injury causing the absence.
2. Proof should be submitted from the Department that the employee has no available sick leave.
3. The manner in which the employee has utilized previous leave benefits, whether or not the emergency was foreseeable, whether there are reasonable alternatives available to being absent from the job, and whether there are any other circumstances unique to the illness or injury.

The decision of the Sick Leave Bank trustees shall be final; however, if the decision of the Trustees is to deny the request the applicant has the right to petition the Trustees for reconsideration. The decision of the Trustees shall not be subject to the grievance procedure.

For the purposes of this rule, "unused" sick leave shall not include any sick leave for which an employee received a 50% credit under Rule 5.08.

5.10 RESTORATION OF LEAVE AND SENIORITY UPON RETURN FROM LAY-OFF

Employees may have their previously accrued seniority and sick leave restored upon return from a layoff if they meet the following criteria:

a. Have been laid off in accordance with Civil Service Merit Board Rules and Regulations; and
b. Return to City employment within two (2) years of effective date of layoff. These employees may also have their accrued annual leave restored provided that they did not receive payment for their annual leave when laid-off.

These employees may also have their accrued annual leave restored provided that they did not receive payment for their annual leave when laid-off.

5.11 PARENTAL LEAVE

Pursuant to Tennessee Code Ann. § 4-21-408, employees who have been employed full-time for at least twelve (12) consecutive months may be absent for a period not to exceed four (4) months for adoption, pregnancy, birth, and nursing of an infant (hereafter referred to as “Parental Leave”).

The employee must give at least three (3) months advance notice of his/her anticipated date of departure for such leave, the length of leave, and whether he/she intends to return to full-time employment after the leave. Employees who are prevented from giving three (3) months advance notice because of a medical emergency or because notice of adoption was received less than three (3) months in advance shall still be eligible for Parental Leave.

The City may request a statement from a physician regarding the approximate date of the delivery and/or other appropriate date for beginning the Parental Leave period. The City may request a certificate from the employee’s physician certifying that the employee is physically able to fully resume the duties of the employee’s position.

Parental Leave is unpaid leave. Leave available under other applicable leave categories, such as annual leave, sick leave, and FMLA leave shall be used with and run concurrently with Parental Leave. With the exception of sick leave qualifying as family sick leave, accrued sick leave may only be used for the portion of time an employee is certified by a physician as being unable to work due to pregnancy, childbirth, or other physician-certified condition. Once any other applicable paid leave is exhausted, the employee will be eligible for any period of unpaid Parental Leave remaining.

If the employee’s job position is so unique that the City cannot, after reasonable efforts, fill that position temporarily, the City shall so notify the employee whereupon the employee shall either return to his/her position or the City shall be relieved of the obligation to reinstate the employee to his/her previous position.

5.12 WORKERS' COMPENSATION

For rules regarding leave policies relative to Workers' Compensation, please see 7.05 of these Rules and Regulations.

5.13 CIVIL LEAVE

Any employee shall be given necessary time off without loss of pay when:

A. Performing jury duty. In accordance with T.C.A. 22-4-106, an employee is paid for his/her regularly scheduled work day if the jury duty exceeds three (3) hours. If the employee serves less than three (3) hours per day, the time served is considered civil leave and the employee must return to work or use leave for the remaining work hours. An employee on night shift is excused from the work shift preceding his/her first day of jury duty. Temporary employees are not eligible for paid jury duty leave if they have worked for the City for less than six (6) months.

B. Required by duties or subpoenas to appear before a court, public body, or commission as a witness provided that the employee has no personal interest in the litigation (this provision shall not apply to the members of the Police Department of the City of Knoxville).

C. Performing emergency civilian duty in connection with national defense.

D. Voting in national, state, county and/or city elections when the polls are not open at least two (2) hours before or after the employee's scheduled hours of work.

5.14 BEREAVEMENT LEAVE

In case of a death in a regular employee's immediate family, the employee shall be given time off with pay to attend the funeral. Such time shall not be charged to either his/her sick or vacation leave in accordance with the following:

A. Three (3) days should interment be within a 400 mile radius;

B. Five (5) days should interment be beyond a 400 mile radius;

C. Immediate family is defined to include the following: wife, husband, domestic partner, parents, brother, sister, children, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, grandparents, grandchildren, great grandparents, step-mother, step-father, step-children, legal guardian.

D. In addition to the above bereavement leave provisions, a regular employee shall be authorized to use up to ten (10) working days of accrued sick leave in the case of the death of a parent, child, domestic partner, or spouse. In such a case, a copy of the death certificate may be required.

E. Temporary employees are not eligible for bereavement leave.

5.15 MILITARY LEAVE

Employees of the City of Knoxville who are members of any military reserve organization are entitled a maximum of twenty (20) working days annually of paid military leave when engaged in the performance of duty or training in the Military Reserve. An employee on military leave shall receive his/her regular rate of pay for that period of leave. Requests for military leave shall include copies of the military orders. An employee ordered for pre-induction physical examination shall be given time off with pay for this purpose by showing his/her orders to the Department Head. Requests for leave of absence for any period of absence which exceeds ten (10) working days should be submitted at least two (2) weeks in advance of the beginning date of the requested leave. Requests for military leave in excess of twenty (20) working days annually shall be made as far in advance of the contemplated absence as is reasonably possible. The employee may but is not required to use accrued annual leave during an absence due to military service.

An employee who is granted a leave of absence for military service shall have the time spent in military service credited to the employee's current service for the purpose of determining his/her benefits hereunder. The conditions and limitations for credit for leave for military service are:

1. A leave of absence for military service will be limited to five (5) cumulative years for a regular enlistment or other voluntary service;
2. The employee must reapply for employment within ninety (90) days of his separation from military service, except that employees who are hospitalized at time of termination of military service will have up to two (2) years to make application to the head of his/her department for re-employment; and
3. Upon his/her return to employment from military service, the employee may, in addition to making his/her current contribution to the pension fund, make all contributions to the pension fund which he/she would have made had he/she been employed by the City during the time of said military leave of absence at his/her annual rate of pay at the date said leave of absence commenced. Additionally, upon release from military service such employee shall be re-employed by the City of Knoxville in a position no lower than the same pay grade and salary level than that in which he/she was employed at the time of departure, upon condition that such employee is physically and mentally qualified to perform the required duties.
4. Pursuant to the aforementioned conditions, the employee must report to duty with the City when instructed and will be required to furnish a copy of military orders showing the date of release from duty and a certificate showing satisfactory performance of duty.

Pursuant to the City Code, the Mayor is authorized to issue an Executive Order to increase the benefits contained in this section for a period not to exceed two (2) full years for each employee called to active duty.

The City of Knoxville will comply with all federal laws applicable to the re-employment of individuals who have been on leave of absence due to military service.

5.15.01

AN EXECUTIVE ORDER OF THE MAYOR OF THE CITY OF KNOXVILLE EXTENDING TO TWO YEARS THE ELIGIBILITY PERIOD FOR SUPPLEMENTAL SALARY AND BENEFITS TO PERMANENT EMPLOYEES CALLED TO ACTIVE MILITARY DUTY.

WHEREAS, pursuant to Rule 5.15 of the Administrative Rules and Regulations of the City of Knoxville, permanent full-time employees of the City of Knoxville who receive orders calling the employee to active military duty are entitled to certain supplemental salary and benefits; and

WHEREAS, said benefits are currently limited to one (1) year from the last day of the employee's work for the City prior to leaving for duty; and

WHEREAS, recent military call-ups in the ongoing War on Terrorism have been for periods of up to two (2) years, and

WHEREAS, by amendment to Section 2-481(c) of the Code of Ordinances of the City of Knoxville, the Council of the City of Knoxville has authorized the Mayor to extend supplemental salary and benefits to up to two (2) years, and

WHEREAS, it is appropriate during the War on Terrorism for governmental employers to demonstrate support for the citizen-soldiers called upon to protect our Nation and our freedoms.

NOW, THEREFORE, I, Madeline Rogero, Mayor of the City of Knoxville, pursuant to the authority vested in me by Article III, § 301 of the Charter of the City of Knoxville and Section 2-481(c) of the Code of Ordinances of the City of Knoxville, hereby extend military leave benefits under Rule 5.15 of the Administrative Rules and Regulations of the City of Knoxville for up to two (2) full years from the last day of the employee's work for the City prior to leaving for duty. Accordingly, permanent full-time employees of the City of Knoxville who receive orders calling the employee to active military duty are entitled to the following benefits for two (2) years from the employee's last day of work for the City prior to leaving for duty:

a) The employee will receive a salary supplement from the City that is the difference between the employee's monthly military salary and the employee's monthly salary from the City, up to a maximum of $750.00 per month.

b) The employee will continue to be eligible for the same health benefits the employee received as an active employee and will continue to accrue annual leave, sick leave, and longevity. These accrued days for leave

and longevity shall be credited to the employee upon his/her return to work for the City.

To receive the salary supplement and benefits, copies of all military orders must be provided to the departmental director. Copies of such orders shall be provided immediately upon receipt. Upon completion of the appropriate military leave form, the employee shall have the option to utilize any accrued leave and the twenty (20) days paid military leave prior to receiving any benefits pursuant to this Executive Order.

This Executive Order shall be effective on the 1st day of December, 2012.

5.16 UNPAID LEAVE

Leave of absence without pay may be granted for personal reasons for periods beyond those allowable with pay provided the Department Head is willing either to allow the position from which leave is taken to remain vacant or to fill such position by temporary appointment until the expiration of such leave. No leave of absence without pay shall be granted to any employee to accept other employment. With the exception of military leave, accrued annual leave and/or sick leave (as appropriate) must be exhausted before an employee goes on leave of absence without pay. Leave of absence without pay does not apply to periods of less than 4 hours in a single workweek.

Any regular employee who wants to be granted a leave of absence without pay for personal reasons such as a protracted illness extending beyond sick leave coverage, personal business, or travel shall submit a written request to the Department Head stating the reason for the request, the preferred date for the start of the leave, and the probable date of return.

Any employee may, at the discretion of the Department Head, be granted leave without pay which shall not exceed ten (10) working days for any reason. For leaves of absence that are 10 working days or less, a copy of the request for leave of absence must be sent to the Civil Service Department for placement in the employee's permanent personnel file along with the appropriate approval from the Department Head.

Leave without pay in excess of ten (10) working days must be requested, in writing on an Unpaid Leave Form, through the Department Head to the Civil Service Director. All leave without pay in excess of 10 working days, with the exception of leave regulated by state or federal law (such as Military Leave or Family & Medical Leave) must be approved by the Mayor. After approval, a copy of the request for leave of absence shall be placed in the employee's permanent personnel file.

In cases of extreme need and/or hardship, leaves of more than ninety (90) days may be considered on an individual basis by the Department Head and the Mayor. The employee request shall be considered when the employee has shown by his/her record to be of more than average value to the City and where it is desirable to retain the employee even at some sacrifice on the part of the City. A leave of absence

cannot be approved beyond a period of twelve (12) months continuous absence including all forms of leave. A period of absence shall be considered continuous until the employee has returned to work for a minimum of one full pay period. At the expiration of the leave without pay, the employee shall have the right to, and shall be reinstated to, the position he/she vacated if the position still exists or any other vacant position in the same class.

Employees are expected to return to work at the end of their approved leave. Failure to do so can constitute automatic termination.

Employees on leave without pay do not accrue leave or pension benefits, and are not entitled to health benefits except as expressly provided by these Administrative Rules.

5.17 TWO INCUMBENTS IN ONE POSITION

There are two conditions under which a position may be occupied by two employees at the same time: (1) the appointment of an employee in the same classification held by another employee may be made before the incumbent terminates, and (2) an employee may be appointed to the same classification held by another employee who is on approved extended leave. In both cases the overlapping appointment shall last no longer than six months.

5.18 POLICY GOVERNING THE TRANSFER OF EMPLOYEES BETWEEN KUB AND GENERAL GOVERNMENT

Employees transferring between the Knoxville Utilities Board (KUB) and general purpose City of Knoxville government (General Government) shall be made in accordance with the City Charter and existing Civil Service Merit Board, City of Knoxville, and KUB rules and regulations governing transfers. Said employees will be deemed as having broken service with their previous organization and held in the previous organization; except that they may retain their most recent date of hire in the organization from which they are transferring for the purpose of accumulating benefits, subject to any ordinances to the contrary. They may not bring with them any leave already accumulated and unused, except in those cases where an employee transfers as a result of an organizational change mandated by a City Charter or Ordinance provision. In said case, annual and sick leave accumulations can be transferred to the new organization subject to the existing limitations in that organization. On the effective date of the transfer, said employees shall be granted medical and life insurance coverage immediately. Coverage will not be subject to either the waiting period or the exclusion of pre-existing conditions applicable to new employees.

5.19 POLICY GOVERNING LEAVE BALANCES OF EMPLOYEES WHO TRANSFER FROM A QUASI-CITY GOVERNMENT AGENCY TO CITY GOVERNMENT

Whenever a new employee is hired directly from a quasi-city government agency, annual and sick leave accumulations may be transferred to city government, at the Mayor's approval, subject to the existing limitations in city government; provided, however, that the employee was not compensated by the former agency for those accumulations. For the purpose of this policy, quasi-city government agency is defined as Metropolitan Knoxville Airport Authority, Metropolitan Planning Commission, or Knoxville Community Development Corporation.

5.20 FAMILY AND MEDICAL LEAVE

PURPOSE

The purpose of this policy is to describe the leave available to employees under the Family and Medical Leave Act of 1993 (hereafter referred to as “FMLA Leave”).

GENERAL

Employees who have been employed for at least one (1) year and for at least 1,250 hours during the preceding 12-month period (an average of 24 hours per week) are eligible for FMLA Leave. These twelve (12) months do not have to be consecutive. However, any period of employment prior to a break in service ending seven (7) or more years prior to the employee’s last date of rehire will not be counted toward the 12-month calculation unless: (1) the break in service was due to the employee's fulfillment of his or her National Guard or Reserve military service obligations; or (2) a written agreement exists establishing the City's intention to rehire the employee after the break in service.

FMLA Leave is not paid leave. FMLA Leave will run concurrently with annual leave, sick leave, and Parental Leave (if applicable) as provided below. If FMLA Leave is requested for an employee's own serious health condition, the employee must also use all of his or her accrued paid sick leave and annual leave. If FMLA Leave is requested for any other reason, an employee must use all of his or her accrued annual leave or family sick leave. The remainder of the 12-week leave period, if any, will then consist of unpaid FMLA Leave. If an employee has accrued annual or sick leave under the City's current policies, the employee must take the appropriate paid leave prior to taking unpaid FMLA Leave.

In any case in which both spouses are entitled to FMLA Leave and are employed by the City, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during the 12-month period if such FMLA Leave is taken: (a) because of the birth of a son or daughter of the employee and in order to care for such son or daughter; (b) because of the placement of a son or daughter with the employee for adoption or foster care; or (c) in order to care for a sick parent of the employee, if the parent has a serious health condition.

All employees who meet the applicable time-of-service requirements may be granted a total of twelve (12) weeks of FMLA Leave within a "rolling" twelve (12) month period. Through January 31, 2013, the “rolling” twelve (12) month period will be measured forward from the date an employee first uses any FMLA Leave. Effective February 1, 2013, the “rolling” twelve (12) month period will be measured backward from the date an employee uses any FMLA leave. This rolling back method will apply to all FMLA applications and requests approved after February 1, 2013. Under the rolling 12-month period, each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

REASONS FOR LEAVE
FMLA Leave can be used for the following reasons:

1. The birth of the employee's child and in order to care for the child (See Parental Leave Policy in Section 5.11 of these Administrative Rules and Regulations);
2. The placement of a child with the employee for adoption or foster care (See Parental Leave Policy in Section 5.11 of these Administrative Rules and Regulations);
3. To care for a spouse, child or parent who has a serious health condition; or
4. A serious health condition that renders the employee incapable of performing the essential functions of his or her job.

The availability of FMLA Leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement.

Serious Health Condition
A "serious health condition" is defined as an illness, injury, impairment, or physical and medical condition requiring:

1. Inpatient care in a hospital, hospice, or residential medical care facility, or
2. Continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) due to:

    a. A health condition (including treatment therefore, or recovery there from) lasting more than three (3) consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes;

        - Treatment two (2) or more times by or under the supervision of a health care provider within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist; or
        - At least one (1) treatment by a health care provider with a continuing regimen of treatment under the supervision of a health care provider, with “treatment by a health care provider” to mean an in-person visit to a health care provider and that the first, or only, in-person visit must take place within seven (7) days of the first day of incapacity; or

b. Pregnancy or prenatal care. A visit to a health care provider is not necessary for each absence; or

c. A chronic serious health condition which continues over an extended period of time, requires periodic visits to a health care provider at least two (2) times per year, and may involve occasional episodes of incapacity (e.g., asthma, diabetes). A visit to a health care provider is not necessary for each absence; or

d. A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or

e. Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

A serious health condition exists if it renders the employee unable to perform the essential functions of his or her job. Serious health conditions are not intended to cover routine conditions for which treatment and recovery are very brief.

Health Care Provider
"Health care provider" means:

- Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctors practice; or

- Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice, and performing within the scope of their practice, as defined under state law; or

- Nurse practitioners, nurse-midwifes, and clinical social workers authorized to practice, and performing within the scope of their practice, as defined under state law; or

- Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or

- Physician assistants, even if they are not working under the direct supervision of a physician, provided they are operating within their authorization to practice under State law; or

- Any health care provider recognized by the employer or the employer's group health plan benefits manager.

MILITARY FAMILY LEAVE

Under the National Defense Authorization Act, FMLA leave can be taken by employees as follows:

1. Military Caregiver

Military Caregiver Leave applies to employees whose covered family member is a service member of either the Regular Armed Forces or a Reserve component of the Armed Forces. The covered service member must have a serious injury or illness that renders the service member medically unfit to perform the duties of his or her office, grade, rank or rating. The covered service member must have become injured or ill in the line of duty on active duty and must be:

a. undergoing medical treatment, recuperation, or therapy; or
b. otherwise in outpatient status (where a member of the Armed Forces is assigned to a military medical treatment facility as an outpatient or is otherwise assigned to a unit for purposes of receiving medical care as an outpatient); or
c. otherwise on the temporary disability list.

In order to be eligible for FMLA leave to care for a covered service member, an eligible employee must be the spouse, son, daughter, parent, or next of kin of the covered service member. The son or daughter of a covered service number is any biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age. A parent of a covered service member is any biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. The next-of-kin of a covered service member is the nearest blood relative other than the spouse, parent, son, or daughter, in the following order of priority:

- Blood relatives who have been granted legal custody,
- Brothers and sisters,
- Grandparents,
- Aunts and uncles, and
- First cousins.

However, the covered service member can specifically designate in writing another blood relative for purposes of military caregiver leave, which person shall be deemed to be the only "next of kin" eligible for FMLA military caregiver leave. When no such designation is made and there are multiple family members with the same level of relationship to the covered service member, all such family members are considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member. The City may require an employee to provide confirmation of family relationship to the covered service member.

An eligible employee is entitled to 26 workweeks of FMLA leave to care for a covered service member with a serious injury or illness during a “single 12-month

period." The "single 12-month period" begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date. If the eligible employee does not use all 26 workweeks of available leave during this 12-month period, the remainder is forfeited.

The leave is available on a per-covered-service member, per-injury basis, so that if the employee becomes entitled to military caregiver leave under the FMLA with respect to a different family member, the employee is entitled to a new 26 workweeks of leave during a separate "single 12-month period." Similarly, if the covered service member incurs a new illness or injury subsequent to the original one, a new 26 workweeks is available to the employee. Nevertheless, the employee is limited to taking no more than 26 workweeks of leave in each single 12-month period.

The 26 workweeks of leave is decreased by FMLA leave taken by the employee for other qualifying reasons. That is, 26 workweeks of FMLA leave are available for caring for a covered service member and for all other FMLA reasons. For example, if an employee takes 10 weeks of FMLA leave to care for a newborn child, that employee would only be able to take 16 weeks of FMLA leave to care for a covered service member. When leave is taken to care for a covered service member where it is taken by both a husband and wife who are employed by the City, the husband and wife would have a combined total of 26 workweeks of leave during the "single 12-month period."

2. Qualifying Exigency

Qualifying Exigency Leave applies only to employees whose covered family member is on active duty, or called to active duty, from a reserve component (or re-called from retirement).

Eligible employees are entitled to take up to 12 workweeks in a 12-month period of unpaid leave because of any qualifying exigency (as defined by the Department of Labor) arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. This 12 workweeks of leave is not in addition to an employee's 12-week FMLA entitlement for other reasons, e.g., serious health condition or bonding; it is merely another reason for which FMLA leave may be available.

Upon submission of the FMLA Application, a copy of active duty orders must be provided to the City upon the employee's first request for leave because of a qualifying exigency. Additionally, the City may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship.

A "Qualifying Exigency" must meet one of the following:

a. Short Notice Deployment. Leave to address any issue that arises from being notified of an impending call or order to active duty seven (7) or less calendar

days prior to the date of deployment. This leave can be for a period of up to seven (7) days beginning on the date the covered service member is notified of deployment. Therefore any leave taken outside the 7-day period must qualify under one of the other categories of qualified exigency.

b. Military Events and Related Activities. Leave to attend any official ceremony, program or event sponsored by the military or to attend family support and assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of the covered service member. This includes leave for arrival and departure ceremonies, pre-deployment briefings, briefings for family during the period of deployment and post-deployment briefings which occur while the covered military member is on active duty or call to active duty status.

c. Childcare and School Activities. Leave to arrange for childcare or attend certain school activities for the child of the covered military member. This includes:

(1) to arrange for alternative childcare when the active duty or call to active duty status necessitates a change to in the existing childcare arrangements;

(2) to provide childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the need to provide such care arises from active duty or the call to active duty;

(3) to enroll the child in or transfer the child to a new school or day care facility when enrollment or transfer is necessitated by the active duty or call to active duty;

(4) to attend meetings with staff at a school or day care facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, when such meetings are necessary due to circumstances arising from active duty or a call to active duty.

d. Financial and Legal Arrangements. Leave to make or update financial or legal arrangements to address the covered military member's absence while on active duty or call to active duty status [e.g. preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System ("DEERS"), obtaining military ID cards, or preparing or updating wills and trusts]. Leave is intended to address issues directly related to the covered military member's absence, and not routine matters such as paying bills. Leave is also permitted for the employee to act as the covered service member's representative before a federal, state, or local agency for purposes of obtaining, arranging or appealing military service benefits while the covered service member is on active duty or call to active duty status and for

a period of ninety (90) days following the termination of the covered military member's active duty status.

e. Counseling. Leave to attend counseling provided by someone other than a healthcare provider for oneself, for the covered service member, or for the child of the covered military member provided the need for the counseling arises from the active duty or call to active duty status of a covered military member. This provision covers counseling not already covered by the FMLA because the provider is not recognized as a health care provider. Examples include counseling provided by a military chaplain, pastor or minister, or counseling offered by the military or a military service organization that is not provided by a health care provider. If it is medical counseling, the City has the right to require a medical certification.

f. Rest and Recuperation. Leave to spend time with the covered service member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to five (5) days leave for each instance of rest and recuperation.

g. Post-Deployment Activities. Leave to attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active duty; or to address issues that arise from the death of a covered military member while on active duty status, such as meeting and recovering the body of the covered service member and making funeral arrangements.

h. Additional Activities. Leave to address other events which arise out of the covered military member's active duty or call to active duty status provided the employer and employee agree that such leave shall constitute a qualifying exigency, and agree to both the timing and duration of the leave.

INTERMITTENT LEAVE

FMLA Leave taken to care for a sick family member or for an employee's own serious health condition may be taken intermittently or on a reduced leave schedule when medically necessary. Intermittent FMLA Leave may include leave of periods from 15 minutes or more to several weeks.

BENEFITS COVERAGE DURING LEAVE

During a period of FMLA Leave, the City will maintain the employee's coverage under the City's group health plan that would have been provided if the employee were not on FMLA Leave. However, the employee must continue to make any contributions that he or she made to the plan before taking FMLA Leave to insure group health care coverage. Failure of the employee to pay his or her share of the health insurance premium may result in loss of coverage.

If the employee fails to return to work after the expiration of the FMLA Leave, the employee will be required to reimburse the City for payment of health insurance premiums during the FMLA Leave, unless the reason the employee fails to return is

the presence of a serious health condition which prevents the employee from performing his or her job or due to circumstances beyond the employee's control.

An employee is not entitled to the accrual of any seniority or employment benefits which would have accrued if not for the taking of unpaid leave. An employee who takes FMLA Leave will not lose any seniority or employment benefits that accrued before the date unpaid leave began.

In addition, an employee's use of FMLA Leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA Leave, nor be counted against the employee under a "no fault" attendance policy.

PROCEDURES FOR REQUESTING LEAVE

1. Notice of FMLA Leave

If FMLA Leave is to begin within thirty (30) days, an employee must give notice to his or her supervisor and Department Head as soon as the necessity for the FMLA Leave arises. An employee intending to take FMLA Leave because of the birth or placement of a child, or because of a planned medical treatment must submit an "Application for FMLA Leave" at least thirty (30) days before the FMLA Leave is to begin. If FMLA leave is required because of a medical emergency or other unforeseeable event, the employee must provide such notice as soon as is practicable and possible following the emergency or unforeseen event. If thirty (30) days notice is not given by the employee, the City may retroactively designate FMLA leave, pursuant to 825.301(d) of the Family and Medical Leave Act.

2. Completion of Application for Family and Medical Leave Form:

An Application for Family and Medical Leave must be originated by the employee and may be obtained from the Employee Benefits Division or from the employee's payroll clerk. This form should be completed in detail and signed by the employee, and submitted by the employee to the treating health care provider for completion of the Medical Certification Statement. If possible, the form should be submitted thirty (30) days in advance of the effective date of the leave. In the case of a medical emergency or an unforeseeable event, the employee must provide said notice as soon as is possible and practicable after the emergency or event.

3. Completion of Certification Statement

An application for FMLA Leave based on the serious health condition of the employee or the employee's spouse, child, or parent must also be accompanied by a "Certification Statement" completed by the applicable health care provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition within the knowledge of the health care provider regarding the condition. Forms entitled "Certification Statement" are provided which include all necessary information. There are separate "Certification Statements" for an employee's own serious illness or for the illness of an employee's family member. These forms should be used

to ensure the necessary information is included and are available from the Employee Benefits Division or an employee's payroll clerk.

For the purposes of FMLA Leave for an employee's illness, the certificate must state that the employee is unable to perform the essential functions of his or her position. In the case of certification for intermittent FMLA Leave or FMLA Leave on a reduced FMLA Leave schedule for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment must be stated.

If the employee is needed to care for a spouse, child, or parent, the certification must so state along with an estimate of the amount of time the employee will be needed. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job.

If the received medical certification is incomplete and/or insufficient, the employee shall be notified in writing and shall be told what additional information is needed to make the certification complete and sufficient. The employee will be given seven (7) days to cure the deficient certification. After providing the employee an opportunity to cure an incomplete and insufficient medical certification, Employee Benefits may seek additional information from the health care provider for clarification pursuant to 825.307 of the Family and Medical Leave Act.

The City may require periodic reports and/or recertification from an employee on FMLA Leave regarding the employee's status and intent to return to work.

The City may require the employee to obtain a second opinion at the City's expense with a health care provider designated by the City. If the first and second opinions differ, the City may require the employee to obtain certification from a third health care provider who must be designated or approved jointly by the employer and the employee. The third opinion is binding.

For FMLA leave for a Qualifying Exigency for Military Leave, a "Certification for Qualifying Exigency for Military Leave" form must be completed in lieu of a "Certification Statement."

For FMLA leave for Military Caregiver Leave, a "Certification for Serious Injury or Illness of a Covered Service Member for Military Family Leave" form must be completed in lieu of a "Certification Statement."

4. <u>Return From FMLA Leave</u>

An employee must submit a fitness for duty notice from the treating health care provider that addresses the employee's specific job duties to the Employee Benefit Divison before he or she can be returned to active status. If an employee wishes to return to work prior to the expiration of an FMLA

Leave, notification must be given to the Employee Benefits Division at least five (5) working days prior to the employee's planned return.

RESTORATION TO EMPLOYMENT

An employee eligible for FMLA Leave will be restored to his or her former position or to a position with equivalent pay, benefits, and other terms and conditions of employment upon timely return from FMLA Leave. The City cannot guarantee that an employee will be returned to his or her original job. A determination as to whether a position is an "equivalent position" will be made by the appropriate Department Head and the Civil Service Director.

Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, the City may refuse to reinstate certain highly paid “key” employees after using FMLA Leave during which health coverage was maintained. In order to do so, the City must:

Notify the employee of his/her status as a “key” employee in response to the employee’s notice of intent to take FMLA Leave;

Notify the employee as soon as the employer decides it will deny job restoration and explain the reasons for the decision;

Offer the employee a reasonable opportunity to return to work from FMLA Leave after giving this notice; and

Make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.

A “key” employee is a salaried “eligible” employee who is among the highest paid ten (10) percent of employees within 75 miles of the work site.

FAILURE TO RETURN FROM FMLA LEAVE

The failure of an employee to return to work or to request additional leave in writing upon the expiration of FMLA Leave will subject the employee to immediate termination unless the absence is allowed pursuant to an approved extension of FMLA Leave or another applicable leave policy.

REQUESTS FOR EXTENDED MEDICAL LEAVE

An employee who requests an extension of leave beyond his/her 12 weeks of FMLA must submit a request for Extended Medical Leave, in writing, together with appropriate medical certification PRIOR to the expiration of his/her FMLA leave. This leave is not FMLA leave. A written request for an extension of leave should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the FMLA Leave period and must in all cases be approved by all appropriate authorities prior to the expiration of his/her FMLA Leave. If the employee has paid leave remaining, a written request for Extended Leave With Pay, approved by the Department Head, must be forwarded to Employee Benefits prior to the expiration of FMLA leave. The maximum period that a department head may approve Extended Leave With Pay is up to twelve (12) months continuous period of

absence. If the employee has exhausted all of his/her paid leave, the Leave of Absence procedures found in section 5.16 of these rules shall be followed.

FAMILY AND MEDICAL LEAVE RECORDS
All medical records concerning FMLA Leave will be maintained as confidential records in the Employee Benefits Division. These records must be maintained in accordance with the Family and Medical Leave Act, and each department is required to immediately forward original "Applications for Family and Medical Leave," "Certification Statements," and "Notices of Intention to Return From Leave" forms to the Employee Benefits Division upon completion.

5.21 SICK LEAVE BANK

OBJECTIVE
Occasionally City employees contract a catastrophic illness or injury and exhaust their leave balances. This policy is established to provide guidelines for the implementation and administration of a Sick Leave Bank for contributing City of Knoxville employees to accommodate such disabling circumstances.

ADMINISTRATION OF BANK
The Sick Leave Bank shall be administered by a Committee of Trustees. The trustees shall be composed of seven (7) members and shall consist of the Director of Finance and Accountability, Civil Service Director, Benefits Manager, Director of Law; and the remaining three appointments shall represent general government employees, fire uniformed employees, and police uniformed employees respectively. The appointments shall be on an annual basis with the Chair selected by the Mayor. Vacancies for any reason shall be filled immediately by the Mayor.

The trustees shall be responsible for the administration and implementation of the Sick Leave Bank guidelines, membership and enrollment procedures, and reasonable assessment rules to maintain an adequate reserve.
The Civil Service Department shall provide staff support to maintain the bank, keep records of sick leave days donated and taken, prepare reports, and keep minutes of the trustee meetings.

The trustees shall provide an annual report indicating the status of the Sick Leave Bank membership, usage, and sick day reserves to the Mayor and members of the bank.

The trustees have the authority to waive Sick Leave Bank provisions under unusual or extraordinary circumstances.

Throughout this policy, referral to sick leave days shall be defined as eight (8) hour days.

ENROLLMENT/CANCELLATION OF MEMBERSHIP
No later than thirty (30) days prior to the effective date of the bank, the trustees shall notify all employees who accrue sick leave of their eligibility to join the Sick Leave Bank, the rules of membership, enrollment forms, the enrollment period, and the

effective date of the bank. The trustees shall establish and inform all eligible employees of the initial enrollment assessment to be deducted from the employee's sick leave balance. The initial assessment shall be two (2) days. Employees will be given at least forty-five (45) days from the date of hire to enroll in the bank.

After the initial enrollment, the trustees shall hold an annual enrollment period to coincide with the City's annual enrollment for benefits. This annual enrollment period and the enrollment procedures will be publicized annually by the trustees to all eligible employees. Employees who enroll at this time will have an initial enrollment assessment as established by the trustees.

The enrollment authorization shall remain in effect for the current and subsequent years unless cancelled in writing. Any employee may cancel membership from the bank by written request. Membership withdrawal shall result in forfeiture of all days contributed.

The right to membership or to apply for membership ceases with termination of employment, retirement, cancellation of membership, or refusal to comply with assessments. Donations of sick leave to the bank are non-refundable and non-transferable except in the event of termination of the bank.

If membership falls below twenty (20) members and the sick leave balance is less than twenty (20) days, the Sick Leave Bank trustees may decide to dissolve the bank rather than make an assessment. If the bank is dissolved, any days on deposit shall be credited to the participating members in a manner to be determined by the trustees upon dissolution of the bank.

CONTRIBUTIONS/ASSESSMENT OF SICK LEAVE DAYS

The trustees are authorized to make the necessary and reasonable assessments of the membership to maintain an adequate reserve of days based upon total membership and projected need. To maintain the bank, the balance of sick days in the bank should not fall below one day per member. If at any time the number of days in the bank is less than one per member, or at any time deemed advisable, the trustees shall assess each member one (1) day of accumulated sick leave. The number of days assessed to each member may not exceed three (3) days per assessment or six (6) days in any calendar year. The assessment of sick leave toward the sick leave bank does not count as usage of sick leave.

In the event of an assessment, the membership must be notified in writing at least thirty (30) days prior to the effective date of the assessment. At the end of the 30-day notification period, transfers will be made from the sick leave balances of members to the bank, except in cases where members have notified the trustees of their unwillingness to honor the assessment.

Failure to comply with any assessments established by the Sick Leave Bank trustees will result in cancellation of membership unless the member has made a current application for sick leave from the bank or is on sick leave with pay using an allocation from the bank. If a member has no accumulated sick leave at the time of

the assessment, the first earned days shall be donated as they are accrued by the employee.

ELIGIBILITY/APPLICATION FOR SICK LEAVE DAYS
Members who have participated in the Sick Leave Bank and who meet all other requirements as contained in this policy are eligible to apply for sick leave days from the bank.

Sick leave from the bank may only be granted to an employee as a result of a life-threatening or debilitating accident, illness or condition requiring an absence from work for 30 or more consecutive calendar days, as verified by the licensed health care provider having primary responsibility for the employee's treatment for the accident, illness or condition causing the absence.

The Sick Leave Bank Trustees may consider the manner in which the employee has utilized previous leave benefits, whether or not the absence was foreseeable, whether there are reasonable alternatives available to being absent from the job, and whether there are any other circumstances unique to the illness or injury, and may request additional information from the employee or the employee's health care provider in support of the employee's request.

Bank sick leave days may not be granted for illness of any member of the individual's family or during any period an individual is receiving the following: disability benefits from social security, benefits from a retirement plan or workers' compensation benefits, or is eligible for long-term disability benefits from any source. Bank sick leave days may not be granted for purely elective surgery but may be granted in unusual cases where, in the judgment of the trustees, the surgery is justified.

All personal accrued leave (sick, annual, forfeited, and advanced annual leave) must be used before receiving sick leave days from the bank. However, application may be made prior to that time and approval given contingent upon the employee's exhaustion of all accrued leave and any advancement of leave.

A written application for bank sick leave days is required on a form provided by the trustees maintained in the Civil Service Department. At a minimum, the application shall include employee's name, title, date of employment, reason for request, and number of sick leave days requested. All requests to draw from the bank must be accompanied by a statement from the employee's physician certifying that leave is medically required by the specified illness or disability. Applications will require approval of the employee's Department Head before being forwarded to the trustees for approval. If an employee is eligible, but unable to apply due to physical or mental condition, any family member or other agent may apply on behalf of that employee.

GRANTING SICK LEAVE DAYS
The trustees shall act upon all applications for sick leave days from the bank as soon as possible upon receipt of the request and all necessary documentation. All actions by the trustees require a majority of affirmative votes with a quorum of four (4) trustees required. Decisions of the trustees shall be final. Matters relevant to the administration and enforcement of this Sick Leave Bank Policy shall not be grievable

under the City's grievance procedure as contained in the Civil Service Merit Board Rules and Regulations.

The number of sick leave days granted may never exceed the number of days in the Sick Leave Bank.

Each initial grant of sick leave days from the bank shall be limited to a minimum of five (5) days and a maximum of twenty (20) consecutively scheduled working days for each illness or injury. After the initial grant, an extension (or extensions) of up to forty (40) sick leave days may be granted per illness or injury. The total sick leave granted to any one member shall not exceed sixty (60) days per calendar year or 120 days maximum per employee's employment.

If sick leave from the bank is granted to an employee, the employee is considered to be in active pay status during the use of that leave and all employment benefits apply, including the accrual of annual and sick leave.

If any sick leave is granted but not used by the employee, the unused portion of the amount of sick leave transferred is returned to the sick leave bank. This would apply in the case of an employee's death or recovery from the illness or injury.

Assessment of sick leave to join the Sick Leave Bank does not count as sick leave usage against the employee.

GRANTING SICK LEAVE DAYS FOR EMPLOYEES ON THE D.R.O.P.

In addition to the above provisions, the following provisions will apply to employees who are currently on the D.R.O.P. upon application for days from the Sick Leave Bank:

Sick leave days granted by the bank to an employee currently on the D.R.O.P. shall be treated as an advance against the leave that the employee may accrue during the D.R.O.P. period. The number of sick leave days granted may never exceed the number of days the employee may accrue prior to his/her delayed retirement date. If sick leave days are granted from the bank, the employee’s leave accruals shall be suppressed until all days granted from the Sick Leave Bank are restored to the bank.

6.01 GENERAL PROVISIONS

The City of Knoxville provides health benefits to all eligible participants. As of January 1, 2006, coverage is provided through the City of Knoxville Health Plan (the Plan). This Plan was formerly referred to as the City of Knoxville Flexible Benefit Plan. Eligible participants shall include those who have properly enrolled from the following groups: regular full-time and regular part-time employees working thirty (30) hours or more per week, the Mayor, the City Judge, elected members of City Council, and retirees who meet the City of Knoxville's requirements of Rule 8.10 of these Administrative Rules and Regulations.

Health benefits under the Plan may include medical insurance, wellness programs, health care and dependent care spending accounts, health reimbursement accounts, dental insurance, vision insurance, employee assistance programs, and preventive programs related to these benefit options. The provisions of these benefit options and the policies applicable to their administration are subject to change at any time. Information about the benefit options shall be provided during an annual benefit enrollment period prior to each benefit year, and official benefit description documents will be maintained and are available to all City employees through the Employee Relations and Benefits Office.

Eligible employees may change their benefit options during the annual enrollment period or within sixty (60) days of a Life Event as defined in Section 6.08 of these Rules. New employees must elect their benefit options within sixty (60) days of their hire date.

Eligible employees are permitted to enroll their eligible dependents for coverage under the Plan at times specified for enrollment in this policy if they meet one of the following definitions:

1. The employee's current legal spouse or domestic partner; including a common law spouse qualifying as a domestic partner, but not otherwise;

2. A dependent child, up to age 26, who is the employee's, employee's spouse's, or domestic partner's natural child, legally adopted child (including children placed for adoption), step-child, or child for whom the employee, employee's spouse, or domestic partner is the legal guardian or legal custodian, or a child of the employee or employee's spouse for whom a Qualified Medical Child Support Order has been issued;

3. An incapacitated child of the employee, the employee's spouse, or domestic partner.

The City may require at enrollment, or any time afterward, legal proof of eligibility, including but not limited to: a copy of a marriage license; Affidavit of Domestic Partnership; certified copy of any Qualified Medical Child Support Order; birth certificate naming the employee, employee's spouse, or domestic partner as father or mother; or proof of court-granted legal guardianship or legal custody. The City

may also require at enrollment or any time afterward a signed affidavit, affirmation or other document confirming the dependent relationship. The City may take disciplinary action, up to and including termination, and/or legal action for intentional misleading or falsification of this information

Dependents who permanently reside outside the United States are not eligible for coverage. The City's determination of eligibility under the terms of this provision shall be conclusive. The City reserves the right to require proof of eligibility, including a copy of a marriage license, certified copy of any Qualified Medical Child Support Order, birth certificate, and/or proof of court granted legal guardianship, legal custody and/or legal separation.

Dependents who met the definition of children for medical insurance purposes in 2010, but who do not meet the definition above, shall be eligible for coverage during 2011, but lose eligibility as of January 1, 2012 if they do not meet one of the definitions above.

The employee or other subscriber will notify the City within sixty (60) days if any dependent covered under any part of the Plan ceases to meet this definition. The City shall have the right to be reimbursed by the employee or other subscriber for any costs the City incurs as a result of failure to provide such notification. Appropriate disciplinary action, up to and including termination, or legal action may be taken by the City for failure to notify the City of dependents who are no longer eligible for coverage.

Refer to Rule 8.10 of these Administrative Rules and Regulations for information concerning retiree eligibility and coverage.

6.02 COST

The City pays a portion of the cost of the medical insurance for eligible employees and retirees. The amount of the portion paid by the City will be determined prior to the annual enrollment period.

6.03 EFFECTIVE DATE OF COVERAGE

Employees who enroll for coverage are covered under the Plan’s benefit options on the first day of the month after they have completed sixty (60) days of employment except as provided otherwise in Section 6.07 of these Rules.

6.04 COVERAGE WHILE IN NONPAY STATUS

See Rule 8.04 of these Administrative Rules and Regulations.

6.05 COVERAGE WHILE RECEIVING WORKERS' COMPENSATION

See Rule 8.07 of these Administrative Rules and Regulations.

6.06 COVERAGE WHEN TERMINATED OR LAID-OFF

See Rule 8.03 of these Administrative Rules and Regulations.

6.07 CONTINUATION OF COVERAGE

See Rule 8.02 of these Administrative Rules and Regulations.

6.08 REINSTATEMENT OF COVERAGES

Employees who have been laid off and are reinstated within two years of lay-off will be eligible for coverage effective the first day the employee returns to work. Employees who are re-employed anytime after they are legally terminated either by resignation, retirement or discharge will be covered under the Plan as provided in Section 6.03 of this rule.

Employees whose coverage is being reinstated will be reinstated for the benefits in which they were enrolled before the date of lay-off, unless the Plan year has changed or there has been a Life Event (as defined in Section 6.08 of these Rules) during the period benefits were cancelled, in such cases employees will be provided the choices appropriate to that situation. The City contribution for individual and dependent coverages will resume on the first day the employee's coverage resumes, unless otherwise specified in this policy.

6.09 CHANGES IN COVERAGE

Changes in benefit options can be made during the City's annual enrollment period, which normally occurs from mid-October to mid-November each year for the upcoming year's benefits. Changes that an employee makes during enrollment are final and cannot be changed until the following annual enrollment period. An exception applies if an employee has a Life Event. Life Events include marriage, divorce, birth or adoption of a child, death, changes in a spouse's or dependent's employment status, or changes in a spouse's or dependent's employer's annual enrollment. If a Life Event occurs and an employee needs to add a dependent(s) to their coverage, the employee has sixty (60) days from the event in which to add the dependent(s) who was affected by the status change.

6.10 TWO SPOUSES OR DOMESTIC PARTNERS WORKING FOR THE CITY

An employee and his/her spouse or domestic partner who work for the City will each be allowed to choose the benefit options that best fit their needs. Both employees are eligible to carry an individual policy. If employees choose a combined policy, one employee will elect coverage and the other will waive coverage. When it is in the best interest of the City to provide a discounted rate to couples that elect a combined policy, a rate separate from the current premium structure will be established.

6.11 CAFETERIA PLAN INCLUDING FLEXIBLE SPENDING ACCOUNT

Employees may purchase employee and family medical coverage, dental, vision, and cancer/specified disease coverage with pre-tax dollars. Employees may also use pre-tax dollars to pay for certain eligible out-of-pocket medical and dependent care expenses from health and dependent care spending accounts. Active employees who decide to waive the City-sponsored medical insurance are eligible for a special $500 annual contribution to a health care spending account. Proof of medical coverage outside of the City sponsored medical insurance will be required. Employees may only qualify for this program during their initial election period; during the annual enrollment period; or if they have a Life Event.

6.12 EMPLOYEE ASSISTANCE PROGRAM

The City offers an Employee Assistance Program (EAP) to all benefit eligible employees and their eligible family members for the purpose of providing services for dealing with problems which may impact their emotional or mental wellbeing. The EAP is designed to respond to a broad range of human problems including relationships, chemical dependency, emotional/behavioral, family and marital, financial, legal, stress-related, and other issues impacting emotional or mental wellbeing.

Services include short-term counseling, problem assessment and referral to appropriate private or community mental health or other treatment providers, counseling support following treatment, 24-hour telephone access, referral directory, and supervisory consultation. Costs for the EAP services are prepaid by the City.

If there are costs for treatment or services beyond the scope of the EAP, they are to be paid by the employee.

The EAP services are available to all benefit eligible employees as defined in Section 6.01 of these Rules.

When an employee's job performance deteriorates and is not corrected by normal supervisory attention, supervisors are encouraged to refer employees to seek the services of the EAP. In such cases the decision to accept referral for diagnosis and/or comply with the recommended treatment plan is solely the responsibility of the employee, and refusal to utilize the service of the EAP is not cause for disciplinary procedures. The EAP will not provide any information to the employee's supervisor or other inquiring persons unless the employee requests the EAP share the information. All records and discussions between the EAP counselors and the employee or family member are maintained under applicable privacy and non-disclosure laws.

In certain circumstances a department director may require mandatory participation in EAP services or other services of an EAP provider or other mental health provider contracted by the City. Such cases may include: violation of drug and alcohol or other policies; an alternative to all or a portion of potential disciplinary action; concerns for the safety of the employee or others; on the job exposure of the

employee to extraordinarily stressful events; an attempt to resolve internal relationship issues; and/or the employee's fitness for duty. In such cases the employee may be required to provide for the release of information regarding attendance, information regarding recommendations for follow-up by the City, information regarding the employee's ability to continue to perform his/her responsibilities or other information appropriate to the unique situation or to comply with applicable laws, regulations or policies.

Except for mandatory referrals, participation in the EAP will not jeopardize an employee's job security, promotional opportunities, or reputation. Information about the EAP is provided to all new employees during the New Hire Orientation. Training for supervisors in how and when to make referrals to the EAP is provided through supervisor training.

Nothing in this policy or in the implementation or operation of the EAP is to be interpreted as special regulations, privileges or exemptions from standard administrative practices applicable to job performance standards, nor replaces normal disciplinary action should unsatisfactory job performance continue.

6.13 HIPAA Privacy Policy

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations restrict the Plan's ability to use and disclose protected health information (PHI) by specifying the purposes for which the information can be used and disclosed and specifying conditions for the use and disclosure. The City as the sponsor and administrator for the Plan is governed by these regulations.

Authorized members of the City's workforce may have access to the individually identifiable health information of Plan participants on behalf of the Plan itself for various Plan purposes including any administrative functions of the Plan performed by such authorized City workforce.

Protected Health Information. Protected health information means information that is created or received by the Plan and relates to the past, present, or future physical or mental health or condition of a participant; the provision of health care to a participant; or the past, present, or future payment for the provision of health care to a participant; and that identifies the participant or for which there is a reasonable basis to believe the information can be used to identify the participant. Protected health information includes information of persons living or deceased.

It is the City's policy to comply fully with the HIPAA requirements regarding the Plan. To that end, all members of the City's workforce who have access to PHI must comply with this Privacy Policy. For purposes of this Policy and the City's more detailed use and disclosure procedures of the Plan, the City's workforce includes individuals who would be considered part of the workforce under HIPAA such as employees, volunteers, trainees, and other persons whose work performance is under the direct control of the City, whether or not they are paid by the City. The term "employee" includes all of these types of workers.

No third party rights (including but not limited to rights of Plan participants, beneficiaries, covered dependents, or business associates) are intended to be created by this Policy. The City reserves the right to amend or change this Policy of the Plan at any time (and even retroactively) without notice. To the extent this Policy establishes requirements and obligations above and beyond those required by HIPAA, the Policy shall be aspirational and shall not be binding upon the City or the Plan. This Policy does not address requirements under other federal laws or under state laws.

Access to PHI Is Limited to Certain Employees

The following employees ("employees with access") have access to PHI:

- The Benefits Manager, who performs functions directly on behalf of the group Health Plan; and
- The following employees have access to PHI on behalf of the City for its use in "Plan administrative functions":

Master Systems Engineer	Civil Service Director	Risk Analyst
Information Systems Director	Benefits Coordinator	Benefits Assistant
Benefits Analyst	Attorney	Attorney, Senior
Director of Law	Law Deputy Director	Risk Coordinator
Claims Specialist	Risk Manager	

The same employees may be named or described in both of these two categories. These employees with access may use and disclose PHI for Plan administrative functions, and they may disclose PHI to other employees with access for Plan administrative functions (but the PHI disclosed must be limited to the minimum amount necessary to perform the Plan administrative function). Employees with access may not disclose PHI to employees (other than employees with access) unless an authorization is in place or the disclosure otherwise is in compliance with this Policy and the more detailed use and disclosure procedures.

Plan's Responsibilities as Covered Entity

A. Privacy Official and Contact Person

The Benefits Manager will be the Privacy Official for the Plan. The Privacy Official will be responsible for the development and implementation of policies and procedures relating to privacy, including but not limited to this Privacy Policy and the Plan's more detailed use and disclosure procedures. The Privacy Official will also serve as the contact person for Plan participants who have questions, concerns, or complaints about the privacy of their PHI.

B. Workforce Training

It is the City's policy to train all members of its workforce who have access to the Plan's PHI on the Plan privacy policies and procedures. The Privacy Official is charged with developing training schedules and programs so that all workforce members receive the training necessary and appropriate to permit them to carry out their functions within the Plan.

C. Technical and Physical Safeguards and Firewall

The City will establish appropriate technical and physical safeguards to prevent Plan PHI from intentionally or unintentionally being used or disclosed in violation of HIPAA's requirements. Technical safeguards include limiting access to information by creating computer firewalls. Physical safeguards include locking doors or filing cabinets.

Firewalls will ensure that only authorized employees will have access to PHI, that they will have access to only the minimum amount of PHI necessary for Plan administrative functions, and that they will not further use or disclose PHI in violation of HIPAA's privacy rules.

D. Privacy Notice

The Privacy Official is responsible for developing and maintaining a notice of the Plan privacy practices that describes:

- The uses and disclosures of Plan PHI;
- The individual's rights; and
- The City's legal duties with respect to Plan PHI.

The privacy notice will inform participants that the City will have access to PHI in connection with its Plan administrative functions. The privacy notice will also provide a description of the Plan complaint procedures, the name and telephone number of the contact person for further information, and the date of the notice.

The notice of privacy practices will be individually delivered to all participants:

- No later than April 14, 2004;
- On an ongoing basis, at the time of an individual's enrollment in the Plan; and
- Within sixty (60) days after a material change to the notice.

The City will also provide notice of availability of the Plan privacy notice at least once every three (3) years.

E. Complaints

The Benefits Manager will be the Plan's contact person for receiving complaints.

The Privacy Official is responsible for creating a process for individuals to lodge complaints about the Plan privacy procedures and for creating a system for handling such complaints. A copy of the complaint procedure shall be provided to any participant upon request.

F. Sanctions for Violations of Privacy Policy

Sanctions for using or disclosing PHI in violation of this HIPAA Privacy Policy will be imposed in accordance with City's discipline policy, up to and including termination.

G. Mitigation of Inadvertent Disclosures of Protected Health Information

The City shall mitigate, to the extent possible, any harmful effects that become known to it of a use or disclosure of an individual's Plan PHI in violation of the policies and procedures set forth in this Policy. As a result, if an employee with

access becomes aware of a disclosure of Plan protected health information, either by an employee with access or an outside consultant/contractor that is not in compliance with this Policy, the employee must immediately contact the Privacy Official so that the appropriate steps to mitigate the harm to the participant can be taken.

H. No Intimidating or Retaliatory Acts; No Waiver of HIPAA Privacy

No employee may intimidate, threaten, coerce, discriminate against, or take other retaliatory action against individuals for exercising their rights, filing a complaint, participating in an investigation, or opposing any improper practice under HIPAA.

No individual shall be required to waive his/her privacy rights under HIPAA as a condition of treatment, payment, enrollment or eligibility.

I. HIPAA Privacy Procedures Manual

The HIPAA Privacy Procedures Manual shall include provisions to describe the permitted and required uses and disclosures of Plan PHI for Plan administrative purposes. Specifically, the HIPAA Privacy Procedures Manual document shall require the City and its Plan business associates to:

- Not use or further disclose PHI other than as permitted by the HIPAA Privacy Procedures Manual or as required by law;
- Ensure that any agents or subcontractors to whom it provides PHI received from the Plan agree to the same restrictions and conditions that apply to the Plan;
- Not use or disclose PHI for employment-related actions or in connection with any other employee benefit plan;
- Report to the Privacy Official any use or disclosure of the information that is inconsistent with the permitted uses or disclosures;
- Make PHI available to Plan participants, consider their amendments and, upon request, provide them with an accounting of PHI disclosures;
- Make the Plan internal practices and records relating to the use and disclosure of PHI received from the Plan available to the United States Department of Health and Human Services (DHHS) upon request; and
- If feasible, return or destroy all PHI received from the Plan that the Plan still maintains in any form and retain no copies of such information when no longer needed for the purpose for which disclosure was made, except that, if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible.

The HIPAA Privacy Procedures Manual must also require the Plan to (1) certify to the Privacy Official that the HIPAA Privacy Procedures manual has been amended to include the above restrictions and that the Plan agrees to those restrictions; and (2) provide adequate firewalls.

J. Documentation

The Plan privacy policies and procedures shall be documented and maintained for at least six (6) years. Policies and procedures must be changed as necessary or appropriate to comply with changes in the law, standards, requirements and implementation specifications (including changes and modifications in regulations). Any changes to policies or procedures must promptly be documented.

If a change in law impacts the privacy notice, the privacy policy must promptly be revised and made available. Such change is effective only with respect to PHI created or received after the effective date of the notice.

The Plan shall document certain events and actions (including authorizations, requests for information, sanctions, and complaints) relating to an individual's privacy rights.

The documentation of any policies and procedures, actions, activities and designations may be maintained in either written or electronic form. Covered entities must maintain such documentation for at least six (6) years.

Policies on Use and Disclosure of PHI

A. Use and Disclosure Defined

The City and its Plan business associates will use and disclose PHI only as permitted under HIPAA. The terms "use" and "disclosure" are defined as follows:

- *Use.* The sharing, employment, application, utilization, examination, or analysis of individually identifiable health information by any person working for or within the City, or by a Business Associate (defined below) of the Plan.
- *Disclosure.* For information that is protected health information, disclosure means any release, transfer, provision of access to, or divulging in any other manner of individually identifiable health information to persons not employed by the City or authorized to have access to protected health information.

B. Employees With Access Must Comply With Plan HIPAA Policy and Procedures

All members of the City's workforce who have access to PHI (described at the beginning of this Policy) must comply with this Policy and with the more detailed use and disclosure procedures of the Plan, which are set forth in a separate document entitled "HIPAA Privacy Use and Disclosure Procedures".

C. Permitted Uses and Disclosures: Payment and Health Care Operations

PHI may be disclosed for the Plan's own payment purposes, and PHI may be disclosed to another covered entity for the payment purposes of that covered entity.

Payment. Payment includes activities undertaken to obtain Plan contributions or to determine or fulfill the Plan's responsibility for provision of benefits under the Plan, or to obtain or provide reimbursement for health care. Payment also includes:

- Eligibility and coverage determinations including coordination of benefits and adjudication or subrogation of health benefit claims;
- Risk adjusting based on enrollee status and demographic characteristics; and
- Billing, claims management, collection activities, obtaining payment under a contract for reinsurance (including stop-loss insurance and excess loss insurance) and related health care data processing.

PHI may be disclosed for purposes of the Plan's own health care operations. PHI may be disclosed to another covered entity for purposes of the other covered entity's quality assessment and improvement, case management, or health care fraud and abuse detection programs, if the other covered entity has (or had) a relationship with the participant and the PHI requested pertains to that relationship.

Health Care Operations. "Health care operations" means any of the following activities to the extent that they are related to Plan administration:

- Conducting quality assessment and improvement activities;
- Reviewing health plan performance;
- Underwriting and premium rating;
- Provision of medical services pursuant to a contract to provide services or supplies to or for the Plan (including but not limited to health screenings, disease management, and wellness plan administration);
- Conducting or arranging for medical review, legal services and auditing functions;
- Business planning and development; and
- Business management and general administrative activities.

D. No Disclosure of PHI for Non-Health Plan Purposes

PHI may not be used or disclosed for the payment or operations of the City's "non-health" benefits (e.g., disability, workers' compensation, life insurance, etc.), unless the participant has provided an authorization for such use or disclosure (as discussed in "Disclosures Pursuant to an Authorization") or such use or disclosure is required by applicable state law and particular requirements under HIPAA are met.

E. Mandatory Disclosures of PHI: to Individual and DHHS

A participant's PHI must be disclosed as required by HIPAA in two situations:

- The disclosure is to the individual who is the subject of the information (see the policy for "Access to Protected Health Information and Request for Amendment" that follows); and
- The disclosure is made to DHHS for purposes of enforcing HIPAA.

F. Permissive Disclosures of PHI: for Legal and Public Policy Purposes

PHI may be disclosed in the following situations without a participant's authorization, when specific requirements are satisfied. The more detailed use and disclosure procedures of the Plan describe specific requirements that must be met before these types of disclosures may be made. The requirements include prior approval of the Privacy Official. Permitted are disclosures:

- About victims of abuse, neglect or domestic violence;
- For judicial and administrative proceedings;
- For law enforcement purposes;
- For public health activities;
- For health oversight activities;
- About decedents;
- For cadaveric organ, eye or tissue donation purposes;
- For certain limited research purposes;
- To avert a serious threat to health or safety;

- For specialized government functions; and
- That relate to workers' compensation programs.

G. Disclosures of PHI Pursuant to an Authorization

PHI may be disclosed for any purpose if an authorization that satisfies all of HIPAA's requirements for a valid authorization is provided by the participant. All uses and disclosures made pursuant to a signed authorization must be consistent with the terms and conditions of the authorization.

H. Minimum Necessary Standard

The amount of PHI disclosed will be limited to the degree practical to the minimum necessary to accomplish the purpose of the use or disclosure.

The minimum necessary standard does not apply to any of the following:
- Uses or disclosures made to the individual;
- Uses or disclosures made pursuant to a valid authorization;
- Disclosures made to the DHHS;
- Uses or disclosures required by law; and
- Uses or disclosures required to comply with HIPAA.

Minimum Necessary When Disclosing PHI. PHI may be disclosed for routine and recurring purposes to employees with access and business associates but the amount disclosed will be limited to the minimum amount necessary. The more detailed use and disclosure procedures of the Plan describe procedures that limit the amount disclosed to the minimum necessary amount.

All other disclosures must be reviewed on an individual basis with the Privacy Official to ensure that the amount of information disclosed is the minimum necessary to accomplish the purpose of the disclosure.

Minimum Necessary When Requesting PHI. PHI may be requested for routine and recurring purposes by employees with access and business associates but the amount requested will be limited to the minimum amount necessary. The more detailed use and disclosure procedures of the Plan describe procedures that limit the amount disclosed to the minimum necessary amount.

All other requests must be reviewed on an individual basis with the Privacy Official to ensure that the amount of information requested is the minimum necessary to accomplish the purpose of the disclosure.

I. Disclosures of PHI to Business Associates

The Plan may disclose PHI to the Plan's business associates and allow the Plan's business associates to create or receive PHI on its behalf. However, prior to doing so, the Plan must first obtain assurances from the business associate that it will appropriately safeguard the information. Before sharing PHI with outside consultants or contractors who meet the definition of a "business associate," employees with

access must contact the Privacy Official and verify that a business associate contract is in place.

Business Associate is an entity that:

- Performs or assists in performing a Plan function or activity involving the use and disclosure of protected health information (including claims processing or administration, data analysis, underwriting, etc.); or
- Provides legal, accounting, actuarial, consulting, data aggregation, management, accreditation, or financial services, where the performance of such services involves giving the service provider access to PHI.

J. Disclosures of De-Identified Information

The Plan may freely use and disclose de-identified information. De-identified information is health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual. There are two ways a covered entity can determine that information is de-identified: either by professional statistical analysis, or by removing 18 specific identifiers. The identifiers are:

1. Names
2. Geographic subdivisions smaller than a state
3. All elements of dates (except year) related to an individual (including dates of admission, discharge, birth, death and, for individuals over 89 years old, the year of birth must not be used)
4. Telephone numbers
5. FAX numbers
6. Electronic mail addresses
7. Social Security numbers
8. Medical record numbers
9. Health plan beneficiary numbers
10. Account numbers
11. Certificate/license numbers
12. Vehicle identifiers and serial numbers including license plates
13. Device identifiers and serial numbers
14. Web URLs
15. Internet protocol addresses
16. Biometric identifiers (including finger and voice prints)
17. Full face photos and comparable images
18. Any unique identifying number, characteristic or code

Participant Access to PHI

A. Access to Protected Health Information and Requests for Amendment

The City will provide access to a participant to his/her own PHI maintained in designated record sets.

"Designated Record Set" is a group of records maintained by or for the City that includes:

- The enrollment, payment, and claims adjudication record of an individual maintained by or for the Plan; or
- Other PHI used, in whole or in part, by or for the Plan to make coverage decisions about an individual.

The City will consider requests by a participant to amend his/her PHI when submitted in writing to the Privacy Official by the participant.

B. Accounting

A participant may make written requests to the Privacy Official for an accounting of certain disclosures of his/her PHI. This right to an accounting extends to disclosures made in the last six (6) years, other than disclosures:

- To carry out treatment, payment or health care operations;
- To individuals about their own PHI;
- Incident to an otherwise permitted use or disclosure;
- Pursuant to an authorization;
- To persons involved in the individual's care or payment for the individual's care or for certain other notification purposes;
- To correctional institutions or law enforcement when the disclosure was permitted without authorization;
- As part of a limited data set;
- For specific national security or law enforcement purposes; or
- That occurred prior to the compliance date.

The City shall respond to an accounting request within sixty (60) days. If the City is unable to provide the accounting within sixty (60) days, it may extend the period by thirty (30) days, provided that it gives the participant notice (including the reason for the delay and the date the information will be provided) within the original sixty (60) day period.

The accounting must include the date of the disclosure, the name of the receiving party, a brief description of the information disclosed, and a brief statement of the purpose of the disclosure (or a copy of the written request for disclosure, if any).

The first accounting in any twelve (12) month period shall be provided free of charge. The Privacy Official may impose reasonable production and mailing costs for subsequent accountings.

C. Requests for Alternative Communication Means or Locations

Participants may request to receive communications regarding their PHI by alternative means or at alternative locations. For example, participants may ask to be called only at work rather than at home. Such requests may be honored if, in the sole discretion of the Privacy Official, the requests are reasonable.

However, the City shall accommodate such a request if the participant clearly provides information that the disclosure of all or part of that information could endanger the participant. The Privacy Official has responsibility for administering requests for confidential communications.

D. Requests for Restrictions on Uses and Disclosures of Protected Health Information

A participant may request restrictions on the use and disclosure of the participant's PHI. It is the City's policy to attempt to honor such requests if, in the sole discretion of the City, the requests are reasonable. The Privacy Official is charged with responsibility for administering requests for restrictions.

7.01 SALE OF ANNUAL LEAVE

As part of the flexible benefit program, employees may elect to sell up to 50% of the annual leave they will accrue during the benefit year for the purchase of the following benefits available as a City of Knoxville payroll deduction: medical coverage, dental insurance, life insurance, cancer insurance, health care spending account, dependent care spending account, deferred compensation, accident insurance, and savings bonds. Employees may elect to sell annual leave only during the benefit enrollment period unless there is a change of life event. Leave must be sold in increments of one hour. Employees may not sell annual leave if they have a negative leave balance at the time of enrollment. Annual leave accrued and/or forfeited during previous benefit years may not be sold.

7.02 VOLUNTARY BENEFIT PROGRAMS

The City currently allows employees to have payroll deductions for certain voluntary insurance or benefit programs. For information on these programs, contact the Employee Relations and Benefits Office.

7.03 SERVICE RECOGNITION

Each year all benefit eligible employees who have completed 10, 15, 20, 25, and additional periods of service with the City shall be presented a Service Award. In addition, during each year in which an employee completes 25, 30, 35, 40 years, etc. of continuous service, one (1) entire day off shall be awarded to that employee.

Also, a Service Award shall be presented to employees at the time of their retirement in recognition of faithful service rendered to the citizens of Knoxville.

Calculations of years of service shall include deductions for time lost.

All recognition awards will be coordinated by the Office of Special Events.

7.04 DEATH OR DISABILITY IN THE LINE OF DUTY – UNIFORMED EMPLOYEES

Beneficiaries of uniformed employees who are killed in the line of duty are entitled to a $25,000 benefit. Those provisions are stated in Section 2-358 of the City Code.

Death and disability benefits are provided through the U. S. Department of Justice for uniformed employees. This amount changes annually.

7.05 WORKERS' COMPENSATION

A. General Provisions

City of Knoxville employees are protected for injuries and occupational diseases that arise out of and in the course of employment in accordance with provisions of Tennessee's Workers' Compensation Act, Tennessee Code Annotated, Section 50-

6-101, *et seq*. Any City employee who incurs a work related injury will be provided all benefits required by the workers' compensation laws and regulations of the State of Tennessee. These benefits shall be determined and coordinated by the Claims Specialist, with assistance as needed from the Law Department in interpreting the applicable laws and regulations. The Law Department will have final determination of denial of benefits under the applicable laws.

Questions regarding workers' compensation benefits should be referred to Risk Management. Employees may contact the City Claims Specialist at 215-2254. Employees may also contact a State of Tennessee Workers' Compensation Specialist by phoning 1-800-332-2667 for information about the requirements of the State laws and regulations.

It is a crime to knowingly provide false, incomplete or misleading information to any part of a workers' compensation transaction for the purpose of committing fraud. An employee who knowingly provides false, incomplete or misleading information as part of a workers' compensation claim will be subject to disciplinary action up to and including termination and may be subject to criminal prosecution. A City employee who reports a work related injury or makes a claim to receive workers' compensation benefits is subject to investigation and surveillance, including the use of video recording.

B. Reporting and Treatment of Work Related Injuries

If emergency medical care is needed as a result of a work related injury or occupational disease, such care shall take precedence over the notice procedures set out below. Supervision and the Risk Management Office shall be notified as soon as practical of any emergency medical care, and a City of Knoxville Report of Work Injury/Illness Form shall be competed and forwarded to the Risk Management Office as soon as practical by the employee or supervisor if the employee is not available.

Except when emergencies do not permit, the employee must immediately report all claims of work related injury or occupational disease to the employee's supervisor and submit to the supervisor a City of Knoxville Report of Work Injury/Illness within one (1) working day. The employee's department shall forward the report to Risk Management. The Report of Work Injury/Illness must be provided to or completed at The Employee Health, Education and Wellness Center ("The Center") when presenting for injury triage. Failure to promptly report injuries can cause difficulty in obtaining treatment or payment for treatment can be detrimental to approval of some or all benefits, and/or can result in disciplinary action.

After notifying the appropriate supervisor, during normal business hours the injured employee should report to The Center for injury triage. When immediate treatment is not necessary, employees should telephone The Center at 215-6150 to determine an efficient time for the visit. The Center will document the injury and provide first aid or medical treatment, which may include providing the employee a panel of at least three (3) physicians approved by the Risk Management Office from which the employee may choose for treatment.

While an employee may seek treatment from any provider, the City is not responsible for any cost of treatment from a provider not approved by the Risk Management Office. If the employee is later referred to other medical specialists, these must be selected from a panel approved by the Risk Management Office in order for the City to be responsible for the cost of such treatment. Prescription medications, physical therapy and any other services for treatment of work related injuries must also be received from providers approved by the Risk Management Office. Since The Center provides treatment for injuries which are not work related as well as injuries which are work related, it is the employee's responsibility to verify that any referral by The Center is to a provider approved by the Risk Management Office for treatment of work related injuries. Misunderstandings between The Center and employee regarding whether a condition is work related do not relieve the employee of the responsibility to verify medical providers are approved by the Risk Management Office.

C. Supplemental Temporary Total Disability Benefits

These procedures shall become effective beginning with injuries incurred January 1, 2009 or later.

When the treating physician assigns a regular full-time employee physical restrictions due to a work related injury for which the City does not provide the employee (1) meaningful work (including modified work), (2) the same annual pay rate (excluding overtime and other supplemental pay), and (3) that is compliant with such restrictions, if the employee is fully cooperative with the injury treatment process, releases all treatment information regarding the injury to the City Claims Specialist and case manager and allows the Claims Specialist and case manager to communicate with the employee's workers' compensation health care providers, the employee may be provided supplemental temporary total disability benefits beyond those required by State law or regulation, as follows:

(1) Temporary total disability benefits may be increased for up to 180 calendar days to match the employees' net pay (less taxes) level prior to the injury.
(2) Temporary total disability benefits may be paid from the first day of total disability following the date of injury.
(3) Following an absence of greater than 180 calendar days, if the employee returns to full duty for 90 calendar days the supplemental benefits in item (1) shall be provided for the full period of temporary total disability.
(4) Any period for which supplemental temporary total disability benefits are provided per paragraph (1) shall be treated as a period of paid leave for purposes of retirement credit and leave accrual. Periods for which supplemental temporary total disability benefits are not provided shall be treated as a leave of absence for purposes of retirement credit and leave accrual. If an employee returns to work per paragraph (3) and supplemental benefits are restored, retirement credit (contingent upon the employee making pension plan contributions for any time greater than 180 calendar days) and leave accrual shall also be restored.

For the first seven (7) calendar days following the injury, meaningful work shall be any work (1) for which the employee has adequate skills and knowledge, (2) that is

not significantly more physically or mentally challenging than the employee's regular job responsibilities, (3) that provides some benefit to the City, and (4) that a reasonable person would not consider inherently demeaning or punitive. After seven (7) calendar days, meaningful work shall additionally include (5) that the majority of the work time must be spent in activities that meaningfully contribute to the mission of the City. Fire department shift employees who are provided work on a forty (40)-hour per week basis will have their hourly wage adjusted to equal their regular annual salary rate. Meaningful work may be within any department or division of the City that meets the above requirements.

Modified work (also known as alternative work or light duty) is temporary job responsibilities that exclude one or more of the essential functions of the employee's regular job duties.

Physical restrictions shall mean medical restrictions that identify the specific physical activities the employee is to avoid on a twenty-four (24) hour per day basis. Restrictions that are vague or that primarily apply only to City job responsibilities (as opposed to activities twenty-four (24) hours a day) must be clarified before supplemental benefits will be provided.

Supplemental benefits may be denied or suspended if an employee fails to cooperate with, falsifies information to or attempts to otherwise mislead a treating physician, supervision, case manager, Claims Specialist or any other individual involved in the administration and provision of workers' compensation benefits or the employee's employment. Failing to cooperate includes not releasing all treatment information regarding the injury to the City Claims Specialist and case manager, not allowing the Claims Specialist or case manager to communicate with the employee's workers' compensation health care providers or denying or avoiding case manager access during medical appointments. Supplemental benefits may also be denied or suspended if an employee fails to remain readily accessible and available for any treatment and for any work that may be provided during a period for which temporary total disability benefits are being provided. This includes not remaining accessible for telephone and/or personal contact during normal business hours.

The Claims Specialist shall determine and administer supplemental benefits. An employee who disagrees with the Claims Specialist's determination of supplemental benefits may appeal in writing to the Law Director. The Law Director shall have sole discretion to interpret this policy as regards supplemental benefits, and the decision of the Law Director regarding appeals of supplemental benefits shall be final and non-grievable pursuant to Administrative Rule 12.03.

D. Employee Responsibilities During Temporary Total Disability

An employee who accepts temporary total disability benefits for a work related injury by their acceptance of such benefits affirms that they are totally disabled from performing meaningful job responsibilities. The employee shall refrain from any activity that could aggravate their injury or hinder their recovery. During regular business hours for the period of temporary total disability, the employee shall remain within the Knoxville area, remain accessible by telephone during business hours, and

available for alternative work within his/her restictions and/or any and all treatment of the injury(ies). The Claims Specialist can approve reasonable exceptions to remaining within the Knoxville area. Failure to comply with this section may be cause for discontinuing supplemental benefits and/or may be considered a violation of City policy and subject to appropriate disciplinary action. Failure to comply with this section may furthermore be evidence of fraud or abuse and subject to disciplinary action up to and including termination.

E. Permanent Partial Disability Benefits

If an employee or his/her attorney has informed the City that the employee is represented by an attorney regarding his/her work related injury, the City will not negotiate directly with such employee regarding permanent partial disability benefits. When an employee who is not represented by an attorney is declared by the treating physician to be at Maximum Medical Improvement (MMI) and assigned a Permanent Disability Rating, the City will promptly contact such employee regarding any permanent partial disability benefit. If the employee is not restricted from performing the essential functions of their pre-injury position or job family, the City will offer the employee a benefit based on 100% of the disability rating using the formula established by Tennessee law.

7.06 LONG TERM DISABILITY

A. General Provisions

The City of Knoxville provides long term disability coverage to all regular full-time and regular part-time employees working thirty (30) hours or more per week, the City Judge and the Mayor. Additional information about employee eligibility may be obtained from the Employee Relations and Benefits Office.

B. Cost

The City pays the entire cost of long term disability coverage for all eligible employees.

C. Enrollment

Employees eligible for coverage will automatically be enrolled for coverage on the first day of the month after they have completed sixty (60) days of employment.

Employees who have been laid off and are reinstated within two (2) years of lay-off will be eligible for coverage effective the first day the employee returns to work. Employees who are re-employed anytime after they are legally terminated either by resignation, retirement or discharge will be covered the first day of the month after they have completed sixty (60) days of employment after being re-employed.

D. Coverage During Periods of Extended Leave or Absence

See Rule 8 of these Administrative Rules and Regulations

E. Coverage During Workers' Compensation Temporary Disability

See Rule 8.07 of these Administrative Rules and Regulations

F. Coverage When Terminated or Laid-off

Long term disability coverage will terminate when an employee terminates employment.

7.07 LIFE INSURANCE

A. General Provisions

The City of Knoxville provides basic life insurance of $50,000. Employees eligible for this benefit must be regular full-time or regular part-time working at least thirty (30) hours or more per week, the City Judge or the Mayor. The basic life insurance coverage reduces at certain ages.

Supplemental coverage on the employee as well as coverage for the spouse, domestic partner, and/or dependent children of the employee may be selected at the employee's expense.

B. Cost

The City pays the entire cost of the basic individual life coverage for all eligible employees. Additional coverage is available at the employee's expense.

C. Enrollment

Coverage for eligible employees will begin on the first day of the month after they have completed sixty (60) days of employment except as provided otherwise in Rule 5.18 of these Administrative Rules and Regulations.

Employees who have been laid off and are reinstated within two (2) years of lay-off will have the choice of being re-enrolled as eligible for coverage effective the first day the employee returns to work in the benefits they were enrolled in before the date of lay-off or of being enrolled as a new employee. Employees who are re-employed anytime after they are legally terminated either by resignation, retirement or discharge will be enrolled as a new employee.

D. Coverage During Periods of Extended Leave or Absence

See Rule 8 of these Administrative Rules and Regulations.

E. Coverage During Workers' Compensation Temporary Disability

See Rule 8.07 of these Administrative Rules and Regulations.

F. Coverage When Terminated or Laid-off

Life insurance coverage will terminate on the day an employee terminates employment unless the employee qualifies for waiver of premium under the terms of the policy in effect on the date the employee became disabled. Conversion to a private policy may be available under terms of the policy then in effect.

G. Spouses or domestic partners working for the City

Each employee is given individual coverage. Only one member of a family may carry child coverage and neither employee may carry coverage on the other employed spouse or domestic partner.

8.01 GENERAL PROVISIONS

Continuation of Health Plan benefits when an employee is absent from work will be according to the following rules. During all periods of leave the employee must continue to pay all premiums due, and nothing in these rules prohibits suspending or terminating benefits for failure to pay premiums within thirty (30) days of the date premium is due. It is the employee's responsibility to be aware of what benefit premiums are due and when they are due. Failure to receive a notice shall not negate the employee's responsibility to make payments to the City or its designated administrator. To be considered in a paid leave status, the employee's earnings must be sufficient to pay all deductions including benefit premiums due. If earnings in any period are not sufficient to pay all deductions including benefit premiums, that period shall be treated as a period of unpaid absence for purposes of this rule.

For purposes of this Rule, the term "unpaid absence" shall mean:

1. Leave of absence without pay;
2. Do not pay; or
3. Any other type of leave or absence from work in which the employee does not receive compensation from the City other than FMLA and Military Leave.

Alternating paid and unpaid leave may not be used to prolong the period that benefits are provided. If paid and unpaid leave are alternated, unpaid leave will be calculated to have begun on the date the appropriate paid leave balance(s) would have been used up.

8.02 COBRA

The City of Knoxville, in accordance with the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), provides employees and eligible dependents the opportunity to continue health care coverages (other than the dependent care spending account) in the City's Health Plan in certain instances in which coverages under the plan would otherwise be terminated. Definitions, procedures, and policies under this section are to be interpreted according to COBRA regulation. This coverage is at the employee's or dependent's expense. Continuation of coverage under COBRA may occur as follows:

An employee is entitled to continuation coverage for an eighteen (18) month period for the following reasons**:**

1. Termination of employment (for reasons other than gross misconduct); or
2. Reduction of work hours.

A covered dependent (spouse and/or child) of an employee is entitled to continuation coverage for an eighteen (18) month period for the following reasons:

1. Employee's employment was terminated (for reasons other than gross misconduct); or

2. Employee's work hours are reduced.

A covered dependent (spouse and/or child) is entitled to continuation coverage for a 36-month period for the following reasons:

1. Death of employee;
2. Employee's divorce;
3. Employee becomes eligible for Medicare; or
4. Loss of dependent eligibility as defined in Section 6.01 of this Rule.

Under the law, the employee or other subscriber has the responsibility to inform the City of Knoxville of a divorce or loss of dependent eligibility under the City's Health Plan within sixty (60) days of the date of the event or the date in which coverage would end because of the event, whichever is later. Failure of the employee or other subscriber to notify the City of such a change will result in loss of continuation rights under this rule. Additionally, the employee will be responsible for repaying the City for any costs incurred under its Health Plans as a result of the failure to notify the City of the divorce or loss of dependent eligibility.

When the City of Knoxville is notified of an employee's death, termination, reduction in work hours or the employee's decision to terminate coverage due to Medicare entitlement, the City will notify the employee and any qualified beneficiaries that they have at least sixty (60) days from the date they would lose coverage because of one of the events described above, or the date their elections rights notice is sent to them, whichever is later, to inform the City that they want continuation coverage.

If a determination is made that a qualified beneficiary who is continuing coverage under COBRA due to a termination or reduction in hours worked is disabled (for Social Security purposes) at any time during the first sixty (60) days of COBRA coverage, the eighteen (18) month period is extended to twenty-nine (29) months for the disabled. The individual must notify the City of the determination of disability by the Social Security Administration within the initial eighteen (18) month COBRA continuation period. The disabled individual must also notify the City within thirty (30) days of any final determination by Social Security that the individual is no longer disabled.

A child who is born to or placed for adoption with the covered employee during a period of COBRA coverage will be eligible to become a qualified beneficiary. In accordance with the terms of the City of Knoxville's Health Care Plan and the requirements of federal law, these qualified beneficiaries can be added to COBRA coverage by notifying the City of Knoxville's COBRA administrator within sixty (60) days of the birth or adoption.

If any employee elects continuation coverage, the City of Knoxville is required to make available coverage which is identical to the coverage the employee would have had if the qualifying event had not occurred. If continuation coverage is not elected, the employee's coverage will end on the last day of the month in which the qualifying event occurred.

The law provides that a COBRA beneficiary's coverage may be cut short for any of the following five reasons:

1. The City of Knoxville no longer provides a group health plan to any of its employees;
2. The premium for the COBRA beneficiary's continuation coverage is not paid;
3. A COBRA beneficiary becomes covered under another group health plan that does not contain any exclusion or limitation with respect to any preexisting condition the COBRA beneficiary may have;
4. The COBRA beneficiary becomes entitled to Medicare; or
5. The COBRA beneficiary has extended coverage for up to twenty-nine (29) months due to a disability and there is a final determination that the employee is no longer disabled.

The law also requires that the COBRA beneficiary must notify the City of Knoxville's COBRA Administrator, if numbers 3, 4, or 5 occur.

An employee does not have to show that he/she is insurable to choose continuation coverage. However, continuation coverage under COBRA is provided subject to an employee's eligibility for coverage. The City of Knoxville reserves the right to terminate an employee's COBRA coverage retroactively if the employee is determined to be ineligible. The City shall have the right to be reimbursed by the COBRA beneficiary for any costs the City incurs as a result of failure to provide such notification.

An employee will be required to pay full premium charges plus an additional 2% during the period the employee continues coverage. Premiums to extend coverage due to approval of disability by the Social Security Administration for up to twenty-nine (29) months because of a disability are subject to a 50% increase.

An application must be filled out and returned to the City of Knoxville's COBRA Administrator within the employee's sixty (60) day COBRA election period. Premium payments are to be made within forty-five (45) days of the date a COBRA beneficiary elects to continue coverage. The first payment must include premiums for any prior months for which premiums have not been paid. An employee has a thirty (30) day grace period from the first day of the month to pay the current month's COBRA premium.

If a former employee does not respond within the sixty (60) day election period or does not make the required payments within the time frame stated above, he/she will forfeit his/her right to COBRA coverage.

8.03 RESIGNATION, RETIREMENT, OR TERMINATION OF EMPLOYMENT

A. Life
Coverage terminates on the last day of active employment unless waiver of premium is in effect under the terms of the policy then in place. Conversion and portability are offered according to the terms of the policy then in place.

B. Long Term Disability
Coverage terminates on the last day of active employment unless the employee has a qualifying disability and is approved for disability benefits under the terms of the policy in effect at the time the disability began.

C. Medical, Dental, Vision, EAP, Health Care FSA
Coverage terminates at the end of the month during which active employment terminates. COBRA benefits are offered.

D. Dependent Care FSA
Coverage terminates at the end of the month during which active employment terminates.

8.04 UNPAID ABSENCE

Regardless of whether the unpaid absence is at the employee's option or due to suspension from employment, all Life, Long Term Disability, Medical, Dental, Vision, EAP, Healthcare FSA and Dependent Care FSA benefits will end on the first of the month following the month in which an unpaid absence of greater than forty (40) hours (forty-eight (48) hours for Fire Department shift positions) begins.

This provision does not apply to situations addressed in 8.05 through 8.10 below.

8.05 MILITARY LEAVE

A. Life
Coverage terminates as of the thirty-first (31st) day of active duty. Conversion and portability may be offered under the terms of the policy then in place.

B. Long Term Disability
Coverage terminates as of the thirty-first (31st) day of active duty.

C. Medical, Dental, Vision, EAP, Health Care FSA
Coverage terminates at the end of the month following 12 months of consecutive military leave. COBRA / USERRA are offered.

D. Dependent Care FSA
Coverage terminates at the end of the month during which military leave begins.

8.06 FAMILY MEDICAL LEAVE-NOT DUE TO A WORK RELATED INJURY TO EMPLOYEE

A. Life

Coverage terminates on the last day of FMLA leave if the employee has no remaining paid leave balance. If the employee has paid leave available at the conclusion of the twelve (12) week FMLA period, coverage ends on the day that paid leave is exhausted or if paid leave remains, twelve (12) weeks following the last day of FMLA leave, whichever comes first, unless a waiver of premium is in effect under the terms of the policy then in place. Conversion and portability may be offered under the terms of the policy then in place.

B. Long Term Disability

Coverage terminates on the last day of FMLA leave if the employee has no remaining paid leave balance. If the employee has paid leave available at the conclusion of the twelve (12) week FMLA period, coverage ends on the day that paid leave is exhausted or if paid leave remains, twelve (12) weeks following the last day of FMLA leave, whichever comes first, unless the employee has a qualifying disability and is approved for disability benefits under the terms of the policy in effect at the time the disability began.

C. Medical, Dental, Vision, EAP, Health Care FSA

Coverage terminates at the end of the month during which the twelve (12) weeks of FMLA leave is exhausted and COBRA coverage is offered. If the employee has paid leave available at the end of the 12 week FMLA period, the City will contribute the employer contributions toward coverage until the day that paid leave is exhausted or if paid leave remains, twelve (12) weeks following the last day of FMLA leave, whichever comes first. Once the City's contributions end, the employee will be charged the 102% COBRA rates (which can be paid through payroll deduction as long as the employee continues to receive paid leave from the City) for as long as the employee is eligible for COBRA continuation.

D. Dependent Care FSA

Coverage terminates at the end of the month during which the twelve (12) weeks of FMLA leave is exhausted.

8.07 FAMILY MEDICAL LEAVE-DUE TO A WORK RELATED INJURY TO EMPLOYEE

A. Life

Coverage terminates on the last day of FMLA leave if the employee is not receiving supplemental temporary total disability benefits (STTD) per Rule 7 of these Administrative Rules and Regulations. If the employee is receiving STTD, coverage ends on the day that STTD ends or if STTD continues, at the end of twelve (12) weeks following the last day of FMLA leave, whichever comes first, unless a waiver of premium is in effect under the terms of the policy then in place. Conversion and portability may be offered under terms of the policy then in place.

B. Long Term Disability

Coverage terminates on the last day of FMLA leave if the employee is not receiving STTD. If the employee is receiving STTD, coverage ends the day that STTD ends or if STTD continues, at the end of twelve (12) weeks following the last day of FMLA leave, whichever comes first, unless the employee has a qualifying disability and is approved for disability benefits under the terms of the policy in effect at the time the disability began.

C. Medical, Dental, Vision, EAP, Health Care FSA

Coverage terminates at the end of the month during which the twelve (12) weeks of FMLA leave is exhausted and COBRA coverage is offered. If the employee is receiving STTD, the City will contribute the employer contributions toward COBRA coverage until the date that STTD ends or if STTD continues, until twelve (12) weeks after FMLA ends, whichever comes first. Once the City's contributions end, the employee will be charged the 102% COBRA rates (can be paid through payroll or TTD deduction as long as the employee is receiving a check) for as long as the employee is eligible for COBRA continuation.

D. Dependent Care FSA

Coverage terminates at the end of the month during which the twelve (12) weeks of FMLA is exhausted.

E. Return to Work after Benefits End

Following an absence of greater than one hundred eighty (180) calendar days, if employment has not been terminated and the employee returns to full duty for ninety (90) calendar days, the employee will be eligible for benefits not addressed in 7.04 as of the first day of the month following return to work.

8.08 ADMINISTRATIVE LEAVE

For benefit purposes Administrative Leave shall be treated in the same manner as Annual Leave.

8.09 EXTENDED PAID LEAVE NOT SUBJECT TO FAMILY MEDICAL LEAVE

A. Life

Coverage terminates when the paid leave is exhausted or at the end of twenty-four (24) weeks of leave, whichever comes first, unless waiver of premium is in effect under the terms of the policy then in place. Conversion and portability are offered under the terms of the policy then in place.

B. Long Term Disability

Coverage terminates when paid leave is exhausted or at the end of twenty-four (24) weeks of leave, whichever comes first, unless the employee has a qualifying disability and is approved for disability benefits under the terms of the policy in effect at the time the disability began.

C. Medical, Dental, Vision, EAP, Health Care FSA

Coverage terminates on the date that paid leave ends or at the end of twelve (12) weeks of paid leave, whichever comes first. If the employee has paid leave available at the end of the initial twelve (12) weeks of paid leave, the City will contribute the employer contributions toward coverage until the earlier of the date that paid leave is exhausted or until twenty-four (24) weeks of total paid leave. Once the City's contributions end, the employee will be charged the 102% COBRA rates (which can be paid through payroll deduction as long as the employee continues to receive paid leave from the City) for as long as the employee is eligible for COBRA continuation.

D. Dependent Care FSA

Coverage terminates at the end of the month during which paid leave is exhausted or at the end of the month after twelve (12) weeks of leave, whichever comes first.

E. Definition of Extended Paid Leave

A period of extended paid leave under this section shall mean any period for which the employee is predominantly in a paid leave status. The period shall not be treated as being interrupted by any periods of unpaid leave or of isolated short periods of work.

8.10 CONTINUATION OF BENEFITS DURING RETIREMENT

A. Medical Insurance

A City of Knoxville employee who is approved for a normal (not disability) retirement from City employment while covered under the City's employee medical insurance program may continue coverage unless or until the earlier of (1) the employee reaches the age at which they would become eligible for Medicare due to age, (2) the employee becomes eligible for Medicare due to disability other than due to end stage renal disease (ESRD), or (3) thirty-six (36) months after the employee has become eligible for Medicare due to ESRD. The employee must elect to continue coverage at the time of retirement unless other eligibility is available as described below.

If the employee has dependent medical coverage at the time of retirement and elects to continue coverage under the medical insurance program, the employee may elect to continue coverage for any dependents covered at the time of retirement until the earliest of (1) the date the retiree and/or dependent is eligible for Medicare or (2) the date the dependent is no longer an eligible dependent as defined in Rule 6.01 of these Administrative Rules and Regulations. The employee must elect to continue coverage for the dependent(s) at the time of retirement unless other coverage is available as described below. If a retiree acquires an IRS dependent while covered under the medical insurance program, the retiree may add such dependent to the coverage within sixty (60) days of acquiring the dependent, including changing to an appropriate coverage tier, until the earliest of (1) the date the retiree and/or dependent is eligible for Medicare or (2) the date the dependent is no longer an eligible dependent as defined in rule 6.01 of these Administrative Rules and Regulations.

If an individual employee's retirement or election of the Delayed Retirement Option Plan (DROP) is effective on or after January 1, 2012, and that individual has dependent(s) covered under the medical insurance program at the time of retirement or election of the DROP or adds dependent(s) after the date of retirement or the DROP becoming effective, and (2) that individual becomes eligible for Medicare or dies while covered under the medical insurance program: any covered dependent(s) will no longer be eligible for coverage under the medical plan and will be offered the opportunity to continue coverage for thirty-six (36) months under COBRA as specified in Section 8.02 of these Administrative Rules and Regulations.

If (1) an individual employee's retirement or election of the DROP is effective before January 1, 2012, and (2) that individual has dependent(s) covered under the medical insurance program on the date the retirement or the DROP became effective, and (3) that individual becomes eligible for Medicare or dies while covered under the medical insurance program, such covered dependents will be given the option of choosing:

(a) to continue coverage in the medical insurance program until the earliest of (1) December 31, 2016, (2) the date the dependent becomes eligible for Medicare, or (3) the date the dependent is no longer an eligible dependent as defined in Rule 6.01 of these Administrative Rules and Regulations, or

(b) to continue coverage under COBRA as specified in Section 8.02 of these Administrative Rules and Regulations for thirty-six (36) months following the date the retiree is no longer eligible for the medical insurance program.

If the retiree has already become eligible for Medicare or died as of December 31, 2011, dependents will not have the option of electing COBRA. In such case dependents will be allowed to continue coverage in the medical insurance program until the earliest of (1) December 31, 2016, (2) the date the dependent becomes eligible for Medicare, or (3) the date the dependent is no longer an eligible dependent as defined in Rule 6.01 of these Administrative Rules and Regulations.

When a retiree is eligible to continue medical insurance but declines or drops coverage in favor of other insurance coverage and the retiree later becomes ineligible for other coverage, the retiree will be allowed to re-enter the City's retiree medical plan unless or until the retiree is eligible for Medicare. The retiree must apply in writing to participate in the plan within sixty (60) days of losing eligibility for other coverage. A retiree reapplying for coverage will only be allowed to include dependents if such dependents are not eligible for any other medical insurance coverage.

If a retiree is covered under the medical insurance program and has a dependent that is not covered because he/she has other insurance coverage and the dependent becomes ineligible for other insurance, the retiree may add coverage for the dependent within sixty (60) days of the dependent's loss of eligibility for other insurance, until the earliest of (1) the date the retiree or dependent is eligible for Medicare, or (2) the date the dependent is no longer an eligible dependent as defined in Rule 6.01 of these Administrative Rules and Regulations.

The above rules are secondary to any rights provided to employees, retirees and/or dependents by any applicable laws and are intended to describe eligibility that may

exceed the minimum rights of applicable laws. These rules are not intended to diminish any legal rights. These rules are subject to change at any time without notice.

B. Life Insurance

An employee who retires from the City of Knoxville may only continue life insurance through waiver of premium in effect under the terms of the policy then in place. Conversion and portability are offered under the terms of the policy in effect at the time of retirement. The retiree is responsible for 100% of any cost of converted or ported coverage.

C. Long Term Disability

An employee who retires from the City of Knoxville is not eligible to continue long term disability coverage.

D. Dental, Vision, EAP, Health Care FSA

An employee who retires from the City of Knoxville is only eligible to continue these benefits in accordance with the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). See Section 8.02 of these Administrative Rules and Regulations.

ADMINISTRATIVE RULES – CITY OF KNOXVILLE

9 – Travel Regulations

9.01 POLICY

This policy governs travel on official business for the City of Knoxville. These regulations cover all City personnel, elected and appointed officials along with their employees, and other travelers using City money for travel,. The Mayor, the Department of Finance, and Departmental Directors have full responsibility for the enforcement of these regulations. As a general rule, travel is defined as work-related activities outside of a 50 mile radius of the respective employee's normal physical place of work.

9.02 GENERAL PROCEDURES

A. All travel on official business must be authorized by the responsible authorities prior to occurrence. Travel must be pre-approved by the Department Director, and travel by all Department Directors and members of the Mayor's staff must be pre-approved by the Mayor. Unauthorized travel costs will not be reimbursed.

B. Prior to any and all travel, the employee must complete a Travel Request/Reimbursement Form. All proposed expenditures related to the travel must be estimated. The availability of funds must be certified by the Director of Finance ,or his/her designee, for all proposed expenditures as part of the travel authorization process prior to travel.

   Additionally, the form must be approved in one of the following ways:

   - All travel must be approved by the Department Director. (Department Directors must get approval from the Mayor)

   - All travel outside of the State of Tennessee must be approved by the Department Director and the Mayor.

C. All travel that does not require an overnight stay must be pre-approved by the Department Director (or by the Mayor in the case of Department Directors and the Mayor's staff), and the Travel Request/Reimbursement Form must be completed prior to travel. The form shall be submitted after the travel occurs, regardless of whether reimbursement for expenses is required.

D. While not "travel," as defined above, the City understands that employees are occasionally required to attend events outside their normal physical place of work but within a 50-mile radius. In those instances, an approved Travel Request/Reimbursement Form is required if the employee is requesting reimbursement, even if the event is within a 50mile radius of their normal physical place of work.

E. To minimize costs to the traveler, advance invoicing of registration fees, airfares, and similar expenses can be made directly to the City, and the various City departments will endeavor to pay for such known "pre-travel" expenses once the upcoming travel has been approved by the proper approving authorities.

For travel within the United States, the amount reimbursed for meals and incidental expenses shall be equal to the per diem rates as listed in the Federal Travel Regulations. The amount allocated for lodging shall not exceed the maximum per diem rates as listed in the Federal Travel Regulation. Exceptions to the maximum lodging allocation must be requested with justification to the Department of Finance.

F. If a prospective traveler does not have sufficient funds to front their allowance for meals and incidentals until the City is able to reimburse him/her upon return, the City may (on a case-by-case basis) provide the traveler a cash advance by depositing the appropriate per-diem amount into their personal bank account (or by some other means as appropriate) prior to the traveler's departure.

Cash advances are only to be used (on a case-by-case basis) to assist persons who cannot travel without receiving funds in advance of travel. Cash advances are only to be requested by the respective department director and must be approved by the Director of Finance or his/her designee. Additionally, requests for cash advances must be submitted to the Director of Finance at least five (5) business days prior to the anticipated travel. A memorandum, signed by the director, is to be attached to the travel form.

G. All costs associated with the travel shall be reasonably estimated and shown on the Travel Request/Reimbursement Form. The form must be approved by the proper authority before any advance fees or other expenses are paid. A copy of the conference program, where applicable, must be attached to the form. If the program is unavailable prior to the travel, it must be submitted when requesting reimbursement.

H. A reconciled Travel Request/Reimbursement Form must be submitted to the Department of Finance within five (5) days of return.

I. Receipts for lodging, vehicle rental, conference fees, and other reimbursable costs are required.

J. Employees shall make full use of discounts which are given for advance registrations or advance airline reservations. Employees must request the conference, governmental, or weekend rate, whichever is cheapest, when making lodging or car rental reservations.

K. Travelers are responsible for accurately describing their travel requirements and for certifying the accuracy of their reimbursement request. Any person attempting to defraud the City by misuse of City travel funds will be prosecuted.

L. Travel outside the United States will be evaluated on a case-by-case basis.

9.03 TRANSPORTATION

All potential costs should be considered when selecting alternative modes of transportation. For example, airline travel may be cheaper than automobile when time away from work and increased meal and lodging costs are considered. When time is important, or when the trip is so long that other modes of transportation are not cost-beneficial, air travel is encouraged. In the event an employee chooses a more expensive mode of transportation for personal reasons, the City will only reimburse up to the cost of the most cost-beneficial mode of transportation.

A. Air:

The City will pay for tourist or economy class air travel. The traveler must obtain the most cost effective fare and is expected to take advantage of any discount fares available. Air travel costs also include the cost of one carry-on bag.

Mileage credits for frequent flyer programs accrue to the individual traveler. However, the City will not reimburse for any additional expenses such as circuitous routing, extending stays or layovers due to scheduling a particular carrier, upgrading from economy fare to first class (to accumulate additional mileage), or additional overnight stays, etc. for employees participating in such programs.

The City will not reimburse travel by private aircraft unless authorized in advance by the Mayor.

B. Rail or Bus:

The City will pay for actual cost of ticket.

C. Automobile:

Automobile transportation may be used when common carrier transportation cannot be scheduled, when it is more economical than common carrier transportation, or when expenses can be reduced when two or more City employees are traveling together.

1. Personal Car

For liability purposes, employees must use City vehicles when possible. Use of a private vehicle is discouraged and must be approved in advance by the Director of Finance and/or the Mayor. If approved for use of a personal vehicle for travel, then the City will reimburse the traveler based on the current mileage rate published in the GSA Travel Resources Guide found at https://www.gsa.gov/travel. The City will base said reimbursement on the round trip mileage from the employee's normal physical place of work within the City to the travel destination and back.

If a privately owned automobile is used by two (2) or more authorized travelers on the same trip, only the traveler who owns or has custody of the automobile will be reimbursed.

Travelers will not be reimbursed for automotive repairs or breakdowns when using a personal vehicle.

2. **City Car**
   Personnel traveling in City vehicles must furnish original (not photocopied) receipts for gas, oil, and any necessary automotive repairs for reimbursement. When using a City car, the traveler shall acquire a City Fleet pool fuel credit card from Fleet Services so that he/she can pay fuel expenses with said card.

3. **Rental Cars**
   Rental cars shall be requested and approved on the Travel Form prior to beginning travel. Use of a rental car is only allowed if the cost is less expensive than public and private transportation such as bus, taxi, subway, Uber, Lyft, etc.. [Groups of three (3) or four (4) traveling together can usually obtain a rental car for less than public transportation and some forms of private transportation.] Rental cars must be from the standard, midsize, or economy category unless an exception is pre-approved by the Department of Finance.

   Approval of rental cars is required in advance by the Departmental Director. Travelers are encouraged to use the City credit card while on official City business where it is accepted for rental car purposes. (Liability coverage is not required when renting a car.)

4. Fines for traffic or parking violations will <u>not</u> be reimbursed by the City.

D. Taxi, Limousine and Other Transportation Fares:

When an individual travels by common carrier, reasonable fares (as determined by the Finance Department) will be allowed for necessary ground transportation. Bus or shuttle service to and from airports should be used when available and practical. Peer-to-peer ridesharing such as Uber, Lyft, etc. may also be used in such instances.

For travel between lodging quarters and meetings, conferences, or meals, reasonable travel fares will be allowed. Tips to taxi, limousine, peer-to-peer, and other ground transportation service providers are limited to no more than 20% of the “reasonable” (as determined by the Finance Department) travel fare. Original receipts are required for reimbursement. Transportation costs in excess of twenty dollars ($20.00) in any single day must be explained on the travel form. Taxi or transportation to and from shopping, entertainment, or other personal trips is the choice of the traveler and therefore is not reimbursable.

The City will reimburse local airport parking fees provided that such fees do not exceed normal taxi/limousine fares to and from the airport. Receipts are required.

<u>9.04 LODGING</u>

A. The City uses the Federal Travel Regulation guidelines to determine the maximum a traveler can be reimbursed for lodging. These amounts are available online in the GSA Travel Regulations found at https://www.gsa.gov. This is the maximum an employee will be paid for the hotel unless the traveler receives a waiver from the Director of Finance for such situations as needing to stay in a "conference hotel" that exceeds the GSA Travel Regulations amount or other extenuating circumstances. (Taxes on lodging are not subject to the per diem limitation.) The City is exempt from sales tax on lodging within the State of Tennessee. Travelers shall submit the appropriate tax exemption form to the hotel. Tennessee state sales tax, if incurred and not credited, will be deducted from the employee's travel reimbursement. If there are no items to reimburse, it will be deducted from the employee's pay check.

B. The employee must obtain an original receipt when requesting lodging reimbursement. Photocopies are not acceptable.

C. Unless pre-authorized by the Department of Finance and Accountability, a traveler who chooses to exceed the maximum lodging per diem is responsible for excess costs. (Room taxes will be prorated based on the allowed per diem).

D. If two or more city employees travel together and share a room, the lodging per diem can be doubled for the room.

9.05 MEALS AND INCIDENTALS

A. Receipts are not required for meals and incidentals. You will be reimbursed the daily amount based on the city being visited and the authorized length of stay less any meals that were provided. The Federal Travel Regulation identifies these amounts. This meal per diem is expected to cover meals, tips, porters, and incidental expenses. The traveler will not be reimbursed in excess of this amount. However, if registration includes full meals, the per diem will be adjusted accordingly. Department Directors also have the authority to reduce the per diem as needed. In no cases shall the City pay more than the authorized per diem rate for the destination.

Where partial day travel is involved, the per diem allotment may be reduced. The meal reimbursement may be prorated based on arrival and departure times. Breakfast may be claimed if the departure time is before 7:00 a.m. or the return time is later than 8:30 a.m. Lunch may be claimed if the departure is before 11:30 a.m. or the return is later than 1:30 p.m. Dinner will be reimbursed when the departure is before 5:30 p.m. or the arrival later than 6:30 p.m.

Departure	Return		
7:00 a.m.	8:30 a.m.	Morning	25%
11:30 a.m.	1:30 p.m.	Midday	25%
5:30 p.m.	6:30 p.m.	Evening	50%

B. If a meal is included as part of a conference or seminar registration or is included with the air fare, then the allowance for that meal will be subtracted from the total allowance for that day. For example, if a dinner is included as part of the conference fee then the maximum meal allowance for that day may be reduced by 50%.

C. If the travel period is less than one (1) day, and no overnight lodging is required, there is normally no reimbursement for meals and incidentals. However, the Department Director may choose to authorize reimbursement according to the above schedule.

9.06 MISCELLANEOUS EXPENSES/ITEMS

A. Registration fee will be allowed for approved conferences, conventions, seminars, meetings, etc., generally including cost of official banquets and/or luncheons. Travel must be approved by the proper authority before payment for registration is issued. Registration fees shall be submitted on the original Travel Request/Reimbursement Form.

B. Whenever travel occurs outside the United States, all expenses claimed must be converted to US dollars. The conversion rate and computation must be shown on each receipt.

C. All signatures on the Travel Request/Reimbursement Form must be original. No stamped signatures will be allowed. Furthermore, the traveler must sign the Travel Request/Reimbursement Form before travel and when reconciling after travel. Alternate or substitute signatures are not permissible.

9.07 TRAVEL RECONCILIATION

A. Within five (5) days of return from travel, the traveler is expected to turn in the Travel Request/Reimbursement Form with the "actual" column completed. It must be certified by the traveler and the Department Director that the amount due is true and accurate. All original lodging, travel, taxi, and parking receipts shall be attached. If the city owes the traveler money, the payroll clerk will make the adjustment in the payroll system.

B. For delays greater than the five (5) days allowed, the traveler's department must contact the Department of Finance for an extension.

C. If the traveler does not have receipts to justify the amount that the City paid on his/her behalf, the traveler must attach a check made payable to "City of Knoxville" for the difference. If the City still owes the traveler money, the payroll clerk will make the adjustment in the payroll system. Conversely, if the traveler owes the City money, then the payroll clerk will make the appropriate adjustment in the payroll system unless the City has already been reimbursed.

D. Reconciled travel forms shall be returned to the department's financial analyst for approval and payroll reimbursement. Travel reimbursement requests received in the Department of Finance by 4:30 p.m. on the Thursday before the end of the pay period will be processed on the payroll for the upcoming week. Requests received by the Department of Finance after this deadline will be processed on the next available pay cycle.

9.08 TRAVEL OUTSIDE THE UNITED STATES

The Director of Finance and Accountability will address special circumstances and issues not covered in these rules on a case by case basis. Travel outside the continental United States must be coordinated through the Department of Finance in advance.

9.09 DISCIPLINARY ACTION

Violation of the travel rules can result in disciplinary action. Travel fraud can result in criminal prosecution.

ADMINISTRATIVE RULES – CITY OF KNOXVILLE

10 – Vehicle Use Policy

10.01 INTRODUCTION

Purpose: The purpose of the Comprehensive Vehicle Use Policy is to provide guidelines and procedures to the operators of City-owned vehicles and equipment for the safe, effective use of that equipment.

Definition of City Fleet: The City Fleet subject to this policy is all vehicles or equipment owned or leased by the City.

Authority of Fleet Management: The Division of Fleet Management, under the authority of the Code of the City of Knoxville, Chapter 2, Article II, Division 10, Section 2-332, is charged with the direction of the acquisition, maintenance, repair, use, and disposal of the City's vehicular fleet and equipment.

Responsibility of Directors and Department Heads: Directors and Department Heads are responsible for identification and justification of vehicle and equipment needs, and for specific assignments and proper usage in accordance with this policy within their departments.

Revisions to Policy: Revisions or changes to this policy may be made by the Director of Fleet Services when appropriate to the best interests of the City of Knoxville, subject to review by the Mayor. Such changes or revisions shall be communicated to the various Directors and Department Heads by the most expedient means.

Violations of Policy: Violations of the Comprehensive Vehicle Use Policy shall be subject to disciplinary action as set forth in the Administration and Civil Service Rules.

10.02 GENERAL POLICY

Vehicle Use: The City vehicle is a tool provided for the employee to aid that employee in the performance of his/her duties to the citizens of the City of Knoxville. The City vehicle is to be used only for legitimate City business. Personal use, except as defined in 10.06, is specifically prohibited.

Identification: The policy of the City of Knoxville is to demonstrate to the citizens of the city that their taxes are at work through the presence of the City Fleet. All City vehicles shall bear a Fleet Inventory Control Number, City decal, and government issue license plates. Vehicles assigned to undercover Police operations may be excepted from identification requirements when conditions warrant. Vehicles assigned to the Mayor's Office, Directors, and Department Heads may be exempted from decal and license requirements when appropriate to their function. The Director of Fleet Services, subject to the review of the Mayor, shall determine exempted vehicles.

Conveyance of Non-City Personnel: The operation by or conveyance of non-city personnel in a City vehicle is prohibited except as required by legitimate city business purposes.

Titles and Licenses: All titles and licensing of City vehicles and equipment shall be processed through Fleet Management. All titles to City vehicles shall be filed in the Vehicle Master File with Fleet Management. Appropriate confidentiality shall be maintained by Fleet Management for assigned undercover vehicles.

Optional Equipment: The policy of the City of Knoxville is to provide vehicles and equipment appropriate for the intended use, equipped with all necessary options for the safety and comfort of the operator. Optional equipment installed to enhance the cosmetic value, provide creature comfort or convenience is contrary to this policy. Requests for optional equipment shall be made in writing to Fleet Management, including justification. The Director of Fleet Services shall approve or deny these requests subject to the review of the Mayor.

Two-Way Radios: Two-way mobile radios are the responsibility of the operating department. Radios shall be mounted as non-destructively as possible and mounting locations are subject to the approval of Fleet Management.

Acquisition and Disposal of Vehicles: All vehicles and equipment acquired by the City of Knoxville shall be under the direction of Fleet Management in coordination with the Purchasing Agent. Sale of surplus vehicles and equipment shall be made in the same manner.

City-County Building Motor Pool: Fleet Management provides sedan motor pool services to City employees for the conduct of City business. Pool vehicles are available primarily for local trips to occasional users who would not otherwise have access to a City vehicle. Pool use may be granted for out-of-town travel, as temporary replacement for another fleet vehicle, and for emergencies and other needs as they arise. All pool use is subject to availability and to approval of Fleet Management and Department Heads. Pool cars are dispatched on a first come, first serve basis or may be reserved in advance by calling 215-2590.

AmeriCorps Members: Notwithstanding the other provisions of this Vehicle Use Policy, AmeriCorps Members (“Members”) engaged in legitimate City business purposes through a contract between the City and a governmental entity may operate a City vehicle at the discretion and authorization of the Director of Fleet Services. Before a Member may operate a City vehicle, such Member will provide the Director of Fleet Services with a copy of the Member’s driver’s license and an official copy of the Member’s motor vehicle record. The Member must also complete the National Safety Council’s Defensive Driving Safety Training with a Knoxville Police Department driving instructor. All other provisions of this Vehicle Use Policy will apply equally to Members operating City vehicles.

10.03 OPERATOR RESPONSIBILITIES

Valid Driver's License: If for any reason an employee's Operator, Motorcycle, Chauffeur or Special Chauffeur License, as required by State Law, is revoked, suspended, canceled, restricted, or otherwise invalidated, the employee will immediately notify his supervisor and be suspended from operating any City vehicle. The supervisor shall immediately notify Fleet Management.

Seat Belts: The policy of the City of Knoxville is to require mandatory use of seat belts by the operator and passengers in all vehicles so equipped. The operator is responsible for the enforcement of this policy. Removal or disabling of seat belt mechanisms is specifically prohibited.

Operation: The operator shall operate the City vehicle in a safe, lawful, efficient and courteous manner and shall obey all traffic laws, parking regulations, and rules of the road. Traffic and parking violations will be the operator's responsibility and may result in disciplinary actions when warranted. While operating any motorized vehicle or equipment, an employee will at all times be alert and attentive to the operation of the vehicle or equipment and refrain from any activity which impairs the employee's ability to remain alert and attentive.

Maintenance: The operator shall perform all required daily checks and inspection and shall promptly report all problems including body damage, to the appropriate repair shop or to Fleet Management. Service is provided for sedans at the Prosser Garage for quick inspection of coolant fluids, lubricant levels, tire condition, lights and accessories. Sedan operators are required to use this service at least once per month. Chronic problems should be reported to the Fleet Management Office, 215-2529. All maintenance shall be performed by shop personnel only. Emergency road service may be coordinated through repair shops or the Fleet Management Office.

Cleanliness: The operator is required to maintain a clean and presentable vehicle, inside and out. To this end, facilities for sedans, heavy trucks and equipment are located at the Lorraine Street Shop.

Accidents: Operators are required to report all accidents as required in the Accident Reporting Procedures incorporated in this policy, section entitled "Vehicle Accidents and Damage to City Vehicles."

Fuel: The City of Knoxville provides two City-owned fueling facilities to be used exclusively for fueling the City fleet. Locations and descriptions are as follows:

Site #1 - Lorraine Street Compound, open 24 hours, attended by Security Personnel, available to all vehicle types, with regular, unleaded and diesel fuel pumps.

Site #2 - Safety Building Compound, open 24 hours, unattended, available to sedans, police vehicles, and other light duty vehicles, with unleaded fuel pumps only.

Operators are prohibited from using any other fuel source unless authorized by Fleet Management. Fuel is dispensed and closely monitored through a computerized card-activated system. The fuel card system is coordinated by the Division of Fleet Management. Only authorized personnel will be issued fuel cards. Information on fueling procedures may be obtained by calling 215-2529.

10.04 PREVENTIVE MAINTENANCE

Preventive Maintenance: Preventive maintenance is the key to minimum downtime of equipment. All City vehicles are on a flexible preventive maintenance program. Operators are required to deliver vehicles to the appropriate maintenance facility for preventive maintenance as directed.

Scheduling: Preventive maintenance is scheduled by the Fleet Management Office, 215-2529. Every effort will be made to schedule preventive maintenance to minimize the impact on department operations. Operators may call the Fleet Management Office to arrange for rescheduling if conflicts arise.

Warranty, Extended Warranty and Recalls: Repairs covered by warranties, extended warranties and factory recalls shall be coordinated through the Fleet Management Office.

10.05 SPECIAL POLICY FOR LEASE AND LEASE PURCHASE VEHICLE

Lease, Lease Purchase Programs: The City has embarked upon a Vehicle Replacement Program in a long-term effort to upgrade the quality of the City fleet. An integral part of the program involves the lease or lease purchase of vehicles and equipment. Lease and lease purchase vehicles entail special responsibilities on the part of the City and its operators.

Ownership: Lease and lease purchase vehicles are not City owned vehicles; they are rented from the leasing company. The operator should exercise special consideration in the operation of these vehicles as the City is responsible for damages beyond normal wear and tear.

Identification: Lease and lease purchase vehicles are designated by the following Fleet Identification Numbers:

Lease-Purchase Vehicles	#020000 - #029999
Lease Vehicles	#010000 - #019999
City-owned Vehicles	#000001 - #009999

Reassignment: Any lease or lease purchase vehicle is subject to reassignment by Fleet Management in order to meet accrued mileage restrictions imposed by the lessors.

Accidents: Any accidents or other body damage to a lease or lease purchase vehicle shall be reported within one (1) working day to Fleet Management, 215-2529.

Inspection: Lease or lease purchase vehicles are subject to periodic inspection by Fleet Management.

Maintenance and Extended Warranties: Lease and lease purchase vehicles may be covered by comprehensive extended warranties which could be voided by improper or unauthorized repair or service. Operators are instructed to notify the Fleet Management Office of any problems, however minor.

Added Equipment: Add-on or special purpose equipment shall be installed on lease or lease purchase vehicles only with the approval of Fleet Management. Any equipment permitted shall be installed as non-destructively as possible. Installed equipment, in some cases, may become the property of the leasing company.

10.06 DRIVE HOME VEHICLE ASSIGNMENT POLICY

Drive Home Vehicle Assignment Policy: It is the policy of the City of Knoxville to provide, for bona fide noncompensatory city business reasons, the assignment in certain cases of a City-owned vehicle for drive-home or 24-hour use by certain City employees as the nature of their work requires such assignments. Such assignments shall comply with the requirements of the Internal Revenue Service and any other related laws as interpreted by the Department of Finance and Accountability.

The drive home vehicle policy for employees of the City is as follows: Applicable employees may be assigned a City-owned vehicle for drive home or 24-hour use by their Department Directors if one of the following conditions apply:

a. The employee's job requires that the employee be on standby for answering job-related emergencies from home after normal work hours on a regular basis each week;
b. The employee's job requires the utilization of a special vehicle equipped with tools to handle special situations and is used by an employee who is "on-call" from home after normal work hours on a regular basis each week;
c. The employee utilizes a vehicle equipped with a GPS, communications link, and data terminal that dispatches the employee to do work and can reply with results without the need to travel to office or assembly site;
d. The employee's job requires extensive travel outside of Knox County;
e. A drive home vehicle was a condition of employment and the Mayor approved such an agreement;

f. The employee is in uniformed law enforcement and has been approved by the Police Department, Senior Director of Finance and Accountability, and Mayor to have a drive home vehicle; or

g. The employee has been approved by the Mayor to have a drive home vehicle.

In each case, it must be determined that the assignment of a City-owned vehicle for drive home or 24-hour use is advantageous to the City. The use of any City-owned vehicle is restricted to purposes required by the employee's job. A City–owned vehicle cannot be used for any personal use other than "de minimis personal use". The term "de minimis personal use" shall have the meaning as defined by IRS rules and regulations and shall generally include only stops for a personal errand between business or business stops and the employee's home. The assignment of City-owned vehicles to employees for any purpose is at the discretion of the Mayor and any policies related thereto may be changed at any time. On an annual basis, each Department Director should submit to Civil Service and Risk Management a list of the employees with drive home vehicles.

Reimbursement mileage may be provided to employees who do not have access to a City-owned vehicle and are therefore required to use a privately owned vehicle for work purposes. Such reimbursement policies will follow the guidelines for the use of privately owned vehicles in Chapter 300-304 of the Federal Travel Regulation guidelines as amended from time to time and will not include any reimbursement for normal commutation mileage to and from the office or work site.

10.07 VEHICLE ACCIDENTS AND DAMAGE TO CITY VEHICLES

All accidents involving damage to City owned vehicles are to be reported immediately regardless of the severity. It is the responsibility of the employee in the event of an accident to:

A. Stop the vehicle, call an ambulance if necessary.
B. Call the police to investigate. If, however, an employee of the Police Department is involved, a supervisor or the Accident Reconstruction Team shall be called to make the investigation.
C. The driver of the City-owned vehicle shall give his/her driver's license information to the other party and state that the City of Knoxville is self insured and all communications regarding losses, injuries, etc., are to be directed to the Risk Management Division of the City of Knoxville, P. O. Box 1631, Knoxville, TN 37901, (865) 215-2111.
D. If a City vehicle is damaged or disabled as the result of an accident, or if a vehicle breaks down at any time, Fleet Management is to be notified at 215-2529 during business hours, and at 215-1242 between the hours of 4:30 p.m. and 12:00 p.m. and on weekends. Accidents occurring other hours shall be reported to Fleet Management as early as possible the next working day.
E. The driver shall report the accident to his/her supervisor as soon as the above actions have been completed. The driver shall complete Part I of the City of Knoxville Incident Form, and the supervisor shall complete Part II of the form and

notify his/her department head and Risk Management within one (1) working day of the accident and send copies as follows:

White Copy	-	Risk Management/Claims
Canary Copy	-	Risk Management/OSHA
Pink Copy	-	Risk Management/Worker's Compensation
Green Copy	-	Fleet Management
Goldenrod Copy	-	Department

Employees or supervisors failing to report damage or incidents involving City vehicles in accordance with this policy may be subject to disciplinary action.

Repairs to City vehicles may not be authorized nor will payment be made to any vendor for any such vehicle repairs until Risk Management has been notified of the damages as required herein and has authorized commencement of repairs.

Department heads are charged with the responsibility of enforcing this policy and ensuring that all of their employees are thoroughly familiar with its provisions.

10.08 OUT-OF-TOWN TRAVEL

Policy: The City of Knoxville shall provide City-owned vehicles for out-of-town travel as required for legitimate City business when automotive travel is the most efficient and cost-effective means of transportation.

Vehicles: Vehicles used for out-of-town travel may be assigned other department vehicles or motor pool vehicles when available. Motor pool vehicles may be reserved through the Fleet Management Office, 215-2529.

Gasoline Credit Cards: The Department of Fleet Management will provide major oil company credit cards for gasoline, oil, minor repairs, and miscellaneous vehicle costs only. Receipts shall be obtained and returned with the credit card. Credit cards may be reserved through the Fleet Management Office.

Reimbursement of Employee Expense: Travel Regulations of these Administrative Rules and Regulations states, "Personnel traveling in City-owned vehicles must furnish receipts for gas, oil and any necessary repairs for reimbursement." Employee out-of-pocket expenses with proper documentation may be reimbursed through the Department of Finance and Accountability.

On-Road Repairs or Accidents: Accidents or breakdowns during out-of-town travel shall be reported to Fleet Management by telephone at the earliest possible time. Fleet Management will instruct the employee and will coordinate the appropriate actions required. When such accidents or repairs become necessary after normal business hours the employee shall exercise his/her best judgment and report to Fleet Management no later than 9:00 am of the next working day.

10.09 APPLICANTS' DRIVING RECORDS

Directors and Department Heads are responsible for reviewing the driving records of prospective employees for suitability (these records are available through the Records Bureau of the Knoxville Police Department).

10.10 COMPLETION OF DEFENSIVE DRIVING COURSE

During their probationary period, all employees required to operate City-owned vehicles and equipment shall successfully complete the National Safety Council's Defensive Driving Course.

10.11 EXECUTIVE ORDER OF THE MAYOR: ESTABLISHMENT OF A VEHICLE ASSIGNMENT AND DRIVE HOME VEHICLE POLICY

A. In order to become and remain in full compliance with recently promulgated rules and regulations issued by the Internal Revenue Service (IRS), the following policies regarding drive-home City vehicles are established:

1. The "special rule" of $3.00 per round trip commute shall be used in all instances of drive-home vehicle use except as provided in Section A, 2, below. This "special rule," as promulgated by the IRS, allows a flat rate of $3.00 per round trip commute to be added to an affected employee's gross income and withholding made accordingly. The following requirements must be met to remain in compliance and are hereby made mandatory:

    a. For bona fide noncompensatory business reasons, the City requires an employee to commute to and/or from work in an assigned vehicle. Vehicles are assigned for such purposes to key employees of the City who are required to be on call and report if needed at any time.
    b. The drive-home City vehicle may not be used for any personal use other than commuting and "de minimis personal use." The term "de minimis personal use" shall have the meaning as defined by IRS rules and regulations and shall generally include only stops for a personal errand between business or business stops and the employee's home.
    c. The employee must assist the Department of Fleet Management in keeping adequate mileage records on the forms and in the manner prescribed by said Department in order to ensure future compliance.
    d. Failure to comply with the provision of subcategory (a), (b), and (c), shall result in the revocations of all drive-home vehicle privileges and may result in further disciplinary action.

2. Those employees deemed to be "control" employees as more particularly defined in IRS rules and regulations or those assigned vehicles for legitimate fringe benefit purposes shall be subject to a separate rule for calculation of the taxable fringe benefit portion of a drive-home City vehicle. "Control" employees generally include employees who are either elected officials or

executives appointed by the executive branch of government and confirmed by a legislative body. The following requirements must be met:

a. The affected employee must assist in keeping adequate mileage records as more specifically set forth in Section A , 1 (c) above.
b. The Finance Director with the assistance of the Fleet Management Department shall calculate the amount included in an affected employee's gross income on the basis of Annual Leased Value computations provided by the IRS and the percentage of personal use determined from Fleet Management records as accurately as reasonably possible. Year-end reconciliations between the employer and affected employee based upon the actual record of use may result in adjustments for withholding purposes.

3. Exempt vehicles require no calculation for gross income inclusion or withholding. The following vehicles will be considered as qualifying for the IRS's exempt vehicle category:

   a. Clearly marked police and fire vehicles. (Insignia and some type of light bar is necessary as a minimum requirement);
   b. Unmarked but designated undercover law enforcement vehicles. The Law Department, in consultation with officials of the Police Department, shall make any final determination as to qualifications under this subcategory.

4. For employees subject to the "special rule," withholding will be taken each pay period at the 20% rate required by law. All withholding for other employees will be done quarterly.

5. The following record keeping requirements in addition to those set forth in Section A, and 1 and 2, above are hereby made mandatory:

   a. Subject to the Mayor's final approval, it is the responsibility of the Directors of the various departments to determine when such drive home assignments are required in the best interests of the City, and to make such assignments where necessary.
   b. The Directors are responsible for assuring that the criteria as herein set forth in the "special rule," "control" employee rule, or as another fringe benefit, is met for each drive-home vehicle assignment.
   c. The Directors of the various departments shall be responsible for supplying to the Department of Fleet Management a list of drive home assignments including the driver's name, social security number, and fleet identification number of each assigned vehicle.
   d. Drive home assignments shall be made on a permanent basis wherever possible, with one and only one drive-home vehicle permanently assigned to each employee.

6. These policies are subject to future revision as may be made necessary to comply with future IRS regulatory changes.

11.01 POLICY

It is the policy of the City to act with integrity and justice toward each employee, recognizing his/her individuality as a human being and his/her right to fair, decent, and understanding supervision. Each employee is expected to comply with instructions, established policies, procedures, rules, and regulations. The supervisor is responsible for ensuring that each employee does his/her job properly and in accordance with work regulations. The Senior Director (or Director in those departments without a Senior Director) initiates all disciplinary actions.

Whenever an employee's performance, attitude, work habits, or personal conduct on the job at any time falls below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give 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 may justify severe disciplinary action in and of itself; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past conduct and performance.

11.02 TYPES OF DISCIPLINE

The following types of discipline are available and, unless circumstances dictate otherwise, should be accomplished in the manner indicated for all Civil Service employees. These measures may also be followed for employees not covered by Civil Service; however, the disciplining of such employees and of all other at-will employees is ultimately within the sound discretion of the appropriate supervisor.

A. Oral Reprimand

It is the responsibility of the immediate supervisor to recognize and handle disciplinary cases. Employees who violate a rule are not problem employees unless they are habitual offenders. A consultation between the employee and the supervisor is desirable. This discussion, in which the supervisor tries to reach an understanding of the causes for the offense and to impress upon the employee the need for corrective action, is called an oral reprimand. It can eliminate misunderstandings immediately and set the desired standards of conduct and performance. Oral reprimand forms must be signed by the Senior Director (or Director in those departments without a Senior Director). Copies of oral reprimands shall be forwarded to the Civil Service Department for placement in the employee's file.

B. Written Reprimand

Should oral reprimand(s) fail to achieve improved behavior it is likely a written reprimand is needed. The written reprimand discusses the nature of the employee's offense, the efforts made previously to correct the problem, and often it warns the employee of future actions that may be taken if the matter is not corrected. Written reprimand forms must be signed by the Senior Director (or Director in those departments without a Senior Director). Copies of written

reprimands shall be forwarded to the Civil Service Department for placement in the employee's file.

C. Suspension

A Senior Director (or Director in departments that do not have a Senior Director) may, for just cause, suspend an employee without pay for a period not to exceed one (1) year. The length of the suspension should be relevant to the nature of the offense and the employee's past history with the City. A suspension may follow earlier disciplinary action (i.e., written reprimand) or may be used when a particular incident in and of itself is serious enough to warrant immediate action.

In accordance with provisions of the Fair Labor Standards Act, an employee who is not eligible for overtime must be suspended for a period of at least one full work week with the exception of a situation involving a major safety violation or a serious infraction of workplace conduct rules in which case a suspension of less than one week can be considered.

D. Demotion

Conditions may occur which impair an employee's ability to perform the assigned duties, but do not hamper his/her ability to work at lower paid duties. A Senior Director (or Director in departments that do not have a Senior Director) may, as a means of discipline, demote an employee in accordance with the provisions of the Civil Service Merit Board Rules and Regulations.

E. Termination

A Senior Director (or Director in departments that do not have a Senior Director) may, for just cause, terminate an employee. Just cause may be based upon an event or condition which is the culmination of a series of events or conditions for which disciplinary action(s) have been taken. Just cause may also be based upon a single event or condition without previous disciplinary action(s) if the event or condition in question justifies immediate termination.

11.03 REASONS FOR DISCIPLINE

Any employee may be disciplined or dismissed in the event that any of the following charges have been substantiated in accordance with Civil Service Merit Board Rules and Regulations. The following list is not intended to be exhaustive, but is an example of the types of charges that may result in appropriate disciplinary measures.

A. Insubordination against a superior officer or supervisor.
B. Oppression and tyranny (over those under their control).
C. Neglect of duty.
D. Absence without leave.
E. Violation of rules, regulations, and procedures of a department.
F. Violation of any provision of the City's Drug Screen Program including, but not limited to, a confirmed positive drug/alcohol test result, refusal to participate in a drug/alcohol test, altering results, specimens or documents, or failure to complete

a required referral to an educational or treatment program; possession of or drinking alcohol on duty; possession of or taking drugs, other than those prescribed by a physician, while on duty; being under the influence of drugs or alcohol while on duty; and additionally, gambling or conduct bringing discredit upon the City.

G. Any legal offense, depending on fine and/or sentence.
H. Any conduct injurious to the peace and welfare of the public.
I. Inability to perform assigned duties.
J. Work slowdown or work stoppage.
K. Misappropriation of City funds.
L. Willful damage to City property.
M. Unauthorized use or removal of City property.
N. Any other just and reasonable cause.
O. Is offensive in his/her conduct or language in public, or towards the public, City Officials, or fellow employees.
P. The City will not tolerate any violence in the workplace. Any employee who commits any act of violence in the workplace or threatens to commit any act of violence shall be subject to immediate disciplinary action up to and including termination.

11.04 ADMINISTRATIVE LEAVE

Relieving an employee from duty is an administrative procedure to be used by supervisors when circumstances arise which lead a supervisor to believe that it is in the best interests of the City and/or the employee that such circumstances should be resolved before the employee is allowed to return to work. The practice of relieving an employee from duty is not to be used as a disciplinary measure, and the employee shall continue to be paid his/her regular wages or salary until disciplinary action is filed.

A supervisor may, for just cause and without approval of the Mayor, relieve an employee from duty with pay for a period of twenty-four (24) hours or until the next working day, pending official action by the respective Senior Director (or Director in departments that do not have a Senior Director).

A Senior Director (or Director in departments that do not have a Senior Director) may, for just cause and without the approval of the Mayor, relieve an employee from duty with pay pending official action for a period not to exceed five (5) work days.

Situations which require that an employee be relieved of duty under these provisions for longer than five (5) work days shall be approved by the Mayor.

An employee relieved of duty will be notified in writing of the reason and appropriate length of the relief period by the respective department and a copy of this notice shall be forwarded to the Civil Service Director.

12.01 EMPLOYEE SAFETY

It is the policy of the City to promote and maintain safe and healthy working conditions for all employees and to enforce all applicable laws, ordinances, rules and regulations as promulgated by the United States government, the State of Tennessee, and the City of Knoxville.

The complete Occupational Safety and Health Program for the Employees of the City of Knoxville can be found in Chapter 14 of these rules and regulations.

12.02 PERFORMANCE APPRAISALS

Each City employee shall have an annual performance appraisal in accordance with the applicable Civil Service Merit Board Rules and Regulations.

An employee who transfers from one department or division to another during the year should be evaluated by the department/division that he or she was in for the majority of the review period. In the event of equal time spent in each department/division, the employee shall be evaluated by his/her current department.

Annual performance appraisal dates for employees receiving a promotion, demotion, reclassification, or transfer are not changed due to such actions.

12.03 GRIEVANCES

A grievance is defined as a complaint or dispute of an employee regarding working conditions, or the interpretation or application of policies which he/she feels are unjust, inequitable, a hindrance to effective operation, or which create a problem and which the employee believes the City ought to remedy. However, the following are not subject to the grievance procedure: negotiation of wages, salaries, or other benefits; assignment of hours of work; eligibility for workers' compensation benefits, including supplemental temporary total disability benefits, pursuant to Administrative Rule 7.05; and any work activity accepted by employee as a condition of employment. The grievance procedure is contained in the Civil Service Merit Board Rules and Regulations.

12.04 ELIGIBILITY FOR RE-EMPLOYMENT

Any previous City employee who voluntarily resigns from City service may not be re-employed for a thirty (30) day period.

Any previous City employee who has been terminated for cause in accordance with Civil Service procedures will not be eligible for employment with the City for a period of five (5) years from the date of discharge.

12.05 UNEMPLOYMENT COMPENSATION

It is the responsibility of the Civil Service Director (or designated staff member) to ensure that the Unemployment Compensation Program and the applicable procedures and controls are properly administered. All inquiries or correspondence from the State of Tennessee and/or the employee regarding an unemployment claim must be transmitted to the Civil Service Department for a response and proper processing.

12.06 EXIT QUESTIONNAIRE

Exit Questionnaires will be utilized to solicit comments from former employees to aid in the reduction of employee turnover and the improvement of working conditions by locating and correcting problem areas.

The Civil Service Department will mail a confidential questionnaire along with an explanatory letter directly to all former employees who have resigned. The form of the Exit Questionnaire will allow for easy response and return. It will be mailed to each resignee approximately thirty (30) to forty-five (45) days after separation from City service.

The returned forms will be compiled into reports to be issued to appropriate department heads and the Mayor periodically.

12.07 PENSION PLAN

The City Employees Pension Fund was created by a legislative act in 1933. Participants include employees of the City, and the Knoxville Utilities Board, as well as Police Officers and Firefighters who were employed on or after January 1, 1963. Participation in the pension system is mandatory for regular employees; however, Section 2-530 of the City Code authorizes the exemption from the pension plan of certain unclassified employees. The five (5) divisions of the pension plan, divisions A, B, C, F, and G, each have different contribution rates, different benefits and different laws. The Pension Board, which is composed of employees who are elected by the members, administers the system, including administration of the Pension Office. The Pension Office maintains all pertinent records and contributions are updated each pay period. If an employee terminates and applies for a refund, 4% simple interest is computed on beginning of year balances. A retiring employee must submit an application to the Pension Board. The Pension Board will act on the application before transmitting it to the Law Department for placement on the City Council Agenda. The Pension Board meets monthly.

Employees in the police and fire uniformed services are eligible for normal retirement at the end of the month in which they have served twenty-five (25) years in the uniformed services **and** have reached at least the age of 50. General government employees in Divisions A and G are eligible for normal retirement on the first day of the month after or coinciding with reaching the age of 62. Employees in Division G are also eligible the first day of the month coinciding with or next following the date

the member's age at the time of his or her separation from service plus the member's credited service equals eighty (80).

Eligible employees who are considering retirement should contact the Pension Board Office directly to obtain information regarding retirement options.

12.07.01 Delayed Retirement Option (D.R.O.P.) Program

A. The following definitions shall be used for the Delayed Retirement Option Program (D.R.O.P.):

1. **ELIGIBILITY**: Must be an active employee who is eligible to begin normal retirement benefits.
2. **EFFECTIVE DATE**: The date approved by the Pension Board upon which pension benefits are calculated.
3. **ENROLLMENT PERIOD**: An eligible employee must make application on the City-approved form to participate in the D.R.O.P. Coincident with this application, the employee shall file a retirement application with the City of Knoxville Pension System.
4. **PERIOD OF PARTICIPATION**: An eligible employee who elects to participate in the D.R.O.P. may designate a maximum period of 24 months which shall begin on the effective date of application.
5. **RETIREMENT BENEFIT**: Retirement benefits will be effective coincident with or on the first day of the month following the effective date of the D.R.O.P. application form. The retirement benefit will be computed using the average salary computation and creditable service as of the member's D.R.O.P. effective date. Only benefit adjustments pursuant to the City of Knoxville Charter will be made after the initial benefit entitlement is established. The retirement effective date herein established shall be used to compute any post retirement benefit adjustments pursuant to the Charter. The monthly benefit will be retained by the City of Knoxville Pension System until the Delayed Retirement date indicated on the D.R.O.P. application form or such earlier date pursuant to the Charter. The cumulative benefit entitlement as of the Delayed Retirement Date shall be distributed by the City of Knoxville Pension System with the first regular monthly payment cycle after the Delayed Retirement Date. The City of Knoxville Pension System will begin regular monthly benefit distributions in the month following the month of the Delayed Retirement Date. All such payments will be pursuant to the member's retirement application filed coincident with member's election to participate in the D.R.O.P.

B. The monthly benefit payable to a member who elects a delayed retirement option shall be computed as of the effective date of the member's application and shall not thereafter be recomputed for additional service or changes in average salary. No further member contribution to the Pension System will be required or permitted. The employee shall be entitled to all pension system cost of living adjustments while participating in the D.R.O.P.

C. On the member's delayed retirement date, the System shall pay the member in a single sum the member's accumulated monthly benefits, without interest, that would have been payable to the member if he or she had retired on the effective date of the member's application with the Pension Board.

D. In the event a member who is participating in the D.R.O.P. becomes disabled or terminates employment, voluntarily or involuntarily, before reaching the delayed retirement date, the date of the member's disability or termination of employment shall thereupon be treated as the member's delayed retirement date. Computation of the monthly benefit payable shall not be changed.

E. In the event a member who is participating in the D.R.O.P. dies prior to the delayed retirement date, the date of the member's death shall thereupon be treated as the member's delayed retirement date; and the member's survivor benefit, if any, shall be paid to the designated beneficiary in accordance with the normal or optional form of payment selected by the member. The member's designated beneficiary shall be paid in a single sum an amount equal to the accumulated monthly benefits, without interest, that would have been payable to the member if he or she had retired on the effective date of the member's application with the Pension Board.

F. A member who is participating in the D.R.O.P. will continue to be employed by the City until the elected delayed retirement date and shall continue to be subject to all rules and regulations of the City, including but not limited to, all disciplinary measures.

Sick Leave Conversion to Pension

A. An employee participating in the D.R.O.P. may elect to receive a cash payment for accumulated sick leave in accordance with Section 5.08 of these rules and regulations, or may elect to use accumulated sick leave totals to be used in calculating the amount of the retirement benefit. Sick leave service cannot be used for purposes of determining eligibility for retirement. Sick leave balances which are converted to credited service shall be computed in whole months at the rate of one (1) month of sick leave for every twenty (20) days of unused sick leave. A member who elects to take any other monetary or other consideration for unused sick leave shall not be granted sick leave credited service.

B. The member's sick leave balances shall be transferred to forfeited leave at the time of the filing of the member's application with the Pension Board. In the event of an illness or disability which exhausts all available sick and annual leave, the employee may apply for restoration of forfeited leave in accordance with Section 5.09 of the City's Administrative Rules and Regulations**.** The member shall start over accruing sick leave until the delayed retirement date; however, any such sick leave balance at the delayed retirement date cannot be converted to credited service.

C. On the date of application for the D.R.O.P., the employee shall begin to earn sick leave with pay on the basis of one (1) day per month up to a maximum of twelve (12) working days per year. All rules and regulations governing sick leave for City employees shall apply for the continuation of the employee's employment with the City.

D. Upon applying for the D.R.O.P., the employee may apply for membership in the City's Sick Leave Bank.

Annual Leave Status

A. An employee who is participating in the D.R.O.P. will receive cash payment for annual leave and compensatory time in accordance with Section 5.06 of these Rules and Regulations effective on the date of application for the D.R.O.P. After the application for the D.R.O.P. is filed, cash payment will be made to the employee for balances of accrued, unused annual leave up to a maximum balance not to exceed forty-eight (48) days (or 384 hours for personnel serving on eight-hour shifts and 576 hours for personnel serving on twelve-hour shifts). All annual leave balances over the forty-eight (48) day maximum accrual balance will be placed in the forfeited leave bank effective on the date of application for D.R.O.P. Forfeited leave may be accessed by the employee in accordance with Section 5.09 of these Rules and Regulations in the event of an illness or disability that exhausts all available sick and annual leave.

B. On the effective date of application for the D.R.O.P., the employee shall begin to accrue annual leave at the same rate of accrual achieved prior to application for the D.R.O.P. All rules and regulations governing annual leave for City employees shall apply for the continuation of the employee's employment with the City, and the employee shall be compensated in accordance with the rules and regulations for any accrued unused annual leave upon reaching the delayed retirement date.

12.08 BREASTFEEDING SUPPORT AND PROMOTION POLICY

In compliance with Tennessee Code Annotated Section 50-1-305, the City of Knoxville will support employees who are breastfeeding their infant children by providing opportunities and a space to express breast milk.

An employee can take up to two paid breaks per day (the two breaks described in Administrative Rule 5.03) to express breast milk for the employee's nursing child for up to one year after the child's birth. Department Heads and/or Office Heads may not refuse an employee's reasonable request to take such breaks when the purpose is to express breast milk for the employee's infant child. Employees utilizing these breaks to express breast milk will not be required to remain in the general work area during the breaks.

Employees expressing milk during their work shift may, but are not required to, use either an Employee Lactation Room in the City County Building or designated space in The Center at the Public Works Complex. If a lactation room is not available at the

employee's worksite, the supervisor will help the mother identify a place to express milk, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public.

The Employee Lactation Room in the City County Building and the designated space in The Center at the Public Works Complex will be used solely for an employee to express breast milk for, or to breastfeed, the employee's nursing child. No other use of these spaces is permitted. Employees may store properly labeled, expressed milk in any refrigerator used for food storage.

12.09 TOBACCO POLICY

The use of tobacco, including e-cigarettes and other similar vaporizing devices, in City-owned or leased buildings or vehicles is prohibited. Departments may designate smoking areas outdoors, but these are to be used by employees only during approved break times.

Violation of this policy will result in disciplinary action as described in Section 11.01 of the Administrative Rules.

12.10 PURCHASE OF FLOWERS AND GIFTS

In an effort to further emphasize the City's commitment to its employees and volunteers, a policy is hereby established to show sympathy in times of need.

Floral arrangements (or charitable donations in lieu of flowers) may be purchased using City money for the death or serious illness of a City employee, including immediate family members, volunteer staff and appointees, provided the cost of such arrangement does not exceed Seventy-Five Dollars ($75.00 maximum, sales tax not applicable). This limit may be exceeded with the express prior approval by the Mayor and/or designee.

City departments are encouraged to participate in such showings of support, and if assistance is needed in coordinating the purchase, the City's Finance and Accountability Department or Mayor's Office will be available to help. As usual, Department Heads must approve any and all such expenditures.

12.11 REIMBURSEMENT OF NON-TRAVEL, BUSINESS-RELATED MEALS

The City of Knoxville recognizes that there are times when City personnel incur non-travel, business-related food and beverage expenses for which reimbursement is appropriate and may be approved. A policy is hereby established in an effort to facilitate the approval process for these expenses while placing reasonable controls on such expenditures.

City personnel may purchase a meal for an individual or group of individuals and submit a claim for reimbursement from the City of those expenses provided that (i)

the meal was consumed while conducting official business of the City and (ii) the following information is provided in writing at the time reimbursement is requested:

1. The name(s) of the individual(s) who consumed the meal(s) for which reimbursement is requested,
2. A detailed description of the event, occasion or circumstances related to the claim and the public policy or purpose served during the meal, and
3. A bona fide, itemized vendor's receipt that shows the date, a description of the purchase, the vendor's identifications and the total amount paid [a gratuity up to fifteen percent (15%) of the total cost of the meal(s) is also reimbursable].
4. City personnel shall take special care to avoid unnecessary or excessive expenditures and are responsible for accurately describing and certifying their reimbursement request. The City reserves the right to prosecute any person attempting to defraud the City.

This policy covers all City employees, elected officials and others using City funds, except the City Council, its employees, and the Mayor. Department Heads shall obtain the Mayor's approval for such expenditures before submitting a claim for reimbursement with the Finance Department. Other City employees must obtain written approval from their Department Heads prior to incurring any such expenses. The Finance and Accountability Department may authorize reimbursement of expenses for non-travel, business-related meals only upon receipt of a claim for reimbursement accompanied by proof of the necessary approval(s). This policy governs only the reimbursement of non-travel, business-related meal expenses. Expenses incurred for food and beverages consumed during travel on official City business continue to be governed by the Travel Regulations, Rule 9, of the City of Knoxville Administrative Rules.

12.12 HOLIDAY GUIDELINES AND PROCEDURES

In order to ensure accountability of public funds and their intended purposes and standardization of the City's contribution towards holiday activities for all departments, the following guidelines and procedures shall apply to holiday celebrations for City Departments:

To support the various departments and provide fairness and equity to all, city sponsored holiday activities will be limited to one event per calendar year. It is intended that the event be limited to active city employees and a limited number of guests.

Each department will be allowed to spend up to the amount recommended by the Finance Department and approved by the Mayor's Office per permanent full and part time employee positions. Funding for activities will come from the department's operating budget providing sufficient funds are available.

Total authorized per employee funding may be used to pay for the event's venue, any and all reasonable culinary items necessary for the event, and shall include any

applicable taxes and gratuities pursuant to Administrative Rule 12-11 as amended from time to time. The activity itself should take place during the lunch break or outside normal working hours. Employees shall not be required to participate.

Should the department find that authorized funding for the event is insufficient, relief in the form of additional funding may be granted by the City Comptroller upon receipt of a written request and approval by the Comptroller's office. To obtain supplemental funding, the Department shall submit the request to the Comptroller or designee detailing the need for additional funding, the amount requested and why the authorized funding is insufficient to cover the Department's holiday activity. This request shall be submitted in sufficient time for the Comptroller's office to make the necessary determination and respond in writing to the Department.

If additional funding is not approved, costs in excess of the authorized funding shall be absorbed by city employees or their managers as they see fit. Under no circumstances shall additional funding or in kind services be solicited or accepted from non-city persons or entities.

Payment for catered events shall be by city check. With the Comptroller's office pre-approval, use of the Department's Purchasing Card is authorized, but shall be limited to purchases of necessary supplies. The Purchasing Card is not authorized for use at restaurants.

12.13 CELLULAR PHONE AND COMMUNICATIONS POLICY

I. **Purpose and Scope** – The City of Knoxville wishes to provide the most consistent, convenient and cost effective cellular telephone and communications services possible to its employees. The objectives of this policy are to:

A. provide guidelines to employees who may wish to have cellular communications services to conduct City business;

B. apply standards to the cellular communications equipment and service agreements used by City employees;

C. simplify and make more manageable the City's relationship with cellular communications vendors;

D. provide a system for monitoring cellular communications usage patterns so that plans can be routinely modified to better meet the needs of the user;

E. ensure that the City's acquisition of cellular communications services is cost-effective;

F. provide an internal system for purchasing cellular communications services, gaining access to repair services, acquiring necessary training and support and communicating available programs to our users;

G. establish a system for monitoring future developments in cellular services and selecting those that meet the needs of the City; and

H. keep the City and employees in compliance with all federal, state and local laws and ordinances.

This policy applies to all employees of the City of Knoxville.

II. Cellular Service Vendors

To facilitate accomplishment of the above objectives, the City may at its discretion enter into contracts with cellular communications service providers. During the period when one or more of these contracts is in force, the City will only purchase cellular devices or cellular communications service agreements for employee use on the basis of these contracts, unless a specific exception is granted.

III. Eligibility and Approval

Cellular communications equipment and services may be provided to certain City employees to conduct activities incidental to their City employment that either cannot not be conducted on a land-line telephone or for which it would be inefficient to use a land-line telephone. Requests for cellular communications equipment should be prepared by the department's communications coordinator in writing (see Appendix A) and approved by the employee's Department Head (who will confirm need) and the budget officer for the employee's department. Once approved by the department and the budget officer, the request will be forwarded to the City's designated communications service representative(s), who will confirm the appropriateness of the desired equipment and plans and actually place any and all orders.

IV. Personal Calls

The City provides cellular communications equipment to employees for the purpose of conducting City business. Use of City-owned/provided cellular equipment to make or receive personal calls is generally <u>prohibited</u> (except as provided in Section X, Option 3), although it is understood that usage for personal reasons may be necessary in emergency situations. Employees must realize that although personal calls made within the local calling region and under the usage limits provided by the employee's plan do not always result in additional charges, they do count toward the overall time limits established under the service agreement. Any overage, long distance, roaming or other charges realized by the employee for personal calls shall be the responsibility of the employee.

V. Other Restrictions

A. An employee may not operate a personal business from a City cellular device.

B. While operating a motorized vehicle or equipment or engaged in any activity so that a momentary lapse of attention could cause harm to a person(s) or property, an employee will at all times be alert and attentive to the operation of the vehicle or equipment and refrain from any activity which impairs the employee's ability to remain alert and attentive.

C. An employee must comply with all laws restricting use of cellular communications equipment.

VI. Plans, Handsets, Features and Accessories

The City will contract for a set of usage plans, handsets, features and accessories that will serve the needs of most employees. An employee wishing to have features other than those offered in the available programs must be documented by the department's communications coordinator in writing (see Appendix A) and approved by the employee's Department Head (who will confirm need), and the budget officer for the employee's department. Once approved by the department and the budget officer, the request will be forwarded to the City's designated communications service representative(s), who will confirm the appropriateness of the desired equipment and plans and actually place any and all orders.

VII. Damage, Loss or Theft

Handsets or other equipment damaged in the course of business should be brought to departmental communications coordinator who will make a recommendation to the City's designated cellular communications representative(s) regarding appropriate action (replacement, repair or whatever is determined to be the best course of action). Lost or stolen cellular equipment should be immediately reported to the employee's departmental coordinator and City's designated cellular communications representative(s) so that the service can be cancelled. All costs incurred for replacement or repair will be the responsibility of the employee's department or the employee if the damage or loss is found to have resulted from inappropriate employee behavior.

VIII. Usage Monitoring

Managers and supervisors are responsible for educating subordinates about appropriate cellular communications procedures and monitoring their usage. In emergency situations, managers may grant exceptions to these usage policies. In such circumstances, any charges incurred for personal use must be reimbursed by the employee on a timely basis.

IX. Program Management

The relationship with cellular providers shall be managed through the Department of Finance and Accountability. The designated cellular representative(s) will place all orders for cellular telephones and services with the contracted vendor and take delivery of equipment. Representatives will contact employees ordering equipment when it arrives and provide necessary orientation and training. Finance and Accountability staff and the departmental coordinator will monitor plans and overall usage and suggest changes in service agreements to provide the most convenient and economical plan to the employee.

Employees may call the local representatives of the contracted vendor or vendors to discuss the various options available on City sponsored programs.

Finance and Accountability staff and departmental coordinators will monitor changes in cellular telephone technologies and make recommendations for improvements in the City's equipment on an as needed basis.

X. Communication Plans

In order to ensure that the City and the employees remain in compliance with all applicable law, cellular service plans shall follow the following basic format:

A. Push to Talk Devices – Cellular communications devices that are limited to 'push to talk' and confined to government business contacts shall be unrestricted in their usage except as limited in Section V - Other Restrictions. By definition, these devices can not be utilized as telephones and are basically substitutes for two-way radios.

B. Cellular devices that are:

1. Limited to City/Government Contacts are those devices that are administratively restricted (as to receiving or originating communications) to the controlled group of authorized users. Since these devices may not be utilized for personal use, they shall be unrestricted in their usage except as reflected in Section V - Other Restrictions.

2. Unlimited are those devices that may originate or receive communications from within or outside the approved list of City communications users. To accommodate the users, the following plans are available:

   Option 1 – Under this option, City will provide the communications devices and pay the monthly bills. The user is required to keep a log of all personal communications and at the end of each month, indicate on the bill which communications are personal (incoming and outgoing calls). The employee is then required to reimburse the City the pro-rata portion of the bill based upon time and applicable rates. The departmental

communications coordinator is responsible for reviewing the department's communications bills, working with the users to determine the amount to be reimbursed and collection and remittance of communications charges utilizing Appendix B as a guide. Employee failure to timely reimburse the City shall be grounds for disciplinary action up to and including termination. Failure of the employee to maintain the required log of all communications may cause the City to include the market value of the device in the employee's gross earnings for tax purposes as pursuant to current IRS regulations. "Timely reimbursement" shall mean the reimbursement to the City of all undisputed personal call charges billed to the employee within 20 days of billing.

Option 2 – Under this option, the individual employee will receive a taxable allowance in an amount determined to be reasonable, appropriate and approved by the employee's Department Head based upon the employee's need for cellular communications services and the rates in effect at the time. When appropriate, a supplemental allowance may be granted to cover the initial cost of the device or a necessary upgrade or replacement due to age, obsolescence or irreparable damage incurred in the employee's performance of his duties. In no instances shall this allowance be considered regular income includable for pension determination purposes. Utilizing this option, the employee is required to purchase and maintain an approved cellular communications device and to take advantage of any special pricing plans and devices offered by the City's designated cellular communications service provider. Employees receiving this allowance must 1) make their contact information available to appropriate City communications users, and 2) utilize the City approved cellular services provider to minimize any interoperability problems. Cellular communications allowances should be based upon guidelines outlined in Appendix C of this Policy which shall be amended from time to time. Such personal accounts will be in the employee's name, all charges will be the responsibility of the employee, and all invoices will be sent directly to the employee's billing address. Failure of the employee to maintain the service shall be grounds for termination of this option – at the Department Head's discretion.

Option 3 – As with option 1, the City will provide the communications devices and pay the monthly bills but the employee's earnings will be adjusted to incorporate the effective taxable value of the cell phone benefit in a manner similar to take home vehicles for non-uniformed personnel. Under this option, employees may make personal calls without keeping logs but it shall be up to the Department Head to monitor and limit personal usage in order to keep the cost to the City of the phone service within acceptable and budgeted boundaries. Excessive personal usage constitutes grounds for disciplinary action as provided in this section of the policy.

The departmental communications coordinator is responsible for reviewing the department's communications bills, working with the users to determine the amount to be reimbursed and collection and remittance of communications charges, if any. Employee failure to timely reimburse the City shall be grounds for disciplinary action up to and including termination. "Timely reimbursement" shall mean the reimbursement to the City of all undisputed personal call charges billed to the employee within 20 days of billing. Reimbursements from a specific user of less than $1.00 for a month are not required.

C. Special Needs – It is recognized that with ever evolving technology and the City's special needs, that there will be circumstances where this policy may not applicable. In these instances, the special need must be documented to the appropriate Department Head, and approved by the Department of Finance and Accountability and if appropriate, by the Mayor's office.

12.13.01 APPENDIX A

Effective Date:

Request for Cellular Communications Devices

Date_____

1. Device Requested:_____

2. Justification for Request:_____

_____

_____

_____

_____

_____

3. Device Cost: _____

4. Monthly Service Charge: _____

I acknowledge that I have read and understand the Cellular Phone and Communications Policy as currently promulgated and agree to abide by its terms and conditions. I further understand that should I violate this policy, I will be subject to disciplinary action(s) pursuant to City of Knoxville policies in effect at the time. I further agree to reimburse the City within 20 days of undisputed cellular device charges for any personal usage of City owned devices for which the City is liable.

_____
Requesting Employee

Approvals:

_____ _____
Departmental Coordinator Department Head

_____ _____
Finance Budget Officer Mayor (When applicable)

Order Placed with _____ on _____ By _____

12.13.02 Appendix B

Reimbursement Computation Methodology for Reimbursing the City for Personal Usage of Cellular Communications Devices

The following examples are believed to be in accordance with IRS Guidelines and if followed, employees shall be found in compliance with approved City guidelines and policies and will be held harmless by the City from any adverse actions by the City others. To enhance the employee's understanding of these guidelines, the following excerpt of Internal Revenue Service Guidelines as of December 2008 is provided:

> "To be able to exclude the use by an employee from taxable income from an employer-owned cell phone, the employer must have some method to require the employee to keep records that distinguish business from personal phone charges. If the telephone is used exclusively for business, all use is excludable from income (as a working condition fringe benefit). The amount that represents personal use is included in the wages of the employee. This includes individual personal calls, as well as a pro rata share of monthly service charges.
>
> In general, this means that unless the employer has a policy requiring employees to keep records, or the employee does not keep records, the value of the use of the phone will be income to the employee.
>
> At a minimum, the employee should keep a record of each call and its business purpose. If calls are itemized on a monthly statement, they should be identifiable as personal or business, and the employee should retain any supporting evidence of the business calls. This information should be submitted to the employer, who must maintain these records to support the exclusion of the phone use from the employee's wages.
>
> The following situations illustrate the application of the rules:
>
> Example 1: A municipal government provides an employee a cell phone for business purposes. The government's written policy prohibits personal use of the phone. The government routinely audits the employee's phone billings to confirm that personal calls were not made. No personal calls were actually made by the employee. The business use of the phone is not taxable to the employee.
>
> Example 2. A municipal government provides an employee a cell phone for business purposes. The government's written policy prohibits personal use of the phone. However, the government does not audit phone use to verify exclusive business use. The fair market value of the phone, plus each monthly service charge and any individual call charges are taxable income to the employee, reportable on Form W-2.
>
> Example 3: A state agency provides an employee with a cell phone and pays the monthly service charge. The employee is required to highlight personal calls on the monthly bill. The employee is then required to timely reimburse the agency

for the cost of the personal calls, and the employee is charged a pro rata share of the monthly charge. The value of the business use portion of the phone is not taxable to the employee."

To compute an employee's share of the bill, utilize the following examples:

Example 1 –

Basic monthly cell phone bill = $60 for 600 minutes ($0.01/minute)
Call overage = 100 Minutes @0.25/minute = $25.00
Total minutes used during month = 700
Employee personal usage = 20 minutes

Approved Computation:

$\frac{\text{20 Minutes (personal usage)}}{\text{100 (total overage minutes)}}$ x $25.00 (overage charge) = $5.00 reimbursement to City

Example 2 –

Basic monthly cell phone bill = $60 for 600 minutes ($0.01/minute)
Call overage = none
Total minutes used during month = 500
Employee personal usage = 20 minutes

Approved Computation:

$\frac{\text{20 Minutes (Personal Usage)}}{\text{600 (Total Minutes Available)}}$ x $60.00 (Basic Charge) = $2.00 Reimbursement to City

The above examples should cover the majority of cellular communications reimbursement issues. Should additional items arise regarding this policy that need clarification as to methods of computing, contact the City Comptroller's Office for guidance.

12.13.03 APPENDIX C

Guidelines for Computing the Cellular Communications Allowance

	Range:
Level I – SmartPhone Employees	$0 - $ 100
Level II – Normal Cell Phone	$0 - $ 50
Level III – Other Devices	Separately Determined

The preceding guidelines were promulgated based upon the cost to the City for legitimate business usage. Personal usage is not included in the above guidelines and should not be

taken into effect when determining a fair stipend for the employee's business usage reimbursement.

13.01 ALCOHOL AND DRUG POLICY

For rules regarding the City of Knoxville Alcohol and Drug Policy, please refer to the City of Knoxville Tennessee Drug-Free Workplace Policy and Procedures Manual and the City of Knoxville Commercial Drivers' Controlled Substances and Alcohol Use and Testing Policy. The policies and related information may be accessed on the Risk Management link of the City intranet website. Copies may also be obtained from the Civil Service Department or from Risk Management.

ADMINISTRATIVE RULES – CITY OF KNOXVILLE

14 – Occupational Safety and Health Program

14.01 TITLE

This Program shall be known as "The Occupational Safety and Health Program for the Employees of the City of Knoxville."

14.02 PURPOSE

To provide for the safety of the employees of the City of Knoxville in the performance of the operations of the City and compliance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.

14.03 RESPONSIBILITIES

Every employee and representative of the City of Knoxville shall have the same responsibility and accountability for the safety of the City's operations and compliance with this order and all laws and regulations related to safety as they have for the performance of those operations. Each supervisor shall be responsible for ensuring each employee is properly trained and knowledgeable to safely perform all tasks assigned to them and that no task is assigned to an employee who is not properly trained and knowledgeable.

The Risk Manager is designated as the Director of Occupational Safety and Health as defined by the Commissioner of Labor and Workforce Development of the State of Tennessee and shall have the responsibilities and authority to coordinate and to administer this plan as established within it.

14.04 PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR THE EMPLOYEES OF THE CITY OF KNOXVILLE

I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of the City of Knoxville.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City of Knoxville, in electing to update and maintain an effective occupational safety and health program for its employees, will:

A. Provide a safe and healthful place and condition of employment that includes:

1. Top management commitment and employee involvement;
2. Continual analysis of the worksite to identify all hazards and potential hazards;
3. Development and maintenance of methods for preventing or controlling the existing or potential hazards; and

4. Training of managers, supervisors, and employees in order for them to understand and deal with worksite hazards.

B. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.

C. Make, keep, preserve and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

D. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.

E. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.

F. Assist the Commissioner of Labor and Workforce Development or his designated representative regarding his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.

G. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational safety and health program.

H. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. <u>DEFINITIONS</u>

For the purpose of this program, the following definitions apply:

A. COMMISSIONER OF LABOR AND WORKFORCE DEVELOPMENT means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.

B. EMPLOYER means the City of Knoxville or the City.

C. DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH or DIRECTOR means the Risk Manager, who is authorized to perform duties and exercise powers so as to plan, develop, and administer the occupational safety and health program for employees.

D. INSPECTOR(S) means individual(s) appointed or designated by the Risk Manager to conduct inspections provided for herein, which includes but is not limited to the Risk Coordinator and the Safety Inspector.

E. APPOINTING AUTHORITY means any official of the City having legally designated powers of appointment, employment, or removal therefrom for a specific department, board, commission, division, or other agency of this employer.

F. EMPLOYEE means any person performing services for the City and listed on the City's payroll, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.

G. PERSON means one or more individual, partnership, association, corporation, business trust, or legal representative of any organized group of persons.

H. STANDARD means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.

I. IMMINENT DANGER means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.

J. ESTABLISHMENT or WORKSITE means a single physical location under the control of the City where business is conducted, services are rendered, or industrial type operations are performed.

K. SERIOUS INJURY or HARM means that type of harm that would cause permanent or prolonged impairment of the body in that:

1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanent reduced), or

2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

L. ACT or TOSHA Act shall mean the Tennessee Occupational Safety and Health Act of 1972.

M. GOVERNING BODY means the Knoxville City Council.

N. CHIEF EXECUTIVE OFFICER means the Mayor of the City of Knoxville.

III. EMPLOYER'S RIGHTS AND DUTIES

Rights and duties of the City shall include, but are not limited to, the following provisions:

A. The City shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

B. The City shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.

C. The City shall refrain from any unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the City's place(s) of business. The City shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.

D. The City is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.

E. The City is entitled to request an order granting a variance from an occupational safety and health standard.

F. The City is entitled to protection of its legally privileged communication.

G. The City shall inspect all worksites to insure the provisions of this program are complied with and carried out.

H. The City shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.

I. The City shall notify all employees of their rights and duties under this program.

IV. EMPLOYEES' RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

A. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.

B. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSHA Act or any standard or regulation promulgated under this Act.

C. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under this Act.

D. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commission of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.

E. Any employee who has been exposed or is being exposed to toxic material or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.

F. Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request

an inspection and to consult with the Risk Manager or Inspector at the time of the physical inspection of the worksite.

G. Any employee may bring to the attention of the Risk Manager any violation or suspected violations of the standards or any other health and safety hazards.

H. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.

I. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Risk Manager. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

J. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, or when a medical examination may be reasonably required for performance of a specific job.

K. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor immediately or as soon as reasonably practical after the occurrence, but not more than 2 hours.

V. <u>ADMINISTRATION</u>

A. The Risk Manager is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program.

1. The Risk Manager may designate a person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this program.

2. The Risk Manager may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Risk Manager.

3. The Risk Manager shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.

4. The Risk Manager may request qualified technical personnel from any department or section of government to assist him in making

compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.

5. The Risk Manager shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.

6. The Risk Manager shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.

7. The Risk Manager shall assist any officials of the employer in the investigation of occupational accidents or illnesses or conduct investigations as deemed appropriate.

8. The Risk Manager shall maintain or cause to be maintained records required under Section VIII of this plan.

9. The Risk Manager and the responsible department director shall independently, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees insure that the Commission of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.

B. The director of each department or division shall be responsible for the implementation of this occupational safety and health program within their respective areas.

1. The administrative or operational head shall cooperate with the Risk Manager on all issues involving occupational safety and health of employees as set forth in this plan and ensure compliance with all standards of the Tennessee Occupational Safety and Health Act.

2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Risk Manager within the abatement period.

3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.

4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Risk Manager along with his

findings and/or recommendations in accordance with APPENDIX V of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this program are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the Mayor as deemed necessary for the safety and health of employees.

VII. VARIANCE PROCEDURE

The department director may request that the Risk Manager apply for a variance as a result of a complaint from an employee or of her/his knowledge of certain hazards or exposures by providing the information required below to the Risk Manager. The Risk Manager should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

A. The application for a variance shall be prepared in writing and shall contain:

1. A specification of the standard or portion thereof from which the variance is sought.

2. A detailed statement of the reason(s) why the City is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.

3. A statement of the steps the City has taken and will take (with specific date) to protect employees against the hazard covered by the standard.

4. A statement of when the City expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.

5. A certification that the City has informed employees by posting a statement summarizing the application (to include the location of a copy available for examination) on bulletin boards where required federal employee notices are posted. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.

B. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.

C. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:

1. The City

a. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities of technology.

b. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.

c. Has an effective program from coming into compliance with the standard as quickly as possible.

2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.

D. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.

E. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.

F. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORDKEEPING AND REPORTING

A. Recording and reporting of all occupational accidents, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, RECORDKEEPING REQUIREMENTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (Revised 2003) or as may be prescribed by the Tennessee Department of Labor and Workforce Development.

B. The positions responsible for recordkeeping are shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix V to this plan.

C. Details of how reports of occupational accidents, injuries, and illnesses will reach the record keeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix V to this plan.

IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that they are assigned to work in conditions that might affect their health, safety, or general welfare at the present time or at any time in the future, he or she may report the condition to the Risk Manager. Employees are encouraged to advise the appropriate supervisor of their concerns and report the concerns to the Risk Manager if the concerns are not satisfactorily resolved by the supervisor. However, employees will not be prohibited from initially making complaints to the Risk Manager.

A. The complaint to the Risk Manager should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his or her health, safety, or general welfare. The employee should sign the letter but need not do so if he or she wishes to remain anonymous (see subsection (h) of Section 1 of this plan).

B. Upon receipt of the complaint letter, the Risk Manager will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Risk Manager will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if not, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for the period of three (3) working days.

C. if the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Mayor explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.

D. The Mayor will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following the receipt of the complaint by the Mayor explaining decisions made and action taken or to be taken.

E. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases

shall include copies of all related correspondence with the Risk Manager and the Mayor.

F. Copies of all complaints and answers thereto will be filed by the Risk Manager, who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING

A. Risk Manager and/or Inspector(s)

1. Arrangements will be made for the Risk Manager and/or Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies.

2. Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

B. All Employees (including Managers and Supervisory personnel):

A suitable safety and health training program for employees will be established by the respective departments. This program will, as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employee's work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury (such as falls, electrocution, crushing injuries (e.g., trench cave-ins), and being struck by material or equipment).

2. Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances (including carbon monoxide and chlorine) in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, personal hygiene, etc., which may be required.

3. Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposures, and the first aid procedures to be followed in the event of injury or exposure.

4. Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees

aware of specific requirements contained in Subparts H and M and other applicable subparts of TOSHA Act standards (1910 and/or 1926).

5. Instruct employees on hazards and dangers of confined or enclosed spaces.

   a. Confined or enclosed space means having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four (4) feet in depth such as pits, tubs, vaults, and vessels.

   b. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.

   c. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION AND INVESTIGATION PROCEDURES

In order to be aware of hazards, periodic inspections and thorough investigations must be performed. These inspections and investigations will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites and identify the causes of accidents, injuries, or real or potential losses of any type.

Inspections made on pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on an unannounced basis at intervals not to exceed thirty (30) calendar days. Investigations will be conducted for any real or potential accidents, incidents or loss deemed to warrant investigation by the Risk Manager. All employees shall cooperate with the Risk Manager or Inspector in conducting inspections or investigations.

A. In order to carry out the purposes of this program, the Risk Manager and/or Inspector(s) are authorized:

   1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such

establishment, facility, or worksite is under the jurisdiction of the City and;

2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.

B. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Risk Manager or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.

C. An administrative representative of the employer and an authorized representative of employees shall be given an opportunity to accompany the Risk Manager and/or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.

D. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.

E. The conduct of the inspection or investigation shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques. The Risk Manager or Inspector may take recorded statements from any employee as part of an investigation or examine any records not classified as confidential. Inspection of records classified as confidential must be under other appropriate authority.

F. Advance Notice of Inspections.

1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create a misleading impression of conditions in an establishment.

2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.

G. The Risk Manager need not personally make an inspection of each and every worksite. He may delegate the responsibility for such inspection to supervisors or other personnel provided:

1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Risk Manager.

2. Records are made of the inspections and of any discrepancies found and are forwarded to the Risk Manager.

H. The Risk Manager shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

A. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:

1. The Risk Manager or Inspector shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.

2. If the alleged imminent danger situation is determined to have merit by the Risk Manager or Inspector, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.

3. As soon as it is concluded from such inspection that conditions or practices exist which constitute an imminent danger, the Risk Manager or Inspector shall advise the appropriate supervisor or management of the need to abate the unsafe condition. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary for abatement of the imminent danger.

4. The department director of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Risk Manager or Inspector and to the mutual satisfaction of all parties involved.

5. The imminent danger shall be abated if:

a. The imminence of the danger has been eliminated by removal of employees from the area of danger.

b. Conditions or practices that resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.

6. A written report shall be made by the Risk Manager describing in detail the imminent danger and its abatement. This report will be maintained by the Risk Manager in accordance with subsection (i) of Section XI of this plan.

B. Refusal to Abate

1. Any refusal to abate an imminent danger situation shall be reported to the Risk Manager and/or Mayor immediately.

2. The Risk Manager and/or Mayor shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS WHEN THERE IS NOT AN IMMINENT DANGER

A. Whenever, as a result of an inspection or investigation, the Risk Manager or Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the department director of the worksite within a reasonable period of time, the Risk Manager shall:

1. Issue a violation notice to the responsible department director.

2. Post a copy of the violation notice at or near each location referred to in the violation notice.

B. Violation notices shall contain the following information:

1. The standard, rule, or regulation that was found to be violated.

2. A description of the nature and location of the violation.

3. A description of what is required to abate or correct the violation.

4. A reasonable period of time during which the violation must be abated or corrected.

C. At any time within ten (10) days after receipt of a violation notice, anyone affected by the order may advise the Risk Manager in writing of any objections to the terms and conditions of the notice. Upon receipt of such objections, the Risk Manager shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Risk Manager shall, within three (3) working days, issue a violation notice and such subsequent notice shall be binding on all parties and shall be final.

XIV. PENALTIES

A. No civil or criminal penalties shall be issued by the Tennessee Department of Labor and Workforce Development against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.

B. Any employee, regardless of status, who negligently, willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action including, but not limited to suspension and/or termination.

C. Any employee who intentionally discourages or hinders any other employee from or belittles any other employee for complying with safety regulations or policies or any reasonable safety practices shall be subject to disciplinary action.

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Risk Manager pursuant to this plan of operation or the legislation (Ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS

Part IV of the Tennessee Occupational Safety and Health Plan and the Tennessee State law prohibit discriminatory action by an employer towards an employee who has exercised his rights under the Act. In addition to filing a complaint alleging discrimination with the Commissioner, an employee has the option of filing a complaint alleging discrimination with the Risk Manager in accordance with the provisions of T.C.A. § 50-3-409. The Commissioner may investigate such complaints, make recommendations, and/or issue a written notification of a violation.

XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

A. Compliance with any other law, statute, Ordinance, or executive order, as applicable, which regulates safety and health in employment and places of employment shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.

B. Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the

employer, the employee, or any other person from compliance with the law, statute, Ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, Ordinance, or executive order, as applicable, is specifically repealed.

14.05 ASBESTOS MANAGEMENT POLICY

I. PURPOSE

The purpose of this policy is to ensure employees and the general public are provided appropriate information regarding Asbestos and Asbestos-Containing Materials present in City of Knoxville buildings and to comply with the Occupational Safety and Health Administration (OSHA) Asbestos Standard in 29 CRF § 1910.1001. This Policy has been developed to eliminate or control hazards associated with Asbestos-Containing Materials at all City of Knoxville locations. This Policy is not intended to state all procedures that may be required by all departments. This Policy will be available to all employees on the City's intranet site and from the Risk Management Department:

Risk Management Department
City County Building, Suite 599
400 Main Street
Knoxville, TN 37902

II. DEFINITIONS

Asbestos: The name given to a group of naturally occurring minerals that are resistant to heat and corrosion. Asbestos has been used in products such as insulation for pipes (steam lines for example), floor tiles, building materials, and in vehicle brakes and clutches. Asbestos includes the mineral fibers chrysotile, amosite, crocidolite, tremolite, anthophyllite, actinolite, and any of these materials that have been chemically treated or altered. Heavy exposures tend to occur in the construction industry and in ship repair, particularly during the removal of Asbestos materials due to renovation, repairs, or demolition. Workers are also likely to be exposed during the manufacture of Asbestos products (such as textiles, friction products, insulation, and other building materials) and during automotive brake and clutch repair work.

Asbestos-Containing Material (ACM): Materials that contain greater than 1% Asbestos. Any building materials installed before 1970 are suspected of being ACM and will be treated as ACM unless proven otherwise by analytical results.

Director of Occupational Health and Safety: The City of Knoxville's Risk Manager (865-215-2630).

Friable: Can be crumbled by hand pressure, such as hard-packed thermal insulation on pipes.

Safety Inspector: The City of Knoxville's Safety Inspector (865-215-3453).

III. ASBESTOS MANAGEMENT PLAN

The Director of Occupational Health and Safety is responsible for the development and maintenance of this Policy. Each department responsible for oversight of a facility and/or for facility maintenance is responsible for implementation of this Policy for that facility and will ensure that affected employees are trained in Asbestos hazards and their responsibilities to control those hazards.

Each department is responsible for identifying ACM and maintaining a list of those locations in Attachment 1 of their Plan. Departments can request assistance from the Safety Inspector in determining possible ACM. Each department is responsible for conducting and documenting a site "walkthrough" inspection of these locations with exposed ACM every six months to assess and evaluate the condition of all known ACMs and all materials presumed to be ACM. The inspection must document the condition of the ACM and whether any Asbestos dust is likely/not likely to occur. If dust might be released due to poor condition, an Asbestos contractor must be hired to either repair or remove the material.

To meet the 29 CFR § 1926.1101 requirements, notify building occupants of the presence of ACMs, and prevent the materials being disturbed, the following sign will be placed on all ACMs:

DANGER
Contains Asbestos Fibers
Avoid Creating Dust
Cancer and Lung Disease Hazard

Maintenance:
Maintenance activities must be restricted so that ACMs are not handled in a manner that could release Asbestos fibers.

Sampling:
Only a Certified Asbestos Inspector is allowed to take samples of suspected ACMs. City of Knoxville employees are not permitted to take samples of suspected ACM.

Vinyl Floor Tile:
Buffing and waxing must be conducted in a manner that avoids penetrating the top layer of the tile so that Asbestos fibers are not released. No cutting of Asbestos-containing tiles is permitted. The EPA has published safe work practices for buffing, waxing, and other housekeeping activities on 9x9 Asbestos floor tile. OSHA has these guidelines:

- Sanding of Asbestos floor tile is prohibited;

- Stripping of finishes shall be conducted using low abrasion pads at speeds lower than 300 rpm and wet methods; and
- Burnishing or dry buffing may be performed only on tiles that have sufficient finish so that the pad cannot contact the ACM.

Hard-packed Elbow Insulation:
If the insulation requires removal, an Asbestos-abatement contractor must be hired to conduct the removal. NOTE: Building maintenance personnel cannot conduct insulation repair, or clean-up of small quantities of Asbestos debris unless they have completed a 24 hour worker O&M training course

Spills and Releases:
If any ACM becomes damaged so that fibers may have been released, contact an Asbestos-abatement contractor to remove the remaining material and to remove any contamination on adjacent surfaces. NOTE: Building maintenance personnel cannot conduct this type of spill clean-up unless they have completed a 24-hour worker training course.

Outside Contractors:

General Building Work: The department responsible for monitoring the contract is responsible for notifying contractors working in a City of Knoxville building of the location of ACMs in their work area. Contractors will be instructed not to damage ACMs, to avoid the accidental release of Asbestos fibers into the area. This includes, but is not limited to, electricians, plumbers, carpenters, fire protection, HVAC, flooring, painting contractors, etc.

Building Renovation: The department responsible for monitoring the contract is responsible for ensuring plans for building renovations are evaluated to determine if ACMs may be involved. If ACMs may be damaged during renovation activities, then a Certified Asbestos-Abatement Contractor must be hired to remove the Asbestos material before renovation work begins in that area. The contractor will be informed of:

- The location of the ACMs, and
- The condition of the ACM.

City of Knoxville Properties Rented or Leased: It is the responsibility of each department to inform anyone renting or leasing a City of Knoxville facility of the presence of any ACM. A signed acknowledgement (Attachment 2) must be kept on file stating that the renter has been informed of the ACM and that the ACM cannot be removed or disturbed without permission from the City of Knoxville.

Training:

Training must be provided to each employee who may handle or potentially handle ACMs. All affected employees in each department will receive Asbestos Awareness Training. The training allows workers to safely work in the vicinity of ACMs. It does not authorize workers to remove Asbestos. Training is annual, and must include at a minimum:

- Health effects of Asbestos;
- Locations of known ACMs (have been tested) and the location of presumed ACMs (not tested, but assumed to contain Asbestos due to visual appearance and year installed before 1970);
- Recognition of damage and deterioration;
- Requirements for housekeeping without creating dust; and
- Proper response to events that release dust.

14.06 CONFINED SPACE POLICY

Contact Risk Management for a sample procedure document and any referenced attachments to assist in complying with this policy.

I. PURPOSE

The purpose of this policy is to ensure employees and the public are protected from the hazards of confined spaces and to comply with the OSHA Permit-Required Confined Space Standard in 29 CFR § 1910.146. This policy is not intended to state all procedures that may be required by all departments. This policy will be available to all employees on the City's intranet site and from the Risk Management Department:

Risk Management Department
City County Building, Suite 599
400 Main Street
Knoxville, TN 37902

II. DEFINITIONS

Acceptable Entry Conditions: The conditions that must exist in a permit space to allow entry and to ensure that employees involved can safely enter into and work within the space.

Authorized Entrant: A properly trained employee who is authorized by the employer to enter a Permit-Required Confined Space.

Attendant: A properly trained individual stationed outside one or more Permit-Required Confined Spaces that monitors the authorized entrants and who performs all attendant's duties assigned in the employer's Permit-Required Confined Space program.

Confined Space: Meets all the following criteria: (1) is large enough for an employee to enter fully and perform assigned work, (2) is not designed for continuous occupancy by the employee, and (3) has limited or restricted means of entry or exit. Examples include underground vaults, tanks, storage bins, pits and diked areas, vessels, silos, and similar areas.

Director of Occupational Health and Safety: The City of Knoxville's Risk Manager (865-215-2630).

Entry: Means the action by which a person passes through an opening into a Permit-Required confined space. Entry includes ensuing work activities in that space and is considered to have occurred as soon as any part of the entrant's body breaks the plane of an opening into the space.

Engulfment: The surrounding and effective capture of a person by a liquid or finely divided (flowable) solid substance that can be aspirated to cause death by filling or plugging the respiratory system or that can exert enough force on the body to cause death by strangulation, constrictions, or crushing.

Entry Permit: The written or printed document that is provided by the employer to allow and control entry into a permit space.

Entry Supervisor: The designated person responsible for determining if acceptable entry conditions are present at a permit space where entry is planned, for authorizing entry and overseeing entry operations, and for terminating entry as required by this policy.

Hazardous Atmosphere: An atmosphere that may expose employees to a risk of death, incapacitation, impairment of ability to self-rescue, injury, or acute illness from one or more of the following:

A. Flammable gas, vapor, or mist in excess of 10 percent of its Lower Flammable Limit (LFL);
B. Airborne combustible dust at a concentration that meets or exceeds its LFL;
C. Atmosphere oxygen concentration below 19.5 percent or above 23.5 percent;
D. Atmosphere concentration of any substance for which there is a dose or permissible exposure limit; and
E. Any other atmospheric condition that is Immediately Dangerous to Life or Health.

Immediately Dangerous to Life or Health (IDLH): An atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.

Non-Permit Confined Space: A confined space that does not contain hazards or has the potential to contain any hazard capable of causing death or serious physical harm.

Permit-Required Confined Space: A confined space that has one or more of the following characteristics: (1) contains or has the potential to contain a hazardous atmosphere; (2) contains a material with the potential to engulf someone who enters the space; (3) has an internal configuration that might cause an entrant to be trapped or asphyxiated by inwardly converging walls or by a floor that slopes downward and tapers to a smaller cross section; and/or (4) contains any other recognized serious safety or health hazards.

Safety Inspector: The City of Knoxville's Safety Inspector (865-215-3453).

III. CONFINED SPACE REQUIREMENTS

A. No City of Knoxville employee may enter a space that meets the definition of a Permit-Required Confined Space unless a written confined space program is in effect that has been determined to be compliant with § 1910.146, the employee is an authorized entrant under that program, and all requirements of the program are being met. The one exception to this rule is that emergency response employees who have been properly trained, are properly equipped, and are authorized by their department may enter confined spaces in accordance with such training and authorization.

B. Departments will assess and identify all confined spaces that employees may reasonably be anticipated to need to enter in the performance of their jobs and determine whether each of those confined spaces meet the definition of a Permit-Required Confined Space. Use the Confined Space/Permit Space Evaluation Survey, Attachment A.

C. Departments that identify the need for employees to enter Permit-Required Confined Spaces will develop, maintain, and ensure compliance with a written Permit-Required Confined Space program(s) compliant with § 1910.146. The program(s) will ensure that each Permit-Required Confined Space is properly addressed so that, if appropriate, separate programs or sections of the program are used to address different spaces. The written program(s) will include the following at a minimum.

1. Identification, evaluation, and posting of Permit-Required Confined Spaces and measures to prevent unauthorized entry.

2. Establishing and implementing means, procedures, and practices to eliminate or control hazards necessary for safe permit-space entry operations, including identifying and clearly designating job duties. These may include specifying and/or verifying acceptable entry conditions; isolating the permit space; providing barriers; and purging, making inert, flushing, or ventilating the permit space.

3. Procedures for testing of atmospheric conditions in the permit space as appropriate before entry in the sequence of (1) oxygen, (2) combustible

gases or vapors, and (3) toxic gases or vapors, as well as monitoring during entry.

4. The provision and proper maintenance of personal protective equipment and any other equipment necessary for safe entry as well as measures to require and ensure its use. Appropriate equipment may include, but is not limited to, testing, monitoring, ventilating, communications, and lighting equipment; barriers and shields; ladders and retrieval devices.

5. Ensuring at least one attendant is stationed outside the permit space for the duration of entry operations, and ensuring that attendants are properly equipped, trained, and fully understand the circumstances and their responsibilities.

6. Coordination of entry operations when employees or volunteers of more than one employer or organization are working in the permit space, and ensuring that authorized entrants are fully equipped, trained, and fully understand the circumstances and their responsibilities.

7. Appropriate plans and procedures for summoning rescue and emergency services, and preventing unauthorized personnel from attempting rescue.

8. Establish, in writing, and implement a system for preparation, use, and cancellation of entry permits.

9. Provide for effective and documented training of all employees.

10. Review the program and operations annually and revise as necessary.

D. An alternative to a full permit entry system may be used when compliant with § 1910.146. Alternative procedures are used so that the department can demonstrate with monitoring and inspection data that the only hazard is a hazardous atmosphere that has been made safe using continuous forced air ventilation.

14.07 HAZARD COMMUNICATION POLICY

Contact Risk Management for a sample procedure document and any referenced attachments to assist in complying with this policy.

Note: The following text has been updated to align with the UN Globally Harmonized System of Classification and Labeling of Chemicals (GHS), Revision 3.

I. PURPOSE

The purpose of this Policy is to ensure that employees and the general public are provided appropriate information regarding hazardous materials used or produced by the City of Knoxville and to comply with the Tennessee Occupational Safety and Health Administration (TOSHA) Hazardous Communication Standard in 29 CFR § 1910.1200, as well as the reporting requirements under the Environmental Protection Agency (EPA) regulation for Emergency Planning and Community Right to Know (40 CFR 355). This policy is not intended to state all procedures that may be required by all departments. This policy will be available to all employees on the City's intranet site and from the Risk Management Department:

Risk Management Department
City County Building, Suite 599
400 Main Street
Knoxville, TN 37902

II. DEFINITIONS

Chemical Inventory List: An inventory containing the following information: the chemical name; whether the chemical is considered a hazardous material; the size of the container; and the maximum amount kept on hand.

Director of Occupational Health and Safety: The City of Knoxville's Risk Manager (865-215-2630).

Hazardous Material: Any solid, liquid, or gas that is used, stored, or produced by City of Knoxville operations that through inhalation, ingestion, injection, or skin contact could cause illness, injury, health hazard, or environmental damage. OSHA does not require identifying a chemical as hazardous if it is a household consumer product used in the workplace in the same manner that a consumer would use it, i.e., where the amount of the product and the duration and frequency of use (and therefore exposure) is not greater than what the typical consumer would experience. This exemption in OSHA's regulation is not based on the chemical manufacturer's intended use of the product, but upon how it actually is used in the workplace. If employees work with such chemicals in a manner that results in duration and frequency of exposure greater than a normal consumer would experience, the chemical must be included in the communications program.

Safety Data Sheet (SDS): A specially designed report provided by the manufacturer of a hazardous material that identifies physical and chemical properties, known health effects, exposure limits, carcinogenic properties, precautionary measures, personal protective equipment to be worn, and emergency and first aid procedures.

Non-Routine Tasks: A job, task, or function that is not generally performed on a routine or day-to-day basis. It could include unscheduled or unplanned tasks. It could include a task that is only performed on an annual basis or may never have been performed previously. The hazards associated with non-routine

tasks can be difficult to understand. There may not be documented procedures for these tasks, and the employee may not have been previously trained to perform them.

Safety Inspector: The City of Knoxville's Safety Inspector (865-215-3453).

III. HAZARD COMMUNICATION PROGRAM

Each department must inventory all chemicals used or produced in its operations and make a list of all those that are hazardous materials requiring a communications program under 29 CFR § 1910.1200.

A. Each department that uses or produces hazardous chemicals must develop and maintain a Hazard Communication Plan (Plan) compliant with 29 CFR § 1910.1200. A template provided by the Tennessee Occupational Safety and Health Administration (Attachment 1) can be used as a guideline. At a minimum, this Plan must:
   - Make a hazard determination for each material or chemical used in the department;
   - Maintain a Chemical Inventory List of all hazardous materials including container size and maximum amount kept on hand;
   - Provide proper labeling for all containers of hazardous materials;
   - Maintain an up-to-date Safety Data Sheet for each hazardous material;
   - Identify the methods to be used to inform employees of hazards of non-routine tasks; and
   - Provide annual Hazard Communication refresher training.

B. The Plan must be available for review by the Director of Occupational Health and Safety, the Safety Inspector, or a representative of OSHA.

C. Office workers who encounter hazardous chemicals only in isolated instances are not covered under this program. OSHA considers most office products (such as pens, pencils, adhesive tape) to be exempt under the provisions of the rule, either as articles or as consumer products. OSHA has previously stated that intermittent or occasional use of a copying machine does not result in coverage under the rule. However, if an employee handles the chemicals to service the machine, or operates it for long periods of time, then the program would have to be applied.

D. Under 29 CFR § 1910.1200, the department must ensure that the SDSs are readily accessible during each work shift to employees when they are in their work area(s). SDSs are allowed to be kept in any form and can be kept on a computer as long as the computer is available in the employee's work area. If the employee's work area includes the area where the SDSs can be obtained, then maintaining SDS on a computer would be in compliance. This includes using an SDS service if all affected employees have the practical knowledge to access the program.

E. Hazardous materials that can be generated from a process or operation within a department are also covered under 29 CFR § 1910.1200. Some examples of these are welding fumes in a repair shop or machine shop, wood dust from operations such as sawing or sanding, and carbon monoxide from forklifts, motor vehicles, and other fossil fuel engines operated indoors or in areas with limited air circulation. A sign indicating that these materials are present and the hazards associated with them must be posted in the area where they are generated. An SDS must be kept on file and the material must also be listed on the Chemical Inventory List for that department.

F. Departments providing services that require vehicles to carry hazardous materials in order to provide those services must ensure that an SDS for each hazardous material is kept on the vehicle.

G. To comply with the Environmental Protection Agency (EPA) regulation for Emergency Planning and Community Right to Know (40 CFR 355) reporting requirements, departments must determine if they have any materials that must be reported to the local Emergency Planning Commission and the Knoxville Fire Department. Any department with chemicals in quantities that equal or exceed the following thresholds must be reported.

For materials on the Extremely Hazardous Substance (EHS) list, either 500 pounds or the Threshold Planning Quantity (TPQ), whichever is lower. The EHS list, including the TPQ, can be found at www.epa.gov/osweroe1/docs/er/355table01.pdf.

For all other materials that require an SDS, the reportable quantity is 10,000 pounds.

A copy of the report must be kept on hand by the department and must also be provided to the Director of Occupational Health and Safety or the Safety Inspector.

14.08 OCCUPATIONAL NOISE EXPOSURE POLICY

Contact Risk Management for a sample procedure document and any referenced attachments to assist in complying with this policy.

I. PURPOSE

The purpose of this policy is to ensure that employees are properly protected from the effects of hazardous/injurious noise and to comply with the Occupational Safety and Health Administration (OSHA) Occupational Noise Exposure Standard in 29 CFR § 1910.95. This policy is not intended to state all procedures that may be required by all departments. This policy will be available to all employees on the City's intranet site and from the Risk Management Department:

Risk Management Department
City/County Building, Suite 599
400 Main Street
Knoxville, TN 37902

II. DEFINITIONS

Director of Occupational Health and Safety: The City of Knoxville's Risk Manager (865-215-2630).

Hearing Conservation Program: A program required by 29 CFR § 1910.95 for employees who are exposed to noise above the permissible noise exposures in Table G-16 of 29 CFR § 1910.95.

Permissible Noise Exposures: Levels of exposure based on sound level and duration that are below those identified in Table G-16 of § 1910.95.

Safety Inspector: The City of Knoxville's Safety Inspector (865-215-3453).

Standard Threshold Shift: Change in hearing threshold relative to the baseline audiogram of an average of 10dB or more at 2000, 3000, and 4000 Hz in either ear.

Table G-16: Permissible Noise Exposures table found in 29 CFR § 1910.95 listing sound levels and corresponding durations by hours.

III. DEPARTMENTAL PROCEDURES

Departments must arrange for evaluation of any known or reasonably anticipated noises to which employees are exposed in performing their job responsibilities that may exceed the exposures specified in Table G-16 of § 1910.95. Any department needing assistance in this evaluation may contact the Risk Management Department. Risk Management has instrumentation that will help in determining if more extensive testing is required. If additional testing is required, Risk Management can provide information for consultants specializing in occupational noise exposure. If noises are identified that exceed the permissible noise exposures, the department shall attempt to utilize feasible administrative or engineering controls to reduce the noise to permissible exposure levels. If noise levels to which employees are exposed cannot be reduced adequately by feasible administrative or engineering controls, the department will require exposed employees to use personal protective equipment that reduces the exposure within the permissible limits and place those employees in a Hearing Conservation Program compliant with § 1910.95.

A. Departments will notify the Director of Occupational Health and Safety of all employees whose job responsibilities expose them to noises that exceed

the permissible noise exposures and post a copy of § 1910.95 in the effected work area.

B. Departments with employees in a Hearing Conservation Program will institute a training program compliant with § 1910.95, ensure that every such employee participates in the program, and repeat the training at least annually, updating any information consistent with changes in protective equipment or work processes.

C. Departments with employees in a Hearing Conservation Program shall implement a monitoring program compliant with § 1910.95. Monitoring will be repeated whenever there is a change in production, process, equipment, or controls that increases noise levels so that additional employees are exposed or the personal protective equipment may no longer be adequate. Departments will notify each employee in a Hearing Conservation Program of the monitoring program, and will provide every such employee with an opportunity to observe the monitoring. Departments will provide all monitoring results to the Director of Occupational Safety and Health and maintain written results for at least two years.

D. Departments will arrange with the Health, Education and Wellness Center (The Center) to conduct audiograms at least annually of each employee in a Hearing Conservation Program. Employees will not be exposed to work related noises exceeding the permissible noise exposures for 14 hours prior to an audiogram and will be advised to avoid non-work-related exposure to high noise levels for 14 hours prior to the audiogram.

E. Departments will provide, train, require, and monitor proper use of hearing protectors in compliance with § 1910.95 when an employee is in a hearing conservation program or when advised by the Director of Occupational Health and Safety that the employee has suffered a standard threshold shift. The hearing protector must reduce exposure to at or below an 8-hour time-weighted average of 85 decibels. The Department will provide a variety of suitable hearing protectors from which affected employees may choose and replace hearing protectors as appropriate.

IV. <u>AUDIOGRAMS</u>

A. The Director of Occupational Health and Safety shall arrange for all medical services necessary to provide audiograms in compliance with § 1910.95.

B. The Center shall maintain appropriate procedures for conducting audiograms in compliance with § 1910.95, including maintenance of records and periodically providing a copy of those records to the Director of Occupational Health and Safety.

C. The Center shall advise the supervising department of any initial identification of a Standard Threshold Shift (STS) and arrange for the employee to be retested within 30 days. The employee must be notified of a STS in writing within 21 days of testing. The Center will notify the Director of Occupational Health and Safety of all confirmed STSs.

V. EMPLOYEES NOT EXPOSED TO NOISE ABOVE PERMISSIBLE NOISE EXPOSURES

A. For employees not exposed to noise above permissible noise exposures, departments may (1) require use of hearing protectors, (2) provide hearing conservation training, and/or (3) provide baseline and annual audiograms.

B. Providing or requiring use of hearing protectors, hearing conservation training, or audiograms is not evidence that employees are exposed to noise above permissible noise exposures.

14.09 RESPIRATORY PROTECTION POLICY

Contact Risk Management for a sample procedure document and any referenced attachments to assist in complying with this policy.

I. PURPOSE

The purpose of this policy is to ensure that employees are properly protected from respiratory hazards and to comply with the Occupational Safety and Health Administration (OSHA) Respiratory Protection Standard 29 CFR § 1910.134. This policy is not intended to state all procedures that may be required by all departments. This policy will be available to all employees on the City's intranet site and from the Risk Management Department:

Risk Management Department
City County Building, Suite 599
400 Main Street
Knoxville, TN 37902

II. DEFINITIONS

Director of Occupational Health and Safety: The City of Knoxville's Risk Manager (865-215-2630).

Immediately Dangerous to Life or Health (IDLH): An atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.

Respiratory Protection Program: A written program in compliance with 29 CFR § 1910.134 for protection of employees or volunteers who require the use of a respirator to safely perform their job responsibilities or to protect them from

reasonably foreseeable emergencies. A respiratory protection program is not required for employees who voluntarily use a dust mask.

Safety Inspector: The City of Knoxville's Safety Inspector, (865-215-3453).

III. DEPARTMENTAL PROCEDURES

Departments must evaluate and identify, in compliance with 29 CFR § 1910.134, the respiratory hazards in the workplaces to which employees or volunteers performing work on behalf of the City are or may reasonably be expected to be exposed. If hazards are identified so that use of a respirator is necessary to protect the health of any employee or volunteer, the department must develop a respiratory protection program meeting the requirements of § 1910.134. This program shall include:

A. Designating a properly trained Respirator Program Administrator to oversee the program.

B. Developing and maintaining procedures including: (1) selection of appropriate NIOSH-certified respirators including a determination of whether an IDLH appropriate respiratory is needed, (2) fit testing procedures if tight-fitting respirators are used, (3) use of respirators in routine work as well as foreseeable emergencies, (4) maintaining respirators, (5) requiring employees and volunteers identified to be included under the respiratory protection program and be medically evaluated and monitored, and (6) periodic evaluation of the program.

C. Arrange with the Employee, Health, Education and Wellness Center (The Center) to evaluate and monitor the medical ability of employees included in the respiratory protection program to use respirators.

D. The department shall provide appropriate respirators and monitor to ensure their proper use and maintenance.

IV. MEDICAL EVALUATION

A. The Director of Occupational Health and Safety shall arrange for all medical services necessary to provide medical evaluation, monitoring, and oversight to ensure compliance with § 1910.134.

B. The Center shall maintain appropriate procedures for conducting medical evaluation and monitoring compliant with § 1910.134.

14.10 BLOODBORNE PATHOGENS, TUBERCULOSIS, AND RABIES POLICY

Contact Risk Management for a sample procedure document and any referenced attachments to assist in complying with this policy.

I. PURPOSE

The purpose of this Policy is to minimize exposure of employees to bloodborne pathogens (BBP) and to provide procedures for vaccination and Exposure Incidents for BBP, tuberculosis (TB), and rabies, including compliance with the Occupational Safety and Health Administration (OSHA) Bloodborne Pathogens Standard, 29 CFR § 1910.1030. This Policy is not intended to state all procedures that may be required by all departments. Departments with employees who have occupational exposure shall develop a written Exposure Control Plan (ECP) for their specific operations and ensure the procedures are compliant with § 1910.1030. This Policy will be available to all employees on the City's intranet site and from the Risk Management Department:

Risk Management Department
City County Building, Suite 599
400 Main Street
Knoxville, TN 37902

II. DEFINITIONS

Blood or Other Potentially Infectious Materials: (1) The following human body fluids: human blood, human blood components, products made from human blood, semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva, body fluid visibly contaminated with human blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; (2) any unfixed tissue or organ (other than intact skin) from a human (living or dead); and (3) HIV-containing cell or tissue cultures, organ cultures; HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

Bloodborne Pathogens (BBP): Pathogenic microorganisms that are present in human blood and can cause disease in humans, including, but not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

Bloodborne Pathogen Exposure Incident (Exposure Incident): A specific eye; mouth; or other mucous membrane, non-intact skin, or parenteral contact with Blood or Other Potentially Infectious Materials that result from the performance of an employee's duties. An Exposure Incident occurs when one person's body fluids potentially entered another person's body. Examples of possible Exposure Incidents:

- Needle sticks;
- Sharp penetrations of skin;

- Splashes from blood or body fluids to any mucous membranes—eyes, nose, or mouth;
- Exposure from blood or body fluids to any non-intact skin, cuts, or other openings; and
- Human bites.

Claims Specialist: The City's Claims Specialist (865-215-2254).

Contaminated: The presence or the reasonably anticipated presence of Blood or Other Potentially Infectious Materials on an item or surface.

Director of Occupational Health and Safety: the City of Knoxville's Risk Manager (865-215-2630).

Exposure Control Plan (ECP): Departmental procedures to assist each department in implementing and ensuring compliance with § 1910.1030. The ECP includes, but is not limited to, determination of employee exposure; implementation of various methods of exposure control including universal precautions, engineering and work practice controls, personal protective equipment, and housekeeping; Hepatitis B vaccination; communication of hazards to employees; and training.

Infection Control Officer: The Fire Department EMS Quality Improvement Officer or the On-Call EMS Supervisor acting as the EMS Quality Improvement Officer in his/her absence.

Occupational Exposure to Bloodborne Pathogens (Occupational Exposure): Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with Blood or Other Potentially Infectious Materials that may result from the performance of an employee's duties. (A job classification does not have Occupational Exposure if an actual exposure while performing job duties is simply possible, but does have Occupational Exposure if the potential for an Exposure Incident is expected as part of the job responsibilities.) Examples of Occupational Exposure are: job responsibilities that include being a first responder to medical emergencies; performance of first aid; cleanup of Blood and Other Potentially Infectious Materials or of human debris in areas known to be frequented for illegal drug use or prostitution or frequently inhabited by the homeless; or the physical handling of medical patients or criminal suspects.

Parenteral: Piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.

Personal Protective Equipment (PPE): Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts, or blouses) not intended to function as protection against a hazard are not considered to be Personal Protective Equipment.

Safety Inspector: The City of Knoxville's Safety Inspector (865-215-3453).

The Center: The City of Knoxville's Health, Education and Wellness Center located at 1405 Loraine Street (865-215-6150).

III. OCCUPATIONAL EXPOSURE TO BLOOD BORNE PATHOGENS

A. Each department of the City shall be responsible for ensuring that any job classifications within their department that have Occupational Exposure are identified and communicated to the Director of Occupational Health and Safety. This determination shall be made without regard to the use of PPE.

B. Departments that have positions with Occupational Exposure shall develop and maintain an ECP in compliance with § 1910.1030. A template provided by the Tennessee Occupational Safety and Health Administration (Attachment 1) can be used as a guideline.

C. The Center shall make the Hepatitis B vaccination series available at no cost to employees identified as having Occupational Exposure (unless antibody testing has revealed that the employee is immune or the vaccine is contraindicated for medical reasons). If antibody testing or a routine booster dose of Hepatitis B is recommended by the U.S. Public Health Service for an employee with Occupational Exposure, such antibody testing or booster dose shall be made available at no cost to the employee.

D. Departments are responsible for arranging for employees with Occupational Exposure to be informed of the availability of the vaccine and requiring that employees with Occupational Exposure complete a form regarding the offer of Hepatitis B Vaccine and the employee's acceptance or declination of the vaccinations (Attachment 2 may be used for this purpose). Departments will coordinate with The Center regarding the notification and arrangements for providing the vaccine.

E. Departments may provide procedures and/or training for BBP for positions without Occupational Exposure. The provision of procedures or training shall not be considered to imply that a position has been identified as having Occupational Exposure.

F. Employees without Occupational Exposure will advise their supervisor of any discovery of medical waste or possible body fluid for remediation or of any potential exposure to BBP. The supervisor will contact an appropriate manager or supervisor with responsibility for Occupational Exposures for assistance or advice on appropriate actions.

G. The Director of Occupational Safety and Health may approve the provision of Hepatitis B vaccination to employees without Occupational Exposure. The provision of the vaccine shall not be interpreted as a determination of Occupational Exposure. The initial provision of the vaccination to

employees without Occupational Exposure shall not commit the City of Knoxville to the provision of antibody testing or the provision of booster.

H. Departments shall provide and document training for all employees with Occupational Exposure compliant with § 1910.1030, including annual refresher training.

IV. BBP OR TB EXPOSURE INCIDENTS AND FOLLOW-UP

A. Any employee who is potentially exposed to BBP or TB shall immediately notify their supervisor and the Fire Department On-Call EMS Supervisor. The EMS Supervisor can be reached by contacting Emergency Dispatch at 865-215-1154 and requesting a return call from the On-Call Fire Department EMS Supervisor regarding an exposure. It is important that this contact be made promptly so that appropriate tests and any appropriate medical precautions/treatment can be conducted timely, including testing of the source individual. The EMS Supervisor will provide instructions as needed and coordinate testing of the employee and the source individual if available. The City will be financially responsible for any testing of the employee and/or the source individual arranged by the EMS Supervisor as well as any initial precautionary medical services approved by the EMS Supervisor immediately following the exposure. The EMS Supervisor will coordinate with The Center regarding test results and follow-up as appropriate.

B. Any employee who believes they may have had a potential exposure to BBP or TB shall complete a Confidential Exposure Report Form (Online Incident Report or Attachment 2). This form may be completed at The Center. If there are additional injuries, the employee must also complete a City of Knoxville Report of Work Injury/Illness form. Copies of the completed forms shall be provided to the Claims Specialist, The Center, and the employee's supervisor. These forms may be available to complete and submit online, and employees may do so when available.

C. The Center shall develop and maintain procedures for evaluation and follow-up of BBP and TB exposures in compliance with federal regulations, evidence-based medicine, and this Policy.

D. The supervising department will ensure that The Center is provided a description of the employee's duties as they relate to the Exposure Incident and that a finalized copy of the Exposure Report Form detailing the route(s) of exposure and circumstances under which exposure occurred is provided to The Center and the Claims Specialist (for online reporting, this will occur automatically).

E. The Center shall provide a written opinion for post-exposure evaluation of BBP and follow-up to the Claims Specialist and to the employee that shall be limited to the following:

1. That the employee has been informed of the results of the evaluation;

2. That the employee has been told about any medical conditions resulting from exposure to Blood or Other Potentially Infectious Materials that require further evaluation or treatment;

3. The healthcare professional's written opinion for Hepatitis B vaccination shall be limited to whether Hepatitis B vaccination is indicated for an employee, and if the employee has received such vaccination; and

4. All other findings or diagnoses shall remain confidential and shall not be included in the written report.

F. The Center shall provide the Claims Specialist any records that the Claims Specialist requests and that the Claims Specialist is entitled to receive under the State of Tennessee laws regulating workers' compensation.

G. The Claims Specialist shall maintain an accurate record for each employee with Occupational Exposure compliant with Federal and State regulations.

V. RABIES

A. The Center shall provide rabies pre-exposure vaccinations to employees of Animal Control free of cost to the employee. The Center shall maintain procedures for administering pre-exposure rabies vaccine as well as titer testing and boosters for the vaccine and administer titer testing and boosters per these procedures free of cost to Animal Control employees.

B. The Police Department will advise Animal Control employees of the availability of pre-exposure vaccinations and titer testing for pre-exposure vaccine from The Center.

C. Any employee who receives an animal bite in the course of his or her job will promptly seek treatment from The Center (for minor bites) or a local hospital emergency room and complete and submit a Report of Work Injury/Illness according to the appropriate procedures.

D. The supervising department will promptly report all animal bites to the health department.

14.11 EMERGENCY ACTION PLAN POLICY

Contact Risk Management for a sample procedure document and any referenced attachments to assist in complying with this policy.

I. PURPOSE

The purpose of this Policy is to ensure employee safety from workplace emergencies during regular hours and after hours and to comply with the Occupational Safety and Health Administration (OSHA) Emergency Action Plan standard, 29 CFR § 1910.38.

This Policy will be available to all employees on the City's intranet site and from the Risk Management Department:

Risk Management Department
City County Building, Suite 599
400 Main Street
Knoxville, TN 37902

II. DEFINITIONS

Director of Occupational Health and Safety: The City of Knoxville's Risk Manager (865-215-2630).

Emergency Action Plan (EAP): A written document detailing and organizing the actions and procedures to be followed by employees in case of a workplace emergency.

Emergency Action Plan Administrator: The person who has the overall responsibility for developing, maintaining, and implementing the EAP.

Safety Inspector: The City of Knoxville's Safety Inspector (865-215-3453).

III. EMERGENCY ACTION PLAN

A. Each department will be responsible for developing and implementing an EAP. An EAP template is provided that may be used to develop the EAP. The template covers the requirements set by § 1910.38, but must be made site-specific by completing the information in spaces left blank.

   An EAP template that also meets all of the requirements for the EAP may also be found at www.osha.gov/SLTC/etools. This template may be completed online and a copy then printed to keep on file.

B. The EAP will be included in the information that will be required during a City of Knoxville safety inspection.

C. This EAP must be made available upon request by the Director of Occupational Health and Safety, the Safety Inspector, or a representative of OSHA.

D. The EAP must be reviewed and updated at least annually, or whenever any of the site-specific information changes.

14.12 LOCKOUT/TAGOUT POLICY

Contact Risk Management for a sample procedure document and any referenced attachments to assist in complying with this policy.

I. PURPOSE

The purpose of this policy is to ensure employees are protected during servicing and/or maintenance of machines or equipment from the hazards of unexpected energization, start up, or the release of stored energy, and to comply with the OSHA Lockout/Tagout Standard in 29 CFR § 1910.147.

II. DEFINITIONS

Affected Employee: An employee whose job requires him/her to operate or use a machine/equipment on which servicing or maintenance is being performed under lockout or tagout.

Authorized Employee: An employee who locks out or tags out machines or equipment to perform servicing or maintenance on that machine or equipment.

Capable of being Locked Out: An energy isolating device is Capable of being Locked Out if it has a hasp or other means of attachment to which, or through which, a lock can be affixed, or it has a locking mechanism built into it. Other energy isolating devices are Capable of being Locked Out, if lockout can be achieved without the need to dismantle, rebuild, or replace the energy isolating device or permanently alter its energy control capability.

Director of Occupational Health and Safety: The City of Knoxville's Risk Manager (865-215-2630).

Energized: Connected to an energy source or containing residual or stored energy.

Energy Isolating Device: A mechanical device that physically prevents the transmission or release of energy. Manually operated disconnect switches, line valves, blocks, and slide gates are examples of energy control devices that provide visible indication of the position of the device. "On/off" buttons, selector switches and other control circuit devices are not energy control devices.

Energy Sources: Any electrical, mechanical, hydraulic, pneumatic, chemical, nuclear, thermal, or other energy.

Lockout: The placement of a lockout device on an energy isolating device, in accordance with an established procedure, ensuring that the energy isolating device and the equipment being controlled cannot be operated until the lockout device is removed.

Lockout Device: A device that utilizes a positive means, such as a lock, either key or combination, to hold an energy isolating device in a safe position and prevent energization of a machine or equipment.

Normal Production Operations: The utilization of a machine or equipment to perform its intended production function.

Safety Inspector: The City of Knoxville's Safety Inspector (865-215-3453).

Servicing and/or Maintenance: Workplace activities such as constructing, installing, setting up, adjusting, inspecting, modifying, maintaining, and/or servicing machines or equipment. These activities include lubrication, cleaning, or unjamming of machines or equipment and making adjustments or tool changes where the employee may be exposed to the unexpected energization or startup of the equipment or release of hazardous energy.

Setting Up: Any work performed to prepare a machine or equipment to perform its normal production operation.

Tagout: The placement of a tagout device on an energy isolating device in accordance with an established procedure to indicate that the energy isolating device and the equipment being controlled may not be operated until the tagout device is removed.

Tagout Device: A prominent warning device, such as a tag, that can be securely fastened to an energy isolating device in accordance with an established procedure to indicate that the energy isolating device and the equipment being controlled may not be operated until the tagout device has been removed.

III. DEPARTMENT LOCKOUT/TAGOUT REQUIREMENTS

A. During the servicing and maintenance of machines and equipment, unexpected energization or start-up could occur as a result of stored energy. Lockout/Tagout procedures are designed to minimize these risks and ensure that the machine or equipment is isolated from all potentially hazardous energy and locked out or tagged out before employees perform any servicing or maintenance activities where the unexpected energization, start-up, or release of stored energy could cause injury.

B. In general, it will be the responsibility of each department to ensure that all equipment is equipped with an approved means of power disconnect. One disconnect may service more than one machine. However, when this disconnect is locked out, all equipment connected to it must become de-energized. Any equipment that is energized or operated by steam, electricity, water, air, gas, or hydraulic pressure must be locked in a neutral position. A plug will be acceptable as a means of power disconnect provided the equipment is powered by 117v or less.

C. Lockout is the preferred method of isolating machines or equipment from energy sources. When the energy isolating devices are not lockable, tagout may be used.

14.13 PERSONAL PROTECTIVE EQUIPMENT POLICY

Contact Risk Management for a sample procedure document and any referenced attachments to assist in complying with this policy.

I. PURPOSE

A. The purpose of this policy is to protect employees by identifying hazards that can be reduced by use of personal protective equipment (PPE) and to implement protocols to ensure appropriate use of PPE. This policy is intended to ensure compliance with the Occupational Safety and Health Administration (OSHA) Personnel Protective Equipment Standard, 29 CFR § 1910.132.

B. This policy is not intended to cover Respiratory Protection, Bloodborne Pathogens, Fall Protection, or Seat Belts, which are addressed in other policies. This policy is not intended to state all procedures that may be required by all departments. Each department shall ensure written documentation is maintained as required by this policy and § 1910.132. This policy will be available to all employees on the City's intranet site and from the Risk Management Department:

Risk Management Department
City County Building, Suite 599
400 Main Street
Knoxville, TN 37902

II. DEFINITIONS

Director of Occupational Health and Safety: The City of Knoxville's Risk Manager (865-215-2630).

Hazard Assessment: A tool used to assess the workplace to determine if hazards are present, or likely to be present, that can cause injury or illness and will require the use of personal protective equipment to ensure employee safety.

Personal Protective Equipment: Includes, but is not limited to: safety glasses, safety goggles, face shields, ear plugs, earmuffs, gloves, steel toe safety shoes, protective clothing, hard hats, and chaps.

Safety Inspector: The City of Knoxville's Safety Inspector (865-215-3453).

Worksite: The City facility where employees work. If the employee regularly works in the field, departments shall identify classes of field worksites according to whether different types of PPE are required.

III. HAZARD ASSESSMENT

A. Each department will conduct a survey of each worksite within the department compliant with § 1910.132 to identify sources and types of hazards to employees (including hazards to their eyes, face, head, torso, and extremities). Affected employees within the department should participate in the survey. The survey will take into consideration each job classification, each individual job task within the department, and the various job processes. The manner in which the surveys are completed will be up to the individual department, but the survey must identify all of the hazards present. This information collected must include: (1) the job functions or tasks, (2) the sources of hazards, (3) the types of hazards, and (4) the body part(s) at risk. Material Safety Data Sheets for any chemicals and manufacturer's instructions for other materials or equipment should be referenced, including the specific type of PPE required for use with the material/equipment. Attachment 1 below should also be reviewed to assist in identifying conditions that may require use of PPE.

B. Following the survey, the information will be organized and reviewed to determine the type and the potential for injuries and illnesses.

C. The most desired option for an identified hazard is to remove or reduce the hazard by engineering and/or work practice controls. After engineering and work practice controls have been considered to minimize each hazard, PPE shall be used for hazards that cannot be effectively eliminated by engineering and/or work practice controls.

D. A Hazard Assessment form (Attachment 2) will be completed for each worksite using the information from the survey. The assessment will be used to match the necessary PPE to each hazard identified.

E. The completed Hazard Assessment must be kept on file in the department and be available for review by the Director of Occupational Safety and Health or the Safety Inspector. The signed and dated assessment will serve as documentation that the Written Hazard Assessment required by § 1910.132 has been completed.

F. A re-assessment must be made when there is a change in the work area, or when there is new equipment, processes, or materials used.

G. Departments with employees who use PPE on a daily basis and/or have a variety of PPE requirements (have more than 4 lines completed on the Hazard Assessment Form) will develop and maintain written procedures for PPE.

H. An annual review should be conducted to assure that no changes to the operations or job tasks have been made. A review of the accident/injury reports for the past year should also be made to evaluate the effectiveness of the selected PPE.

IV. TRAINING

A. Each department with employees required to use PPE will provide training for each covered employee. This training will be provided to new employees before they begin assignments requiring the use of PPE. At a minimum the training will include:
- What PPE is required and why it was selected;
- When PPE is required;
- How to properly put on, take off, and adjust PPE;
- Making sure PPE fits properly;
- The limitations of PPE;
- How to determine if PPE is no longer effective or damaged;
- How to care for, maintain, and store PPE; and
- How to get replacement PPE.

B. Each department must verify that each employee who is required to use PPE has received and understood the required training by maintaining a certification of training, which shall contain as a minimum the information in Attachment 3, Personal Protective Equipment (PPE) Training Certification.

V. COST OF PPE

A. If the employee is allowed to use the item off the job-site, the City is not required to pay for (1) non-specialty safety-toe footwear, (2) prescription safety eyewear, or (3) every day or ordinary clothing. Departments have the discretion to implement a policy to pay all or a portion of the cost of these items.

B. The department will pay for other required PPE.

APPENDIX I

SAFETY AND HEALTH ORGANIZATIONAL CHART

The offices of the following officials are located in the City County Building listed below and they may be contacted at the following address:

City of Knoxville
P.O. Box 1631
Knoxville, Tennessee 37901

Mayor	Madeline Rogero	865-215-2040
Chief Operating Officer	Christy Branscom	865-215-3384
Director of Finance and Accountability	Jim York	865-215-2013
Director of Law	Charles Swanson	865-215-2613
Risk Manager	Gary Eastes	865-215-2630
Risk Coordinator Responsible for recordkeeping under this program.	Ginger Huskey	865-215-2256
Claims Specialist	Lynn Nenninger	865-215-2254
Safety Inspector	Charles Thomas	865-215-3453

APPENDIX II
CITY OF KNOXVILLE
Locations of Employees by Department

City Location/Department(s)	Address (all Knoxville, TN)	Phone Numbers	# Employees
CITY COUNTY BUILDING			
Mayor, Gen & Various Depts' Admin	401 Main Street (P.O. Box 1631)	Various – Main Number is 215-2000	281
POLICE DEPARTMENT (KPD)			
Safety Building	800 Howard Baker Jr. Avenue	215-7000	80
East District Precinct	4450 Walker Blvd	215-1200	100
Fifth Avenue Offices	917 East 5th Avenue	215-8600	38
Safety City	165 S. Concord St.	215-8683	5
Moses Center	220 Carrick Street	215-1308	5
Safety Education & Property Storage	2422 Mineral Springs	215-1356	11
Family Justice Center	400 Harriet Tubman Street	215-6810	20
Phil Keith Training Center	6388 Cement Plant Rd	525-1089	2
Internet Crimes Against Children (ICAC)	1200 McCalla Avenue	524-8616	6
FIRE DEPARTMENT (KFD)			
Fire Administrative Office	900 Hill Avenue	595-4480	11
Fire Headquarters (Stations 1 and 2)	600 Summit Hill Drive	525-8771 523-7666	45
Arson Office	Unpublished address	637-1386	5
EMS Office	900 E. Hill Avenue, Suite 140	595-4671	4
Fire Training Academy	1301 Vice Mayor Jack Sharp Road	215-6226	5
Radio Equipment Repair Shop	203 Locust St	525-2308	1
Public Education	900 Hill Avenue	595-4673	3
Logistics	1625 Highland Ave	524-1158	4
Station 3 (Baxter Avenue)	204 E. Baxter Avenue	522-7421	24
Station 4 (Park City/Park Ridge)	2300 Linden Avenue	525-2964	12
Station 5 (Mechanicsville)	419 Arthur Street	522-2469	12
Station 6 (Burlington)	3925 Holston Drive	525-0244	12
Station 7 (Lonsdale)	1216 New York Avenue	522-8425	12
Station 9 (Ft. Sanders)	1625 Highland Avenue	522-1374	24
Station 10 (Sevier Avenue)	2911 Sevier Avenue	577-0118	12
Station 11 (Whittle Springs)	2600 Whittle Springs Road	522-6477	15
Station 12 (Lonas)	4620 Old Kingston Pike	588-2721	12
Station 13/19 (South	4701 Chapman Highway	577-8683	12

Knoxville)			
Station 14 (Inskip-Norwood)	5400 Central Avenue	687-9373	15
Station 15 (Fountain City)	5301 Jacksboro Pike	687-5574	24
Station 16 (Chilhowee-Holston Hills)	5102 Asheville Highway	524-5788	12
Station 17 (Northwest)	4804 Oak Ridge Highway	584-2654	12
Station 18 (Bearden)	610 Weisgarber Road	584-2749	21
Station 19	6323 Chapman Highway	573-6703	12
Station 20 (West Hills)	200 Portsmouth Road	693-9449	24
Station 21 (John J. Duncan Fire Sta)	245 Perimeter Park	690-6590	12
PARKS & RECREATION DEPARTMENT			
Athletics & Rec Ctr Area Supervisors	917-A East Fifth Avenue	215-1400	8
Caswell Park	633 Jessamine Street	522-3353	1
Cagle Terrace Rec Ctr (Seniors)	515 Renford Road	450-9450	1
Cal Johnson Recreation Center	507 Hall of Fame Drive	522-3177	1
Cecil B. Webb Recreation Center	953 E. Moody Avenue	577-0651	2
Christenberry Recreation Center	931 Oglewood Avenue	637-5991	1
Cumberland Estates Recreation Center	4529 Silver Hill	588-3442	2
Deane Hill Recreation Center	7400 Deane Hill Drive	690-0781	2
Dr. E. V. Davidson Community Center	3124 Wilson Avenue	971-4746	2
Fountain City Recreation Center	3710 Ludo Road, East	687-0510	1
Golden Gloves	3301 E. Magnolia Avenue	522-5885	2
Inskip Recreation Center	301 W. Inskip Road	687-6321	1
Isabella Towers (Seniors)	1515 Isabella Circle	594-8694	.5
Knoxville Adaptive Recreation Center	2235 Dandrige Avenue	525-9080	2
Knoxville Fine Arts & Crafts	1127 Broadway Ave	523-1401	2
Larry Cox Senior Center	3109 Ocoee Trail	546-1700	1
Lonsdale Recreation Center	2700 Stonewall Street	546-0696	1
Guy B. Love Towers (Seniors)	1171 Armstrong Avenue	522-8226	.5
Milton E. Roberts Recreation Center	5900 Asheville Highway	546-4536	1
New Hope Recreation Center	1905 McMinn Street	523-9003	1
Northgate Senior Citizens Center	4301 Whittle Springs Road	281-8527	1
Richard Leake Recreation	3511 Alice Bell Road	525-2031	1

Center			
South Knoxville Community Center	522 Maryville Pike	573-3575	1
Senior Aides Program Director Office	400 Harriet Tubman Street	215-6886	1
West Haven Recreation Center	3622 Sisk Road	546-1315	2
Williams Creek Golf Course	2335 Dandridge Avenue	546-5828	1
PUBLIC SERVICE DEPARTMENT			
Operations Center	1400 Loraine Street	215-6014	194
Facilities Services	3209 Morris Avenue	215-6025	25
Horticulture Services/Arborist	1400 Loraine Street	215-6008	50
Transfer Station	1033 Elm Street	215-6700	13
FLEET SERVICES DEPARTMENT			
Car Impound Lot Facility	3407 Vice Mayor Jack Sharp Road	215-6215	10
Loraine Street Fleet Services Garage	1400 Loraine Street	215-6199	21
Prosser Road Facility Garage	3409 Vice Mayor Jack Sharp Road	215-6200	18
PUBLIC ASSEMBLY FACILITIES			
Coliseum/Auditorium	500 Howard Baker Jr. Avenue	544-5399	20
Chilhowee Park	3301 E. Magnolia Avenue	215-1450	11
ENGINEERING DEPARTMENT			
Elm Street Engineering Dept.	1025 Elm Street	215-6730	21
Loraine Street Engineering Dept.	1400 Loraine Street	Civil 215-6100 Traffic 215-6100	32
OTHERS			
Pension Board	917-B East 5th Avenue	215-1444	4

APPENDIX III

NOTICE TO ALL EMPLOYEES OF THE CITY OF KNOXVILLE

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions or conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage, of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the Risk Manager.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the City and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this program, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this program.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the Law Director for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program for the Employees of the City of Knoxville is available for inspection by any employee at the Risk Management Office during regular office hours.

APPENDIX IV
PROGRAM BUDGET

The City of Knoxville will provide for sufficient funds to implement and administer the Occupational Safety and Health Program for the employees of the City of Knoxville through the annual budget process and approval of the City Council.

APPENDIX V

ACCIDENT REPORTING PROCEDURES

Employees shall report all accidents, injuries, or illnesses (which are not life/limb threatening) to their supervisors immediately as soon as practical in accordance with the requirements of the Program. For accidents requiring medical attention, the supervisor will contact the Risk Management Office to authorize treatment. The employee will complete and submit the appropriate sections of the City of Knoxville Report of Work Injury/Illness to department supervision within one (1) working day of the injury/illness. The department shall complete the remaining sections and promptly forward the report to the Risk Management Office. The Risk Management Office will provide required reports to the Tennessee Department of Labor and Workforce Development.

If the accident involves loss of consciousness, a fatality, hospitalization, severely broken bones, severed body member, third degree burns, or death, the department director and the Risk Manager (or appropriate representatives of each) will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred.

Since a Workers' Compensation Form C20 or OSHA No. 301 Form must be completed, all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

A. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.

B. Name, social security number, home address, age, sex and occupation (regular job title) of injured or ill employee.

C. Title of the department or division in which the injured or ill employee is normally employed.

D. Specific description of what the employee was doing when injured.

E. Specific description of how the accident occurred.

F. A description of the injury or illness in detail and the part of the body affected.

1. Name of the object or substance that directly injured the employee.
2. Date and time of injury or diagnosis of illness.
3. Name and address of physician, if applicable.
4. If employee was hospitalized, name and address of hospital.
5. Date of report.

15.01 ADA COMPLIANCE MANUAL

The City is committed to providing individuals with disabilities employment opportunities in compliance with the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, and their implementing regulations (collectively referred to hereinafter as the "ADA").

The Mayor shall designate an employee as the City's ADA Coordinator, who from time to time may convene a Reasonable Accommodation Committee to address concerns related to reasonable accommodations in employment and in testing procedures and to discuss issues related to ADA complaints filed against the City. The Reasonable Accommodation Committee shall be composed of the ADA Coordinator, the Civil Service Director, and the Director of Finance and Accountability, or their designees. A member of the Law Department, assigned by the Director of Law, shall serve in an advisory capacity. The Committee will have the option to consult with technical advisors in the community as they deem necessary in the evaluation of any request or complaint. All Department Heads are responsible for being fully familiar with and in compliance with the law as it relates to their departmental operations. The ADA Coordinator will provide technical assistance upon request.

I. GENERAL INFORMATION

The ADA consists of federal statutes generally prohibiting discrimination against qualified individuals with disabilities in regard to any terms or conditions of employment. This includes application, hiring, promotion, discharge, training, and compensation. In addition to ensuring equal opportunities in employment, the ADA was designed to afford full participation of persons with disabilities in all aspects of life including communications, education, recreation, travel, and socialization. Further, the ADA requires that governmental facilities, programs, and public transportation be accessible to and usable by persons with disabilities.

II. GUIDANCE--DEPARTMENTAL FUNCTIONS

Department Heads should ensure that their employees are aware of the different titles of the ADA and how they affect the operations of the department. This includes physical facilities in which the department conducts its business; all communications with the public, including public hearings and meetings, as well as written documents; services provided to citizens of the City; services and benefits provided to City employees; and any other activities of any department affected by the provisions of the ADA.

A special note about public meetings and hearings: Departments should always schedule meetings in physically accessible locations, and meeting announcements should be made in accessible formats whenever possible. In published notices, the following statement should always appear: **"If you are a person with a disability who requires an accommodation in order to attend a City of Knoxville public meeting, please contact the City of Knoxville's**

ADA Coordinator, Stephanie Brewer Cook, at scook@knoxvilletn.gov or 865-215-2034 no less than 72 hours prior to the meeting you wish to attend.

Department Heads should sensitize their employees to the implications of the ADA, so that, if there is any question, the employees of the department will know to ask for assistance from the Department Head or from the ADA Coordinator. Especially important to managers and supervisors will be the reasonable accommodation procedures listed in detail below.

III. REASONABLE ACCOMMODATIONS IN EMPLOYMENT

The ADA allows a qualified individual with a disability to seek a reasonable accommodation of his/her disability. Reasonable accommodation shall be provided to an employee with a disability when such accommodation enables the employee to perform the essential functions of his/her job, unless the accommodation would cause undue hardship or pose a direct threat to the health or safety of the employee or others. Reasonable accommodation shall also be provided to all qualified applicants with disabilities who notify the City that they require accommodation in the application or testing process, unless such accommodation would cause an undue hardship or pose a direct threat to the health or safety of the applicant or others.

A reasonable accommodation may include:

(a) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

(b) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

The requirement to provide a reasonable accommodation does not obligate the City to provide the “best” accommodation or the exact accommodation that an applicant or employee may desire. Each request for a reasonable accommodation must be examined on a case-by-case basis to determine whether it will be effective, whether there are less costly or more efficient alternatives, or whether the requested and/or available accommodations create an undue hardship or a direct threat to the health or safety of the employee or others.

EMPLOYEES

A City employee with a disability has the right to request a reasonable accommodation in order to be considered for a position, to perform the essential functions of a position, and/or to enjoy equal benefits and privileges of employment with the City of Knoxville. Employees may request a reasonable

accommodation at any time, and may request additional reasonable accommodations if needs change.

To request a reasonable accommodation in the performance of the essential functions of a job, a current City employee, or his/her representative, must let the employee's supervisor know that he/she needs an adjustment or change at work for a reason related to a medical condition. The employee does not have to use any special words such as "reasonable accommodation" and does not have to put the request in writing. However, it is helpful to describe needs as specifically as possible. The more information provided to the supervisor, the better he or she will be able to meet the employee's needs. Upon notification, the supervisor shall provide the employee with an Employee Accommodation Request Form (or shall complete the form for the employee if the employee is unable to do so) and shall send the completed form to the ADA Coordinator. The supervisor, in cooperation with the Department Head and the ADA Coordinator, shall then engage in an informal process with the employee to clarify what the employee needs and to identify the appropriate reasonable accommodation. The employee may be asked relevant questions about the request, to include asking what type of reasonable accommodation is needed and to request medical documentation as appropriate and necessary.

In certain instances, when the nature of a disability or the need for a reasonable accommodation is not clear, the City may request medical information about the employee's functional impairment and his/her need for a reasonable accommodation in order to evaluate the request. If the medical information does not clearly support the requested accommodation, supplemental medical information may be requested. The employee has a responsibility to provide appropriate medical information when requested. Failure to provide appropriate medical information can result in the denial of a reasonable accommodation request. Medical information obtained in connection with a reasonable accommodation request will be placed in a file separate from the personnel file or job application, and will be kept confidential in accordance with applicable law. A Department Head has the authority to approve reasonable accommodation requests. Reasonable accommodations that require the purchase of special equipment or services, reconfiguring work spaces, reassignment, or reasonable accommodations that cannot be provided solely by the Department should be discussed with the ADA Coordinator.

As soon as practical, the Department Head shall respond in writing to the employee, informing him/her either that the accommodation has been approved (including a description of any proposed modification of the request and an implementation date) or denied. Copies of all correspondence should be forwarded to the ADA Coordinator. If additional time is required to provide an approved accommodation, the supervisor will notify the employee of the expected date that the accommodation will be provided and discuss whether there are any temporary measures that can assist the employee until a final decision has been made.

If the employee receives a negative response from the Department Head, he/she may appeal the decision to the Reasonable Accommodation Committee. Within 10 days after receiving the original denial from the Department Head, the employee must file an appeal with the ADA Coordinator. A copy of the original Employee Accommodation Request Form, as well as a copy of the Departmental response, must be submitted to the ADA Coordinator along with the request for appeal. Within 15 days, the ADA Coordinator will convene the Reasonable Accommodation Committee to review the situation and make a decision on the appeal. The employee will be notified in writing of the Committee's final decision. If the Reasonable Accommodation Committee denies the request, the employee may file a grievance in accordance with Article 28 of the Civil Service Merit Board Rules and Regulations.

APPLICANTS

To request a reasonable accommodation in the employment testing and evaluation process, an applicant for employment with the City must contact the Civil Service Department and request an accommodation. An Applicant Accommodation Request Form is available on the City's employment and application website at www.knoxvilletn.gov in order to expedite the request process. This form can be completed and returned to the Civil Service Department. Any applicant requiring special assistance to prepare an Applicant Accommodation Request Form may contact Civil Service or the ADA Coordinator for assistance. Medical documentation (if necessary) may be requested.

The Civil Service Director will review the request, and shall respond in writing to the applicant as soon as possible, informing him/her either that the accommodation has been approved (including a description of any proposed modification of the request and an implementation date) or denied. Copies of all correspondence shall be forwarded to the ADA Coordinator.

If the applicant received a negative response from the Civil Service Director, he may appeal the decision to the Reasonable Accommodation Committee. Within 10 days of receiving the original denial from Civil Service, the applicant must file an appeal with the ADA Coordinator. A copy of the original request, as well as a copy of the Civil Service response, must be submitted to the ADA Coordinator along with the request for appeal. Within 15 days, the ADA Coordinator will convene the Reasonable Accommodation Committee to review the situation. The Committee may recommend that Civil Service reconsider its decision; however, the final decision regarding any accommodation to the testing system will rest with Civil Service. The applicant will be notified in writing of the final decision of Civil Service regarding the accommodation request.

IV. ADA GRIEVANCE PROCEDURE FOR EMPLOYEES

Any complaint from an employee alleging discrimination by the City of Knoxville on the basis of a disability should follow the procedures established in Article 17 of the Civil Service Merit Board Rules. Alternative means of filing complaints will be made available for persons with disabilities upon request. All written

complaints, appeals, and responses relating to alleged discrimination on the basis of a disability will be retained by the City of Knoxville for at least 3 years.

V. ADA GRIEVANCE PROCEDURE FOR NON-EMPLOYEES

If an employee receives an ADA-based complaint from a member of the general public, the employee should refer the complainant to the City of Knoxville's Grievance Procedure under the Americans with Disabilities Act (not included in these Administrative Rules), which governs such complaints and requires submission of a written complaint to the ADA Coordinator for investigation.